

Public Document Pack



To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Maik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart.

And all other Members of the Council

Town House,
ABERDEEN Wednesday, 11 January
2017

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 18 JANUARY 2017 at 9.30 am.**

Members please note that a site visit will take place before the hearing. Please meet at the new extension entrance of the Town House for 9.30am.

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Site Visit
- 2 Prime Four Business Park Kingswells - 161429 (Pages 3 - 118)

The documents associated with this application can be found at:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Please enter the relevant planning reference number in the search field and click 'Search'

Planning Officer – Matthew Easton

Website Address: www.aberdeencity.gov.uk

To access the Information Bulletins for this Committee please use the following link:
<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13336&path=13004>

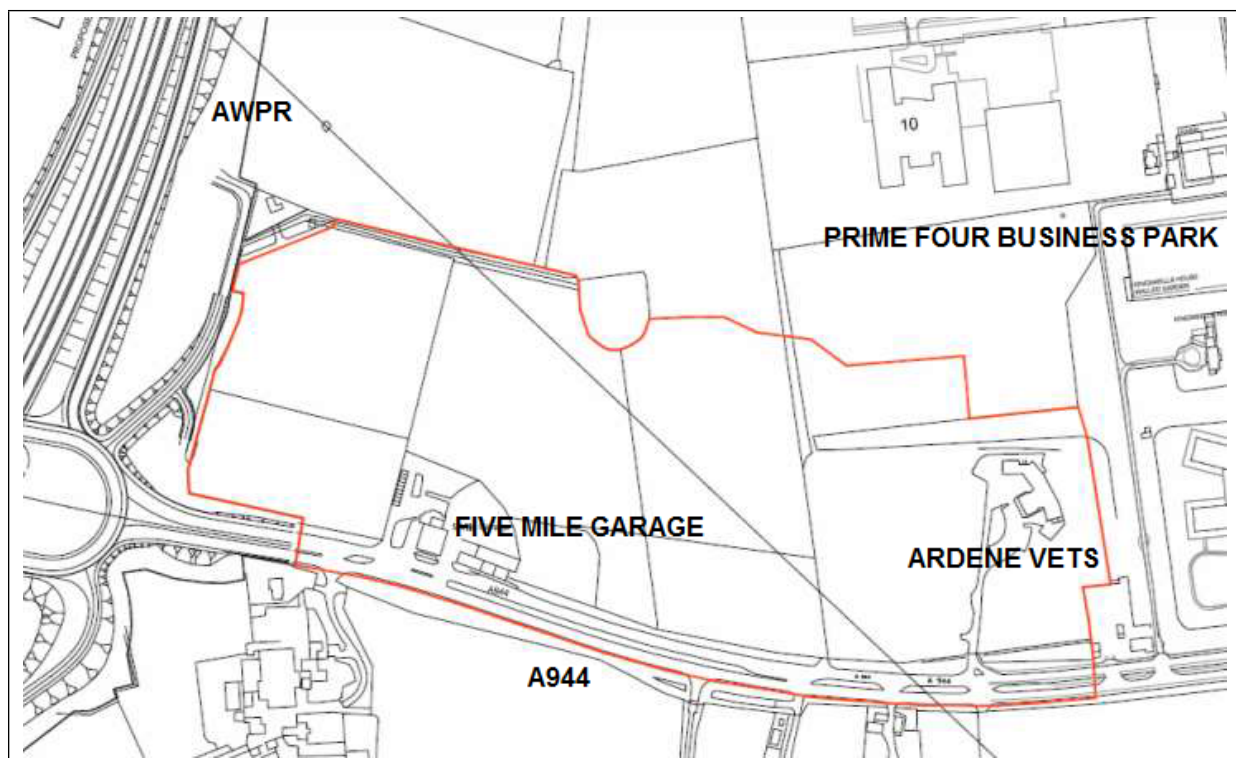
Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

PRE-DETERMINATION HEARING Planning Permission in Principle

161429/PPP: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works at Site OP40, Prime Four Business Park, Kingswells, Aberdeen

For: Prime Four Ltd

Application Date:	4 October 2016
Officer:	Matthew Easton
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Advertisement:	No premises to send neighbour notifications.
Advertised Date:	12 December 2016



PURPOSE OF REPORT

Under section 38A of the Town and Country Planning (Scotland) Act 1997 ('the Act'), the opportunity to attend pre-determination hearings must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the 'development plan'. At the time of writing, the Development Plan comprises the Aberdeen Local Development Plan 2012 and the Aberdeen City and Shire Strategic Development Plan 2014. The Proposed Aberdeen Local Development, which will replace the 2012 plan, is expected to be adopted during the week commencing 16th January 2017.

This report provides information for the pre-determination hearing to be held on the planning application for a major retail development at Prime Four Business Park

Kingswells, which is considered to be significantly contrary to the strategic development plan and both the adopted and proposed local development plans.

No assessment of the merits or failings of the proposal is made in this report.

SITE DESCRIPTION

The site comprises 13.3 hectares of predominately agricultural land located to the south-west of the emerging Prime Four Business Park, located itself to the west of Kingswells. The southern part of the site is relatively flat at 140m AOD whereas the northern part rises steeply over a distance of approximately 90m, to 155m AOD at the northern site boundary, beyond which the land continues to rise to 165m AOD some 150m to the north.

Ardene House Veterinary Practice, comprising a complex of 1½ storey buildings dating from the mid-1990s, is located at the eastern end and is enclosed by mature woodland belts to the north and east. Beyond this, out-with the site, are Kingswells House (dating from 1666 and category B-listed) and wrapping round the northern part of the eastern section of the site is the Prime Four Business Park, presently comprising several large modern office buildings and a hotel.

The southern part of the site, alongside the A944 (Skene Road) features the Five Mile Garage, Five Mile Caravan Park and vacant cottages and post office, all accessed from the A944 which itself forms the southern boundary. Beyond the A944 is the Backhill of Broadiach Farm, where the land raises up towards Kingshill Wood.

The Aberdeen Western Peripheral Route ('AWPR') South Kingswells Junction is currently under construction around 100m to the west and when finished will cross and link with the A944 at this point. The Borrowstone Road (Kingsford to Clinterty) currently forms the west boundary, but is to be stopped up as part of the AWPR works and thereafter only provide access to East Kingsford Cottage, which is on the edge of the north western site boundary.

The land beyond the northern boundary is in agricultural use, with pockets of woodland, although allocated for specialist employment use via Opportunity Site 69 ('OP69') in the Aberdeen Local Development Plan 2012 (ALDP) and likely to form a subsequent expansion (phase 4) of Prime Four. A category C-listed 17th century dry-wall enclosure known as 'Friends Burial Ground' is some 150m to the north.

A small part of the western extent of the site lies within the outer consultation zone of the Shell Natural Gas Liquids (NGL) pipeline. High voltage power lines cross the site roughly from south-east to the north-west.

RELEVANT HISTORY

- Previously greenbelt, the site was released for development in the ALDP as part of the wider 50 hectare OP40 allocation, which has now been partially developed to become Prime Four.
- In June 2013, at the 'developer bid' stage of the Proposed Aberdeen Local Development Plan 2015 (PALDP), a proposal (ref: B0309) was made by the

applicant to alter the OP40 allocation to allow a mix of employment, retail and leisure uses.

In considering the proposal the Council's Local Development Plan Team discounted this option as it was considered that there was no quantitative deficiency of convenience retail¹ (supermarket) provision. It was accepted that new communities such as Countesswells may require retail elements that would meet day-to-day and occasional main food shopping requirements. However, such provision should be made within a more convenient/sustainable location in Countesswells itself, in order to reduce the need to travel. It was also found that a retail development in this location had the potential to have a wide catchment given its prominence and location next to the new AWPR junction. It was considered there was no justification for a large scale retail use. Therefore the proposal was not carried forward to the Proposed Local Development Plan.

- The Proposed Aberdeen Local Development Plan (2015) has the site and Prime Four zoned for specialist employment use. A further area of land immediately to the north of the application site has been identified to be allocated as an extension to Prime Four and is known as OP63.
- A proposal of application notice (PoAN) was submitted in June 2016 and an associated public consultation event took place on 31st August 2016 at Prime Four Business Park Management Suite.

DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the development of the site for a retail led mixed use development of up to 30,000sqm (gross).

This is proposed to include class 1 (retail), class 3 (food and drink) and other ancillary uses such as offices, along with associated landscaping, infrastructure and access works.

It is intended that 26,013sqm (gross) of the retail space would be for comparison goods² with an expected focus on clothing and fashion retailers. This would be accompanied by a 3,716sqm (gross) convenience (food) store and food & drink premises.

A new signal controlled junction is proposed to provide vehicular access from the A944.

¹ 'Convenience Goods' – Generally defined as retail goods that are widely available and purchased frequently with minimal effort. Because convenience goods can be found readily, it does not require the consumer to go through an intensive decision-making process. Generally such goods are non-durable, for example food, drinks, cigarettes, magazines and newspapers.

² 'Comparison Goods' – Generally defined as any non-food retail goods. For example clothing and shoes, furniture & household items, white goods & other appliances, electrical equipment, books, games, toys, stationery and garden items.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk. The following supporting documents have been submitted –

- Archaeological Desk Based Assessment
- Ecological Impact Assessment (*offline access only due to sensitivities*)
- Drainage Assessment
- Design Statement
- Flood Risk Assessment
- Geo-Environmental Desk Study
- Landscape and Visual Assessment
- Planning Statement
- Pre-Application Consultation Report
- Retail Capacity Study
- Socioeconomic Report
- Transport Assessment
- Tree Survey
- Utility Infrastructure Design Statement

PRE-APPLICATION CONSULTATION

A public event was held by the applicant on Wednesday 31st August 2016 from 1pm to 7pm at the Prime Four Business Park Management Suite. It took the form of a drop-in session where display materials were available and members of the design team were there to answer questions. Twenty-two people are reported to have attended.

The applicant states that there was mixed feedback to the proposal, with most agreeing the concept was acceptable but having significant reservations with regards to traffic and amenity.

CONSULTATIONS

At the time of writing the responses summarised below have been received from consultees. Responses are expected from the ACC Roads Development Management Team and Transport Scotland in due course.

Aberdeenshire Council – Object to the proposed development on the basis that it has not been demonstrated that the proposed development would not adversely impact upon the vitality and viability of existing town centres within Aberdeenshire.

It is requested that Aberdeenshire Council be consulted on any additional information submitted in relation to the retail impact assessment or transport assessment in order that any changes can be fully considered and to ascertain whether the objection could be removed.

Aberdeen City and Shire Strategic Development Planning Authority – The application is contrary to the Aberdeen City and Shire Strategic Development Plan (2014), which is up-to-date and relevant to the application. The proposal will result in the loss of strategically important employment land and have a negative impact on the City Centre, which itself is able to accommodate significant retail growth if demand exists. The application is in an unsustainable location in that it will have a very small catchment in terms of easy and safe access by walking, cycling and public transport, when compared to the City Centre.

ACC – Environmental Health Service – No objection, but raise the following matters that would need to be addressed through conditions.

- Should the development involve the decommissioning and demolition of the Five Mile Garage, it will be necessary for conditions to be attached to any planning permission granted requiring a risk based site investigation to be carried out in accordance with best practice.
- If the development were to be operational 24 hours a day then the potential for noise to affect nearby residential properties would need to be taken into account. Offices at Prime Four could also be affected by noise.
- Any catering premises may create odour issues which would need to be addressed.
- During construction measures should be taken to limit noise and dust.

ACC – Flooding and Coastal Protection Team – Details of the full drainage proposals including SUDS design and discharge rates to the Denburn are required.

Archaeology Service – Conditions should be attached requiring a standing building survey for the Five Mile Garage buildings and a programme of archaeological works across the site.

Developer Obligations Team – As a Planning Permission in Principle with limited detail, no assessment can be carried out at this stage. An assessment will be carried out when the detailed application is received therefore this application will require a section 75 agreement in order to capture the necessary contributions at that stage and at the rates and methodologies pertaining to the time. New developments are required to install or upgrade core paths that are designated within the site and contribute to any cumulative impacts on surrounding core paths.

Kingswells Community Council – Generally agree that retail is a suitable use on the site. However, the following concerns are raised –

- Considering the areas identified for development, it is unlikely that a retail development of this scale and the associated car parking and landscaping could be accommodated in a manner that complies with the key objectives identified in the Development Framework. A smaller development should be considered.
- All possible access solutions should be investigated and the selected option should address the needs of the community during off peak times as well as the needs of commuters during peak times. The TA should consider all traffic from all

phases of Prime Four and all other known developments. All future upgrades should be considered to avoid a piecemeal approach.

- Aberdeen City Council should determine the effects that an out-of-centre retail development would have on the city.

Scottish Environment Protection Agency (SEPA) – No objection but raise the following matters that should be addressed.

- Wetlands in the southern section of the site contain a natural spring which is thought to act as primary source of water for the Den Burn. The Ecological Assessment states that this area is an example of a ground water dependant terrestrial ecosystem, and therefore should be protected. A condition should be attached to any consent requiring further survey work be carried out, demonstrating that the water environment would be protected.
- The initial details of permanent surface water drainage are acceptable in principle and it has been demonstrated that there is space within the site. However it is yet to be confirmed how this will be achieved in detail. Therefore SEPA request that a condition is attached to any consent requiring the submission of a detailed scheme.
- A condition should be attached to any consent requiring a Construction Method Statement be submitted.
- The site lies part within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and may therefore be at medium to high risk of surface water flooding. SEPA agree with the flood risk assessment (FRA) that development should not be located in low points in the topography that have been identified by the Flood Map as being at risk of flooding. SEPA support the recommendation that finished floor levels should be raised above ground levels and for ground profiling to mitigate any potential overland flows.
- The proposed utilisation of existing combined sewer structures in the area is acceptable.

REPRESENTATIONS

Representations have been received, within the allotted period, from ten different organisations, predominately with interests in retailing or the city centre. They are –

- Aberdeen Civic Society;
- Aberdeen Inspired (City Centre Business Improvement District);
- BMO Real Estate (owners of Bon Accord and St.Nicholas Centres);
- CDL Countesswells (developers for the Countesswells mixed use development);
- Columbia Threadneedle (owners of Kittybrewster and Lower Berryden Retail Parks);
- Ellandi LLP/ Lone Star (managers and owners of the Trinity Centre);
- Union Square Developments / Hammerson (owners of Union Square);
- Knight Property Group (owners of the Capitol office development);

- Rockspring (owners of the former BHS building and Aberdeen Indoor Market); and
- Standard Life Assurance (owners of the Beach Boulevard and Denmore Road Retail Parks).

All representations object to the proposal. In summary, the following matters have been raised –

Failure to Comply with National, Regional and Local Policy

1. The proposal is contrary to the ‘town centre first principle’ in National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP).
2. An out-of-town retail development is contrary to the aim of the Strategic Development Plan (SDP) to regenerate Aberdeen city centre.
3. The site is not allocated for retail development and represents a significant departure from the Local Development Plan (LDP) and is contrary to retail policy by failing to meet any of the requirements therein identified.
4. Retail development at the site has already been promoted by the applicant through the LDP review process and was rejected by the Council.
5. The appropriate way to promote such a significant departure from the LDP would be through the next review of the LDP, not a speculative planning application.

Retail Impact and Sequential Test

6. The Council has set out a clear and comprehensive strategy for the delivery of additional retail floor space up to 2035 – supported by the 2013 Aberdeen City and Aberdeenshire Retail Study (ACARS). There is therefore no requirement for the proposed development.
7. The development would be in direct competition with the city centre and any benefit from the development would be at the city centre’s expense in terms of retail and spin-off expenditures.
8. Approval of the development would undermine the role of the city centre and cast doubt on the Council’s commitment to regenerating the city centre through the City Centre Masterplan (CCMP). This would send out a concerning message to investors and operators.
9. The retail assessment submitted is not fit for purpose, due to significant deficiencies in the methodology and figures used, assumptions made and conclusions drawn. It under-estimates the level of quantitative trade diversion from the city centre and implications on turnover.
10. The applicant’s sequential test is simplistic, does not adhere to the process set out in SPP and misinterprets case law. No effort has been made to demonstrate that the development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a sequentially preferable location.

11. Comparisons of the retailing situation in other parts of Scotland, such as Glasgow and Edinburgh, are not appropriate and no way justify the proposal.

Transportation and Sustainability

12. The A944 is an important route into Aberdeen and traffic management in the area must be considered in detail.
13. The validity and robustness of the applicant's transport assessment is questioned.
14. An out-of-town retail park of the size proposed would significantly undermine the Council's aim of encouraging modal shift towards more sustainable methods of transport.

PLANNING POLICY

National Policy

National Planning Framework 3 (2014)

NPF3 is a long-term strategy for Scotland - the spatial expression of the Government's Economic Strategy, and of plans for infrastructure investment. The section on Aberdeen and the North East states that the city centre will be a focus for regeneration efforts.

NPF3 also highlights that city centres are key assets for attracting investment and providing services. Quality of place is fundamental to the success of Scotland's cities, in particular city centres. The Scottish Government wish to see ambitious, up-to-date frameworks for city centre development. These should focus on the quality, sustainability and resilience of the built environment and wider public realm, and on improving accessibility by public and sustainable transport modes, such as cycling.

Scottish Planning Policy (2014)

Scottish Ministers, through SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP states that it is important that planning supports the role of town centres (*which includes city centres*), to thrive and meet the needs of their residents, businesses and visitors for the 21st century. The 'town centre first' principle, stemming from the Scottish Government's Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

The section of Promoting Town Centres states that out-of-centre locations should only be considered for uses which generate significant footfall where:

- all town centre (*including city centre*), edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town/city centres.

Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.

Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Regional Policy

Aberdeen City and Shire Strategic Development Plan (2014)

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. It recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the area. It also states that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment. A target of ensuring Aberdeen city centre remains one of the top-20 retail areas in the UK is also set.

In line with SPP, section 4.2 states that a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area.

Section 4.40 explains that to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. As well as the sequential approach to new retail development, existing retail centres will be supported to make sure that the needs of the community are met now as well as in the future.

Local Policy

Aberdeen Local Development Plan (2012)

At the time of writing the ALDP 2012 is the adopted local plan. The finalised version of the Proposed ALDP 2015 has been submitted to Scottish Ministers and it is expected that the Council will be in a position to adopt the plan during mid-January 2017.

The relevant policies from the 2012 plan are summarised below –

- Policy C1 (City Centre Development - Regional Centre) – The City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market. Proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the Retailing section of the Plan and in the relevant Supplementary Guidance: Hierarchy of Retail Centres.
- Policy LR1 (Land Release Policy) – The site is identified in the local development plan (LDP) as opportunity site OP40 (West Hatton and Home Farm, Kingswells) which is allocated for 50 hectares of employment land in the period between 2007 and 2023.
- Policy I1 (Infrastructure Delivery and Developer Contributions) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.
- Policy T2 (Managing the Transport Impact of Development) – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.
- Policy D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.
- Policy D6 (Landscape) – Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.
- Policy BI5 (Pipelines and COMAH) – In determining planning applications for development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people’s safety is not increased.
- Policy RT1: Sequential Approach & Retail Impact – All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-
 - Tier 1 - Regional centre
 - Tier 2 - Town centres
 - Tier 3 - District centres

- Tier 4 - Neighbourhood Centres

Proposals serving a catchment area that is city-wide or larger shall be located in the City Centre, preferably in the City Centre Business Zone.

In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres.

- Policy RT2 (Out of Centre Proposals) – Retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:
 - No other suitable site in a location that is acceptable in terms of policy R1 is available or is likely to become available in a reasonable time.
 - There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.
 - There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
 - The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
 - The proposed development would have no significantly adverse effect on travel patterns and air pollution.
- Policy NE1 (Green Space Network) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.
- Policy NE5 (Trees and Woodlands) – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development.

- Policy NE6 (Flooding and Drainage) – Development will not be permitted if –
 - It would increase the risk of flooding;
 - It would be at risk itself from flooding;

- Adequate provision is not made for access to water-bodies for maintenance; or
- It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Surface Water Drainage associated with development must be the most appropriate available in term so SUDS; and avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

- Policy NE8 (Natural Heritage) – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in SPP.

Proposed Aberdeen Local Development Plan (2015)

Approval to adopt the LDP was sought at the Full Council meeting of 14 December 2016. At the time of writing the Council are now awaiting confirmation from Scottish Ministers that adoption can take place, with the expectation that the plan is adopted during the week commencing 16th January 2017.

Site Zoning

The site remains as Specialist Employment Land (Policy B2) in the Proposed Aberdeen Local Development Plan. Policy B2 states that only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.

Retail Vision

Retailing is identified by the Proposed ALDP as a major activity in the city centre and, as the region's main shopping destination, it is important to maintain and improve the visitor experience on offer to maintain Aberdeen's strength and competitiveness.

In order to support the drafting of the plan the Aberdeen City and Aberdeenshire Retail Study (ACARS) was carried out in 2013. It shows there is potential for developing an additional 30,000-35,000sqm of retail floor space in the city centre by 2022. This potential is driven by a combination of expenditure growth per capita and large population increases within the catchment area served by the city centre. Additional floor space will also help to prevent expenditure leakage and maintain the city centre as the primary retail area in the North East.

The City Centre Retail Core contains most of the city centre's shopping floor space and this is where new development should be directed. New retail development (Marischal Square, Crooked Lane/ George Street, Aberdeen Market and Upper/ Basement Floors 73-149 Union Street) and further expansion and improvements to the existing retail stock in the City Centre Retail Core, will be encouraged to consolidate and enhance Aberdeen's position as one of the UK's leading retail destinations. The guidance and direction given in the Aberdeen City Centre Masterplan and Delivery Programme will enhance that role.

Policies

The following policies in the Proposed ALDP are relevant and substantively reiterate existing policies in the adopted local development plan –

- Policy LR1: Land Release Policy
- Policy D2: Landscape
- Policy NC1: City Centre Development - Regional Centre
- Policy NC4: Sequential Approach and Impact
- Policy NC5: Out of Centre Proposals
- Policy I1: Infrastructure Delivery & Planning Obligations
- Policy T2: Managing the Transport Impact of Dev
- Policy T3: Sustainable and Active Travel
- Policy B6: Pipelines, Major Hazard & Explosive Storage
- Policy NE1: Green Space Network
- Policy NE5: Trees and Woodlands
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage

OTHER RELEVANT MATERIAL CONSIDERATIONS

Aberdeen City and Aberdeenshire Retail Study (ACARS) – Produced in 2013, ACARS provided an up to date assessment of retail provision within Aberdeen City and Aberdeenshire and provided an assessment of potential future demand and supply for retail floor space within this area for the next 15 years. The primary purpose of ACARS was to provide a basis for the development of plans and proposals for retail and related activities in the SDP and LDPs being prepared for the Aberdeen City and Aberdeenshire Councils.

The study recommended a retail development strategy which identifies 30,000 sqm GFA of new retail floor space to be located in the city centre.

Aberdeen City Centre Masterplan (CCMP) – Approved by the Full Council in June 2015, the CCMP outlines a 20 year development strategy for Aberdeen City Centre. It identifies a series of ambitious but deliverable projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. The projects are complemented by a robust, costed and achievable delivery programme and together these provide a framework for managing city centre development up to 2035.

There are seven projects which are expected to focus on increased retail activity in the city centre –

- Aberdeen Indoor Market (CM06)
- Bon Accord Centre (CM07)
- Independent Aberdeen (CM08)
- St Nicholas Centre (CM09)
- Trinity Centre (CM10)
- Union Street Conservation Area Improvement Scheme (CM11)
- Union Square (CM12)

In combination with other identified projects with the masterplan it is expected that around 50,000sqm of retail and leisure floor space could be delivered within the CCMP area.

Strategic Investment Plan (SIP) - The Council's SIP focuses on the development of the enabling infrastructure needed to realise the city's aspirations to be an even more attractive, prosperous and sustainable city by creating a unified and cohesive proposal that is needed to deliver growth. Regeneration of the city centre is identified as a key goal of the SIP.

NEXT STEPS

A report will be prepared by officers for Full Council with a recommendation assessing the proposed development and making a recommendation to members.

Major Development mixed use commercial (up to 30,000m²) including retail (class 1) , food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Site OP40 Prime Four Business Park Kingswells Aberdeen Ref. No: 161429/PPP

Kingswells Community Council (KCC) is in general agreement that retail is a suitable use on the development site. However, we have some concerns that would need to be addressed.

KCC has the following observations on the above PPIp:

Framework

The following is an extract from the Design Statement

4.1 Key Objectives

The key objectives of the OP40 Development Framework are as follows:

- Create a landscape which reflects the rural character of Aberdeenshire; relates to the surrounding area and takes its references from the natural heritage
- Create settings for buildings which are sympathetic, balanced and mitigate their visual impact on the landscape.
- Create external environments which enhance the daily living experience (e.g. spaces for outdoor socialising and exercise)
- Create a high quality environment by the considered design of external features such as footpaths, street furniture, woodland belts and boundary walls.
- Provide multiple connections and maximum choices for people to use sustainable travel modes to travel to work, e.g. walk, cycle, or bus.
- Create opportunities for ecological enhancements, biodiversity and nature conservation.

The following is a comment inserted by the Design Team

Whilst the challenges of working with a different programme are recognised there is no reason why these key objectives as envisioned for the OP40 Framework cannot equally apply to a retail development on the same site.

KCC contends that the items highlighted in bold are less likely in a 30,000 sq.m retail development than could be achieved with an office development similar to that provided on the Prime Four site.

The applicant has indicated the intention to provide the maximum amount of car parking space for a retail development. Based on the floor areas quoted, KCC has calculated the following car parking requirement.

Non-residential car parking spaces – all maximum amounts

1: RETAIL			
Land Use	City Centre	Inner City	Outer City
Food retail outlets (>1000m ² GFA)	1 per 40m ²	1 per 22m ²	1 per 14m ²
Non-food retail outlets (>1000m ² GFA)	1 per 50m ²	1 per 30m ²	1 per 20m ²
Food/non-food retail outlets (<1000m ² GFA)	1 per 70m ²	1 per 40m ²	1 per 30m ²

Extract from Aberdeen City Council's 'Transport and Accessibility' Supplementary Guidance

Type of Retail	Area Sq. m.	Floor Area per Car Provided for Outer City	Cars
Food	3,716	14	265
Non Food	26,013	20	1,300
Total	29,732		1,565

Calculation of Maximum Car Parking Spaces

The maximum car parking provision for the proposed retail development represents a car park approximately 1.7 times the size of the Kingswells Park & Ride. The design document suggests that the entrance will include an avenue similar to the existing Prime Four Boulevard and that the visual impact of the car park will be reduced by the use of 'rooms' and landscaping. The resulting design will require car parking with a much larger area than a 'standard' carpark.

KCC has concerns about the potential visual impact of such a large carpark. For commercial reasons, Drum Group will clearly want to make the whole retail site as visible as possible. However, KCC considers that the height of the buildings alone as well as a new road junction will make the site perfectly visible to passing traffic. Effective screening of the carpark from the A944 should be a key requirement.

Considering the areas identified for development it is unlikely that a design of 30,000 sq.m of high-class retail and the associated car parking and landscaping could be facilitated on this site in a manner that complies with the key objectives identified in the Framework, and a smaller development should be considered.

Traffic Assessment

KCC is concerned about the cumulative impact of additional traffic on the A944 and would like to raise the following points in relation to the traffic assessment (TA).

The TA shows that the new AWPR roundabout is severely under pressure from increases in traffic levels. The applicant plans to provide an additional lane to the roundabout and its approach roads.

As the Prime Four development is more than 50% complete and is part of a masterplan, KCC considers that the TA should be performed for the whole development to ensure that as the various phases come on stream there is a schedule of improvements required to provide adequate access to the site. Each new phase identifies new surprises and this defeats the primary role of a masterplan. This will allow the best possible solutions to be found for the TA, rather than the incremental upgrades that are currently proposed.

The A944 may be subject to large increases in traffic from Phase 4 and Phase 5 of the Prime Four development and a 20,000 seat football stadium. All of these developments will be proposed at the same time and they all should be included in a TA. It is noted that Transport Scotland made a similar comment in their response to the TA.

The TA may have underestimated the traffic flows and KCC asks that ACC confirm that the TA addresses the following:

- The design statement suggests that there will be a future link from the Boulevard forming the access to the proposed retail park through the Prime Four site. This will generate additional traffic that has not been included in the current TA.
- The TA for the Prime Four site has been approved for a floor area up to 91,769 sq.m. It is unclear if this area includes the Phase 4 OP63 site.
- Section 7.4.1 describes the traffic from the Ardene House office development. KCC has been advised by Drum Group that the vet will not be vacating the site and the Phase 5 footprint includes the previously approved office development. The office development will not now take place. It is not clear if the traffic from this development is included in the TA.
- KCC appreciates that the TA should account for all the peak time traffic. The current TA makes a reduction in the traffic generated by the proposed retail park during the morning peak to account for 'pass-by' traffic. KCC think this would result in an underestimate of the traffic flow. Any shoppers at that time would be on the road for the sole purpose of shopping and would add to the existing flow

figures. It is very unlikely the pass-by traffic at morning peak would have time to shop, and would be focused on getting to work. KCC concedes that pass-by shoppers exist for evening peak.

- The provision for multiple modes of transport is admirable, but retail units generate shopping that needs to be taken back to the purchaser's home. This would generally require a car. The use of walking, public transport and cycling are not suited to the transfer of bulky purchases. Consequently, the TA should reflect this in increased traffic flows.
- The design team suggest that the Retail Development would employ 1,500 people. Are these journeys included in the TA?

Alternative Design of Access to the Proposed Retail Park

As an alternative to additional signalised junction on the A944, KCC would like the following options to be considered:

- to access the site from the existing Prime Four Boulevard.
- A roundabout (possibly with part time traffic lights) as an alternative to a full time signalised junction.
- an upgraded spur off the AWPR roundabout.

Prime Four has a network of internal roads and they should be used more to assist the distribution of Prime Four traffic. Direct access off the A944 is an ideal solution for Prime Four, but is not necessarily the best solution for the wider road network.

The TA concentrates on mitigating the effects of peak time traffic, but the effect of having an additional signalised junction on the A944 at off-peak times causes delays and more inconvenience for the community on a 24 / 7 basis. Having too many junctions on the A944 creates a stop/start journey as there is often no coordination between sets of traffic lights. More natural traffic flows can be obtained using a roundabout.

An option to access the Prime Four site off the AWPR roundabout would be a natural flow off the roundabout. It is not the same as the study included in the TA, as there would be no U-turn and resulting issues with stacking vehicles.

KCC asks that all the possible access solutions are investigated and that the selected option addresses the needs of the community during off peak times as well as the needs of commuters during peak times. We also ask that the TA considers all the traffic from all phases from Prime Four development and all other known developments. All future upgrades should be considered to avoid a piecemeal approach.

Out-of-Centre Retail Development

KCC is aware that having out of centre retail could have an impact on the city centre and nearby settlements including Kingswells, Newhills, Countesswells and Westhill. KCC asks that ACC considers the impact of the proposed development and how it fits with the requirements of the ALDP.

It is for ACC to determine the effect that an out-of-centre retail development will have on the city.

Conclusion

KCC concludes that a 30,000 sq.m retail park will be difficult to provide in compliance with the Framework, and will have 'massing' issues. Further evidence is required to ensure that the application can be provided in compliance with the planning criteria set out in the Framework document.

The TA should consider the concerns raised by KCC and alternative means of accessing the site should be investigated.

ACC should consider the city wide implications of the proposed development.

KCC considers that the provision of retail on this development site is an appropriate use of the site if we receive a satisfactory and convincing response to our concerns.

Regards,

Ian Cox,
Secretary,
Kingswells Community Council

09 November 2016



KNIGHT PROPERTY GROUP

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

By Email: pi@aberdeencity.gov.uk

Dear Sirs

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works
Address: Site OP40 Prime Four Business Park Kingswells Aberdeen
Application Ref: 161429/PPP

We write in objection to the above proposals for at site OP40 Prime Four Business Park Kingswells Aberdeen. Knight Property Group have significant assets throughout Aberdeen city centre, including the recently completed refurbishment of the former art deco Capitol theatre at the west end of Union Street to provide 75,000sqft of grade-A commercial floorspace over 9 levels.

Alongside other prominent city centre developments currently underway, this is a significant development for both Knight Property Group and the for the regeneration of the city centre as a whole. Investment in the Capitol redevelopment alone totals £30 million. As such, and as a local company, Knight Property Group are firmly committed to enhancement of the vitality and viability of the city centre and its development as a regional hub for commercial, retail, leisure and residential activity.

Spatial Strategy

The Spatial Strategy in the Proposed Aberdeen Local Development Plan (2015)(Proposed Plan)¹ echoes that of the current Aberdeen Local Development Plan (2012)(LDP) and the approved Strategic Development Plan (2014)(SDP) for the region:

Our strategy promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen. The maintenance of a vibrant city centre and the enhancement of its fine buildings and open spaces is vital to Aberdeen's future prosperity and to sustaining its attractiveness as a place to live and visit. A strong and thriving city centre is a key attribute in delivering the wider strategic aims of the Strategic Development Plan and our policies and proposals seek to enhance its role as a key commercial centre.

¹ Reference throughout this letter is made to policies and allocations in the Proposed Aberdeen Local Development Plan (2015) (Proposed Plan), as amended by the recent Report of Examination, where necessary. This emerging Local Development Plan (LDP) will be approved for adoption on 14th December 2016 and will form part of the extant Development Plan at the time of determination of this application.

The applicants, Prime Four Ltd. claim that there will be a 'benign' impact on the city centre, however despite the fact that the supporting documents claim that the *retail impact of this development on city centre retail is estimated to be relatively small – just 4.31%*, the reality is that the development of circa 30,000sqm retail space to the west of the city, with easy access from the AWPR and unrestricted surface car parking will cause significant harm to the Council's efforts to encourage modal shift towards more sustainable methods of transport.

Proposed Plan Policy **NC1 City Centre Development – Regional Centre** cites the city centre as the *preferred location for significant footfall-generating development serving a city-wide or regional market*, such as the proposed development, as acknowledged in its supporting planning statement.

Similarly policy **NC2 City Centre Retail Core and Union Street** defines the *City Centre Retail Core* as the *preferred location for major retail developments*; and *where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate*.

Aberdeen City Centre Masterplan

Aberdeen City Centre Masterplan (CCM) was approved in June 2015 and as a 20-year development strategy for the city centre it is in its infancy. Commitment to implementation of the Masterplan and the 49 projects identified within that *'will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire'* has been strong; with the appointment of a City Centre Director and delivery team and establishment of a reference group in quick succession demonstrate the Council's ambition to see the strategy delivered.

The Masterplan acknowledges that:

In more recent times investment in the city centre has not kept pace with the periphery of the city. There is now a renewed appreciation of the social, cultural and economic value of city centres, Aberdeen city centre needs to reassert itself with a clear vision that establishes future priorities. However, this should be achieved in a way which reflects the unique history of the city so that Aberdeen remains distinctive and rooted in place and culture.

However it also highlights the complacency of recent years in the lack of investment, due to the high oil price and ease of Greenfield development to cater to the industry:

As the metropolitan centre of a globally significant economic region, Aberdeen city centre's importance to the economy of the region and the nation should not be underestimated. The city centre should be the heart of the Aberdeen and Aberdeenshire economy; a hub where people come together to work, learn, collaborate, trade, invent and promote – this is clearly not currently the case and the city centre needs (for the good of the region as a whole) to reinvent itself as the metropolitan and commercial heart of the wider Aberdeen economic region.

The CCM recognises that the city centre requires transformation to fulfil its role as a regional hub, attracting office and residential activity back from the periphery and reintroducing a more sustainable access strategy. Clearly the approval of such a significant attraction on the periphery of Kingswells, let alone the periphery of the city centre is significantly damaging to the regeneration of the city centre.

Land Use

Prime Four Business Park and the allocated development land to its west are designated as **Specialist Employment Areas** in the Proposed Plan. The site forms part of site OP29, allocated to provide 50ha employment land under the terms of **policy B2** between 2017 and 2026, as a continuation of the Masterplanned development of phases 1-3 of the park.

In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.

At 30,000 sqm the proposed development is not of a complimentary nature to directly support the businesses, such as the community hub that is currently proposed in the approved Masterplan and Development Framework; and in direct conflict with this policy.

Retail Use

The application site lies within allocation OP40 in the current LDP. Drum Kingswells Business Park Ltd. sought the change of use of the application site to accommodate retail, leisure and commercial uses through the Council's *Call for Sites* (2013) and *Main Issues Report* (2014) (MIR) consultations, simultaneously seeking an extension to the Prime Four Business Park to accommodate overwhelming commercial requirements and to maintain a supply of developable commercial land to meet these requirements as there were (unspecified) access constraints to the immediate development of OP40.

The *Aberdeen City and Aberdeenshire Retail Capacity Study* (2013)(ACARS) identified capacity for 5,500sqm convenience retail floorspace in zone 29N, to the west of Aberdeen. Whilst the ACARS suggested that some of this floorspace *should be located in the Countesswells development to serve local day-to-day and limited main food shopping needs*; in their MIR consultation response Drum sought that the full amount be provided at Prime Four.

This was on the basis that as no site had been specifically identified within the zone for this floorspace, its allocation within OP40 would *add to spectrum of uses being offered to occupiers, who seek to maximise the benefits they can offer to their employees*. It was also argued that *given the sites proximity to both the AWPR junction and the Kingswells Park and Ride, there is a strong argument to say that locating the acknowledged retail requirement at Prime Four is the most sustainable option. It is clear that working and shopping in the same Park reduces car journeys on the network*. This justification did not focus on local retail provision, pedestrian or cycle access to local convenience retail – it was suggested purely to cater to the residents of the business park and car-borne trips.

The Council did not accept these arguments and the Proposed Plan continued the allocation for employment development at Prime Four, adding in its supporting text for Kingswells and Greenferns that:

Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land.

In their response to the Proposed Plan consultation (2015), Drum supported this allocation and the inclusion of further commercial land as OP63.

Summary

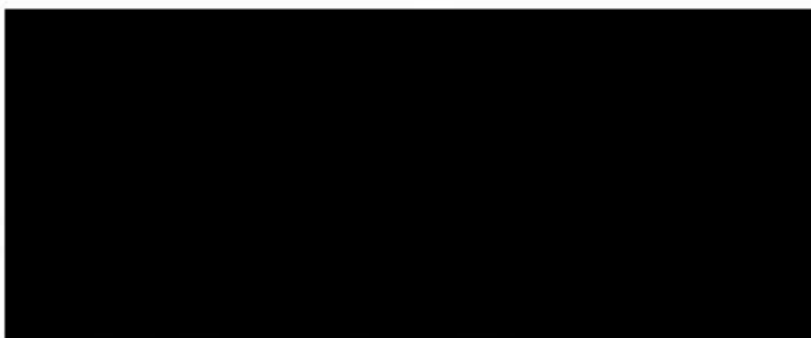
In conclusion the above development is highly speculative and does not cater for an identified need. It runs counter to national, regional and local planning policy, which seeks to locate such developments with a regional catchment in the city centre. Approval of the above development would have a damaging impact on the economy of the city centre and undermine the primacy of the Development Plan, which is particularly up-to-date.

Drum promoted retail development on the application site through the recent LDP review and after consideration the employment designation was upheld. The proposed development is of a regional scale and significance and should be located in the city centre, in accordance with national, regional and local planning policy and where such retail capacity exists.

The Council has invested considerable time and money in creating a City Centre Masterplan to drive transformation and investment, which relies heavily on public and private sector investment in delivering the vision for the city centre. The approval of a significant retail development that would be such a direct threat to the success of the transformation of the city centre, the Council's proposals for city centre access and significant mode shift would be reckless and combative to attempts to secure buy-in to its proposals.

We would be happy to discuss any of the above with the Council or the applicants, should you wish to do so please do not hesitate to contact me.

Yours sincerely



JAMES BARRACK
Managing Director

Mr Matthew Easton
Planning & Building Standards
Aberdeen City Council
Marischal College
Broad Street
Aberdeen, AB10 1AB

Our ref : STEW0046/aps/jew
Your ref : 161429/PPP

By e-mail only

11 November 2016

Dear Sirs

**Planning Application Ref: 161429/PPP
Proposed Major Commercial Development including Retail and Food & Drink Uses,
Prime 4 Business Park
Objection on behalf of Countesswells Developments Ltd**

We act on behalf of CDLCountesswells Developments Ltd (CDL) in relation to the above. In this capacity we object to the proposed development on the grounds set out below.

By way of general context, it is important to note that the controlled release of land for development has been a key element of development plan policy to date and still forms an important part of the proposed new Local Development Plan (LDP). One of the identified strategic priorities for such new development is Countesswells which lies to the south east of the current application site. Your council granted planning permission in principle for the major mixed use development at Countesswells, including the creation of a new town centre, on 1st April 2016. The proposals contained within the current planning application at Prime 4 Business Park have the capacity to seriously undermine implementation of the approved Countesswells proposals.

Grounds of Objection

CDL objects to planning application 161429/PPP on the following grounds:

Failure to Comply with Development Plan Policy

Section 25 of The Town & Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 requires that planning applications should be determined in accordance with the prevailing development plan unless material considerations indicate otherwise.

The current application site is allocated for business and industrial use (Opportunity Site OP40) within the adopted LDP. The site continues to be allocated for such use under the proposed replacement LDP (site OP29). Furthermore, the latter proposes an extension to the business park on greenbelt land to the northwest (Site OP63) due to the demand for good quality business/industrial land and the perceived success of the initial phases of the Prime 4 Business Park.

Given this context, the proposals within the current application are clearly contrary to the development plan and, as a result, planning permission should be refused. There are no material considerations to indicate otherwise. Indeed, the material considerations set out in the remainder of this letter add weight to the conclusion that the proposals are so clearly contrary to development plan policy that they must be refused.

The current proposals are also contrary to the approved Development Framework and Phase 1 Masterplan for the Prime 4 Business Park. This Development Framework has the status of 'Supplementary Guidance' having been approved by the council as the basis for development and a material consideration in the determination of any planning applications. It forms part of the Development Plan having been approved by the Scottish Government as such. Within the Development Framework the current application site is clearly allocated for business/industrial use. While there is provision for a 'community hub' within the business park site to include complementary facilities such as a hotel, restaurants and retail floorspace, these are all clearly limited in scale and ancillary to the prime business park use.

The applicant seeks planning permission in principle for up to 30,000sq m of retail floorspace. This scale of development could never reasonably be considered as ancillary to the business park. The reality is that the applicant has disregarded the provisions of the Development Plan and is seeking approval for a major departure that both reduces the supply of good quality land for employment uses and would introduce a major retail development in an unsustainable, out-of-centre location.

Finally, in relation to the Development Plan, it is notable that the applicant did not make representations to the council seeking allocation of the current application site for retail and related purposes. Publication of the proposed new LDP was the opportunity for them to do so as this would have allowed consideration of such proposals at the LDP Examination. In the absence of compelling evidence regarding the need for the proposed development there is no sound reason for the adopted and emerging new LDP provisions to be set aside at this time.

Lack of Detail

The submitted planning application form refers to a 'major commercial development including retail (Class 1) and food & drink (Class3)' uses with no further detail. While there is some limited description of the proposed development as a 'retail park' within the design and access statement, the planning statement and the retail capacity study, the applicant

has nowhere provided a proper indicative layout to demonstrate the likely form and nature of the proposed development. Given the scale of development proposed, the scope for harm to be caused to other existing and proposed retail centres and the importance attached to the landscape 'rooms' within the Kingswells Development Framework the applicant should have been required to make available some form of illustrative layout drawings. In the absence of any such material interested parties such as CDL can only base their comments on the brief written descriptions of the proposals.

Paragraph 2.1 of the submitted Retail Capacity Study suggests that the proposals could involve up to 26,013sq m of Class 1 retail floorspace for the sale of comparison goods, particularly 'clothing and fashion', ie specifically not restricted to bulky goods. In addition a foodstore of 3,716sq m is proposed. Table 6 of the study indicates that the combined turnover of the proposed development would be over £106m, making it second only to the City Centre and Garthdee. For such a scale of development to be devoid of detail regarding the number, nature and size of units is inappropriate.

The applicant makes much in the submitted supporting documents of the fact that the scale of development proposed cannot be accommodated within or on the edge of an existing centre. However, such conclusions cannot be soundly reached without knowing more regarding the proposed unit sizes and anticipated range of goods to be sold. In the absence of any detail it is entirely possible that the development could be accommodated within or on the edge of an identified centre, particularly the city centre – paragraph 69 of the SPP stresses the need for flexibility on the part of all parties including developers in considering such matters. If no details are forthcoming from the applicant we respectfully suggest that the council has no option but to refuse planning permission due to lack of essential information.

Retail Capacity and the Sequential Approach

In seeking to justify the application proposals the applicant refers at length to the Aberdeen City and Aberdeenshire Retail Study of 2013. In particular, they highlight the broad conclusions regarding the potential available expenditure within the city region by 2022 assuming population growth estimates are met. However, in so doing they ignore the proposed development strategy within the study. This clearly sets out the preferred locations for any new retail floorspace, namely Aberdeen City Centre, existing centres and the various new development areas including Countesswells.

Table 7 of the Retail Study Executive Summary notes that there could be capacity for up to 5,500sq m of convenience floorspace in the West Aberdeen/Countesswells area assuming development of the land release sites at Countesswells and east of Kingswells. It notes that 'a proportion of floorspace is encouraged to be provided within Countesswells to form the basis of a new centre'.

In relation to the provision of wider mixed convenience and comparison floorspace the table also noted that a new centre at Countesswells is to be provided comprising both convenience and comparison floorspace. No target quantum of floorspace is identified but given the scale of new housing development proposed to the west of Aberdeen including Countesswells the suggestion is that comparison floorspace could be around 1,500sq m.

The current application proposals therefore run contrary to the findings of the 2013 retail study as the latter clearly seeks to focus new comparison shopping floorspace within the city centre while allowing for new convenience floorspace within new centres to be provided as part of the LDP land release programme. To the west of Aberdeen Countesswells is clearly the preferred location for any new retail floorspace that cannot be accommodated within or on the edge of Aberdeen City Centre or one of the other existing town or district centres.

The Development Framework and Phase 1 Masterplan for Countesswells envisages the new community as a residential led mixed use development of around 3,000 homes with employment, education, retail, leisure and community uses. A fundamental part of the Development Framework is the creation of a community/commercial focus in a new Countesswells town centre. Proposals for the Countesswells town centre as provided for in Development Plan Policy and Supplementary Guidance would be seriously undermined by a major retail development in close proximity as proposed within the current planning application.

The important role of the new town centre at Countesswells is given further weight by the wording of Condition 16 as applied to the Planning Permission in Principle granted on 1st April 2016. The condition states that a retail impact assessment (RIA) for the town centre should assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, districts or neighbourhood centres and the city centre. The RIA has also to assess the scale and mix of uses required 'to meet the retail and leisure needs of Countesswells **and adjacent residential communities**' (our emphasis).

The clear intention of planning policy and the planning permission in principle at Countesswells is that the new town centre should serve the wider area as well as Countesswells. The proposed retail development at the Prime 4 Business Park would run directly contrary to this key aim of prevailing planning policy. It would both undermine the efforts of CDL to attract investment and operator interest in the new town centre and would also lead to the town centre lacking some of the key components that would make it a vibrant community focus.

CDL has a legitimate right to expect that it should be given the opportunity to implement its planning permission in line with the approved Development Framework without the commercial basis of the proposals being undermined by the current application. Provision of Countesswells town centre forms part of the approved Phase 1 proposals. As such, land can be made available for an appropriate amount of retail floorspace to serve Countesswells

and the surrounding area without undermining the vitality and viability of any other existing centres. This has been the council's planning strategy for West Aberdeen in both existing and proposed LDPs and there is no sound reason for the council to depart from the strategy at this time.

The applicant claims to have addressed the sequential approach in the submitted retail capacity study. However, we respectfully suggest that scant regard has been paid to the various opportunities for provision of additional retail floorspace in and on the edge of the city centre and other town/district centres. In particular, the development opportunity at Union Square and Palmerston Road to the south of Union Square has been dismissed without proper consideration.

At Paragraph 7.16 of the submitted retail capacity study it is stated that the land at Union Square is 'not available to our client'. The applicant's position in relation to any site is irrelevant to the application of the sequential approach – the test is merely whether an opportunity site is available to the market and suitable for the intended use. It is clear that there are suitable, available sites in sequentially preferable locations, Union Square being one. Again, as already noted above, the lack of detail provided by the applicant makes it impossible for anyone to draw the conclusions that it does regarding the sequential approach.

LDP Policy RT1 requires that retail developments should be located in accordance with the hierarchy and sequential approach set out and as given more detail in the supplementary guidance on Retail Centres. Where the catchment area to be served is city wide (as is confirmed here by the retail capacity study) the city centre is the preferred location. Retail parks are noted as appropriate for bulky goods retailing rather than general comparison goods and even then only if there are no suitable city centre or town centre sites. Figure 1 of the Retail Centres supplementary guidance also confirms that large scale general comparison goods retailing should be located in the city centre.

LDP Policy RT2 states that retail developments appropriate to town centres will be refused planning permission where proposed in out-of-centre locations. The only exceptions are noted as being when there are no suitable sites in acceptable locations and where there will be no significant adverse effect on the vitality or viability of any identified retail location. As has already been noted, neither of these situations apply in this instance. Proposed LDP Policies NC4 and NC5 contain similar provisions. The sequential approach is also embedded in Scottish Planning Policy and the approved Strategic Development Plan. The proposal within the current application fail to meet any of these planning policy requirements and so should be refused.

Lack of Sustainability

The proposed retail park development cannot be described as sustainable. It occupies a classically out-of-centre location, isolated from the nearest existing and proposed residential

communities. While there are some commuter bus services passing the site the closest bus stops are beyond easy walking distance at Kingswells Park and Ride. There are no existing, local circumferential bus routes linking the site to the residential areas to the north and south. By virtue of its location immediately adjoining the proposed AWPJ junction it can be expected to generate mostly car based trips.

The proposed retail park would have no wider community and/or commercial role, something that is fundamental to sustainability. There are no proposals for Class 2 financial and professional offices, community facilities, medical or leisure facilities. In contrast the approved town centre proposals at Countesswells provide for a full range of community facilities including a medical centre, an education campus including a secondary school, primary school, library facilities and town park.

Conclusion

The proposals contained within the current planning application do not accord with development plan policy and involve an unacceptable, unjustified departure from the development plan. They involve the loss of allocated, highly marketable land for business/industry and are contrary to the approved development framework for the site. The retail park would be of a scale and nature inappropriate for an isolated, out-of-centre location. It has not been adequately demonstrated that there are no suitable and available sites in sequentially preferable location. The proposals would seriously undermine the proposals for a new town centre nearby as part of the approved Countesswells development.

For all of these reasons planning permission should be refused.

We would appreciate if you could acknowledge receipt of this objection and ensure that we are kept informed of progress towards the determination of the application. We also reserve our right to expand on these comments should the applicant submit further supporting information.

Yours sincerely



Adrian P Smith
asmith@muirsmithheavans.co.uk

cc. client



11th November 2016

Dear Mr Easton,

Objection to planning application reference: 161429

Aberdeen Inspired

Aberdeen Inspired is the Business Improvement District for Aberdeen city centre, led and funded by the city centre business community with the remit of representing the interests of nearly 700 levy payers and adding value to the services provided by Aberdeen City Council and other public bodies.

Our mission is *“To attract, sustain and boost business and investment in Aberdeen City Centre through influence, inspiration and innovation.”* To achieve that we have identified four key themes, including promoting the city centre, enhancing the visitor experience (with retail focussed initiatives), and providing a unified voice on behalf of our levy payers.

As a result of our efforts, over the last 6 years, more than £5m has been invested in Aberdeen City Centre. Our objectives for 2016-21 include attracting more visitors and increasing their spending and dwell time in the city centre, encouraging continued inward investment across all sectors, and being the voice of business in the city centre on a range of strategic issues. The anticipated investment over the next 5 years is in the region of £6.5m in projects designed to meet those and other objectives to improve the city centre.

At a more strategic level, we have played an active role in contributing to the debate on the future of the city centre and engaged with and supported the development of the City Centre Masterplan and Delivery Programme, and we are fully committed to lending our support to the implementation of that plan.

On behalf of our levy payers we wish to object to planning application 161429 for a major development mixed use commercial, food and drink, other ancillary uses and associated landscaping and infrastructure and access works at Prime Four Business Park, Kingswells. The proposals are contrary to our mission and objectives, as well as being contrary to national, regional and local planning policy and to the vision and objectives of the City Centre Masterplan and Delivery Programme. The following paragraphs explain our reasoning in more detail.



National context

National Planning Framework

National Planning Framework 3 (NPF3) is the spatial expression of the Scottish Government's Economic Strategy – with a focus on supporting sustainable economic growth and the transition to a low carbon economy. It is a statutory document that must be taken into account in the preparation of all strategic and local development plans in Scotland and planning decisions should support its delivery. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland and refers to the town centre first principle, which is further expanded upon in Scottish Planning Policy (SPP).

Scottish Planning Policy 2014

SPP, which sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land, begins with "*a presumption in favour of development that contributes to sustainable development*". The supporting text explains that policies and decisions should then be guided by a number of principles set out in the SPP, including supporting town centre and regeneration policies. Those policies include the requirement for the planning system to apply the town centre first principle when planning for uses which attract significant numbers of people (including retail) and ensuring decision-making supports successful town centres.

The town centre first principle was developed by the Scottish Government and CoSLA. The principle recognises that "*Town centres are a key element of the economic, social and environmental fabric of Scotland's towns; often at the core of community and economic life, offering spaces in which to live, meet and interact, do business, and access facilities and services. We must take collective responsibility to help town centres thrive sustainably, reinvent their function, and meet the needs of residents, businesses, and visitors for the 21st century.*" (<http://www.gov.scot/Topics/Built-Environment/regeneration/town-centres/TheTownCentreFirstPrinciple>)

The principle requests that "*Government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity.*" (<http://www.gov.scot/Topics/Built-Environment/regeneration/town-centres/TheTownCentreFirstPrinciple>)



SPP sets out a sequential test to the determination of planning applications for retail and other developments. That means that town centres (including city centres and local centres) should be considered first as the location for such developments with out-of-centre locations, such as that for the current proposals, at the bottom of the hierarchy. The aim of this approach is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability.

Although SPP recognises that there will be development proposals in edge of town and out-of-town locations which are contrary to the development plan, it states that it is for applicants to demonstrate the more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Whilst we acknowledge that the application of the principle is not a statutory duty, SPP is a significant material consideration in the determination of planning applications and support for town centres has a statutory basis in NPF3.

The retail impact analysis submitted with this application will therefore require to be assessed robustly to ensure that it is able to demonstrate any impact, both on the city centre and on the network of other centres identified in the development plan, is acceptable.

In addition, SPP requires development to give due weight to net economic benefit and an independent assessment should be made of any property benefits, including risks and available evidence. In accordance with Scottish Government Draft Advice on Net Economic Benefit and Planning (2016) applications contrary to the development plan (as this application is) must demonstrate the net economic impact, including the number of jobs it is expected to create once operational. In the context of retail development, proposals must take account of any possible displacement effect. As such it should be demonstrated that any economic benefits, including in terms of jobs, are additional to those which already exist. The test is the comparison between the economic position with and without the development.

The Advice is clear that in calculating the net benefit of a new retail centre, any displacement should also be taken into account with the net benefit of the proposed centre compared to the situation where planning permission is not given, to take into account deadweight effects. The Advice also states that where a site is allocated for a different type of development (in this case employment) there is likely to be a greater level of uncertainty attached to assessing the economic value of safeguarding the site for the proposed use. The applicant must therefore be able to demonstrate that not only will the proposed development not impact on the vitality and viability of the city centre and other identified retail centres, but that the provision of retail on this site will have a greater economic benefit than its allocated use for employment.



Also in making an assessment of both the retail impact and net economic benefit it should also be recognised that the town centre first principle also applies to leisure, office, entertainment and civic uses, which can serve to improve the diversity, vitality and viability of the city centre, and to support its retail function. As such, any impact should be judged not just in terms of the direct impact on retail within the city and other town centres, but also in terms of the knock on effects such an impact may have on the overall vitality and vibrancy of those centres.

Regional Policy

The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) vision is for the City and Shire to be “...an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business.” The Plan recognises that Aberdeen city centre is an important asset for the region and identifies it as a priority regeneration area vital to the economic future of the area. It states that “...we need to take determined action to create a city centre to be proud of and which reflects the global status and ambitions of the city and the wider region” and highlights the BID as indicative of the private sector’s willingness to actively take part in its regeneration. In line with SPP the SDP promotes a sequential approach to identifying sites for new retail development across the strategic development plan area.

The Plan also includes a target for Aberdeen city centre to remain one of the top-20 retail areas in the UK and identifies the need to put in place a City Centre Development Framework (now superseded by the City Centre Masterplan) as a major project fundamental to achieving the plan’s vision.

Any proposals for out-of-town retail run contrary to the principles of the SDP for supporting city centre regeneration as set out above.

Local context

Strategic Infrastructure Plan

City centre regeneration was identified as a priority project for the city to underpin economic growth in 2013 through the Council’s Strategic Infrastructure Plan (SIP), developed in partnership with local, national and international stakeholders. As well as committing to the development of the city centre masterplan, the SIP identifies a number of specific projects to support city centre regeneration. Over the last few years significant public and private sector investment has been invested in those, and other initiatives, directed towards regeneration.



City Centre Masterplan and Delivery Programme

The City Centre Masterplan and Delivery Programme is founded in the SIP and development plan policy and has been adopted by the Council as Supplementary Planning Guidance, giving it statutory status as a material consideration in the determination of all planning applications.

The Masterplan was developed by the Council with input from stakeholders across the city. The vision articulated in the Masterplan is *“Aberdeen: A city centre for a global city with the purpose of the Masterplan being to energise the city centre to deliver prosperity and better quality of life for all.”* Objectives include creating a stronger and more diverse city centre economy, ensuring the city centre meets the needs of the wider population and is planned and governed to reflect a wider metropolitan role.

Local Development Plan

Consistent with national and regional policy, both the extant and emerging Aberdeen Local Development Plans (ALDP) include policies to support the city centre. The spatial strategy of both plans promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen and recognises that a vibrant city centre is vital to Aberdeen’s future prosperity and to achieving the wider strategic aims of the development plan. As such the plans, supported by the City Centre Development Framework/City Centre Masterplan and Delivery Programme Supplementary Guidance, include policies that positively promote the city centre and require the application of the sequential approach and retail impact assessment, as set out in SPP, to all retail development.

In addition, it should be noted that Policy BI1 – Business and Industrial Land in the adopted LDP does not support the use of employment land for other purposes, other than those aimed primarily at meeting the needs of business and employees within the business and industrial area. The supporting information submitted with the application states that the proposals will serve residents in existing and proposed communities and indeed cites a catchment of up to 330,000 with the completion of the AWPR and the new housing developments. That is clearly contrary to Policy BI1.

Policy BI1 in the Proposed Plan strengthens the presumption against development of non employment uses on sites allocated for business and industrial land in explicitly stating that *“Land zoned for business and industrial uses on the Proposals Map...shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.”* That means that even should the retail impact assessment demonstrate the proposed development is acceptable in retail terms, the current proposed site is not an appropriate location for such development given its allocation for employment and business uses.



ABERDEEN
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That is particularly so given that Drum Property promoted the inclusion of the extension of Prime Four in the Proposed Plan as a Specialist Employment Area to allow for the further development of the site pending access becoming available for Phase 4 of the existing allocation. The argument was accepted by the Council due to the exceptional success of the existing site and the positive economic impact it has had on the City with the demand for plots continuing. The independent Scottish Government Reporter, appointed to review representations on the Proposed Plan also accepted the case for an allocation to extend Prime Four on the basis of the weight given to the economic benefit of the existing Business Park. Allowing any part of the allocated land to be used for non-employment purposes would not only be contrary to policy but would undermine the arguments made for the need for the further extension of the site.

The Reporter, in response to a representation made to the LDP Examination seeking to re-allocate undeveloped employment land for other types of development elsewhere in the City, stated that, *"...the plan needs to maintain a sufficient supply of employment land in appropriate places, as required by the SDP. It would not be right to re-allocate such land for other uses simply because current market conditions have not favoured its early development for employment purposes."* (Report to Aberdeen City Council, Proposed Aberdeen Local Development Plan Examination, 2016, Issue 25). The same argument should apply whatever the proposed alternative use and whatever the location.

Although the applicant aims to make a case for the proposed development, it is submitted that none of those factors override the principle objection to the application, which is that it is contrary to national, regional and local policy and would undermine the aims of the City Centre Masterplan.

Conclusions

It is clear from the narrative set out above that national, regional and local policy is aimed at supporting town centres in general and Aberdeen city centre specifically. Much public and private sector investment has been directed towards the regeneration of the city centre over the last few years. Whilst the applicants maintain that the city centre is well placed to withstand any impacts from the proposed development the collective commitment to achieving a joint vision for the city centre, as articulated through the Masterplan, and momentum towards achieving that are only now gathering real pace. It is vital that any proposals for out of town development do not undermine or jeopardise the excellent progress which has, and is continuing to be made. It is for those reasons that we object to this application, and would ask that it is refused.

Adrian Watson, MBA, MSc, BSc (Hons)

Chief Executive Officer

SV10245/05

11th November 2016

Development Management Team
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB
FAO Matthew Easton measton@aberdeencity.gov.uk

Dear Sir

**MAJOR DEVELOPMENT: MIXED USE COMMERCIAL (UP TO 30,000M2) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT SITE OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN.
APPLICATION REFERENCE 161429/PPP**

We act on behalf of Zurich Assurance Limited, and write with reference to the above application submitted recently to Aberdeen City Council.

Our clients own Kittybrewster Retail Park and Lower Berryden Retail Park.

On behalf of our clients we wish to formally object to the principle of the proposed development. Our grounds for objecting to the proposed development are set out below.

Background

The application site covers an area of approximately 13 ha (32 acres) and is located within the Aberdeen City Local Authority Area, and within the Kingswells / Sheddocksley Ward. The site lies circa. four miles to the west of Aberdeen City Centre and circa. two miles to the east of Westhill (Aberdeenshire Council). The settlement of Kingswells is adjacent to the east.

The application seeks permission in principle for retail uses to complement the existing business park, and create a commercial mixed use scheme.

Drum Property Group are advancing proposals which involve the development of up to **26,013sqm** (gross) of Class 1 Retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers... In addition, the proposals would include a **3,716sqm** (gross) foodstore and ancillary food and drink premises.

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

Policy Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. Scotland Act 2006 requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan, and the Aberdeen Local Development Plan, adopted 29 February 2012.

Aberdeen City Council are in the process of replacing the Local Development Plan. Their Proposed Plan has recently been the subject of Examination and the Reporter's Report has now been received by the City Council.

The site of the subject proposals is identified in the emerging Local Development Plan as an extension to the Prime Four development. It is allocated as Green Belt in the current extant Local Development Plan.

The review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Briefly stated it is submitted that the proposed development does not comply with the Development Plan and there are no material considerations, either presented by the applicant nor are evident in our assessment, that would indicate otherwise.

SDP

Aberdeen City is identified as a strategic growth area within the SDP. Paragraph 3.15 states that *"Aberdeen is Scotland's third-largest city and the regional centre for employment, retail, culture, health and higher education as well as being the region's transport hub – with road, rail, sea and air links."*

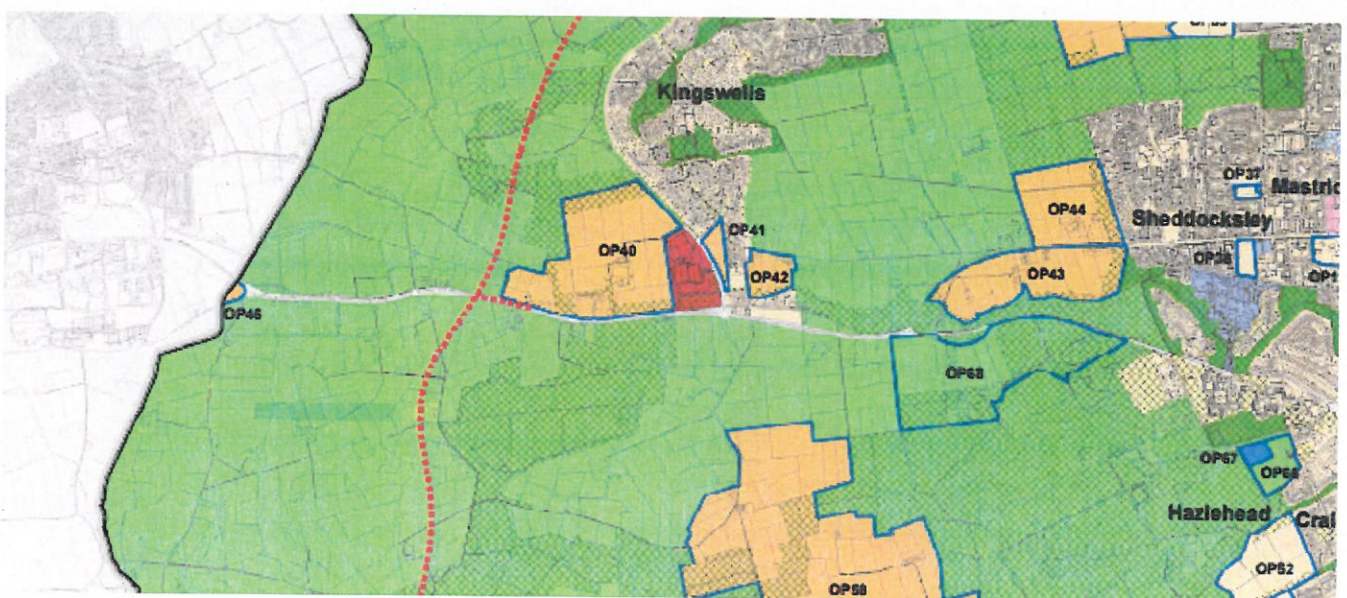
The SDP continues at 4.2 that *"in line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area."*

It is stated at paragraph 4.40 that *"to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. We will take a sequential approach to new retail development. However, we will also support existing retail centres to make sure that the needs of the community are met now as well as in the future."*

LDP

The site of the subject proposals is allocated as Green Belt (NE2) and as part of the Green Space Network (NE1).

An extract of the Proposals Map is copied below:-



Material Considerations

As noted above, the review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Scottish Planning Policy (SPP)

Paragraph 1. of SPP recognises that *"the planning system has a vital role to play in delivering high-quality places for Scotland."* It continues that *"Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."*

Core Values of the Planning Service include that Scottish Ministers expect for the planning service to perform to a high standard and to pursue continuous improvement are noted at paragraph 4. of SPP, include:-

- focus on outcomes, maximising benefits and balancing competing interests;
- play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;

Paragraph 24. of SPP states that *"the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."*

Further it states at paragraph 27. that *"the Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on sustainable legacy for future generations."*

In this respect it is stated that *"this SPP introduces a presumption in favour of development that contributes to sustainable development."*

Paragraph 58. states that *"NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland."* It continues that *"...town centres are at the heart of their communities and can be hubs for a range of activities" and that "it is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century."*

SPP states (at paragraph 39.) that *"planning should direct the right development to the right place."*

As previously, SPP states (at paragraph 60.) that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. In this respect it is stated that the planning system should:-

- apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; and
- ensure development plans, decision-making and monitoring support successful town centres....

In specific relation to commercial centres paragraph 63. states that:-

"Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods."

Paragraph 68. States that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.

It continues that this requires that locations are considered in the following order of preference:-

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

Paragraph 69. states that *"planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations."*

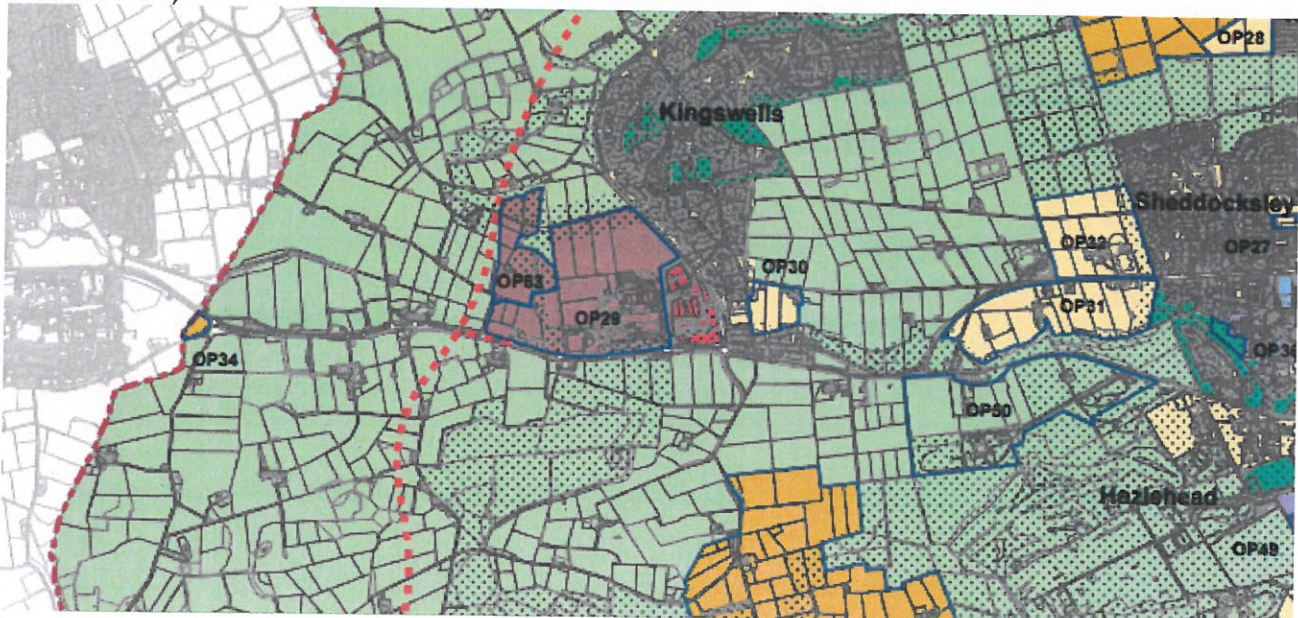
It continues that where a retail development over 2,500 sqm is proposed outwith a town centre, contrary to the development plan, SPP requires a retail analysis to be undertaken. In relation to transportation matters, SPP refers to making sound choices on the location of new development (at paragraph 280.) and placing a focus on places well served by public transport (paragraph 279).

Aberdeen Local Development Plan – Proposed Plan

The LDP identifies Kingswells as a direction for growth. The plan, at 2.2, states that

"Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed. The main housing sites are at Maiden Craig (750 homes) on the A944 corridor and at Greenferns (1,350 homes plus 10ha employment land). The AWPR will provide benefits to this area with junctions proposed to the north and south-west of Kingswells."

An extract of the Proposed Plan Proposals Map is copied below. The plan suggests allocations in line with the strategy, including to the west of Kingswells at OP63 (Prime Four Extension) and OP29 (Prime Four BusinessPark):-



The plan refers to OP63 (Prime Four Extension) as accommodating some 13ha of employment land and OP29 (Prime Four Business Park) as accommodating 50ha. A masterplan is noted as being a requirement for the development of OP63.

In relation to the Network of Centres paragraph 3.18 states that the city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the wider North East. It continues that it is an important regional centre providing a focus for employment and business interaction, it offers access to a wide range of goods and services, it is a place where many people meet socially and choose to live and visit.

Paragraph 3.19 states that the City Centre is is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life, noting that the Plan supports the delivery of this vision within a framework of securing sustainable development and continuing that this will be achieved through applying policies which positively promote what can happen, and where, in tandem with the City Centre Masterplan and Delivery Programme.

Policy NC4 of the plan relates to the Sequential Approach and Impact. It states that:-

"All significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance Hierarchy of Centres:

Tier 1 : Regional Centre

Tier 2 : Town Centres

Tier 3 : District Centres

Tier 4 : Neighbourhood Centres

Tier 5 : Commercial Centres

Proposals serving a catchment area that is city-wide or larger shall be located in the city centre. Retail proposals shall preferably be located in the City Centre Retail Core.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre. They may also be located in the city centre. Proposals serving a catchment area of size similar to that of a neighbourhood centre shall be located in a neighbourhood centre.

They may also be located in any centre that is in the first, second or third tiers of the hierarchy.

Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy.

Proposals for significant footfall generating development on an edge-of-centre site will not be supported unless:

- *the proposal is one that would have been appropriately located in the centre to which it relates; and*
- *in the centre to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.*

In all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity.

In major new development areas that are more than 800m walking distance from shopping facilities, permission may be granted for the establishment of a new second, third or fourth tier centre. Developers may be required to reserve land for this purpose.

Retail Impact Assessments should be undertaken where a retail development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres."

Policy NC4 of the plan relates to Out of Centre Proposals. It states that:-

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

- "1 no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*
- 2 there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance Hierarchy of Centres.*
- 3 there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*
- 4 the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.*
- 5 the proposed development would have no significantly adverse effect on travel patterns and air pollution."*

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

It is submitted that the proposed development would have a significant impact on the City Centre, and will significantly undermine the Development Plan strategy in this respect.

Conclusion

In conclusion on behalf of our client we wish to formally object to the principle of the proposed development.

The information submitted with the current application and which appears on the Council's planning portal appears in no way to justify the development. No detailed assessment of planning policy has been provided for example, and should be requested of the applicant.

The correct process to promote exceptions to policy would be through a review of the Local Development Plan, and not by a speculative application which appears to be accompanied by limited, if any, policy justification.

We would submit that based on the forgoing assessment the proposed development is contrary to the LDP, and indeed represents a significant departure.

No material considerations, either submitted by the applicant nor assessed here support the proposed development where no justification is provided. The LDP Report of Examination underlines the Council and Scottish Government's position relative to the site.

Neither indicate the development warrants a departure from the development plan.

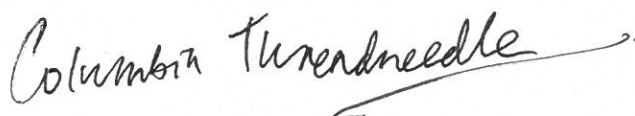
We trust that the above objection will be given due regard in the Council's consideration of the proposed development.

We would reserve the right at this stage to supplement our objections in the event that additional information is submitted by the applicant.

As noted above the review of the SDP and LDP Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

We would be grateful to receive acknowledgement of the receipt of the objection and would be pleased to further discuss.

Yours faithfully

A handwritten signature in black ink that reads "Columbia Threadneedle". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

COLUMBIA THREADNEEDLE

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10 November 2016



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Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
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AB10 1AB

Dear Sirs,

Planning Application Reference: 161429/PPP

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Site OP40, Prime Four Business Park, Kingswells, Aberdeen

Objection on behalf of Standard Life Assurance Limited

We refer to the above planning application which is currently under consideration by Aberdeen City Council.

On behalf of our client, Standard Life Assurance Limited, we wish to record our objection to this speculative planning application for a number of reasons.

To assist your consideration of this objection, we have set out below some background information on our client's retail interests in Aberdeen, and have detailed our grounds for objecting to this proposed out-of-town retail park development which is being promoted by Prime Four Ltd.

Standard Life Assurance

Standard Life Assurance has significant property interests in Aberdeen, and is a major, long-term investor in Aberdeen's retail sector.

Standard Life is the owner and manager of the Beach Boulevard Retail Park at Links Road, and the Denmore Road Retail Park at Bridge of Don, Aberdeen. Both of which are established and protected retail destinations which play an important role in the City's retail hierarchy.

The Beach Boulevard and Denmore Road Retail Parks have been owned, developed and managed by Standard Life for over 15 years. Standard Life's investment in Aberdeen is therefore significant, which in turns helps to secure and retain a large number of jobs in the City.

The Beach Boulevard Retail Park is a purpose-built Commercial Centre which provides 22,644 sqm of modern retail floorspace in 11 large floorplate retail units. It is anchored by a major food superstore with two other food retailers, eight general comparison retailers, and a health and fitness centre. It is allocated in the adopted Local Development Plan as a "Retail Park" and included under Policy RT1; and within the Proposed Local Development Plans as a "Commercial Centre", included under Policy NC6.

The retail units at the Denmore Road Retail Park were originally constructed in the 1980's and have been adapted and extended over time to meet modern retailer and customer requirements.

The Denmore Road Retail Park is now a well-established Commercial Centre, and is currently occupied by two separate retail units totalling almost 7,500 sqm. The northern unit extends to 3,753 sqm and is subdivided into four individual retail units. The southern unit extends to a total of 3,724 sqm and is occupied by B&Q as a DIY store.

The Denmore Road Retail Park currently comprises predominately bulky comparison goods, but none of the units have any goods restriction and all benefit from an open class 1 retail use. This was confirmed through the granting of two Certificates of Lawfulness of Existing Use in 2009 which establish that the entire site has unrestricted Class 1 retail use (Application Refs: 09/0333 and 09/0334).

The Denmore Road site also benefits from a planning permission in principle which was granted in June 2011 (Ref No: P101203). This planning permission permitted the demolition of the existing retail units on the site and the redevelopment of the site to provide a new open class 1 retail unit of 7,400 sqm, with service and vehicular access maintained from the existing points on Denmore Road, and car parking for a total of 494 vehicles.

Although the Denmore Road Retail Park does not contain the same range and extent of retail and leisure uses as the Boulevard Retail Park, it is nonetheless an established retail location which enjoys the benefit of an open Class 1 retail consent. It is also allocated in the adopted Local Development Plan as a "Retail Park" and included under Policy RT1; and within the Proposed Local Development Plans as a "Commercial Centre", included under Policy NC6.

Review of Retail Capacity Study prepared by LSH

Having set this context and explained the nature and extent of Standard Life's current retail interests in Aberdeen, we have reviewed the Retail Capacity Study which has been prepared by LSH and submitted in support of this planning application. This provides the applicant's assessment of retail capacity and impact following a review of existing retail centres.

Our client's retail centres are listed in *Table 4: Existing Retail Floorspace*, with the Denmore Road Retail Park included at *section 23: Aberdeen City: Bridge of Don; Denmore Road Area* and the Beach Boulevard Retail Park included at *section 30: Aberdeen City: City Centre, Torry, Aberdeen Beach*.

However, Table 4 does not appear to provide accurate floorspace figures for either of our client's retail centres, with the Denmore Road Retail Park listed as a "commitment" providing a total of 4,104 sqm of floorspace and the Beach Boulevard Retail Park listed as having a total of 9,086 sqm of retail floorspace.

These figures are not correct. As we have confirmed above, the Denmore Road Retail Park currently provides a total of 7,477 sqm of floorspace and the Beach Boulevard Retail Park provides a total of 22,644 sqm of retail floorspace. We would also note that paragraph 4.19 of LSH's Retail Capacity Study advises that the Beach Boulevard Retail Park "provides 22,644 sqm of retail floorspace", but the figure provided in Table 4 is substantially less at 9,086 sqm.

The submitted Retail Capacity Study (at Table 4) has therefore significantly underestimated the existing floorspace provided by our client's retail centres.

We would also note that *Table 5: Retail Capacity* has omitted any reference to the existing retail floorspace provided at "Aberdeen City: City Centre, Torry, Aberdeen Beach", which includes the Beach Boulevard Retail Park.

These are serious flaws and omissions, which place significant doubt on the robustness of the remainder of the applicant's retail study. We would suggest that this matter should be taken up with the applicant, and clarification sought for the approach undertaken to the preparation of this study.

Paragraph 8.17 of the Retail Capacity Study also states that the proposed retail park at Prime Four will draw trade from the Beach Boulevard Retail Park, but suggests that this is not an issue as the Beach Boulevard's "focus is not on general comparison goods retailing". This is not correct, and further highlights the inaccuracies of the applicant's retail study.

We would therefore request that the submitted retail study is independently assessed by the Council's retained retail consultants.

Contrary to the Development Plan – Loss of Safeguarded Business Land

Notwithstanding the limitations of the submitted retail information, it is clear from a review of both the adopted and the proposed replacement Local Development Plans (LDP) that this planning application is significantly contrary to the terms of both of these development plans.

The application site is allocated in the adopted LDP as part of Opportunity Site OP40 which was identified as an *“Opportunity for a 50ha development of business land which will attract high quality businesses or be suitable for company headquarters”*. It is therefore safeguarded for business and employment uses under the terms of **Policy B11 - Business and Industrial Land**.

The proposed retail development of this allocated business site is therefore contrary to its allocation in the adopted LDP.

The application site has also been allocated as a **“Specialist Employment Area”** in the Proposed LDP and is identified as part of Opportunity Site OP29 which is described as an *“Opportunity for a 50ha development of business land which will attract high quality businesses or be suitable for company headquarters. Masterplan and Development Framework prepared”*.

Further reference to this site is provided at paragraph 2.22 of the Proposed LDP which explains that: *“Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land”*.

In respect of allocated business land, paragraph 3.55 of the Proposed LDP advises that: *“Maintaining a ready supply of employment land in the right places is vital to Aberdeen retaining its position as a competitive and sustainable business location. If a ready supply of employment land is not maintained, then it is unlikely that the housing population targets set by the Aberdeen City and Shire Strategic Development Plan (SDP) will be achieved. Therefore, in accordance with the SDP, a phased, large allocation of employment land has been identified, to meet the diverse needs of different types and sizes of businesses”*.

Paragraph 3.57 of the Proposed LDP further warns that: *“In addition to the provision of new sites, it is important to safeguard the supply of existing industrial and business land throughout the city from other development pressures”*.

Policy B2 Specialist Employment Areas confirms the need to safeguard allocated business sites and states that: *“In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted...”*

The application site is therefore an important and safeguarded business location where only class 4 business uses will be permitted. The proposed retail development of this site is therefore contrary to its allocation in the Proposed LDP, and conflicts with the requirements of Policy B2.

From a review of the Examination Report into the Proposed LDP, which was issued by the DPEA on 23 September 2016, there were no representations made in respect of Opportunity Site OP29.

However, the site is discussed at page 81 of the Examination Report, and the Reporter concluded (at paragraph 8) that: *“The Prime Four Business Park is a high quality business park to the west of Kingswells. It is clearly a successful development in terms of its economic benefit to the city region and the attractive working environment it provides. The first three phases of the business park are complete, and a fourth phase remains to be developed within Site OP29. This area is carried forward from the adopted plan and is not subject to any representations before this examination. A fifth phase is now proposed as Site OP63”*.

The application site's development for retail uses was not therefore promoted through the replacement LDP process, but an extension to the allocated business park was promoted by the developer (as Site OP63).

The Reporter also noted at paragraph 10 on page 81 of the Examination Report that: *The particular reasons for the release of Site OP63 given in paragraph 2.16 of the plan relate to the exceptional demand for employment land in this area, and access constraints on part of the existing site. With regard to the first of these factors, it is reasonable for the council and the developer to wish to build upon the success of the existing business park”*.

It is therefore clear from the very recently issued LDP Examination Report that the Prime Four Business Park (including the application site) is considered to be an important business location of some considerable significance to the economy of the city region.

The loss of this safeguarded business site to retail uses cannot therefore be supported.

Contrary to the Development Plan – Retail Policies

In addition to the application's conflict with the business land policies of the adopted and proposed LDPs, we also consider that this unallocated, out-of-town retail development is contrary to the retail policies of the current and emerging development plan.

Adopted LDP **Policy C1 - City Centre Development – Regional Centre** confirms that the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Adopted LDP **Policy RT1 - Sequential Approach and Retail Impact** further confirms that all retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach. The Hierarchy of Retail Centres provided in Policy RT1 does not include out-of-centre or out-of-town sites.

Adopted LDP **Policy RT2 - Out of Centre Proposals** states that retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all five of the requirements listed under Policy RT2.

The proposed retail development at Prime Four fails to meet all five requirements of Policy RT2. It will have a significant adverse effect on the vitality and viability of retail locations listed in the Council's Hierarchy of Retail Centres – requirement 2.

As noted in the Council's EIA Screening Opinion for this proposed development (which noted the greenfield nature of the site; its location outwith the built up area; and its relatively poor accessibility) the proposed development would not be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population – requirement 4.

The proposed retail development of this out-of-town site is therefore contrary to Policies C1; RT1 and RT2 of the Adopted LDP.

For the same reasons, the proposed development can be considered to be contrary to Proposed LDP Policies **NC1 City Centre Development – Regional Centre**; **NC4 Sequential Approach and Impact**; and **NC5 Out of Centre Proposals**.

We would also note that significant parts of the application site are designated as Green Space Network (Policy NE1) within the existing and proposed LDP, where development is not promoted.

Contrary to the Scottish Planning Policy

In addition to the application's conflict with the retail policies of the adopted and proposed LDPs, we also consider that this unallocated, out-of-town retail development is contrary to the relevant sections of the Scottish Planning Policy, and in particular the advice and guidance set out under paragraphs 60; 70; 73 and 287.

Summary

On the basis of the above, it is clear from a review of the adopted and proposed Local Development Plans, that this planning application is significantly contrary to the following policies:

- Adopted LDP Policy BI1 - Business and Industrial Land;
- Proposed LDP Policy B2 Specialist Employment Areas;
- Adopted LDP Policy C1 - City Centre Development – Regional Centre;
- Adopted LDP Policy RT1 - Sequential Approach and Retail Impact;

- Adopted LDP Policy RT2 - Out of Centre Proposals;
- Proposed LDP Policy NC1 City Centre Development – Regional Centre;
- Proposed LDP Policy NC4 Sequential Approach and Impact; and
- Proposed LDP Policy NC5 Out of Centre Proposals.

It also conflicts with the advice and guidance set out under paragraphs 60; 70; 73 and 287 of the Scottish Planning Policy.

On this basis, this application cannot be supported by the development plan, and there are no material considerations that would outweigh the proposal's serious conflict with the relevant policies of either the adopted or the proposed local development plan.

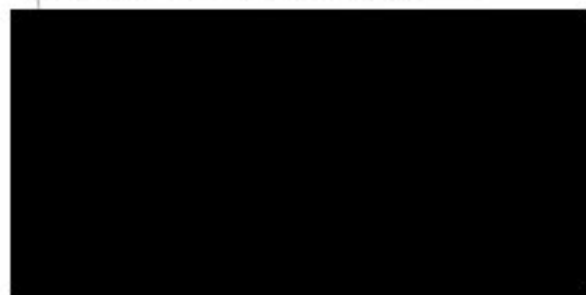
In summary, and on behalf of our client, Standard Life Assurance, we would therefore urge Aberdeen City Council to refuse planning permission for this proposed development for the reasons set out above.

We would be grateful if you would acknowledge safe receipt of this letter and keep us informed of progress on this application.

In particular, we look forward to receiving further information on the outcome of the requested review of the applicant's Retail Capacity Study.

We would also request that we are advised when this application is presented to the Council's Planning Committee for determination, and given an opportunity to address the Planning Committee prior to its consideration of this application.

Yours faithfully,



John Handley
 Director
 John Handley Associates Ltd
On behalf of Standard Life Assurance Limited

cc: Julie Edwin, Real Estate Investments, Standard Life Investments

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Representation to proposed retail development at Prime Four Business Park, Kingswells (Ref: P161429/PPP)

On behalf of Union Square Developments Ltd



Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



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Executive Summary

The site at Prime Four Business Park is allocated as Opportunity Site OP40 within the adopted LDP, which accommodates 50 ha of employment land over the period 2007–2023. The emerging LDP maintains this allocation, subject to the designation of the subject Prime Four site as a Specialist Employment Area (2017–2026), situated within the Green Space Network.

Contrary to the adopted and emerging LDP allocation and wider retail strategy, and supplementary City Centre Masterplan provisions, proposals have been submitted for significant levels of retail floorspace (c. 30,000 sq.m gross of Class 1), the majority of which will be utilised for comparison goods (26,013 sq.m).

The LDP is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The supporting case incorrectly concludes that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.

The proposals would have a material impact on the vitality and viability of Aberdeen City Centre: the predicted turnover of the proposals and associated quantitative impacts have been underestimated and, moreover, the proposals will compete with the active proposals at Union Square and Bon Accord and the wider delivery of the City Centre Masterplan.

The socio-economic case put forward in support of the proposals is considered to overestimate the construction employment generated by the proposals, whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). The population growth quoted fails to provide justification for the quantum of retail floorspace proposed at this location and at this time, ahead of the proper LDP process.

In transportation terms, the proposals are clearly less accessible than the City Centre and are largely car dependent. A review by Dougall Baillie Associates of the submitted Transport Assessment, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is fundamentally flawed, representing a significant under-estimation of likely traffic generation.

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



1. Introduction

Introduction

- 1.1 This representation has been prepared on behalf of **Union Square Developments Limited** in order to formally **object** to the proposals at **Prime Four Business Park, Kingswells, Aberdeen (Ref: P161429/PPP)** for:

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Background

- 1.2 The Council has recently approved a City Centre Masterplan (CCMP) to seek to improve and enhance retail, leisure, office and residential accommodation in Aberdeen City Centre. The application at Prime Four Business Park is wholly contrary to the aims of the City Centre Masterplan and planning policies contained in the adopted and emerging Local Development Plan (LDP / Proposed Plan). If these proposals are allowed to proceed they would wholly undermine the Council's approved strategy to reinvigorate Aberdeen City Centre.
- 1.3 In light of the strategy set out in the CCMP, and in accordance with its retail strategy and retail policies contained within the LDP, there are currently a number of retail proposals being brought forward in Aberdeen City Centre. As part of these, Union Square Developments Limited (a wholly owned subsidiary of Hammerson plc, a major owner and operator of city centre shopping centres in the UK and around Europe) has submitted an application for Planning Permission in Principle to improve the retail and leisure facilities at Union Square (planning application ref: P152005).
- 1.4 The Union Square proposals actively meet the prevailing LDP policy and CCMP objectives and the sustainable economic growth objectives which underpin the planning policy hierarchy, delivering significant economic, social and environmental benefits via substantial levels of investment and jobs; an improved choice of facilities which can be sustainably accessed by all; utilisation of existing infrastructure; and, a positive impact on the surrounding urban landscape through high quality architecture. The multiple benefits are evident.
- 1.5 In contrast, the proposals at Prime Four Business Park are wholly contrary to the objectives and policies contained throughout the planning policy hierarchy, constituting – to all intents and purposes for the city of Aberdeen – not only 'out-of-centre' but 'out-of-settlement' development. This will undermine Local Development Plan and City Centre Masterplan objectives, and create a facility which ultimately is not accessible for all and will undermine progress on improving public transport infrastructure within the City / City region.

2. Submitted Supporting Documentation

- 2.1 Given the scale of that proposed – mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) – the application was screened under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- 2.2 As no formal EIA was required for the development of the previous Prime Four development phases, Aberdeen City Council considered it unlikely that there would be significantly different effects upon the environment which would require a formal EIA. The Council noted in its Screening Opinion that a series of supporting documents should be submitted with the application. These were listed (and submitted on) as:
- Transport Assessment (19/10)
 - Retail Impact Assessment (3/10)
 - Tree Survey Report (3/10)
 - Protected Species Survey (24/10 Geo-Environmental Desk Study)
 - Flood Risk Statement (19/10)
 - Drainage Statement (19/10)
 - Landscape Statement (08/11)
 - Design and Access Statement (20/10)
 - Pre-Application Consultation Report (03/10)
 - Supporting Planning Statement (20/10).
- 2.3 In addition to those reports, the applicant has submitted additional information to support the application in the form of:
- Socio-Economic Report (19/10)
 - Utility Infrastructure Design Statement (03/10)
 - Planning Sustainability Statement (03/10)
 - Archaeological Desk Based Assessment (03/10).
- 2.4 The sections below focus on the key areas of concern in respect of the potential impact of the proposals on Aberdeen City Centre, planning policy context and highways concerns.
- 2.5 Notwithstanding that, the recently submitted Landscape and Visual Impact Assessment identifies a number of major impacts on the current setting of the area without suggesting any significant mitigation of these. Whilst the area is allocated for a different type of development the current proposals will be of an alternative form and scale to those previously envisaged. There is of course no guarantee that the current allocation will be delivered and that should, in our opinion, not be an excuse to remove the requirement for mitigation measures to be proposed to reduce the significance of the identified major visual impacts.
- 2.6 It is also notable that the only design parameters set out in the design and access statement stated that building heights will be less than 16m, with retail warehousing normally being constructed with eaves heights of 8m and roof heights of 10m. It is considered that for a development of this scale, further indicative design

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



details should be provided in order that the potential impacts on the landscape setting in this area can be properly assessed and any required mitigation measures agreed with the Council.

3. Planning Context

Adopted Aberdeen Local Development Plan (2012)

- 3.1 Within the context of the adopted Aberdeen Local Development Plan (2012)(LDP) the site is allocated as Opportunity Site OP40, to accommodate 50 ha employment land over the period 2007 – 2023 under policy LR1: Land Release.

Policy LR1: Land Release

- 3.2 Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.
- 3.3 The site sits within Masterplan Zone 2: Kingswells, where there is a requirement for a Masterplan covering sites OP40, OP41 (50 houses) and OP42 (120 houses) to ensure joined up delivery of essential infrastructure.

Emerging Aberdeen Local Development Plan (2015)

- 3.4 The **Proposed Aberdeen Local Development Plan** (2015) (Proposed Plan) maintains the opportunity site allocation (OP29 Prime Four Business Park, Kingswells – 50ha) but designates the Prime Four site as a Specialist Employment Area (2017 – 2026), situated within the Green Space Network. The plan notes that OP29 is covered by an approved Development Framework, as well as Masterplans for previous phases 1, 2 and 3 of the business park. It is explicitly recognised that the site holds the opportunity to attract high quality businesses or be suitable for company headquarters.
- 3.5 The plan stipulates that the allocation ‘provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed’, identified as site OP63, to the north-west of the OP29 site. A Masterplan is required for OP63 Prime Four Extension, which comprises a further 13 hectares of employment land in period from 2017 to 2026.
- 3.6 The proposed land use mix is therefore contrary to both the adopted and emerging site allocations.

Local Development Plan Preparation Process (2012 – 2016)

- 3.7 Drum Kingswells Business Parks Limited (Drum) promoted 3 bids for inclusion in the forthcoming LDP through its statutory consultation process, including a bid to alter the existing zoning for the application site (formerly phase 4). Following assessment this proposal was identified as undesirable in the Council’s Main Issues Report (2013). Drum’s response was that the site was already zoned for employment uses and that retail allocation would help diversify the range of uses and ensure that Prime Four remains a successful and attractive business location, with all of the economic benefits that brings to Aberdeen. The suggested mix of uses included: business, retail, leisure, service and food and drink uses and in particular it could accommodate the new convenience retail identified as a requirement for west Aberdeen.

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- 3.8 The response highlighted the requirement for 5,500sqm convenience retailing to the west of the city (zone 29N) in the **Aberdeen City and Aberdeenshire Retail Capacity Study** (2013) (ACARS), with a quantum to be provided at Countesswells. Drum suggested that this would be more sustainable located at Prime Four, due to its proximity to the AWPR junction and that it was already an established location (Paragraphs 10.2 and 11.3). At no point was a case made for the scale of comparison retail floorspace now sought. (Clearly, local convenience retail should be convenient to access on foot – Prime Four is not a location ‘in’ a settlement, as Countesswells would be; similarly, there are more accessible locations in zone 29N than Prime Four.)
- 3.9 The site was carried through to the Proposed Plan (2015) and amended from an ‘employment’ designation to ‘Specialist Employment Areas’, reflecting the high quality of the business park.
- 3.10 In their response to the Proposed Plan consultation, Drum stated that they ‘fully support site OP63’s inclusion as a Specialist Employment site and extension to the existing allocation (identified as OP29). The letter recaps the success of the park, the mix of uses; and that the first three phases were now at capacity. It goes on to state that further land was ‘now required in order that occupier demand can continue to be met’, this was ‘in spite of recent reports regarding the impact of the fall in oil price’.
- 3.11 In Schedule 4 of the Reporter’s Report, the Council defended the allocation of OP63, a formerly ‘undesirable’ option in the MIR, saying that subsequently ‘several factors have come to light and been considered which have led to the designation of this site for development. The south west corner of site OP29 is constrained and undevelopable at present due to access issues. The Prime Four Business Park has been exceptionally successful, bringing a significant positive economic impact to Aberdeen over the last 3 years. The developable land has been built out and demand for plots is continuing’.
- 3.12 In his examination report, the Reporter concludes that Prime Four is ‘a high quality business park to the west of Kingswells’, which is ‘clearly a successful development in terms of its economic benefit to the city region and the attractive working environment it provides. The first three phases of the business park are complete, and a fourth phase remains to be developed within Site OP29. This area is carried forward from the adopted plan and is not subject to any representations before this examination’.
- 3.13 Indeed, the future development of Prime Four is subject of an approved Development Brief and several approved Masterplans. The Development Brief provides a strategic framework and sets landscape and design parameters for the overall development, to ensure continuity of design and that all phases remain focussed on the vision for the development. The Masterplans cover individual phases of development and provide more detail on the design of each particular phase which now conflicts with what is proposed for this site
- 3.14 The Reporter understood that ‘the particular reasons for the release of Site OP63 relate to the exceptional demand for employment land in this area, and access constraints on part of the existing site’, but noted that ‘despite issuing a further information request (partially) regarding the supposed access constraints on the final phase of the existing site, (he remained) unclear as to the nature of these constraints. Plans included within the draft development framework for the OP63 site show access arrangements within the established OP29 allocation that appear workable without requiring additional land in OP63’.

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- 3.15 The Reporter assumed that the allocation of OP63 'is intended to provide a short term alternative to the development of the final phase of Site OP29', despite not being 'fully satisfied that a convincing and coherent case has been made either that OP29 suffers from serious access constraints or that the release of OP63 is required to compensate for an inability to develop the remainder of OP29'.
- 3.16 Whilst the Reporter could identify no strategic need for the allocation of OP63, given the fact that the AWPR would alter the landscape in that part of the greenbelt, its location as an extension to the existing business park and 'the economic success and quality of the existing Prime Four Business Park, (he considered) it likely that development would deliver a significant economic benefit. Scottish Planning Policy (required him) to give due weight to the economic benefit of development, and for this reason, on balance, (he concluded) that the allocation should be maintained'. Thus OP63 was allocated on the basis that this would allow the continuous development of the existing business park for 'Specialist Employment' purposes, as a prelude to the development of OP29 for the same use.
- 3.17 The site has therefore been assessed through the relatively recent review of the LDP with the potential for retail facilities put forward and discounted through this process. It remains allocated for employment uses and should be brought forward in line with the adopted policy, Development Brief and approved Masterplans.
- 3.18 Given this planning context, the only means by which the proposals can be assessed is against the retail policies within the prevailing planning policy context as an out of centre site. We consider these matters in detail in the following section.

4. Retail Matters

Introduction

- 4.1 The emerging Aberdeen Local Development Plan (LDP) 2016 is now at an advanced stage having been through formal examination by the Scottish Government. The modified LDP is being presented to Full Council on 14 December where approval to adopt is expected. The Scottish Ministers will be notified thereafter, commencing the statutory 28 day period (during which time the Council cannot adopt the Plan and the Scottish Ministers may make a response).
- 4.2 As such, the 2016 LDP is a strong material consideration for development management purposes alongside the existing adopted 2012 LDP.

The Prime Four Business Park Proposals

- 4.3 The Supporting case set out in the LSH Retail Capacity Study clarifies that the proposals comprise *“development of up to 26,013 sq.m (gross) of class 1 retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand. In addition, the proposals would be complemented by a 3,716 sq.m (gross) foodstore and ancillary food and drink premises”*. (Paragraph 2.1)
- 4.4 This clearly constitutes a significant quantum of non-local Class 1 retail floorspace to introduce to an out-of-centre location in sequential terms, which is wholly outwith the established retail hierarchy.

City Centre Masterplan

- 4.5 The City Centre Masterplan was commissioned in light of the recognised need to address the challenges facing Aberdeen City Centre and improve its quality for all, allowing it to better compete with other City Centres in Scotland and become a global City Centre in line with its economic context. The process included extensive public and stakeholder engagement, with more than 4000 people living and working in Aberdeen involved, concluding with a multi-million pound regeneration plan for Aberdeen City Centre.
- 4.6 Proposed LDP Policy NC1 explicitly states that city centre development must contribute towards delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan. Appendix 4 clarifies that *“New Masterplans and/or Development Frameworks for the following developments will be adopted as Supplementary Guidance ... [inter alia including] City Centre Masterplan and Delivery Programme”*. Appendix 5 includes the Masterplan within the full suite of Supplementary Guidance documentation, further confirming it to be a material consideration for development management purposes.
- 4.7 The Masterplan sets eight objectives to provide a framework for delivering it's vision, which include:
- Growing the City Centre Employment Base – the Masterplan cites that the service sector, with particular emphasis on retail *“will play a fundamental role in Aberdeen’s future success”* and sees *“increasing the breadth and depth of this offer alongside a step-change in quality”* as *“critical to delivering the vision”*. (Page 19)

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- A Metropolitan Outlook – in recognising that proposals for the city centre have a wider metropolitan context, the City Centre must meet the needs of the wider population (i.e. not just local), including business interests of the City, Shire and beyond, by developing appropriate business, entertainment and transport infrastructure and programmes.
- 4.8 Within Section 8, the Masterplan recognises the investor and retailer focus on 'quality' and top performing UK retail centres. The current retail offer is described as *"bland in both range of shops and shopping environments"*, with acknowledgment that there is *"un-met retail capacity and scope to expand the Bon Accord and Union Square shopping centres, the opportunity to create diversity and distinctiveness in Aberdeen's retail offer lies in those areas that connect these anchors"*. (Page 40)
- 4.9 The Masterplan promotes a range of projects linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the City Centre core. It identifies that there is the opportunity to create a higher quality retail circuit via increased provision, enhanced experience, diversity of retail, complementary uses (e.g. food & drink) and improved public realm. (Page 40)
- 4.10 The City Centre Masterplan Executive Summary document identifies that the 49 projects identified have the potential to accommodate 66,960 sq.m retail and leisure floorspace (including upgrade of existing accommodation). (Page 39)
- 4.11 Clearly, the proposal for c. 30,000 sq.m of major retail floorspace at Prime Four will have a major adverse effect undermining the entire foundation of the Masterplan. It is highly illuminating that the LSH Retail Capacity Study makes no attempt to address the issue and show how the City Centre Masterplan delivery would not be compromised. Its inability to do so can only lead to the conclusion that there can be no logical outcome other than compromise of the City Centre Masterplan delivery.

Planning Policy Assessment

- 4.12 The key adopted 2012 LDP policies for assessment of the Prime Four proposals are largely mirrored by the corresponding emerging 2016 LDP policies. In commenting on the key criteria of each:

Adopted LDP Policy RT1 Sequential Approach and Retail Impact / Emerging Policy NC4 Sequential Approach and Impact

- 4.13 The Policy begins by directing that all development appropriate to town centres should be located in accordance with the identified hierarchy and sequential approach (as set out in the Policy and associated detailed in the Hierarchy of Centres Supplementary Guidance).
- Comment: The Prime Four proposals fall completely outwith the identified hierarchy of centres defined within adopted and emerging planning policy.
- 4.14 Policies RT1 / NC4 specify the Council's clear position on the sequential approach, stating that *"Proposals serving a catchment area that is city-wide or larger shall be located in the city centre"*, and preferably in the City Centre Business Zone (adopted policy) or City Centre Retail Core (emerging policy).

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- Comment: the proposals are significant in scale with a corresponding city-wide reach. They are in locational terms wholly divorced from the City Centre, whilst also detracting from aspirations to maintain its current offer and expand in line with the LDP and City Centre Masterplan. The proposals are contrary to this policy provision.

4.15 Both adopted and emerging policy is clear that in all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity. Those proposals over 2,500 sq.m not in accordance with the LDP should be supported by a Retail Impact Assessment (RIA).

- Comment: The Retail Capacity Study prepared in support of the Prime Four application concludes that the *“overall impacts of the proposed development on the city centre will be benign”*. This is contested (see commentary on Policy RT2 / NC5 Criterion 2 below).

Adopted LDP Policy RT2 Out of Centre Proposals / Emerging Policy NC5 Out of Centre Proposals

4.16 Adopted and emerging policy is explicit in stating that proposals for town centre uses – such as that proposed at Prime Four – should be refused where they do not satisfy all the policy criteria requirements relating to the sequential approach to site selection; retail impact; quantitative and qualitative deficiencies; accessibility; and, travel patterns/air quality. In considering each in turn:

(1) No other suitable site in a location that is acceptable in terms of policy RT1 [or emerging Policy NC4] is available or is likely to become available in a reasonable time

4.17 The sequential approach to site selection is well established at all levels of the planning policy hierarchy. In line with the provisions of Scottish Planning Policy (SPP), both adopted and emerging local planning policy direct development in accordance with the defined retail hierarchy, requiring sequentially preferable alternative sites to be discounted as unavailable or unsuitable.

4.18 In this respect, the applicant proposes almost 30,000 sq.m of Class 1 retail floorspace at an ‘out of centre’ site located well outwith the urban area of Aberdeen and on the very periphery of the Council area. As established, the (wholly unjustified) scale of that proposed; the corresponding city-wide reach; and, the location means the proposed development site is itself not acceptable in terms of LDP Policy RT1 / Policy NC4 given the clear conflict with the adopted and emerging strategy contained therein.

4.19 The sequential assessment undertaken on behalf of the applicant asserts that in order to deliver a development which meets the specific identified retailer requirements a site of 10.05 ha is required, and attempts to justify this narrow and inflexible approach via select passages from the Supreme Court’s Judgement in Tesco Stores Ltd v Dundee City Council (2012). The sentence quoted has to be read in context. That broad proposition was qualified in paragraphs 28 and 29 of his judgement. Paragraph 28 refers to the sequential approach set out in NPPG 8, referring to the need for “flexibility and realism” and that developers and retailers as part of such an approach: *“are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate, adjusting or subdividing large proposals in order that their scale may fit better with existing development in the town centre.”* Paragraph 29 of the judgement explains that, following the foregoing in paragraph 28 *“it would be an oversimplification to say that the characteristics of the proposed development, such as its scale, are*

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necessarily definitive for the purposes of the sequential test.” Moreover, there is of course a substantial body of supplementary case law on the sequential approach, presenting a number of further nuances depending on the corresponding proposal / development context.

4.20 In addition, the current SPP, which was published 2 years after the Dundee decision, acknowledges that *“Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach”*. (Paragraph 69) It goes on to clarify that out-of-centre locations should only be considered for uses which generate significant footfall where *“the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location”*. In this regard, it is our contention that the scale is excessive and could easily be reduced to accommodate fewer retailers – this is quite distinct from forcing individual retailers to operate in formats which they do not wish to operate.

4.21 The sequential assessment considered eight sites:

- Site 1: Land at Denburn / Woolmanhill;
- Site 2: Land at Schoolhill, Robert Gordon College and University;
- Site 3: Land at George Street / Crooked Lane, Aberdeen;
- Site 4: 73-149 Union Street, Aberdeen;
- Site 5: Aberdeen Market, Union Street, Aberdeen;
- Site 6: Land at Virginia Street / Regent Quay, Aberdeen;
- Site 7: Union Square Surface Level Car Park, Aberdeen; and,
- Site 8: Union Square South, Palmerston Road, Aberdeen.

4.22 It is submitted that the narrow sequential assessment carried out by LSH does not consider all the sequentially preferable LDP Opportunity Sites in sufficient detail, nor, all sites / locations within or on the edge of the hierarchy of centres in Aberdeen which can accommodate the retail floorspace proposed at Prime Four. There has been a lack of flexibility shown in the failure to consider the scope of disaggregating the proposals. Clearly, when a scheme of this scale is predominantly a speculative, comparison goods proposal, there is great scope to sub-divide the proposal (see for example, the Reporter’s conclusions at the Atholl House Appeal, East Kilbride [Ref: PPA-380-2031] and the cases R v Cambridge City Council, 2000 WL 1274079, Scottish Widows plc v Cherwell DC [2013] EWHC 398 and Truro City Council v Cornwall City Council [2013] EWHC 2525).

4.23 In addition to the sites listed above, one example is proposed opportunity site OP75 Denmore Road, which is not included in the applicant’s sequential assessment. In line with the policy designation, a good level of (bulky) retail floorspace can be provided at the 4.56ha site in line with the retail hierarchy. While the sequential assessment claims that a site of 10.05ha is required, this is based on the unjustified quantum of retail floorspace proposed and takes no account of potential mezzanine floorspace. Reducing the proposal in scale and utilising maximum site efficiencies would go a long way in making the Denmore Road site suitable for development. This coupled with just some of the city centre opportunities would more than account for the identified retail capacity within Aberdeen.

4.24 With regard to Site 7 Union Square, the LSH commentary accepts that *“there is no question that the Union Square site has the ability to accommodate additional retail floorspace.”*

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4.25 It is however considered incorrect to claim that the proposals are “*fundamentally different in their form and nature to what is being proposed at Union Square and our client’s proposals are incapable of being altered or reduced to fit onto the existing car park at Union Square, even if one allowed for some degree of flexibility. To accommodate the proposed retail floorspace at Union Square it would be necessary to develop our client’s proposals over multiple levels something which would not meet with retailer requirements.*” The applicant’s argument concludes by stating that the extensive development proposals have been “*tailored to address a specific requirement from retailers, many of whom already have a presence in Aberdeen City Centre. These retailers do not require additional city centre representation and instead wish to invest in other parts of the city region. This is important as the proposals will not prejudice the delivery of sites identifies for retailing in the city centre*”. (Paragraph 9.5)

4.26 In response to these assertions, it is clear that:

- the quantum of floorspace *could* be accommodated at Union Square alone
- it is not credible to assert that the floorspace proposed is ‘fundamentally different’ to that being proposed at the likes of Union Square (or Bon Accord or otherwise) – unrestricted comparison/convenience goods retail floorspace is proposed and would be permitted without being limited to individual retailers. Large, modern floorplates are capable of being provided at locations such as Union Square alongside all other expected retailer requirements (i.e. that proposed does not relate to bulky goods retailing, and the associated requirements for e.g. high shelving)
- there is a lack of evidence to demonstrate that the demand from retailers within the City Centre is significant, especially when this is presented as justification for an out of centre proposal of this scale. Moreover, those occupiers who have been identified to be in agreement to open units at Prime Four already have representation across the retail hierarchy in Aberdeen and a new significant floorplate at Prime Four may well result in a consolidation of their existing operations (via a reduction in locations and/or scale).

4.27 In discussing these points in greater detail:

(1) **The quantum of floorspace proposed could be accommodated at Union Square alone**, as is demonstrated by the current planning application which includes for floorspace of c. 38,500 sq.m (gross)

(2) While much is made of the Prime Four proposals having been shaped by “*retailer requirements, many of whom already have a presence in Aberdeen City Centre*”, only Boots and Next have been claimed as tenants, with recent press reports that the applicant is in active discussions with retailers new to Aberdeen (<https://www.pressandjournal.co.uk/fp/news/aberdeen/1046717/designs-for-100million-retail-park-on-outskirts-of-aberdeen-revealed/>). **This brings the out of centre proposals at Prime Four into direct competition with the active City Centre proposals and wider LDP / City Centre Masterplan provisions**, with Prime Four seeking to divert retailers from the new floorspace being delivered in the City Centre. None of these are bulky goods retailers with any such associated retailing requirements.

(3) Indeed, at section 2.2 of the LSH report, it states that the development of up to 26,013 sq.m (gross) of Class 1 retail floorspace “*would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand*”. Clearly, this type of retailing can be accommodated in a range of unit sizes (as is provided for at Union Square and elsewhere within the City Centre).

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(4) Even if the Prime Four scheme consisted primarily of retailers who already have representation in the City Centre / wider hierarchy (i.e. who were seeking additional representation) (which is not the case), the applicant or for that matter, the retailers themselves, will be unable to provide any guarantee of their continued city centre or retail hierarchy presence beyond their current leases. Clearly, retail is a dynamic sector and there are ongoing changes in the way people are shopping. Even a reduced presence of key retailers in the City Centre i.e. whereby they opt for smaller stores in the City Centre and substantially larger (cheaper) floorplates in out of centre location(s), such as Prime Four, would result in the dominance of the City Centre being challenged. This scenario is unacceptable in terms of the sequential approach and there have been notable decisions where the Scottish Government has upheld the appropriate retail hierarchy (for example, Fort Kinnaid in Edinburgh Ref: PPA-230-2113).

(5) The retail element of the proposals is for unrestricted Class 1 floorspace and can only be assessed as such. As set out within Circular 4/1998: The Use of Conditions in Planning Permissions, conditions restricting occupancy to a particular occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission (paragraph 91). A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of permission for the erection of a permanent building (paragraph 92).

Moreover, as concluded by the Scottish Government at the Debenhams appeal in Edinburgh (Ref: PPA-230-2113):

“54. If a permission were subject to a condition requiring Debenhams to be the occupier, a proposed change in occupier after initial occupation by Debenhams might nevertheless be difficult to resist. For example, it might be argued that, without a change in occupier, the building would be left empty, contrary to the principle of making efficient use of existing capacities of buildings (Scottish Planning Policy, paragraph 29).

55. I find that government policy in circular 4/1998 and the possible difficulty in seeking to enforce an occupancy condition cast great doubt on the appropriateness of imposing an occupancy condition on any permission for the proposed development. The most that might be done is imposition of a first occupancy condition, but I find it hard to view such a condition as being much more than a token gesture. I therefore conclude that any permission should not be subject to an occupancy condition.”

In supplementing the above, the High Court decision in Mansfield states at paragraph 35 that “*“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility ... and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.*” (Aldergate Properties and Mansfield District Council, High Court of Justice, Case No CO/6256/2015)

(6) Comments on the availability of the car park site at Union Square are not positive grounds supporting the Prime Four proposals; the Union Square site is of course available for development in that they are already the subject of alternative, competing proposals by our client. Floorspace will be developed and made available in a reasonable timeframe. These proposals however will be compromised by the approval of

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substantial levels of retail floorspace at Prime Four, leading to a dilution of the retail offering in the City Centre and undermining the City Centre Masterplan.

- 4.28 Given the foregoing i.e. that planning permission will be granted for Class 1 retail units, not for individual retailers, and the fact that Union Square and other City Centre sites can accommodate the retailers mentioned or courted, it is untrue to assert that the proposals are *“fundamentally different in their form and nature to what is being proposed at Union Square”*. **As such, there is clear conflict with the delivery of sites identified – and being actively progressed – for retailing within the City Centre.**
- 4.29 Paragraph 7.27 of the LSH report also concludes that *“what separates Prime Four from other opportunities is the issue of effectiveness and deliverability.”* Again, this is contested. The development proposals at Union Square – as currently being assessed by Aberdeen City Council – are wholly effective and deliverable. Similarly, proposals are being advanced by Bon Accord at George Street / Crooked Lane, and are expected to be approved and built out in a reasonable timeframe (delivering 10,000 sq.m of new floorspace across a range of uses). Marischal Square is also on site in the process of delivering 2,193 sq.m of class 1 retail floorspace by June 2017.
- 4.30 In combination with Union Square and Bon Accord, there is considered to be a good supply of quality new retail floorspace in Aberdeen City Centre, which will combine to significantly improve the quantitative and qualitative retail offer. Moreover, sites like Aberdeen Market are now considered to be more developable following the freeing up of the anchor store floorspace (formerly BHS). Granting further floorspace in an unsustainable location will not only undermine the progress of these three sites, but also undermine the delivery of the LDP and wider City Centre Masterplan provisions.

(2) There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.

- 4.31 Vitality and viability is affected in both quantitative and qualitative terms.
- 4.32 The LSH assessment concludes that the *“overall impacts of the proposed development on the city centre will be benign”*.
- 4.33 The retail impact calculation predicts comparison goods impacts within the City Centre of 9% (Bon Accord), 18% (St Nicholas) and 11% (Union Square). The corresponding predicted total diversion of trade (£48m, from a total predicted turnover of £110.29m) and effects are not considered to be ‘benign’, and will be of greater impact. Indeed, if the proposed floorspace is calculated to trade at £6,000 per sq.m, this generates a total turnover of some £124.86m. In addition, the quantitative assessment makes substantial assumptions with regard to clawback of leaked expenditure which is highly questionable when key anchors are identified to be retailers already with comprehensive representation in the City. This again would simply lead to greater impacts.
- 4.34 Moreover, the convenience turnover figure appears to be subject to error, whereby the net floorspace is shown to be only 40%. For a supermarket of this scale, the net figure is likely to be 55%-65% or even higher, depending on the operator. Accordingly, and in also utilising a more robust sales density, this could mean the new supermarket could have a turnover of closer to £27.78m, as opposed to the £14.86m shown in the LSH assessment. Clearly, this would produce different (greater) retail impacts.

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- 4.35 Indeed, clearly, the retail impact estimations made show just one possible scenario – no sensitivity analysis has been provided testing alternative scenarios where higher sales densities are achieved by the proposed floorspace with improved gross to net efficiencies or, where there is an increased level of trade diversion from existing stores/centres within the catchment (i.e. less clawback). As such, the submitted quantitative assessment is considered to be fundamentally flawed and insufficient for a proposal of this magnitude.
- 4.36 Regardless of the retail impact figures, the fact that the new development would (a) rely on existing town centre retailers opening new stores (with no guarantee that their City and District Centre stores would continue (or, continue with the same scale of store, and an inevitable loss of trade from the City Centre) and (b) compete with the City Centre (as exists and is proposed) for new retailers looking to open their first stores in Aberdeen, means that there will be an adverse effect on the vitality (and to some degree, viability) of the City Centre. Moreover, spin off trade normally spent in the City Centre will then also be diverted away and lost.
- 4.37 The quantum of development proposed will compromise the planned investment in and improvement of the City Centre and, by extension, delivery of the City Centre Masterplan. There are active City Centre proposals which are already the subject of formal planning applications (i.e. at the two main shopping centres in Aberdeen), whilst new retail floorspace is being delivered at Marischal Square. Beyond this immediate pipeline, there are other available sites (as set out above) which should not be held back from being taken forward by inappropriate out of centre development.
- 4.38 Moreover, as stated, there is no way to control that the proposed occupiers for Prime Four would each retain their town centre stores (or other stores within the retail hierarchy), in the current format and extent. Development of this scale would simply draw footfall away from the City Centre and undermine attempts to attract new retailers to the City, which would ordinarily lead to an improvement in the quality of the retail offer (and not simply aiming to replicate it and diffuse the retail spend and City Centre vitality).
- 4.39 In conclusion, there would be clear impact on the LDP and City Centre Masterplan delivery, competing for retailers and trade, thereby undermining vitality and viability. Quantitative retail impacts are also likely to be substantially higher than suggested.

(3) There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed

- 4.40 The Aberdeen City and Aberdeenshire Retail Study (ACARS) establishes a quantitative and qualitative retail deficiency in Aberdeen. Notwithstanding, this deficiency is accounted for in quantitative terms by the provisions of the recently approved City Centre Masterplan, which the Union Square proposals are fully in accordance with and an immediate result of. In qualitative terms, the operators signed up so far to the scheme are not considered to meet this qualitative deficiency, given that both have stores already in the City Centre or existing retail parks within the established (protected) retail hierarchy. It is unclear as to how a fourth Next or Boots store – the two tenants announced thusfar – would materially improve the shopping provision within Aberdeen, especially to such an extent as to justify a new out of centre retail location, with the risks that this poses and implications that this has across a number of planning considerations.
- 4.41 Moreover, in working towards the SDP aim of maintaining Aberdeen as a top 20 retail destination, clearly, new high quality retailers are best accommodated within the City Centre, the only place where an

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appropriate critical mass of quality can be achieved to maintain (and improve on) this status. Disparate shopping facilities at extremely peripheral – and currently non-existent – locations such as Prime Four will not best achieve this aim.

(4) The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

4.42 Transportation issues are dealt with at Section 6 and Appendix 1 of this objection. Despite the attempts to argue to the contrary, there can be no question that the site is a poor relation in accessibility terms to those which exist within the City Centre, including Union Square. The site is not readily accessible to the majority of the catchment and is reliant upon the private motor car.

(5) The proposed development would have no significantly adverse effect on travel patterns and air pollution

4.43 Transportation issues are fully dealt with at Section 6 and Appendix 1 of this objection. Clearly, the floorspace as proposed will result in significantly changed traffic flows, and will be much less accessible than the City Centre for most shoppers.

Proposed LDP Policy NC1 City Centre Development – Regional Centre

4.44 The policy states that “*the city centre is the preferred location for retail, commercial, leisure and other significant footfall generating development serving a city-wide or regional market*” in delivering the City Centre Masterplan vision. Moreover, supporting paragraph 3.22 specifically states new development should be directed to City Centre Retail Core.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC1 at the site location, and will directly undermine both active proposals and immediate opportunities for new retail development in the City Centre.

Proposed LDP Policy NC2 ‘City Centre Retail Core and Union Street’

4.45 This policy reinforces the Council’s position that the City Centre Retail Core is the preferred location for major retail developments, and where such sites are not available, within the wider City Centre.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC2 at the site location, and will directly undermine both active proposals and immediate and future opportunities for new retail development in the City Centre.

5. Socio-economics

Introduction

5.1 The socio-economic case for retail development at Prime 4 Business Park has been prepared by Rettie & Co.

5.2 In commenting on the key conclusions reached:

Prime Four Business Park Context

5.3 While it is acknowledged that Prime Four is a top ranking business park, it is not accepted that retail uses of the scale proposed are required to enable it to continue to grow and reach its full potential. The cherry picking of business parks throughout the UK is not considered to provide sufficient justification for this approach – clearly, each have their own set of economic, political and spatial drivers which have resulted in local decisions being taken to allow retail as part of the development mix.

5.4 Any new centres should be properly planned and come forward through the LDP process, and it is likely that any eventual, new (and modest) levels of comparison retail in the area will form part of the eventual Countesswells development. The Prime Four proposals constitute speculative development proposals which conflict with the existing strategy, and should not be supported at this time.

Aberdeen Retail Offer

5.5 It is fully accepted that the retail offer in Aberdeen could be improved. Notwithstanding, the City Centre must lead the way in delivering significant improvements. This is already being addressed by the redevelopment proposals at Union Square, Bon Accord and Marsichal Square, with an extensive complimentary strategy set out within the newly prepared City Centre Masterplan. This emerging floorspace is not accounted for within the pipeline data quoted in the supporting case.

5.6 Aberdeen is in this regard well placed to achieve the balance of retail which is clearly led by the City Centre and less focused on out of town retail parks than is the case in other cities within Scotland and the wider UK, all in line with the planning principles of supporting a defined hierarchy of centres and securing high levels of vitality and viability.

Retail Tenants

5.7 It is not disputed that some large retailers such as Next – at the current time – operate within a city centre and retail park concurrently. Indeed, this is already the case in Aberdeen, with Next having representation at both Bon Accord and Union Square within the City Centre and at Berryden Retail Park.

5.8 Clearly though, retailing is a dynamic sector and should Next open at Prime Four, there could be no guarantees that they would not consolidate their existing presence within the retail hierarchy. Regardless though, as set out in detail in the previous section, planning permission would not be made personal to an individual retailer.

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Population Growth

- 5.9 The projected population growth quoted is substantial and additional facilities will be required, but only in the medium to longer term, which should be properly planned for and not the subject of speculative development proposals. There was no corresponding case made to the emerging LDP process to support retail uses at this location.
- 5.10 Moreover, convenience retailing will be a significant part of any new local requirement. Population growth to the west does not justify local comparison goods facilities of the scale proposed in conflict with the existing LDP and City Centre Masterplan strategy.
- 5.11 While the points regarding increased population catchments due to the AWPR are noted, it is important to recognise that the large scale comparison retailing being assessed would in any case benefit from an extensive North East catchment.
- 5.12 Moreover, the statistics are considered to only emphasise the car based nature of the proposal.

Retail Impact

- 5.13 Retail impact assessment for out-of-centre proposals of this scale should incorporate sufficient sensitivity testing. This is discussed in greater detail within Section 5.

Job Creation

- 5.14 Clearly, retail development generates new direct and indirect jobs at different levels, both during construction and in operation.
- 5.15 While such estimations are by their nature broad, the submitted socio-economic case however appears to over-estimate the job creation associated with the proposals.
- 5.16 A range of jobs will be generated through the construction phase of the proposed development, which would include a number of stages including site preparation, building construction, roads and access work and engineering works. The level of temporary construction employment generated can be estimated by dividing the capital cost estimate for the project (£65m) by the gross average output per construction industry employee per annum (£37,727). The forecast number of temporary construction jobs supported nationally by the project would be 1,723 job years. This can be converted to a permanent full time equivalent (FTE) job figure using the standard ratio of ten construction job years to one FTE job. The gross generation of 1,723 job years thus translates to 172 FTE jobs over the construction period. This equates to 1,084 jobs (non FTE) when utilising a conversion rate of 6.3 (see Hammerson et al, Demonstrating the True Value of Shopping Centres, 2013, p.5).

Direct Construction Employment Generation	Capital Costs	Job Years	Full Time Equivalent
	£65m (estimate)	1,723	172 FTE (Savills estimation)
			400 FTE (Applicant estimation)

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- 5.17 In addition there will however be wider economic impacts, known as the 'multiplier effect'. Indirect impact / employment will be created amongst suppliers as a result of purchases from the new activity generated by the project (supply chain impacts of construction and their knock on effects, i.e. increase in output and income up and down the supply chain). **Induced impacts** occur as construction workers and suppliers' employees spending on local goods and services, thereby bringing further benefits in terms of new jobs/skills, and increases in household income, leading to an increase in spending and demand / output in the economy).
- 5.18 Research commissioned by the UK Contractors Group in 2012 showed that the construction industry is a key contributor to the economy. Every £1 spent on construction output is estimated to generate £2.84 in total economic activity (i.e. GDP increase) as a result of direct impacts, indirect impacts and induced impacts. (Calculated using Input – Output data from the ONS, *Construction in the UK Economy*, May 2012)
- 5.19 Lastly, the following provides an estimation of the level of operational employment arising from the proposals, calculated in accordance with the Employment Densities Guide (3rd Edition) (2015):

Direct Operational Employment Generation from Proposals	Retail Floorspace	Area (sq.m) per FTE (estimation)	Full Time Equivalent
	29,729 sq.m	20 (if solely high street retailers)	1,486 FTE (Savills estimation 1)
	29,729 sq.m	55 (estimation, if equal mix of high street and non high street retailers)	540 FTE (Savills estimation 2)
	29,729 sq.m	90 (if retail warehouse)	330 FTE (Savills estimation 3)
c. 1,500 FTE (Applicant estimation)			

- 5.20 The above calculations therefore strongly suggest that the proposals are anticipated by the applicant to be of a fully high street nature (i.e. non-bulky, and competing with the City Centre).

Conclusion

- 5.21 In summary, the socio-economic case for the proposals is considered to overestimate the employment generated in construction while confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the planning, economic, spatial and political contexts within such locations.

6. Transport

Introduction

- 6.1 The applicants have submitted a Transport Assessment (TA) prepared by Fairhurst. In order to properly review this, we instructed Dougall Baillie Associates, Highways Engineers of long standing and experience to review the TA.
- 6.2 Their key concern is that the submitted TA appears to significantly under estimate the likely traffic generation from the proposals and in turn misrepresents likely impacts on the road network. Their general comment is that the two week period from the issuing of the Scoping Proposal for the TA (5th October 2016) to the receipt of comments from Transport Scotland (14th October) to the submission of the TA to Aberdeen City Council (19th October) is an extraordinarily short period of time for all parties to properly consider matters and for the applicants to finalise a TA suitable for a development of this scale.

Development Details

- 6.3 In para. 3.1.4, the TA notes that ' the proposed Aberdeen Local Development Plan (2015) recognises the success of the existing Prime Four Business Park and has proposed a further 13 hectares of employment land identified as 'OP63 – Prime Four Extension'. Further research indicates that part of the case made for the extension was due to the success to the existing employment site and the difficulty in accessing the part of the site now proposed for the retail development.
- 6.4 Under Parking the TA notes that '*Parking provision within the site would be in accordance with ACC parking standards. This could include a reduction in car parking to allow for linked trip aspects which are common within retail parks. Detailed car parking proposals would be discussed in connection with future detailed planning applications.*' The TA does not include any assessment of parking provision in line with ACC standards or include any indication of the proposed reduction in parking.

Existing Transport Conditions

- 6.5 The TA makes the link between residential, employment and retail development and the potential to minimise vehicle trips if these uses are in close proximity to each other.
- 6.6 We would question the walking catchment identified in the TA which suggests that the retail development would have a walking threshold of 2,400m. The TA suggests that this catchment is supported by the TAG however, it clearly contradicts PAN 75 which notes that local amenities should be within 1600m. TAG does suggest that walking journey times of up to 20-30 mins are appropriate however, it also notes that '*The choice of time-band may vary in response to the use and scale of the development. People may be prepared to travel further for some activities, for example, to a sports stadium than to a shop.*'
- 6.7 Our view is that people are less likely to walk to a retail development when they will be required to carry home any purchases. In our view the 1600m remains the most appropriate distance to apply to retail development. The TA identifies that only a very small area of Kingswells lies within this distance.

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- 6.8 We would note that while the TA makes the case for the 2400m walk-in catchment, the trip generation does not reflect this to any particular extent.
- 6.9 The assessment of public transport identifies the relative proximity of existing bus stops at between 750m and 1000m. This exceeds the generally accepted limit of 400m.

Trip Generation and Distribution

- 6.10 The trip generation characteristics of the development site were issued to TS and ACC as part of the Scoping Proposals document. The TS response of 14th October accepts the proposed trip generation characteristics however, our view is that the assessment underestimates the vehicle trip generation of the food retail element.
- 6.11 The TA indicates vehicle trip generation equivalent to those indicated in Table 5.1. These rates are based on data from the industry standard TRICS database but are based on multi-modal survey of sites sized between 1,825m² and 11,101m².
- 6.12 It is the case that retail visitor trip rates tend to decrease with increasing GFA, the inclusion of a site of 11,101m² will influence the resulting trip rates. For comparison purposes, we have undertaken an assessment of potential vehicle trips rates based on sites between 1000m² – 6000m² and 1000m² – 8000m². The results of this assessment are also included in Table 6.1, below.

	Weekday AM		Weekday PM		Saturday	
	Trip Rates		Trip Rates		Trip Rates	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	1.911	1.507	4.117	4.279	4.575	4.575
1000m2-6000m2	3.746	2.751	9.989	10.116	7.063	7.343
1000m2-8000m2	3.143	2.495	6.565	6.721	4.771	4.759
	Trips		Trips		Trips	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	71	56	153	159	170	170
1000m2-6000m2	139	102	371	376	262	272
1000m2-8000m2	117	93	244	250	177	177

Table 6.1 – Vehicle Trip Generation Comparison

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- 6.13 As indicated the vehicle trip rates for the smaller range option are significantly higher and during the weekday evening peak would result in approximately 200% of the trip generation used in the TA. The larger range option is also significantly higher than those used in the TA resulting in approximately 160% of the trips used in the TA.
- 6.14 We are of the view that the development vehicle trip generation and therefore road network impact are significantly underestimated. Whilst the trip generation figures have been accepted by Transport Scotland, given the length of time taken to review the scope of the TA the Council should ask Transport Scotland to re-confirm this position.
- 6.15 With regard to the distribution of trips TS have commented that they consider a higher proportion of trips should travel to and from the site via the AWPR (south) this, in turn, increases the impact of the development on this new junction. This TS comment is not addressed in the TA.
- 6.16 It is noted that the TA discounts new trip generation by 20% to account for linked trips. It is our experience that there is little justification for discounting trips between food stores and non-food stores. TS reflects this view but accept a 10% discount on the basis that research indicates that 11% of car shoppers bought durable goods as part of their main food shopping trips. Our view is that the durable goods are bought in large supermarkets where they form part of the retail offer

Traffic Modelling and Capacity Testing

Base Traffic Flows

- 6.17 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model
- 6.18 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model.

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Committed Development Traffic

- 6.19 The flows used in the TA include traffic generated by the Countesswells and Prime Four development sites. In responding to the Scoping Proposals, TS suggest that an assessment of the traffic generation of both Aberdeenshire and Aberdeen LDP's be included in the TA along with the traffic generation of the Aberdeen FC proposals. TS note that the interaction of the AFC proposals and the proposed retail site be considered particularly during the Saturday afternoon peak. This has not been addressed in the TA.
- 6.20 The omission of a cumulative assessment, together with an inconsistent use of base traffic data would resulted in an assessment that does not address the impact of the proposed development in a robust way.

Junction Capacity Analysis

- 6.21 The TA includes only summary tables of the analysis results however, based on our observations of development trip generation together with TS's comments on base traffic flows and committed development we would comment as follows:

Proposed A944 / AWPR Kingswells South Roundabout Junction

- 6.22 The analysis summary indicates impacts on each of the main junction approaches with a maximum Ratio of Flow to Capacity (RFC) of 118% predicted to occur during the morning peak on the AWPR Nbd Off Slip. This is predicted to result in an increase in queue of 15 vehicles (approx 90m) compared to the base reference case. The maximum RFC predicted during the evening peak is 115% with a queue of 157 vehicles, an increase of 63 vehicles compared to the base reference case.
- 6.23 The TA proposes capacity improvements to the junction layout which would see three lane entries introduced on all main approaches. These are currently indicated as two lane entries. This is proposed without any widening of the circulatory carriageway or indication as to how the circulatory carriageway would be marked to accommodate the additional lanes.
- 6.24 Entry path radius is noted in the Design Manual for Roads and Bridges (DMRB) as '*the most important determinant of safety at roundabouts*'. We have carried out an assessment of entry path radii resulting from the capacity improvements proposed in the TA. With regard to the improvements to the A944 approaches and the AWPR Sbd Off Slip, we do not anticipate that the proposals would significantly affect the entry path radii. Our assessment indicates that there would be a significant impact on the AWPR Nbd Off Slip. Our view is that the proposed improvement increases the entry path radius to such a degree that it exceeds the parameters set down in the DMRB. We would anticipate that this would not be acceptable to TS.
- 6.25 As noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used. On the basis of this we do not consider the analysis to reflect a robust assessment of the operation of this junction.

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



A944 / Prime Four Access Junction and Kingswells Roundabout

- 6.26 The analysis summary of this linked signal network indicates a maximum Degree of Saturation (DoS) of 92.1% on the A944 Ebnd approach. The TA notes that this junction currently operates on a MOVA control which the LINSIG analysis cannot reflect. This is correct however as noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used and identified a requirement for a cumulative assessment including Aberdeen FC proposals and LDP traffic. Based on this we do not consider the analysis to reflect a robust assessment of the operation of these two junctions.

A944 / New Countesswells Access 'Jessiefield' Signal Junction

- 6.27 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 84.1% on the Lang Stracht Westbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used and omission of a cumulative assessment has in our view resulted in an underestimation of demand on the road network and an assessment that would not reflect a robust assessment of the operation of this junction.

Proposed A944 / Prime Four Phase 5 Signal 'All Movements' Junction

- 6.28 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 81.9% on the A944 Eastbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used would not reflect a robust assessment of the operation of this junction.
- 6.29 As part of a wider timetable recast, Transport Scotland are currently working to dual the line between Aberdeen and Inverurie, to provide a new half-hourly service (15/ 20 min peak), with a new station at Kintore, by March 2019. This will combine with the new hourly Aberdeen – Montrose service (Aberdeen Crossrail).
- 6.30 Prime Four relies solely on the road network for access, with high car ownership in the North East; 85% of households in Aberdeenshire have access to a car; and Aberdeen City has the highest number of cars per household of all Scotland's principal cities. Rail usage in the North East increased significantly, with a net increase in rail passengers between 2004/05 and 2012/13 of 90% - significantly higher than the national growth of 47% over the same period. Over the same period bus patronage only increased by 6.5% over the same period. As such, in terms of promoting a sustainable location it would be remiss of the Council; and a backward step to allow such a substantial retail development to occur in an out of centre location with such convenient access by private car, but no rail access. Certainly it would be counter to the substantial rail investment in the region.

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



Summary Highways Position

- 6.31 The proposed development is located on a site currently identified for employment use.
- 6.32 The site is located to the west of Kingswells. We consider it an Out of Town Centre location.
- 6.33 The TA overestimates the walk-in catchment of the development.
- 6.34 A scoping document was issued on the 5th October. A response from Transport Scotland, dated the 14th October, is included in the TA. The TA dated the 19th of October does not address any of the points raised in the Transport Scotland response. On this basis alone, we consider that the TA fails to reflect a robust assessment of the development impact on network operation and should be updated to take account of the Transport Scotland response.
- 6.35 The TA identifies that the development will have a significant impact on the operation of the AWPR Kingswells roundabout. While the TA proposes increasing the number of lanes entering the roundabout on the main approaches to the junction, no markings of the circulatory carriageway are included to demonstrate how the junction would operate.
- 6.36 We consider the proposed widening of the AWPR Nbound off slip approach would increase the entry path radius to be outwith the parameters set out in the DMRB. We would anticipate that this proposed capacity improvement would be unacceptable to Transport Scotland on safety grounds.
- 6.37 Transport Scotland consider that base traffic data extracted from the Aberdeenshire Paramics model would be more appropriate than the traffic data used in the TA. Transport Scotland have requested clarification on why this data has not been used when Fairhurst have previously used this model data in assessments of other development proposals in the vicinity of the development.
- 6.38 Transport Scotland note that the Aberdeenshire Paramics model traffic data is significantly higher than that used in the TA. They have expressed concern that the TA will not reflect a robust assessment of road network operation.
- 6.39 We consider that the TA underestimates the vehicle trip generation of the proposed development. The TA discounts the trip generation to account for linked trips. We consider that there is limited justification for this reduction in vehicle trip generation.

7. Summary & Conclusions

7.1 Union Square Developments Limited formally object to the proposed significant levels of Class 1 retail floorspace (26,013 sq.m of comparison and) at Prime Four Business Park proposals on the following grounds:

- The proposals are **contrary to the adopted and emerging LDP site allocations** which support employment uses.
- The proposals are **contrary to the adopted and emerging LDP retail strategy**, which is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The City Centre Masterplan delivery would be further compromised.
- The proposals **fail to meet with the requirements of the sequential approach**, as set out within SPP, the adopted Aberdeen City Local Development Plan 2012 and the emerging Aberdeen City Local Development Plan 2016 (Proposed Plan), incorrectly concluding that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.
- The supporting case attempts to justify the proposed significant retail floorspace by citing the circumstances of **individual retailers**, which has been demonstrated by case law and appeal decisions to be inappropriate.
- The proposals would have **a material impact on the vitality and viability of Aberdeen City Centre**, contrary to adopted LDP policies RT1 and RT2 and emerging LDP policies NC4 and NC5: the turnover of the proposals and associated quantitative impacts have been underestimated; and, the proposals will compete with the delivery of the LDP/Proposed Plan and City Centre Masterplan, seeking to divert retailers (who are new to Aberdeen) to Prime Four, away from the active proposals at Union Square and Bon Accord.
- The **socio-economic** case for the proposals is considered to overestimate the employment generated in construction whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the economic, spatial and political contexts within such locations.
- The proposals are detached from the urban form of both Aberdeen and Kingswells. In **transportation terms**, the site is **inaccessible**, being unreachable by rail and reliant on the private car and infrequent and distant bus services (the site is currently between 750 and 1,000 metres from a bus stop without any proposals to improve this provision).

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



- A review by DBA of the submitted **Transport Assessment**, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is **fundamentally flawed** and that the conclusions drawn from this assessment cannot be justified.
- The supporting case is not supported by a sufficiently detailed Landscape and Visual Impact Assessment (LVIA), whilst the low rise development is in any case out of sync with the Development Framework provisions.

7.2 We trust that the representation will be given full consideration in the assessment of the Prime Four proposals.

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11 November 2016

Matthew Easton (Planning Officer)
Planning and Sustainable Development
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Sent by Email and Post

Dear Mr Easton

Application Ref: 161429/PPP: Mixed Use Commercial Development at Site OP40, Prime Four Business Park, Kingswells, Aberdeen
Full Objection by Ellandi LLP

Further to our letter dated 21 November 2016, we are now in a position to set out our full objection to the above mentioned proposal which focuses on the merits of the Applicant's retail assessment contained within the Retail Capacity Study prepared by LSH and dated September 2016.

By way of background, Ellandi manage the Trinity Shopping Centre in Aberdeen City Centre on behalf of Lone Star. As a major investor in the City Centre, we are committed to ensuring that new development occurs in the right place and at the right time to help sustain and strengthen the City Centre as an attractive, sustainable and commercially viable place to live, work, shop and visit for a range of uses and activities. This latest proposal by Drum Property Group Ltd is of significant concern to Ellandi and its investors.

Our full review of the Applicant's retail assessment is provided as Enclosure 1 to this letter. This demonstrates that the Applicant's retail assessment is not fit for purpose due to the significant deficiencies in the methodology used, assumptions taken and conclusions drawn. It is therefore wholly insufficient to demonstrate that the application proposal complies with the existing Local Development Plan 2012 (LDP) and soon to be adopted Local Development Plan 2016 – both of which place significant emphasis on protecting Aberdeen City Centre's role as the region's main shopping destination and as the preferred location for significant footfall generating uses of a regional / city-wide scale.

Furthermore, our assessment illustrates that the Applicant has failed to demonstrate compliance with all criteria set out at Paragraph 73 of Scottish Planning Policy (SPP), namely:

- the Applicant's approach to sequential assessment does not adhere to the process for sequential assessment set by the SPP due to a misinterpretation of case law - as a consequence, the sequential assessment undertaken is insufficient to demonstrate that all city centre, edge of city centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- the scale of development proposed is inappropriate, and there have been no efforts on the part of the Applicant to demonstrate that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal is presented as a means to address qualitative and quantitative deficiencies within the city region – this will however be at the expense of City Centre sites that have been identified in the existing

and emerging LDP to address identified capacity for additional retail floorspace; and

- the Applicant's economic trade draw analysis utilises inappropriate assumptions which serve to underplay the impacts of the proposed development. The assessment it is not fit for purpose and places undue weight on the quantitative impacts of the proposal without due regard to the associated qualitative impacts which must be taken into consideration as part of any assessment of retail impact. In this regard, the Applicant has failed to demonstrate that the proposal will not lead to a significant adverse impact on the vitality and viability of Aberdeen City Centre.

We would add to the above and enclosed by noting that Aberdeen operates a Plan-led system which must be followed unless material considerations indicate otherwise (Town and Country Planning (Scotland) 1997 Act). Our assessment of the proposed development concludes that the purported benefits associated with the proposed development (as set out in the Applicant's Retail Capacity Study and other associated documents) are by no means sufficient to outweigh its clear non-compliance with the adopted LDP and the Aberdeen City and Shire Strategic Development Plan 2014 (SDP). Moreover, it categorically fails to address the overarching objective of the SPP in regard to town centres and retailing which is to apply a town centres first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure. A town centres first policy is intended to support town and city centres, where these exist, or new centres only when they are supported by the Development Plan.

In this case, the scale of the proposed development is not envisaged in the existing and soon to be adopted Local Development Plan 2016. Indeed, within the emerging LDP, the City Council has set out a clear and comprehensive strategy for the delivery of additional retail floorspace up to 2035 / 36, informed by a comprehensive masterplanning exercise and the ACARS.

Moreover, there is evidence of a clear and demonstrable willingness on the part of City Centre investors to deliver this additional retail floorspace within the City Centre itself including the scheme by Hammerson to redevelop the Union Square car park (Application Ref: 152005). This scheme alone has the potential to deliver up to 11,148 sqm of retail floorspace, 6,503 sqm of new leisure space and 4,645 sqm of food and drink uses. While there may well be an appetite from retailers to have additional facilities outwith the City Centre, this is not a material consideration of any weight as quite clearly retail planning policy at all levels directs these retailers to town centre locations first and foremost. Indeed, the fact that these retailers would like to have additional representation at Prime Four does not overcome the fact that their very presence in this location will conflict with retail planning policy at all levels and significantly and irreversibly undermine Aberdeen City Centre's position at the top of the north east Scotland retail hierarchy.

In addition to the above, we note with interest that the Applicant has placed significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which on the face of it appears to operate quite successfully alongside more traditional retail provision within the city centres themselves. However, what this fails to take into account is that how other city regions operate is not a policy consideration and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to meet the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming quantitative or qualitative need to deliver the proposed floorspace in this location.

The impact of out of centre development on planned investment such as that proposed within the existing and emerging LDP is summarised by the ACARS. This concludes that there is a need to facilitate and support the growth of Aberdeen City Centre and:

"to maintain the City Centre as the principal retail location serving the north east of Scotland. The primary focus of the City Centre will be for comparison goods retailing. However, it is recognised that the delivery of new sites within the City Centre is a difficult and protracted process reflecting a range of development constraints including complex land ownership. Therefore, in order to provide the maximum opportunity for City Centre development to proceed, some restraint is proposed for out-of-centre retail proposals elsewhere in the City and Shire." (Page 76, emphasis added).

As the Applicant points out at Paragraph 5.8 of its Retail Capacity Study, the ACARS also advises that:

"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could be undermined by relatively easy alternatives elsewhere in the City." (Page 63, emphasis added).

We do not dispute that there is significant potential for additional retail floorspace in the Aberdeen catchment area (this is to be expected), however this is quite clearly being planned for (as is required) through the emerging Local Development Plan (and the City Centre Masterplan) in far more sustainable locations, in accordance with recommendations of the ACARS and in line with the town centres first approach. The fact that the delivery of additional retail floorspace can be difficult to achieve in City Centre locations does not give developers 'carte blanche' to deliver unsustainable proposals elsewhere – if anything, it further highlights the need for the City Council to uphold the town centres approach to allow these City Centre developments to come forward in line with what is envisaged in the existing and emerging LDP.

Concluding Remarks

To conclude, we find that the application fails to demonstrate that the scheme is compliant with national, sub-regional and local policy objectives which seek to maintain and strengthen the vitality and viability of Aberdeen City Centre and to strengthen its position at the top of the retail hierarchy.

For all the reasons cited above and in the enclosed analysis, we maintain our objection to the proposed development and respectfully request that it is recommended for refusal by officers.

We would also ask that the Council requires the Applicant to address all of the points we have raised within our representation and if further material is submitted, all consultees are given an opportunity to review and comment on the additional material.

Please do contact me if you have any queries on the content of this letter and its enclosures and I will be happy to assist.

Yours sincerely



Richard Hutchinson
Asset Manager
Ellandi LLP

Enclosure 1 Ellandi Assessment of Prime Four Retail Capacity Study

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Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Existing Retail Provision</u></p> <p>Section 4 of the Applicant’s Retail Capacity gives consideration to existing retail provision in the Study Area, focusing on Aberdeen and assessing its position in a regional and national context. The following statements are made by the Applicant:</p> <ul style="list-style-type: none">Paragraph 4.2 states that the Aberdeen City and Aberdeenshire Retail Study (2013) estimates that retail expenditure leakage from Aberdeen is in the order of £110m.Paragraph 4.3 states that whilst there is a significant quantum of expenditure leaking from the Aberdeen City region, the City’s catchment is considered to be extremely resilient. It goes on to state that this is part due to the fact that out of centre retail competition is limited with a very modest supply of retail warehousing in and around the city and with much of this focused on bulky goods retail.Paragraph 4.4 states that the existing retail parks [in Aberdeen] have limited overall significance in terms of the region’s retail provision, supporting the view that the north east has [a] very limited retail park offering when compared with other major Scottish cities.Paragraph 4.5 states that when Aberdeen is compared with other major Scottish cities, particularly Edinburgh and Glasgow, it can be seen that the retail offering of the City is lacking.Paragraph 4.6 states that this view is supported by the ACARS which establishes that the Aberdeen City Region can accommodate a significant quantum of additional comparison goods floorspace and advises that the barriers to this are a perceived lack of retailers and the simple physical restrictions of the City Centre to accommodate new retail floorspace.Paragraph 4.6 also refers to a public statement by Andrew Turnbull (Senior Lecturer at Robert Gordon University) in regard to the Aberdeen retail market: <i>“My suspicion is that Aberdeen has lagged behind and continue to lag behind other centres of retail in Scotland – it’s never really had sufficient opportunities for retail. I think its a combination of lack of provision relative to other retail centres and also the lack of availability of appropriate land. It’s not a question of can you get good retail space, its a question of can you get good retail space”</i>.Paragraph 4.7 states that the absence of a robust and complimentary retail centre within the Aberdeen City area is perhaps the key reason why the region has failed to meet the clear quantitative requirement for additional retail floorspace.Paragraph 4.8 notes that unlike Aberdeen, both Edinburgh and Glasgow benefit from having a number of sub-regional retail parks which complement their city centres. It goes on to refer to x2 tables which show how the two cities accommodate national retailers in several locations, meeting retailer demand whilst maintaining vital and viable centres. It also refers to a chart prepared by the Applicant which indicates that Aberdeen has a lower ratio of out of town space to residents than other Scottish cities (namely Dundee, Glasgow and Edinburgh).	<ul style="list-style-type: none">The Applicant places much emphasis on the fact that £110m has been identified as leaking from the Aberdeen catchment – the implication being that the proposed development will serve to stem this leakage through the provision of additional retail floorspace at Prime Four Business Park. It fails however to interrogate this leakage (which is identified through the ACARS2 2013) – if it did, then it would discover that whilst this expenditure leakage is significant, it is particularly significant for peripheral locations close to Moray (Zones 2 and 4+5) and Angus (especially Zone 22). There is also leakage across the whole of the Study Area, with a significant number of residents undertaking occasional trips to larger centres (notably Glasgow). Lastly, it would find that the flows of expenditure leaking out of the Study Area are generally balanced by flows of expenditure into Aberdeen from those living outwith the Study Area (Paragraph 2.74, ACARS 2013) – an important point, as clearly leakage from the catchment is effectively being ‘cancelled out’ by inflows of expenditure from elsewhere and is not as big an issue as the Applicant would suggest.In regard to the expenditure that is leaking from the catchment, we consider that it is highly unlikely that the proposal will claw back expenditure leaking towards Angus – most notably because the proposal is a significant distance from those residing in Zone 22 – the same applies Zones 2, 4+5 (in respect of expenditure leakage towards Moray), albeit to a lesser extent. In regard to the catchment wide expenditure leakage to Glasgow, it should be noted that no indication is given within the ACARS as to whether this leakage is to out of centre provision (e.g. Braehead and / or retail parks) or Glasgow City Centre (the Study does not distinguish between the two). If it is the latter (which we suspect is the case), then the proposed development is certainly not the type of retail floorspace that will encourage those currently choosing to shop in Glasgow City Centre to stay within the catchment and undertake their comparison goods shopping – it will instead replicate retailing that is already available in Aberdeen City Centre. Should the Applicant have an alternative view, then it should provide evidence to substantiate this (i.e. a bespoke household survey).There is a clear need to maintain Aberdeen’s position in the retail hierarchy and provide for the retail needs of the catchment. This will not be achieved however through a retail park such as that proposed on the outskirts of the City Centre. It is only Aberdeen City Centre that will be able to compete ‘head on’ with the likes of Glasgow – a Centre which provides an experience that goes beyond just retailing, offering a wide variety of services and facilities such as leisure, entertainment facilities and recreation uses (including cinemas, restaurants, bars and pubs, night-clubs, casinos); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Only Aberdeen City Centre can provide this comparable experience.The Applicant’s statement at Paragraph 4.3 simply serves to illustrate that the City Centre’s resilience is in part due to the modest supply of out of centre retail floorspace.The quote from Andrew Turnbull extracted from a Press and Journal article is taken entirely out of context. Firstly, the quote does not in itself justify the need to deliver a new retail park on the outskirts of the City Centre. It is not a statement of policy - it is a quote from a newspaper article. Moreover, it simply acknowledges that there are constraints to the delivery of additional retail floorspace in Aberdeen and that there are still opportunities for investors in the City (despite the decline in oil prices) – something which the ACARS and emerging LDP both acknowledge and readily seek to address. Secondly, despite these constraints, it remains that Aberdeen is the third most popular city in Scotland and the number one destination for retailing in the north east. It has all the major stores and facilities one would expect to find in such a City Centre, including a number of key department stores, representation from a number of national and international brands and four indoor shopping centres. Moreover, there is a clear appetite to deliver additional retail floorspace (both Hammerson (Union Square) and BMO (Bon Accord and St. Nicholas) are proposing an extension to their existing offers). The constraints associated with delivering new retail floorspace in Aberdeen City Centre is not sufficient to justify upwards of 30,000 sqm of retail / town centre floorspace in an unsustainable location such as Prime Four Business Park – the retail park will simply replicate the City’s retail offer, competing head on with existing retail facilities that serve to anchor the City Centre and attract footfall and undermine any attempts to deliver meaningful and sustainable retail development in the City’s core retail areas.The Applicant also places significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which it considers trade successfully alongside more traditional retail provision within the city centres themselves. What this fails to take into account however is how these other city regions choose to operate is not a policy consideration at any level and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years, there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to address the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming need to deliver the proposed floorspace in this location.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>The Need for New Retail Floorspace</u></p> <p>Section 5 of the Applicant's Study seeks to address the need for new retail floorspace in Aberdeen and the surrounding area, referring in particular to the Aberdeen City and Aberdeenshire Retail Study (ACARS, October 2013) undertaken by Hargest Planning Ltd.</p> <p>The following statements are made by the Applicant:</p> <ul style="list-style-type: none">Paragraph 5.2 states that the ACARS report acknowledges that because of the challenges in delivering new floorspace in the last decade, retail provision in the area, specifically comparison goods retail, has not matched growth in expenditure [...]. It goes on to state that the ACARS report advises that <i>"it is difficult to imagine the identification of sufficient sites to accommodate the scale of new floorspace that would be implied by the growth in available expenditure (ACARS, Page 60)"</i>.Paragraph 5.3 states that in terms of Aberdeen City Centre, the ACARS study comments that there is enormous potential for additional retail floorspace, ranging from £120 to £140m in 2017 which could support 55,000 sqm of retail floorspace. It states that the ACARS report acknowledges that this is an 'enormous market potential' driven by a combination of expenditure growth and large population increases within the catchment area.Paragraph 5.4 states that over the longer term, for the period 2022 – 2027, the ACARS report advises that the scale of potential floorspace for Aberdeen is 'enormous' [...] the implied figure is 60-65,000 sqm of gross retail floorspace.Paragraph 5.5 states that the ACARS report suggests that it is difficult to consider the scale of new floorspace being developed in the City Centre over this period due to there being limitations on the number of retailers seeking to invest in Aberdeen and the shear physical constraints of delivering the scale of floorspace which could be supported.Paragraph 5.7 states that in terms of delivering new floorspace, the ACARS study does not support the identification of specific locations for new retail floorspace but does indicate that there is significant potential within the City as a whole.Paragraph 5.8 refers to the following statement within the ACARS: <i>"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could be undermined by relatively easy alternatives elsewhere in the City"</i>.Paragraphs 5.9 and 5.10 refer to the three scenario options set out in the ACARS for the delivery of new retail floorspace. It acknowledges that ACARS considered the likely impacts associated with these scenarios and recommends that Scenario 3 be implemented largely on the premise that it would support retail investment in the City Centre and minimise potential impacts on existing centres.	<ul style="list-style-type: none">National (SPP), sub-regional (SDP) and local planning policy (LDP) (inter alia) direct that developments such as that proposed should only be considered where the proposal will help to meet qualitative or quantitative deficiencies. The Applicant has sought to address this particular policy consideration at Section 5 of its Retail Capacity Study, referring to the ACARS which identifies a need to deliver additional retail floorspace within Aberdeen up to 2027. The Applicant also draws attention to a number of passages within the ACARS to highlight the scale of retail floorspace that is required to meet identified need.We acknowledge the findings of the ACARS (which, for avoidance of doubt, adopts a scenario which supports retail investment in the City Centre), however much of what it says in the context of the need to provide additional retail floorspace has been taken out of context by the Applicant. For example, the ACARS' reference to the need for between 60 and 65,000 sqm is only made in respect of one scenario that has been tested by the Study ('Scenario 5'). The ACARS tests three scenarios in total and concludes by recommending that Scenario 3 be adopted by the City Council which seeks to meet all retail deficiencies together with 30,000 sqm GFA floorspace <u>within the City Centre</u>). Scenario 5 is rejected on grounds of potential adverse impacts and potential undermining of City Centre retail investment.Indeed, the conclusions of the ACARS are quite clear in regard to where this new retail floorspace should be directed and how the Council should go about doing this. It certainly does not advocate the provision of a large retail park on the outskirts of Aberdeen City Centre. Conversely, its recommended retail strategy is to plan for the provision of 30,00 sqm GFA of new retail floorspace <u>within the City Centre</u> and to support Aberdeen City Centre as the principal shopping location serving the whole of the north east of Scotland - <i>"this support should include both the enhancement of retail provision and the protection of the City Centre against adverse retail impact from retail developments outwith the City Centre"</i> (Paragraph 6.7, ACARS, emphasis added). The rationale for adopting this approach is clear: <i>"the recommended strategy is identified to be based on Scenario 3 subject to reducing the scale of retail floorspace in order to support retail investment in the City Centre, to minimise potential adverse impacts on existing centres and to facilitate re-use of vacant floorspace"</i> (Paragraph 5.58).It is also important to note that since the ACARS was published in 2013, the City Council has made significant progress in terms of seeking to address the identified quantitative and qualitative deficiencies identified by the ACARS and to implement the recommended retail strategy in the ACARS to focus retail investment in the City Centre. This includes:<ul style="list-style-type: none">the preparation of a City Centre Masterplan and Delivery Programme 2015 (to be adopted as supplementary guidance) with a commitment to the preparation of further 'spin-off' masterplans to provide more detail on specific projects and interventions in due course; andthe finalisation of the LDP 2016 which refers back to the findings of the ACARS and allocates a series of strategic sites for retail development including Marischal Square, Crooked Lane / George Street, Aberdeen Market and Union Street.The Proposed LDP has recently been through Examination, with the Reporters concluding on 23 September 2016 that subject to minor modifications, the retail policies are consistent with the objectives of SPP – including Paragraph 30 which requires Development Plans to positively seek opportunities for meet the development needs of the Plan area in a way that is flexible enough to adapt to changing circumstances over time.If the qualitative and quantitative deficiencies in Aberdeen was so overwhelming, then it would have been for the emerging LDP to determine where this could be met outwith the City Centre. In this case, the emerging LDP (and indeed the Reporters presiding over the LDP Examination) concluded that <u>there are sufficient opportunities within the City Centre (and other town centre locations) to meet the City's retail needs</u>.There are no unresolved issues associated with meeting the retail needs of the City and as such no modifications to the LDP have been recommended by the Reporters which would any way qualify the Applicant's assertion that the proposal is required to meet a quantitative or qualitative deficiency in the provision of retail floorspace. In this regard, it cannot be concluded that there is a 'need' for the proposed development.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Aberdeen City Centre Health Check</u></p> <p>Section 6 of the Applicant’s Study seeks to examine the current health of Aberdeen City Centre in order to reach a conclusion as to whether its overall health and ability to withstand the impact of a new retail centre in Aberdeen.</p> <p>In regard to the health of Aberdeen City Centre, the following conclusions are drawn:</p> <ul style="list-style-type: none">• Utilising data from the ACARS, Paragraph 6.3 states that Aberdeen City Centre is in good health with only 66 vacant units, accounting for 7.4% of units and 5.0% of floorspace within the City Centre – below the UK national average of 12.0% (Experian). Paragraph 6.5 goes on to state that this view is supported by the fact that there are no notable clusters of vacant premises, although as might be expected, vacancies are more prevalent in secondary locations.• Paragraph 6.8 states that yields for prime city centre investments are reported to be in the order of 7% although there are suggestions that yields have compressed over the last 6-9 months and are probably now closer to 6%. (There is no evidence put forward by the Applicant to support the 6% figure).• Paragraph 6.9 concludes that the size of the City Centre provides a wide range of choice for shoppers seeking both national (and international) brands and also independent local shops.• Paragraph 6.10 notes that retailer demand in Aberdeen remains very strong. It states that according to EGi data, there are 59 identified requirements, comparing favourably with other Scottish cities with Dundee having 35 recorded requirements, Edinburgh 88, Glasgow 186 and Inverness 34. It goes on to state that Drum Property have confirmed retailer interest from a significant number of UK multiple retailers who wish to increase their representation in the Aberdeen City Region, particularly from fashion, clothing and footwear retailers that have requirements for ne retail units un the order of 2,500 to 20,000 sqft GFA.• Paragraph 6.11 confirms that Aberdeen has excellent accessibility by a wide range of transport modes including bus and rail.• Paragraph 6.12 notes that pedestrian flows are as high as 50,000 persons per day in the prime retail locations. Union Street has a daily flow of 33,000 persons per day.• Paragraph 6.13 concludes that the City Centre is in reasonable condition and that it is generally clean. It also confirms that parts of the City Centre are pedestrianised or traffic calmed which enhances pedestrian amenity.• Paragraph 6.14 provides the Applicant’s overall conclusions in regard to the health of Aberdeen City Centre, confirming that it remains the dominant retail centre in north east Scotland and one of the strongest retail centres in Scotland as a whole. It notes that the City Centre has been particularly successful in attracting shoppers from an extensive catchment area due to the breadth of it retail and leisure offer, its accessibility and integrated transport provision. Moreover it states that the City Centre continues to perform exceptionally well with relatively low levels of vacant commercial floorspace.	<ul style="list-style-type: none">• The Applicant’s review of the current health of Aberdeen City Centre is, in our view, wholly lacking – it lacks detailed analysis and instead relies on high level data to justify its conclusions. Given the scale of retail floorspace proposed at Prime Four, one would expect a full review of the health of Aberdeen City Centre to be undertaken by the Applicant themselves, instead of relying on data which can now be regarded as out of date (SPP requires that health checks be conducted every two years).• Our own view is that whilst Aberdeen City Centre continues to perform well as Scotland’s third largest centre, it remains vulnerable in the face of retail development such as that proposed. Going forward, it will need to maintain and enhance its position at the top of the north east retail hierarchy to preserve and / or enhancing its vitality and viability. This is confirmed by the City Centre Masterplan which notes that for many, Aberdeen is the commercial shop window for the region and concludes that less employment and commercial activity will have an impact upon perceptions of the City that could ultimately have a negative impact upon the wider region. Conversely, it concludes that a thriving, dynamic commercial centre will better reflect the prosperity and opportunity that already exists in the area and will contribute to growth in North East Scotland and the UK as a whole.• The supporting evidence base to the Masterplan also highlights a series of challenges facing the City Centre – a number of which appear to have been overlooked by the Applicant. These include:<ul style="list-style-type: none">○ a weakness in the retail and a quite narrow commercial (and cultural) leisure offer;○ the elongated nature of the Centre - while there is a fairly compact retail heart, Union Street and George Street serve to dilute this effect - generally, the more compact a centre the more viable it is;○ the environmental quality of some retail streets which are in need of improvement;○ the central retail circuit does not operate effectively – there are weak links between the prime shopping centre of Union Square and Union Street.• The above factors point to a Centre that does have its challenges and that it is not entirely resilient in the face of competing development such as that proposed. The fact that the Applicant has failed to ‘dig beneath the surface’ in regard to the health of the Centre is important because, in the case of large centres such as Aberdeen, quantitative impact assessment / economic analysis can serve to mask the likely impacts of a proposal. Indeed, by its very nature, the comparison goods turnover of the City Centre is very high and as a result, any impact figure resulting from a trade draw analysis will be seemingly ‘de minimis’ as the turnover of proposals are smaller in comparison.• In such circumstances, a judgement as to whether the impact of a proposal (in trade draw terms) is ‘significantly adverse’ can only be reached taking into account local circumstances which is derived from a robust qualitative assessment of the health of the centre. The assessment of numerical impact or trade draw must therefore be set against more qualitative judgements such as impact on investor confidence, the nature of retailers, vacancies and pedestrian flows. In this case, the Applicant’s assessment of the health of the City Centre is considered overly optimistic and fails to take into account a number of vulnerabilities. As a result, the impact of the proposed development on the City Centre is likely to be far greater then is anticipated by the Applicant.• Lastly, the Applicant fails to acknowledge that a key contributing factor to the City Centre’s current vitality and viability is the presence of a large number of national multiple retailers which help to attract visitors to the centre and in turn help to drive customers to smaller stores and facilities – it is precisely these types of operations that will be undermined by the proposed development if approved. Indeed, whilst it is unlikely that the proposal will lead to their closure (we acknowledge that many will want to maintain a presence in Scotland’s third largest city), it will however undermine their ability to attract visitors to the City Centre as people choose to frequent the retail park instead. In this regard, the proposal will have an amplified impact on the health of an already vulnerable City Centre.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Sequential Site Analysis – Methodology and Area of Search</u></p> <p>The Applicant’s sequential site assessment as required by Scottish Planning Policy and the LDP is contained at Section 7.0 of the its Retail Study.</p> <ul style="list-style-type: none">Paragraph 7.3 states that in terms of suitability, regard should be had to the Supreme Court’s Judgement of Tesco Stores Ltd v Dundee City Council 2012 (‘Dundee’ decision).Paragraph 7.4 states that the Supreme Court’s position frames the Applicant’s consideration of alternative sites. It goes on to state that what is required in this instance is a site capable of accommodating circa 30,000 sqm of gross retail floorspace together with associated car parking and associated food and drink uses. In order to deliver a development which meets specific, identified retailer requirements, it is considered that a site of 10.05 ha is required.Section 7 of the Retail Study goes on to review a series of sites in Aberdeen City Centre which have been identified through the ACARS. Paragraph 7.6 sets the tone for this assessment, noting that the City Centre presents inherent challenges in terms of accommodating new retail floorspace with the ACARS study commenting <i>that “the redevelopment of sites within the City Centre for new retail floorspace will be a complex and difficult process”</i>. Paragraph 7.6 also notes that the application proposals have been shaped by specific requirements from retailers who already have representation in Aberdeen City Centre and who wish to strengthen their representation in the Aberdeen City region but who have no requirement for further City Centre space.	<ul style="list-style-type: none">National (SPP), sub-regional (SDP) and local planning policy (LDP) (inter alia) directs that developments such as that proposed should only be considered where the all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable. They also require Applicants to demonstrate that proposals cannot be reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location.It is our strong view that the Applicant has categorically failed to address this latter requirement which quite clearly specifies that Applicants demonstrate a degree of flexibility when applying the sequential test.In this case, the Applicant is seeking planning permission for 30,000 sqm (gross) of unrestricted Class 1 floorspace with no end users identified. The scope for flexibility in this case is therefore <u>significant</u> - a point which was recently addressed at an Appeal relating to the extension and sub-division of a Homebase store in Leamington Spa (APP/T3725/A/14/2218334). Whilst this Appeal relates to a planning decision in England, it was issued in January 2015 (after Dundee) and clearly confirms that as there were no named operators, <i>“the scope for flexibility here should be greater than otherwise”</i> (Paragraph 19).The need for a greater degree of flexibility by applicants in the execution of the sequential test was also supported by an Inspector presiding over a Section 78 Appeal / Secretary of State decision in Exeter, Devon (APP/Y1110/W/15/3005333). Again, whilst this is an English decision, it clearly grappled with the complexities of the Dundee decision and concluded, quite categorically, that potential sequential sites / buildings should be assessed on their potential to accommodate the proposed floorspace of the application proposals, with adequate servicing arrangements, but without necessarily the need for surface level parking. This decision calls into question the Applicant’s methodology which is to only properly consider sites which can accommodate the proposal in full, including associated car parking, servicing and public realm areas with a site area measuring 10.05 ha.In our view, the Applicant should be required to significantly reduce the total site area to be assessed as part of its sequential approach. Indeed, without named operators, it is very hard to see how the Applicant has shown the flexibility that is required by SPP at Paragraph 73.Turning to the matter of whether or not the Applicant should be required to consider the ‘disaggregation’ of its proposal, we accept that this is not explicitly referred to in SPP. Notwithstanding this, it is prudent to note that the Court held in the Dundee judgement that, when it comes to flexibility, local planning <u>authorities are expected to consider different built forms and sub-division of large proposals</u>: <i>“As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals in order that their scale may fit better within existing developments in the town centre”</i> (Paragraph 28).It is also important to note that the proposed ASDA store that was the subject of the Dundee decision was a free-standing store in a single building which could only have been reduced in size through the disaggregation of the store’s offer. Similarly, the English North Lincolnshire decision (commonly referred to as the Zurich judgement) (which is also often referred to as justification for not disaggregating a proposal) related to a proposal for a Marks and Spencer store where the only available site in the town centre would have required the operator to split its food and non-food offer.Our interpretation of the relevant case law is that where an application proposal comprises a number of separate units or different uses with no end users (such as that proposed), a combination of more central sites <u>should</u> be considered provided that they do not require any of the individual retailers to disaggregate their offer. Indeed, there is a fundamental difference between the disaggregation of a single store compared with the sub-division of individual retailers in a larger proposal such as that proposed. The Applicant is therefore wrong as a matter of law in only assessing sites on the basis that they can accommodate the application proposal in full. In doing so, it makes a mockery of the sequential test as all that is required to pass the test in its view is to increase the size of proposals until no more centrally located sites can accommodate the entirety of that proposal.We also note that the Applicant has reviewed a series of City Centre sites as part of its flawed sequential assessment – a number of which are, in our view, capable of accommodating the proposed development in a disaggregated form. Moreover, the development constraints that have been identified (ownership, the historic environment and flooding) do not render these sites unsuitable - a point illustrated by the fact that the LDP has allocated some of these sites for retail development with a view to them being able to accommodate the retail capacity that was identified in the ACARS (this allocation process would have involved a sequential assessment and these sites have now been scrutinised by the Reporters).The fact that these sites do have some constraints and may take time to come forward is precisely why the City Council needs to resist developments such as that proposed – not least because they will be competing head on for the same retailers and customers. These City Centre sites need to be given breathing space to come to fruition – developments such as that proposed can undermine investment decisions and can be the tipping point for a decision as to whether or not bring a site forward.In summary, we find the Applicant’s sequential assessment to be entirely lacking with undue weight placed upon selected passages within both the Dundee case to justify its approach which is incorrect as a matter of law. The sites that are reviewed are all too readily dismissed owing to a flawed methodology / approach. Greater flexibility and disaggregation is required to ensure the SPP requirement to consider a reduced / altered scheme has been satisfied. Without this more robust assessment being carried out, there are clear grounds for refusal of this application.We would conclude by noting that the relative ease of deliverability of the proposed development should hold very little weight in the determination of this application. This is because it will be at the expense of genuinely sustainable town centre development, including the redevelopment of sites identified in both the City Centre Masterplan and the emerging LDP.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Sequential Site Analysis – Sites Assessed</u></p> <ul style="list-style-type: none">The following sites have been assessed by the Applicant:<ul style="list-style-type: none">Land at Denburn / Woolmanhill (1.9 ha) – the Applicant discounts this site concluding that it is not available owing to it being in operational use by the NHS. Furthermore, the site is not considered suitable for the proposed development by virtue of the site being too small to accommodate the proposed development and because its redevelopment would require the loss of Grade A listed buildings.Land at Schoolhill, Robert Gordon College and University (0.6 – 2.0 ha) – the Applicant discounts this site concluding that the land is not available with the University having recently disposed of its surplus assets.Land at George Street / Crooked Lane, Aberdeen (0.6 ha) – the Applicant discounts this site concluding that is neither available or suitable for the proposed development on the basis that it is incapable of accommodating the scale of floorspace proposed.73 – 149 Union Street (0.3 ha) – the Applicant discounts this concluding that it is not suitable for the proposed development as it cannot accommodate a sufficient quantum of retail floorspace. It also concludes that the ownership and listed building constraints impact on its deliverability.Aberdeen Market (0.35 ha) – the Applicant discounts this site as it is considered to be neither available or suitable for the proposed development as it cannot accommodate a sufficient quantum of retail floorspace.Land at Virginia Street / Regent Quay (2.6 ha) – the Applicant discounts this site, concluding that it is neither available or suitable for the proposed development as its redevelopment would require the loss of listed buildings and development constraints in respect of flood risk would need to be overcome. It also concludes that it is unavailable as the site is in multiple ownerships.Union Square Surface Car Park – the Applicant dismisses this site, concluding that it is neither available or suitable for the proposed development. The applicant considers that it is incapable of accommodating the scale of floorspace proposed in the format required, moreover that the land is under the control of Hammerson and thus unavailable. The Applicant refers to the Dundee case to justify its conclusions in regard to this site, noting that the key determining factor is whether an alternative site is suitable for the proposed development and not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. It notes that the application proposal is fundamentally different in their form and nature to what is being proposed at Union square through Application Ref: 152005). In view of this, it states that the Applicant's proposals are incapable of being altered or reduced to fit onto the existing car park at Union Square, even if a degree of flexibility were to be applied. It concludes this point by noting that to accommodate the proposed retail floorspace at Union Square, it would be necessary to develop over multiple levels – something which would not meet retailer requirements. Lastly, the Applicant notes that the application proposal has been tailored to address a specific deficiency within the city Region's offer by providing retailers with the opportunity to increase their representation in the City – an arrangement which is consistent with other major Scottish cities – in view of this, it concludes that the car park opportunity at Union Square is unsuitable to accommodate the proposed development.Union Square South, Palmerston Road (2.6 ha) – the Applicant discounts this site as it considers that it is unavailable in the short term due to it being occupied by a range of uses. Moreover, it considers that the site is unsuitable as its redevelopment would require the loss of listed buildings and because there is no retailer demand for a new retail centre at this location.	<ul style="list-style-type: none">See above – it is considered that these sites should be reassessed in view of the requirement for the Applicant to apply a greater degree of flexibility in undertaking its sequential assessment, as well as considering these sites for their suitability and availability for accommodating a disaggregated form of the proposed development.For the avoidance of doubt, it is absolutely not acceptable for the Applicant to argue that because the retailers that they are seeking to attract to the proposed development are already represented in the City Centre, City Centre sites can be dismissed on grounds that they are 'unsuitable'. In respect of this particular point, regard should be had to a recent High Court decision in Mansfield (Aldergate Properties and Mansfield District Council [8th July 2016] – High Court of Justice (Case No: CO/6256/2015). This concluded, quite categorically, that the <i>"individual corporate personality of the applicant or intended operator"</i> is not relevant to the application of the sequential approach and indeed would be <i>"the antithesis of planning for land uses"</i> (Para 38). In his judgement in this case Mr Justice Ouseley clearly states that: <i>"It is not intended that the absence of an up-to-date plan creates a rather different world in which retailers could enjoy a much greater degree of temporary freedom based on their individual commercial interests"</i> (Para 36). He adds that the NPPF <i>"cannot therefore be interpreted as requiring "suitability" and "availability" simply to be judged from the retailer's or developer's perspective, with a degree of flexibility from the retailer, and responsiveness from the authority"</i> (Para 37).This view can reasonably be applied in a Scottish context (SPP requires Applicants to consider sites for their 'suitability' and 'availability') and as such <u>no weight</u> can be placed on any argument put forward by the Applicant that City Centre sites are not 'suitable' as the intended occupiers are not seeking representation in the City Centre.

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<p><u>Sequential Site Analysis - Conclusions</u></p> <p>The following conclusions are drawn by the Applicant:</p> <ul style="list-style-type: none">• While it is evident that there are development opportunity sites in Aberdeen City Centre, in all cases the sites are considered neither available or suitable to accommodate the proposed development. Furthermore, it notes that almost all of the sites have significant development constraints relating to ownership, the historic environment and flooding.• The Applicant notes that the Prime Four proposal has been tailored to address specific requirements from retailers that already have a presence in Aberdeen City Centre. It notes that these retailers do not require additional City Centre representation and instead wish to invest in other parts of the City region – a pattern of development that has been successfully followed in Edinburgh and Glasgow. It is noted that the proposed development will not prejudice the delivery of sites for retailing in the emerging LDP as the majority of retailers wishing the occupy space at Prime Four have no requirement for additional City Centre representation.• The Applicant also considers that the rationale for the proposed development is not dissimilar to the case in support of the adjacent Prime Four Business Park which was borne out of a requirement to deliver modern, large format business space to meet an identified requirement in the office and business markets. In view of this, it cites Paragraph 68 of SPP which states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including offices. It is asserted that because in allocating the site for office uses, the Council followed the sequential approach with regard to the Business Park (and ultimately concluded that there are no sequentially preferable sites) it accepts that Prime Four is a suitable and sustainable location for high footfall generating uses. Accordingly, it considers that the Council has already confirmed that the site meets the sequential approach to site selection as set out in Paragraph 68 of SPP.• The Applicant notes that the site is highly accessible from all directions and benefits from having excellent public transport links with Kingswells Park and Ride facility forming an integral part of Prime Four. The local cycle path network is also considered to make sustainable transport viable.• It concludes by noting that what separates Prime Four from other opportunities is the issue of effectiveness and deliverability. The land at Prime Four is under the full control of the applicant and is free from any significant development constraints. Accordingly, it can be relied to come forward for development immediately, meeting the requirement for new retail floorspace in Aberdeen. It is therefore considered that the Applicant's proposals demonstrate full compliance with the sequential approach to site selection as set out in the SPP and LDP.	<p>See above.</p>

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<p><u>Economic Analysis – Key Assumptions</u></p> <p>Section 8 of the Retail Capacity Study provides an assessment of the trade draw impacts of the proposal:</p> <ul style="list-style-type: none">• The Applicant’s Catchment Area is defined taking into account the scale of the proposed retail floorspace, its regional function and considering those areas it is most likely to have an influence on. The zones comprising the Applicant’s catchment area correspond with the ACARS.• Paragraph 8.2 sets out the population levels for each of these zones. The Applicant’s catchment area comprises 32 zones in total which equates to 402,554 people in 2017 and 410,962 in 2022. No indication is given as to the source of the population data that has been used.• The Applicant notes at Paragraph 8.3 that the per capita expenditure for each of the zones have been obtained and that these figures have been adjusted to take account of Special Forms of Trading (SFT). A review of the Applicant’s full economic trade draw analysis at Appendix 1 (Table 2) would suggest that the EPC is derived from the ACARS – however no indication is given as to how SFT has been calculated and indeed how the EPC is projected to 2022.• The Applicant’s assessment of total retail expenditure is summarised at Paragraph 8.4 and contained at Table 3 of the economic trade draw analysis (Appendix 1). The Applicant asserts that between 2017 and 2022, the available comparison goods expenditure within the catchment is expected to rise by £236m, while convenience goods expenditure is expected to increase by £47m.• Paragraph 8.5 states that in terms of existing retail floorspace, an estimate based on company average trading density has been made of the turnover of existing facilities within the Catchment Area. These figures are then set against the actual turnover of these stores, as referenced in the ACARS. The Applicant concludes by noting that existing centres and stores are significantly overtrading, which it considers translates into a need for additional retail floorspace, particularly for comparison goods.• Paragraph 8.6 of the Study provides an indication as to the turnover of the proposed development, noting that it would provide 26,013 sqm of general comparison goods floorspace, together with 3,716 sqm of convenience goods floorspace. The sales densities of this floorspace is estimated to be £5,300 per sqm and £10,000 per sqm respectively which equates to a total comparison goods turnover of £110.29m and a convenience goods turnover in the order of £14.86m.• The Applicant notes at Paragraph 8.7 that when considering the turnover of the floorspace against the available expenditure generated by the catchment, it is evident that the proposals will only assist in meeting part of the quantitative need for additional retail provision in the catchment area, and will leave capacity for additional floorspace elsewhere within the catchment. Indeed, it notes that only 8% of the available expenditure in the catchment would be entirely consumed by the £236m growth in expenditure between 2017 and 2022.	<p>We have reviewed the Applicant’s assumptions which underpin its economic trade draw analysis and have the following observations:</p> <ul style="list-style-type: none">• It would appear that the Applicant has utilised the figures contained within the ACARS to calculate the total available expenditure within the defined catchment area. We are unsure however whether these figures (population / expenditure per head) have been re-based to reflect the passing of time since the ACARS was published and indeed whether or not they have been projected utilising the most up to date forecasts (which can be sourced from retail forecasters such Experian / Pitney Bowes etc). Moreover, no indication has been given as to what allowance has been made for SFT and whether or not this is based upon the latest estimates produced by Experian / Pitney Bowes etc. Clarification on these points is required if the Applicant’s estimate of total available expenditure for both comparison and convenience goods is to be relied upon.• We note the Applicant has undertaken an assessment of overtrading, presumably to demonstrate that there is an immediate qualitative deficiency in the amount of floorspace that is currently provided in the defined catchment area (particularly for comparison goods). Whilst we do not dismiss these findings, we note that this qualitative deficiency would be better addressed in a sustainable City Centre location (such as the Union Square Surface Car Park which already has planning permission to provide up to 11,000 sqm of retail floorspace). It is also notable that in addition to addressing quantitative and qualitative deficiencies, Applicants are required to satisfy a number of other retail policy tests as prescribed by SPP at a national level.• We have reviewed the Applicant’s assessment of the turnover of the proposed development. Given the scale of the proposed development, we consider these to be broadly reasonable (although not necessarily the worse-case scenario as many retailers will have average sales densities above £5,300 and £10,000 per sqm for comparison and convenience goods respectively). We would however emphasise that the potential turnover of the proposal is significant, representing approximately 10% of the turnover of Aberdeen City Centre. With a total turnover of £125.15m it is also:<ul style="list-style-type: none">○ over 10 times higher than the turnover of Rosemount Town Centre (£12.34m) (ACARS, Page 37);○ over 20 times higher than the Torry Town Centre (£5.92m) (ACARS, Page 37) – Aberdeen’s main town centres and second only in the retail hierarchy to Aberdeen.• Lastly, the Applicant asserts that the proposals will only assist in meeting part of the quantitative need for additional retail provision in the catchment area and that it will leave capacity for additional floorspace in the catchment: We have two observations in regard to this particular statement:<ul style="list-style-type: none">○ Firstly, this statement is incorrect. Both the ACARS and the LDP adopt a strategy to provide 30,000 sqm of retail floorspace within the City Centre – the proposed development will simply absorb this capacity at the expense of the vitality and viability of the City Centre.○ Secondly, it is naive to consider that a retail proposal of this magnitude would not make retailers and developers think twice about investing in the City Centre – the proposal will not only accommodate retailers who would have otherwise sought representation in the City Centre, it will also compete head on with the City Centre for custom. The truth of the matter is that the proposed development will serve to set back the delivery of sustainable City Centre retail development though saturating the market with unfettered retail floorspace that has a clear competitive advantage over City Centre sites (such as the ability to offer free, surface car parking and ease of access by car from a main arterial route into the City Centre).

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<p><u>Economic Analysis – Qualitative Issues</u></p> <ul style="list-style-type: none">Paragraph 8.8 reasserts the Applicant's previous argument that the retail offer within the Aberdeen City Region does not compare favourably with other major Scottish cities insofar as there is a large gap in the distribution of non food retail floorspace. It states that the proposed development will provide for consumer choice by ensuring that a good distribution of locations is achieved to improve accessibility for the whole region.Paragraph 8.9 goes on to state that the proposals have been designed to maximise the qualitative benefits that can accrue to the Aberdeen area, namely that it estimated that the proposal will 'claw back' approximately £19m of the £110m trade which is currently leaving the catchment area to more distant stores and centres. It notes that the proposals present an opportunity to make a significant qualitative improvement to the existing retail offer in Aberdeen, satisfying operator requirements and helping to meet a significant requirement for new retail floorspace in the catchment.	<ul style="list-style-type: none">We have already provided a clear explanation as to why Glasgow and Edinburgh's retail composition is not considered to be a material consideration in the determination of this application.We would add to this by noting in recent years, concerns have been expressed as to the growing influence of the retail parks in Glasgow and Edinburgh over their respective catchments. The most recent example of this concern is in the case of Fort Kinnaird in Edinburgh which sought to extend the existing retail park to provide a new Debenhams department store comprising of 5,612 sqm. A planning application for this extension was refused by Edinburgh Council on 25 October 2013 and dismissed by a Reporter following an Appeal Inquiry on 19 March 2015. Amongst other things, Paragraph 98 of the Appeal decision concludes: <i>"[...] I find that Fort Kinnaird is already competing with the City Centre and that the increase in turnover at Fort Kinnaird that would result from the proposed development would increase the competition with the City Centre. By reinforcing the already strengthening fashion, clothing and beauty components of the retail offer at Fort Kinnaird, the format of the proposed development would increase the impact that Fort Kinnaird has on the City Centre. By further enhancing investor confidence, the proposed development would be likely to increase impact on the City Centre in the future. [...]"</i>The Reporter concluded by noting that the proposed development would not accord with the town centre first principle, that the sequential approach had not been satisfactorily followed and that it did not accord with the "Promoting Town Centres" section of Scottish Planning Policy.This in itself is a clear indication that the retail parks referred to by the Applicant do not accord with the town centres first approach and that there is concern over their dominance of the retail market in these areas. In this regard, the Applicant's conclusions that the only way to enhance customer choice in Aberdeen is through the provision of an out of centre retail park and that this is a model that is being followed successfully elsewhere, must be dismissed.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Economic Analysis – Trade Draw</u></p> <ul style="list-style-type: none">Paragraphs 8.10 – 8.19 provide an overview of the Applicant’s assessment of trade draw which is supported by the Applicant’s economic analysis tables at Appendix 1.Paragraph 8.11 notes that the growth in expenditure, coupled with the level of surplus capacity within the Study Area, means that the trading impact of the proposal will be benign and that it can co-exist with existing stores and centres. Notwithstanding this, the Applicant has undertaken an assessment of the likely trading effects of the proposal.Paragraph 8.12 refers to Table 7 of the economic analysis indicating that this sets out the trade draw pattern that has been adopted for the proposed retail floorspace. This draw, the Applicant asserts, has been assessed taking into account the location and distribution of population, the socio-economic characteristics of the area, the characteristics of existing and proposed retail provision within the catchment and the accessibility of the application site by all modes of transport.Paragraph 8.13 notes that the application proposals are focused on the provision of comparison goods retailing, with a particular focus on clothing and fashion. As such, it considers that the majority of the proposals turnover will be trade diverted from existing retail destinations in the Aberdeen catchment which are significantly overtrading and from trade which is currently leaking to more distant centres, particularly Edinburgh and Glasgow.The Applicant assumes that the proposal will capture 17% of trade that is currently leaking from the Aberdeen catchment (£19m) which is considered to be a conservative estimate (Paragraph 8.14).It goes on to state that the proposals are a direct response to established retailer requirements, many of whom have existing city centre representation and have a requirement for additional retail floorspace in the Aberdeen catchment. It notes that this is largely due to existing stores not being able to satisfy customer demand and the need to relieve significant levels of over-trading. It also notes that there is sufficient expenditure within the Aberdeen catchment to allow retailers to justify multiple stores.Paragraph 8.16 deals with the likely comparison goods trade draw of the proposal from stores and facilities within Aberdeen City Centre, concluding that it will draw £55m in total, equating to a 5.2% comparison goods impact on the City Centre (which will have a turnover of £1,066m in 2022. It concludes by noting that the effect of this impact will be to modestly reduce levels of over-trading and that there will be no detrimental impact on the vitality and viability of the City Centre as a result of the proposed development.Paragraph 8.17 deals with the trade draw impacts of the proposal on stores and facilities outwith the city centre, concluding that the proposals will draw some trade from the retail parks at Berryden, Beach Boulevard, Garthdee and Kittybrewster (£11m) with some trade drawn from Portlethen and the emerging retail floorspace at Chapleton east of Elsick (£5m). It is concluded that in no case will the proposed development threaten the existence of these retail destinations as in most cases, their focus is not on general comparison goods retailing.Paragraph 8.18 deals with the trade draw impacts of the proposed convenience store which it regards to be focused on similar sized and functioning stores within the catchment. With this in mind, it concludes that the largest impact will be on similar sized and functioning stores at Garthdee and Berryden (£9.5m). Paragraph 8.19 also acknowledges that some impact will be felt by more local convenience goods stores and facilities in Westhill Town Centre, concluding that this are likely to be in the order of 1.6%.Paragraph 8.20 concludes by noting that Aberdeen does not provide sufficient comparison goods floorspace capable of satisfying shopper’s requirements. It considers that the proposed development will provide the north east with a retail destination which the Aberdeen catchment currently lacks, enabling shoppers to meet their shopping needs and bringing Aberdeen up to a level of provision that is consistent with other major Scottish cities.	<ul style="list-style-type: none">The Applicant’s assessment of trade draw follows a standard model and as such we do not have any comments in regard to its general approach to assessing quantitative impact. We do however have a number of observations in relation to the Applicant’s trade draw assumptions that we wish to highlight:<ul style="list-style-type: none">The Applicant considers that the proposal will capture 17% of trade that is currently leaking from the Aberdeen catchment (£19m – all from Glasgow and Edinburgh (Table 7 of the Retail Capacity Study) which is considered to be a conservative estimate. This assumption is wholly unsubstantiated for the following reasons:<ul style="list-style-type: none">the ACARS does go into detail as to how leakage from the catchment currently occurs (for example, it does not differentiate between retail park and city centre shopping in respect of Glasgow – see comments above). There is even less detail in regard to leakage to Edinburgh. As we have also noted above, the proposal will not be sufficient to prevent a general preference for the local population to undertake their comparison goods shopping in Glasgow and Edinburgh – both centres are significantly larger than Aberdeen and provide a comprehensive and well-rounded shopping experience. The proposed retail park will instead replicate existing provision in Aberdeen City Centre and remove the incentive for existing customers to visit.A large proportion of leakage from the catchment will be as a result of people working outwith the catchment and choosing to shop in this location – no account is taken of this by the Applicant and there is no analysis of this in the ACARS.<p>Without a clear indication as to where this trade will be clawed back from, substantiated by evidence (such as a bespoke household survey focusing on the reasons for residents choosing to shop outwith the catchment), there can be absolutely no reliance on this particular trade draw assumption.</p><ul style="list-style-type: none">The amount of trade drawn from the retail parks at Berryden, Beach Boulevard, Garthdee and Kittybrewster (£11m) is <u>overestimated</u>. This is because, as the Applicant points out in Section 4 of its Retail Capacity Study, these retail parks are largely bulky goods / value orientated in nature and as such unlikely to compete on a like for like basis with the proposed development (which by the Applicant’s own admission is to be focused on the fashion sector).Taking into account the above, we consider that the likely trade draw of the proposal from destinations other than the City Centre has been <u>overestimated</u> (it concludes that £30m will be drawn from existing retail parks and from stores and facilities outside of the catchment). This has the effect of underestimating the quantitative impact on the City Centre.In addition to the above we note that little or no attempt has been made by the Applicant to undertake an assessment of the qualitative impacts of the proposal which, in our view, will be significant. These qualitative impacts include:<ul style="list-style-type: none">impact on investor confidence – the proposal will have a direct impact decisions to invest in the City Centre – a large, out of centre retail park coming on stream will reduce the overall attractiveness of investing in the City Centre;impact on customer perceptions - as we highlighted above, Aberdeen is the commercial shop window for the region – competing investment outwith this location will have an impact upon perceptions of the City that could ultimately have a negative impact upon the wider region;amplified impacts on local, independent business who rely on the footfall generated by anchor stores for custom;impact on commercial rents;potential relocation of businesses to Prime Four from the City Centre (where dual representation is no longer required) – whilst the Applicant indicates this is not the intention of the proposal, there would be nothing to stop this happening in the future.In addition to the above, we note with interest that the description of development also includes food and drink uses (Class 3). No attempts have been made by the Applicant to address what the impact of this aspect of the proposal will be – indeed no reference is made to these uses in its Retail Capacity Study. Our view is that placing food and drink uses at the proposal site will enhance the attraction of the retail park and remove yet another reason for shoppers to visit the City Centre. This will not only result in a loss of trade to occupiers in the City Centre it will also increase the patronage of / dwell time at the retail park increasing the likelihood of people diverting their trade to the retail park from the City Centre. Food and beverage uses in this location represent the further erosion of the need to visit Aberdeen City Centre thus impacting on its overall vitality and viability.The resultant effect is that the impact of the proposed development has been significantly underestimated to the extent that we do not consider the Applicant has satisfactorily demonstrated that there will be no significant adverse effect on the vitality and viability of Aberdeen City Centre.The need for comparison goods floorspace in Aberdeen has already been assessed by Aberdeen City Council and is subsequently being planned for in the emerging LDP – this concludes quite categorically that there is no need direct surplus capacity identified by the ACARS towards out of centre locations and that any major requirements for new retail floorspace can be satisfactorily accommodated within the City Centre.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Assessment of Positive Economic Impact</u></p> <ul style="list-style-type: none">• In addition to the above, the Applicant seeks to highlight the net economic benefits associated with the proposed development, which it regards to be a key material consideration in the determination of the application (Paragraph 8.21).• Paragraph 8.22 notes that the retail industry makes a direct contribution to economic prosperity with people directly employed by retailers as well as employees supported in the wider supply chain. It notes that as a result, the proposal has the ability to create more than 500 new jobs, something that would make a significant contribution to the Aberdeen economy.• Paragraph 8.23 states that it is apparent from the level of surplus capacity within the catchment area that the trading impact of the proposed floorspace will be a benign one and that it can co-exist with Aberdeen City Centre and the other centres in the catchment. It goes on to state that the proposed retail floorspace will not threaten the existence of any existing retailers that trade from Aberdeen City Centre and will not prejudice the development of additional retail floorspace which may come forward in the future.• Paragraph 8.24 notes that the proposed development at Prime Four will not affect the SDP commitment to the City Centre as it has a much broader role than simply a retail destination and it has a deep breadth of offer in terms of food and drink, leisure, retail, residential, recreational and business space. Paragraph 8.25 goes on to state that the city Centre has a completely different role to the other major shopping destinations in Aberdeen and it provides a different shopping experience. The proposed development is intended to fill a trading gap rather than compete with existing stores in the City Centre.• The Applicant notes that the proposed retail floorspace will meet the immediate requirements of the market and will significantly improve access for potential customers in the catchment area. it is considered that the location of the proposal will not divert significant numbers of existing customers from the existing stores in the City Centre (Paragraph 8.26). It is further noted that the new retail floorspace will improve competition and choice as well as securing a qualitative improvement which will serve the western quadrant of Aberdeen and parts of Aberdeenshire. The Applicant concludes by noting that the City will experience direct benefit from this qualitative improvement, boosting market confidence in the region.	<ul style="list-style-type: none">• The Applicant refers to a series of economic benefits associated with the proposed development which it regards as material considerations of weight in the determination of the planning application. This includes the number of jobs to be created by the proposal.• Officers should treat these purported benefits with considerable caution in the determination of this application. Indeed, whilst we do not doubt that the proposed development will create new employment opportunities – these opportunities are likely to be at the expense of the jobs lost or relocated as a result of the proposed development (displacement rather than creation). The proposed development will compete head on with existing businesses in the City Centre. We also find the employment generation figures set out in the Applicant’s submission to be overstated.• We would add to the above by noting that not only will the proposal undermine the City’s overarching retail strategy (which is to direct new retail floorspace to allocated centres and to maintain Aberdeen City Centre’s position at the top of the north east retail hierarchy), it is also unsustainable. It does not offer the range of benefits that can be achieved through in-centre development including the provision of centrally located floorspace which is genuinely accessible to all (not just those who have access to a car) and the ability for linked trips with other services and facilities in the City Centre.

Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Conclusions</u></p> <p>The Applicant's conclusions are set out in Section 9.0 of the Retail Capacity Study:</p> <ul style="list-style-type: none">Paragraph 9.1 notes the current deficiency of retail floorspace in the Aberdeen City Region and the ACARS which describes the scale of the retail opportunity in Aberdeen as 'enormous'.In terms of quantitative need, the Applicant asserts that it has demonstrated that the scale of the existing surplus expenditure in the Aberdeen catchment areas is more than sufficient to justify the proposed retail floorspace and that its assessment shows that the proposal represents a valuable opportunity to make a significant qualitative improvement to shopping provision in the Aberdeen catchment.It goes on to note that national planning policy requires that a sequential approach be adopted for the selection of preferred locations for retail development. Its review of Aberdeen Centre concludes that that there ate no suitable and available sites either in or on the edge of the City Centre.Paragraph 9.4 notes that despite its out of centre location, Prime Four is an established and sustainable business location, is already allocated for development and that it is the only viable site within the area which is capable of accommodating the proposed store and meeting the requirement for a new retail centre to serve the Aberdeen catchment. Moreover, it is considered that the proposal is tailored to address a specific requirement from retailers, many of whom already have a presence in the City Centre. it is stated that these retailers do not require additional City Centre representation and instead wish to invest in other parts of the City Region. As a result, it is considered that the proposal will not prejudice the delivery of sites identified for retailing in the City Centre (Paragraph 9.5).In terms of impact on Aberdeen City Centre, Paragraph 9.6 notes that the overall impacts of the proposed development on the City Centre will be benign. It also states that it has been demonstrated that he City Centre is currently in good health and is well placed to withstand any impacts from the proposed development.Overall, it is considered that the proposal will have positive effects, both at strategic and local levels. At the strategic level, it is considered that the proposal will add a major new retail attraction to the region to ensure that it is in the strongest position to claw back trade that currently leaks to more distant facilities outwith the catchment area. At a local level, it is considered that the proposal has the potential to create significant new jobs.The Study concludes by noting that Aberdeen's position as a retail destination cannot survive indefinitely without investment to maintain its position within the retail hierarchy and its ability to serve those who live within its substantial catchment. It notes that there is a requirement for diversification in the north east retail market and a vital element of the proposals is the reinforcing of the retail role in the face of so many external competitive pressures. The Applicant considers that the proposal offers the opportunity to address these challenges and to re-position Aberdeen as one of Scotland's main retail destinations.	<ul style="list-style-type: none">We disagree with the Applicant's conclusions in regard to the acceptability of the proposed development in retail planning terms for the following reasons:<ul style="list-style-type: none">the Applicant's approach to sequential assessment does not adhere to the process for sequential assessment set by the SPP due to a misinterpretation of case law - as a consequence, the sequential assessment undertaken is insufficient to demonstrate that all city centre, edge of city centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;the scale of development proposed is inappropriate, and there have been no efforts on the part of the Applicant to demonstrate that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;the proposal is presented as a means to address qualitative and quantitative deficiencies within the city region – this will however be at the expense of City Centre sites that have been identified in the existing and emerging LDP to address identified capacity for additional retail floorspace; andthe Applicant's economic trade draw analysis utilises inappropriate assumptions which serve to underplay the impacts of the proposed development. The assessment it is not fit for purpose and places undue weight on the quantitative impacts of the proposal without due regard to the associated qualitative impacts which must be taken into consideration as part of any assessment of retail impact. In this regard, the Applicant has failed to demonstrate that the proposal will not lead to a significant adverse impact on the vitality and viability of Aberdeen City Centre.We would add to the above and enclosed by noting that Aberdeen operates a Plan-led system which must be followed unless material considerations indicate otherwise (Town and Country Planning (Scotland) 1997 Act). Our assessment of the proposed development concludes that the purported benefits associated with the proposed development (as set out in the Applicant's Retail Capacity Study and other associated documents) are by no means sufficient to outweigh its clear non-compliance with the adopted LDP and the Aberdeen City and Shire Strategic Development Plan 2014 (SDP). Moreover, it categorically fails to address the overarching objective of the SPP in regard to town centres and retailing which is to apply a town centres first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure. A town centres first policy is intended to support town and city centres, where these exist, or new centres <u>only when they are supported by the Development Plan</u>.In this case, the scale of the proposed development is not envisaged in the existing and soon to be adopted Local Development Plan 2016. Indeed, within the emerging LDP, the City Council has set out a clear and comprehensive strategy for the delivery of additional retail floorspace up to 2035 / 36, informed by a comprehensive masterplanning exercise and the ACARS.Moreover, there is evidence of a clear and demonstrable willingness on the part of City Centre investors to deliver this additional retail floorspace within the City Centre itself including the scheme by Hammerson to redevelop the Union Square car park (Application Ref: 152005). This scheme alone has the potential to deliver up to 11,148 sqm of retail floorspace, 6,503 sqm of new leisure space and 4,645 sqm of food and drink uses. While there may well be an appetite from retailers to have additional facilities outwith the City Centre this is not a material consideration of any weight as quite clearly retail planning policy at all levels directs these retailers to town centre locations first and foremost. Indeed, the fact that these retailers would like to have additional representation at Prime Four does not overcome the fact that their very presence in this location will conflict with retail planning policy at all levels and significantly and irreversibly undermine Aberdeen City Centre's position at the top of the north east Scotland retail hierarchy.In addition to the above, we note with interest that the Applicant has placed significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which on the face of it appears to operate quite successfully alongside more traditional retail provision within the city centres themselves. However, what this fails to take into account is that how other city regions operate is not a policy consideration and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to meet the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming quantitative or qualitative need to deliver the proposed floorspace in this location.The impact of out of centre development on planned investment such as that proposed within the existing and emerging LDP is summarised by the ACARS. This concludes that there is a need to facilitate and support the growth of Aberdeen City Centre and:<i>"to maintain the City Centre as the principal retail location serving the north east of Scotland. The primary focus of the City Centre will be for comparison goods retailing. However, it is recognised that the delivery of new sites within the City Centre is a difficult and protracted process reflecting a range of development constraints including complex land ownership. <u>Therefore, in order to provide the maximum opportunity for City Centre development to proceed, some restraint is proposed for out-of-centre retail proposals elsewhere in the City and Shire.</u>"</i> (Page 76, emphasis added).As the Applicant points out at Paragraph 5.8 of its Retail Capacity Study, the ACARS also advises that:<i>"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could <u>be undermined by relatively easy alternatives elsewhere in the City.</u>"</i> (Page 63, emphasis added).We do not dispute that there is significant potential for additional retail floorspace in the Aberdeen catchment area (this is to be expected), however this is quite clearly being planned for (as is required) through the emerging Local Development Plan (and the City Centre Masterplan) in far more sustainable locations, in accordance with recommendations of the ACARS and in line with the town centres first approach. The fact that the delivery of additional retail floorspace can be difficult to achieve in City Centre locations does not give developers 'carte blanche' to deliver unsustainable proposals elsewhere – if anything, it further highlights the need for the City Council to uphold the town centres approach to allow these City Centre developments to come forward in line with what is envisaged in the existing and emerging LDP.

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11 November 2016

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Dear Mr Easton

REPRESENTATION TO PLANNING APPLICATION 161429/PPP - MAJOR DEVELOPMENT MIXED USE COMMERCIAL (UP TO 30,000 SQM) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS - SITE AT OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN

We write on behalf of BMO Real Estate Partners (BMO REP) who is the asset manager for the owners of Bon Accord and St Nicholas Shopping Centres, Aberdeen and 20 smaller properties situated on Schoolhill, Upperkirkgate, George Street and St Andrews Street in Aberdeen city centre (which we will refer to collectively as Bon Accord), to object to the above named planning application by Drum Property Group Ltd at Prime Four Business Park, Kingswells, Aberdeen. We note that this representation is submitted prior to the deadline for comments on 13 November 2016.

The applicant seeks planning permission in principle (PPP) for a major mixed-use development at Prime Four Business Park (Phase 5) providing up to 30,000sqm of commercial floorspace. The schedule of development is summarised as follows:

- up to 26,013 sq.m (gross) of Class 1 comparison retail, with a likely focus on clothing and footwear sales;
- up to 3,716 sq.m (gross) foodstore and ancillary food and drink premises;
- other ancillary uses and associated demolition, infrastructure and access works.

BACKGROUND

BMO REP and the owners of Bon Accord are committed to delivering significant investment in Aberdeen city centre and successfully gained planning consent in 2014 to develop a new leisure hub, incorporating a high-end 700-seat cinema, plus additional food, drink and leisure space, and are now finalising their plans in this regard. Furthermore, they are currently undergoing pre-application consultation for a substantial retail-led mixed-use development proposal within an allocated site around the George Street / Loch Street / Crooked Lane area of the Bon Accord Shopping Centre in Aberdeen city centre, with a view to submitting a planning application early in 2017 (LDP2, OP102).

The redevelopment proposals at Bon Accord will significantly contribute towards meeting a number of key policy objectives both within the current Development Plan and emerging Local Development Plan. In particular, these relate to providing significant new retail floorspace in the city centre to meet the identified shortfall; improving a key city centre site; and safeguarding the primacy of the city centre as the regional focus for retail and town centre uses.

Maintaining and enhancing the primacy of the city centre, together with associated development plan policies which have been purposefully conceived to achieve this, are of the utmost importance to BMO REP and the owners of Bon Accord. This policy context was material to our client's decision to originally invest in Aberdeen city centre and remains so. In light of this and following a review of the above application and available supporting information, it is apparent that the application raises significant issues that are of concern to our client and the city centre, in terms of the scale and impact of the proposed retail development on its vitality and viability and impact on its ability to deliver the objectives and aspirations contained within the prevailing development plan. We therefore submit this representation objecting to the application.

DEVELOPMENT PLAN POLICY BACKGROUND

Consideration of this application should be made taking full cognisance of the relevant policies set out within the development plan, which comprises the Aberdeen City and Shire Strategic Development Plan (2014) and the Aberdeen Local Development Plan (2012). Other relevant material considerations include the Proposed Aberdeen Local Development Plan (2015) and the reporters' examination report dated 23 September 2016. Aberdeen City and Aberdeenshire Retail Study (2013), the Aberdeen City Centre Masterplan (2015), the Bon Accord Quarter Masterplan (2006) and Scottish Planning Policy (2014) are also relevant.

Scottish Planning Policy (2014)

SPP sets out the Scottish Government's policy on land use planning matters and establishes that the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities. SPP outlines the sequential approach with town centres as the preferred location for development, including retail and that planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.

SPP sets out that out-of-centre locations should only be considered for uses which generate significant footfall where (in part): all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable; the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal will help to meet qualitative or quantitative deficiencies; and, there will be no significant adverse effect on the vitality and viability of existing town centres.

Aberdeen City and Shire Strategic Development Plan (SDP)

The SDP seeks to protect the vitality and viability of town centres within the region and reaffirms the sequential approach when identifying new retail development across the region. A key aim of the SDP is to protect Aberdeen City Centre as the regional centre and remain one of the top-20 retail areas in the UK.

The SDP places particular emphasis on continuing to support the regeneration of Aberdeen city centre and making sure that this 'key regional asset' fulfils its potential by improving its shopping, leisure, commercial and residential environment as well as its visitor experience. The SDP also references the City Centre Development Framework and the Business Improvement District, which have been brought about to help deliver these objectives.

Aberdeen Local Development Plan (2012)

The adopted LDP (2012) confirms the role of the City Centre as a regional centre and reinforces the sequential approach (through policies C1 and RT1) for the direction of proposals for new retail, commercial, leisure and other city centre uses. The Adopted LDP primarily allocates the application site under policy OP40. Policy OP40 comprises a Land Release Policy / Green Space Network provision for an allocation of up to 50 ha of development of business land to attract high quality business or be suitable for company headquarters between 2007 and 2023 and is subject to the requirement of a masterplan.

Policy RT2 (Out of Centre Proposals) is applicable and states that retail, commercial and leisure development proposed at out-of-centre locations will be refused planning permission if it does not satisfy all of the stated requirements, including (in part): compliance with the sequential approach set out in policy RT1; no significant adverse effect on the vitality or viability of a retail location; qualitative or quantitative retail deficiency; accessible location; and, would have no significant adverse effect on travel patterns and air pollution.

Proposed Aberdeen Local Development Plan (2015)

Although not yet adopted, the Proposed LDP is a significant material consideration in the consideration of this planning application. The Proposed LDP confirms the role of Aberdeen city centre as a regional centre and reinforces the sequential approach (through policies NC2, NC4 and NC5) for the direction of proposals for new retail, commercial, leisure and other city centre uses. The Proposed LDP allocates the site under policy OP29, which comprises an Employment Area / Green Space Network Opportunity site to provide for up to 50 ha development of business land up to 2026 to attract high quality businesses or be suitable for company headquarters.

Policy NC5 (Out of Centre Proposals) is applicable and states that retail, commercial and leisure development proposed at out-of-centre locations, will be refused planning permission if it does not satisfy all of the stated requirements, including (in part): compliance with the sequential approach set out in policy NC4; no significant adverse effect on the vitality or viability of a retail location; qualitative or quantitative retail deficiency; accessible location; and, would have no significant adverse effect on travel patterns and air pollution.

Aberdeen City Centre Masterplan (2015) & Bon Accord Quarter Masterplan (2006)

The Aberdeen city centre masterplan (2015) outlines a 20 year development strategy for Aberdeen City Centre. It identifies a series of ambitious projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. A key part of the masterplan (in part) is to stitch together a distinctive retail offer that enhances the role of the city centre as the dominant regional shopping centre.

The masterplan subsequently provides a range of projects which seek to confirm and enhance its position. Projects include (but are not limited to): introduction of a mixture of uses (including retail) at Aberdeen Indoor Market (Project CM06); expansion of the Bon Accord Centre (Project CM07) (also included within the 2006 Bon Accord Quarter Masterplan); promoting greater independent city centre retail offer (Project CM08); improvement of space at the St. Nicholas Centre (Project CM09); enhancement of existing retail offer at the Trinity Centre and redevelopment of Atholl House (Project CM10); improvements to Union Street Conservation Area (Project CM11); and, expansion of Union Square (Project CM12).

GROUNDINGS OF OBJECTION

Site specific policy

The Scottish planning system is plan led. As set out above, the site is allocated within both the adopted and emerging LDPs to provide up to 50 ha of development of business land to attract high quality business or be suitable for company headquarters between 2007 and 2023. The LDP states: *"more than 50 hectares of employment land allocations have been made to the west of the city in the Kingswells area which will provide employment opportunities in a part of the city where there is little employment land"*.

It is evident that the application site and this part of the city has been targeted by the Council as a strategic site and key for the Council's vision to deliver sufficient and suitably high quality employment land in an area that has been identified as being deficient of such appropriate uses. The proposed retail development at this location is not only contrary to the LDP allocation; it would occupy part of the business land supply to the west of the city outlined as being key to delivering high quality business development. Considering the existing employment aspirations for this part of the city, we would suggest that the Prime Four Business Park is not an appropriate location for such development.

The Sequential Assessment

The applicant has prepared a sequential assessment to support their retail capacity study, noting that *"SPP and the development plan establish that the first preference for the proposed development would be Aberdeen City Centre and consequently this is where we have focussed our search"*. The applicant identified and discounted 8 potential sequentially preferable city centre locations in their assessment.

The applicant relies upon the Supreme Court's Judgement in the case of *Tesco Stores Ltd v Dundee City Council* (2012) to justify their position that there are no suitable sites within town centres or edge-of-centres large enough to accommodate their development proposals (i.e. 30,000sq.m mix of Class 1 comparison retail floorspace, a foodstore and ancillary food and drink uses).

We are of the view that reliance on this judgement is overly simplistic. The judgement relies on the premise that a developer (in this instance Asda) should not be forced to alter its business model on the basis that it could accommodate a smaller site within a town centre location. In the case of the current Prime Four Business Park development proposal, the applicant has confirmed within their Retail Capacity Study that the development proposals:

'Involve the development of up to 26,013 sqm (gross) of Class 1 retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand. In addition, the proposals would be complemented by a 3,716 sqm (gross) foodstore and ancillary food and drink premises' (Retail Capacity Study para 2.1).

At paragraph 6.10 of their Retail Capacity Study, they elaborate that this 'confirmed market demand' comprises a range of UK multiple retailers that have 'requirements for new retail units in the order of 2,500 to 20,000 sq.ft GFA' (230 – 2,000 sqm GFA).

The applicants have simply discounted sequentially preferable sites on the basis that none are suitable or available or large enough to accommodate a standalone development providing up to 30,000sqm of additional floorspace. The methodology and parameters underpinning the sequential assessment predetermine the outcome of the exercise. Although various sites have been examined, the basis on which the assessment has been undertaken leads inevitably to the elimination of alternative locations. This approach is not robust and the conclusions are based on a rigid and inflexible interpretation of policy. The sequential approach is designed to direct development to town centres in the first instance so that they benefit from available spending and investment. It not intended to operate in this constrained and artificial way.

Given the type of development proposed (i.e. retail units ranging in size from 230 – 2,000 sqm GFA), it is our view that at least some of the development, if disaggregated, could be accommodated on alternative and sequentially preferable locations within existing town centre locations, as identified in their supporting Retail Capacity Study. In the retail market it has been demonstrated that, in some cases, certain forms of business model are sometimes more suited to an out-of-centre location, including for example, large bulky goods operators and large format food superstores. In this case, however, the proposals at Prime Four Business Park includes a number of individual units designed to accommodate non bulky comparison goods operators, and, taking a flexible approach, could undoubtedly be accommodated instead on clearly identified city centre sites.

The applicants have not demonstrated any degree of flexibility or evidence as to why a smaller site or sites could not meet a similar need in this regard, and have provided no evidence to demonstrate that the scale of the proposed development is appropriate and required for the commercial viability of the scheme.

Furthermore, there can be no weight attached to the statement at paragraph 7.6 of the applicant's retail capacity study that the requirements of retailers seeking dual representation in the city somehow justifies setting aside the 'town centre first' policy principle in SPP and related requirement to address the sequential test.

The retail proposals are essentially speculative. There would be no justification for granting a personal permission in this instance going by the terms of circular 4/1998 ('The use of conditions in planning permissions'), specifically paragraph 92 of annex A. Similarly, the terms of the application do not include any form of commitment by any of the retailers (none of which are named) seeking dual representation to maintain a presence within the city centre.

In which case, the applicant's approach to addressing the sequential test is flawed. As already noted above, they have not demonstrated any flexibility in proving that the development cannot be accommodated within the city centre, being the most appropriate location according to SPP.

As noted above, the policy framework focuses on protecting Aberdeen City Centre as a regional shopping centre and consolidating its position within the top 20 centres in the UK. The strategy set out in the Local Plan and associated Masterplans identifies a series of key development opportunity sites with which to support future economic growth and an improved retail offer that enhances the role of the city centre as the dominant regional shopping centre. It is clear that the identified retail expansion areas within Aberdeen city centre are sequentially preferable and will meet identified deficiencies. This alone provides a basis for refusal of the application at Prime Four Business Park.

The proposals at Prime Four Business Park will form a competing destination in a sequentially less preferable location, detrimentally impacting upon the city centre and the ability to deliver city centre opportunity sites in the future. We discuss this further below.

Deficiency & Retail Impact

The Aberdeen City and Aberdeenshire Retail Study (ACARS) undertaken by Hargest Planning Ltd in 2013, commissioned by Aberdeen City Council and Aberdeenshire Council, identified additional capacity for approximately 30,000 - 35,000 sq.m of additional gross retail floorspace to support retail growth within the City Centre by 2022. The report subsequently identifies a range of sites to accommodate this capacity.

The ACARS recommendation of 30,000 - 35,000 sq.m of additional floorspace was based on the recommended 'Scenario 3' which was identified to address deficiencies and support retail investment in the City Centre and minimise potential adverse impacts on existing centres. This recommendation was taken forward into the Proposed LDP and has subsequently been ratified by the reporter in the recently published Proposed LDP examination report dated 23rd September 2016.

Two of the largest development opportunities within Aberdeen city centre are located at George Street North/Crooked Lane (Bon Accord Centre) and Union Square. Both are currently progressing through the planning system and propose to provide for a combined Class 1 comparison sales floorspace of approximately 20,000 - 25,000 sq.m. These developments, in addition to other identified and allocated sites within the emerging LDP will meet this potential and will help prevent expenditure leakage and maintain the city centre as the primary retail area in the North East.

Furthermore, the ACARS recommendation of 30,000 - 35,000 sq.m of additional floorspace was based on expected growth figures available at the time that the report was prepared, and, crucially prior to the on-going downturn within the oil and gas industry (and associated job losses and economic impacts on the region). BMO REP would therefore encourage ACC to take a precautionary approach when considering the level of expected retail floorspace deficiencies for the region.

The proposals at Prime Four Business Park will clearly impact upon the ability of the city centre to consolidate and enhance its position as the regional shopping centre. The applicant themselves acknowledge existing competition from other Scottish centres and other forms of retailing, and adds that the resilient city centre catchment is due in part to the fact that out-of-centre retail competition is limited (paragraph 4.2-4.3, LSH Retail Capacity Study).

As set out earlier in this letter, the Scottish planning system is plan led. Neither the emerging LDP nor the ACARS identify the application site at Prime Four Business Park as an appropriate location for retail development. Based on the above and the progress currently being made at allocated sites within Aberdeen city centre, we would again suggest that the scale of development being proposed at the Prime Four Business Park is not appropriate and the applicant has not demonstrated how the proposals would address a quantitative or qualitative deficiency that could not otherwise be met within the city centre.

We note that the applicant has sought to assess the direct retail impacts on the city centre within supporting retail tables submitted as part of the 'Retail Capacity Study'. The figures for direct impact presented appear relatively modest (5.2%), albeit we would question the transparency and soundness of the assessment presented. Based on a detailed analysis of Appendix 1 (LSH Retail Capacity Study, final table) we note the following points:

- High levels of trade diversion are expected from key city centre retail areas, notably Bon Accord (£16m / 9% impact), St Nicholas (£9m / 18% impact) and Union Square (£23m / 11% impact). This raises concerns in respect of the level of impact on these core shopping areas.
- The impact assessment assumes that £55m of the total comparison goods turnover of Prime Four (£110.29m) will be derived from Aberdeen city centre. This equates to just 50% which would seem conservative given the proximity and competing nature of the two destinations.
- The remaining trade draw is assumed to come primarily from Glasgow (£12m), Edinburgh (£6.75m) and Berryden retail park (£7m). We would question these figures given the distance of both Edinburgh and Glasgow, and the lack of competition from Berryden which comprises a different form of comparison retailing than that expected at Prime Four.

Based on the factors set out above, the LSH Retail Capacity Study under-estimates the level of quantitative trade diversion from Aberdeen city centre and potential quantitative implications on turnover. Of equal concern to our client are the associated qualitative impacts for allowing the proposals at Prime Four Business Park, which we consider would place it in direct competition with Aberdeen city centre as a shopping destination. This would be wholly contrary to development plan policy and strategy.

Indeed, the potential loss of spin-off consumer expenditure to the city centre through shopping and other associated linked trips is far more significant than simply assessing the direct expenditure loss to the new proposals. It is misleading and insufficient to restrict the consideration of retail impact issues to those set out in the related supporting material.

Often referred to as 'secondary' (or 'indirect' impacts), the report into Town Centre and Retailing Methodologies (2007) by Hargest & Wallace Planning Ltd and Donaldsons, for the Scottish Government, offers relevant commentary on these matters in the context of retail impact assessments. The report confirms that the assessment of secondary impacts is to be encouraged in the retail impact assessment of proposals, however such an assessment is absent from the planning application submission.

The application proposals would seriously undermine the strategic development planning objectives for the city centre. They would undermine vitality and viability of retailing in the city centre, and therefore threaten other relative economic activity and the ability to maintain its competitiveness for the benefit of the wider city region.

Furthermore, it would send out a concerning message to investors and operators alike, if the city centre's role as the regional centre for a wide range of higher order retailing was in any way being undermined. Our client is of the view that allowing the application proposals to proceed would send out such a message.

Planning matters, including decisions taken in respect of planning applications, can be relevant to the investment decision making process. If approved, the resulting development could weaken investor confidence within Aberdeen city centre. As such, we do not believe that the City Council should risk casting any doubt over its commitment to the development plan objectives of promoting investor confidence in the city centre.

The provision of substantial comparison retail floorspace with a focus on clothing and fashion retailers and a significant food and beverage offer at Prime Four Business Park would deliver a significant quantitative and qualitative retail offer in the west of the city that will overlap with the offer of the city centre and pose a serious threat to its role and primacy in the network of centres.

It therefore stands to reason that the proposals would adversely impact on the strategy and objectives for enhancing the vitality and retail attractiveness of the city centre, particularly when there is specific development plan policy in place to support these objectives preventing out-of-centre development proposals on unallocated sites and promoting further retail and town centre based uses within the city centre.

It is essential that Aberdeen City Council continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Aberdeen city centre. Whilst it might be easier for a developer to deliver a new retail development on a greenfield site at Prime Four Business Park; the more challenging development proposals, such as those within the city centre, require a greater level of confidence in the certainty of development plan policy in order to deliver them.

As a final point, many of the grounds of objection referred to above, in particular those relating to the sequential test and indirect retail impact, were particularly relevant in the decision to refuse, including at appeal, proposals to create a Debenhams department store at Fort Kinnaird Retail Park on the outskirts of Edinburgh (appeal reference PPA-230-2113). Whilst every planning application is determined on its own merits, we do believe there are sufficient grounds, in this case, to refer to the full terms of this appeal decision, as a material consideration in the determination of the planning application.

Transport

We have concerns regarding the potential impact that the development proposals will have on the surrounding road networks. The Transport Assessment which accompanies the planning application (dated 19/10/16) does not appear to address the points raised by Transport Scotland in their Transport Assessment Scoping Statement response dated 14/10/16 (Transport Assessment, appendix A, page 139). We would therefore question the validity and robustness of the accompanying Transport Assessment.

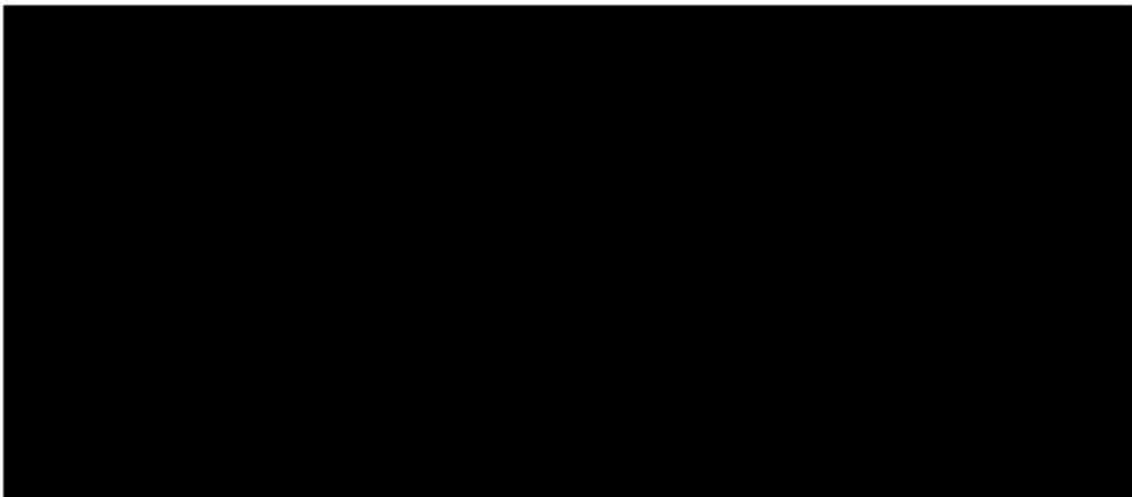
As set out earlier in this letter, BMO REP are currently preparing for the submission of a planning application seeking PPP for a retail-led mixed-use development around the George Street / Loch Street / Crooked Lane area of the Bon Accord Shopping Centre in Aberdeen city centre. The PPP will

be accompanied by a retail assessment in support of the proposals. As we continue to prepare for the submission of the PPP, we reserve the right to further expand on our clients concerns highlighted in this letter of representation, particularly in relation to retail capacity, transport and the impact that the development proposals at Prime Four Business Park would have upon Aberdeen city centre.

On the basis of the arguments set out above, we find strong reasons to suggest that this speculative application seeking planning permission in principle should be refused.

We trust that our comments shall be taken into consideration in the determination of this planning application.

Yours sincerely



Chris Miller
Associate
For and on behalf of GVA Grimley Limited

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Comments for Planning Application 161429/PPP

Application Summary

Application Number: 161429/PPP

Address: Site OP40 Prime Four Business Park Kingswells Aberdeen

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1) , food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works|cr|

Case Officer: Matthew Easton

Customer Details

Name: Mr Dominic Fairlie

Address: c/o 5 Louisville Avenue Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society would like to make the point that the A944 is a major road leading to Aberdeen and there has been, and continues to be, major development along it. We would therefore request that traffic management is considered in detail.

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Development Management Team
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

HF1327/04

8th November 2016

FAO Matthew Easton measton@aberdeencity.gov.uk

Dear Sir

MAJOR DEVELOPMENT: MIXED USE COMMERCIAL (UP TO 30,000M2) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT SITE OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN. APPLICATION REFERENCE 161429/PPP

We write with reference to the above application submitted recently to Aberdeen City Council.

Rockspring Hanover Property Unit Trust (RHPUT) have significant retail interests in Aberdeen City Centre including the former BHS unit on Union Street.

We wish to formally object to the principle of the proposed development. Our grounds for objecting to the proposed development are set out below.

Background

The application site covers an area of approximately 13 ha (32 acres) and is located within the Aberdeen City Local Authority Area, and within the Kingswells / Sheddocksley Ward. The site lies circa. four miles to the west of Aberdeen City Centre and circa. two miles to the east of Westhill (Aberdeenshire Council). The settlement of Kingswells is adjacent to the east.

The application seeks permission in principle for retail uses to complement the existing business park, and create a commercial mixed use scheme.

Drum Property Group are advancing proposals which involve the development of up to **26,013sqm** (gross) of Class 1 Retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers. In addition,

the proposals would include a **3,716sqm** (gross) foodstore and ancillary food and drink premises.

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

Policy Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. Scotland Act 2006 requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan, and the Aberdeen Local Development Plan, adopted 29 February 2012.

Aberdeen City Council are in the process of replacing the Local Development Plan. Their Proposed Plan has recently been the subject of Examination and the Reporter's Report has now been received by the City Council.

The site of the subject proposals is identified in the emerging Local Development Plan as an extension to the Prime Four development. It is allocated as Green Belt in the current extant Local Development Plan.

The review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Briefly stated it is submitted that the proposed development does not comply with the Development Plan and there are no material considerations, either presented by the applicant nor are evident in our assessment, that would indicate otherwise.

SDP

Aberdeen City is identified as a strategic growth area within the SDP. Paragraph 3.15 states that *"Aberdeen is Scotland's third-largest city and the regional centre for employment, retail, culture, health and higher education as well as being the region's transport hub – with road, rail, sea and air links."*

The SDP continues at 4.2 that *"in line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area."*

It is stated at paragraph 4.40 that *"to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. We will take a sequential approach to new retail development. However, we will also support existing retail centres to make sure that the needs of the community are met now as well as in the future."*

LDP

The site of the subject proposals is allocated as Green Belt (NE2) and as part of the Green Space Network (NE1).

An extract of the Proposals Map is copied below:-



Material Considerations

As noted above, the review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Scottish Planning Policy (SPP)

Paragraph 1. of SPP recognises that *"the planning system has a vital role to play in delivering high-quality places for Scotland."* It continues that *"Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."*

Core Values of the Planning Service include that Scottish Ministers expect for the planning service to perform to a high standard and to pursue continuous improvement are noted at paragraph 4. of SPP, include:-

- focus on outcomes, maximising benefits and balancing competing interests;

- play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;

Paragraph 24. of SPP states that *"the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."*

Further it states at paragraph 27. that *"the Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on sustainable legacy for future generations."*

In this respect it is stated that *"this SPP introduces a presumption in favour of development that contributes to sustainable development."*

Paragraph 58. states that *"NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland." It continues that "...town centres are at the heart of their communities and can be hubs for a range of activities" and that "it is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century."*

SPP states (at paragraph 39.) that *"planning should direct the right development to the right place."*

As previously, SPP states (at paragraph 60.) that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. In this respect it is stated that the planning system should:-

- apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; and
- ensure development plans, decision-making and monitoring support successful town centres....

In specific relation to commercial centres paragraph 63. states that:-

"Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods."

Paragraph 68. States that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.

It continues that this requires that locations are considered in the following order of preference:-

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

Paragraph 69. states that *"planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations."*

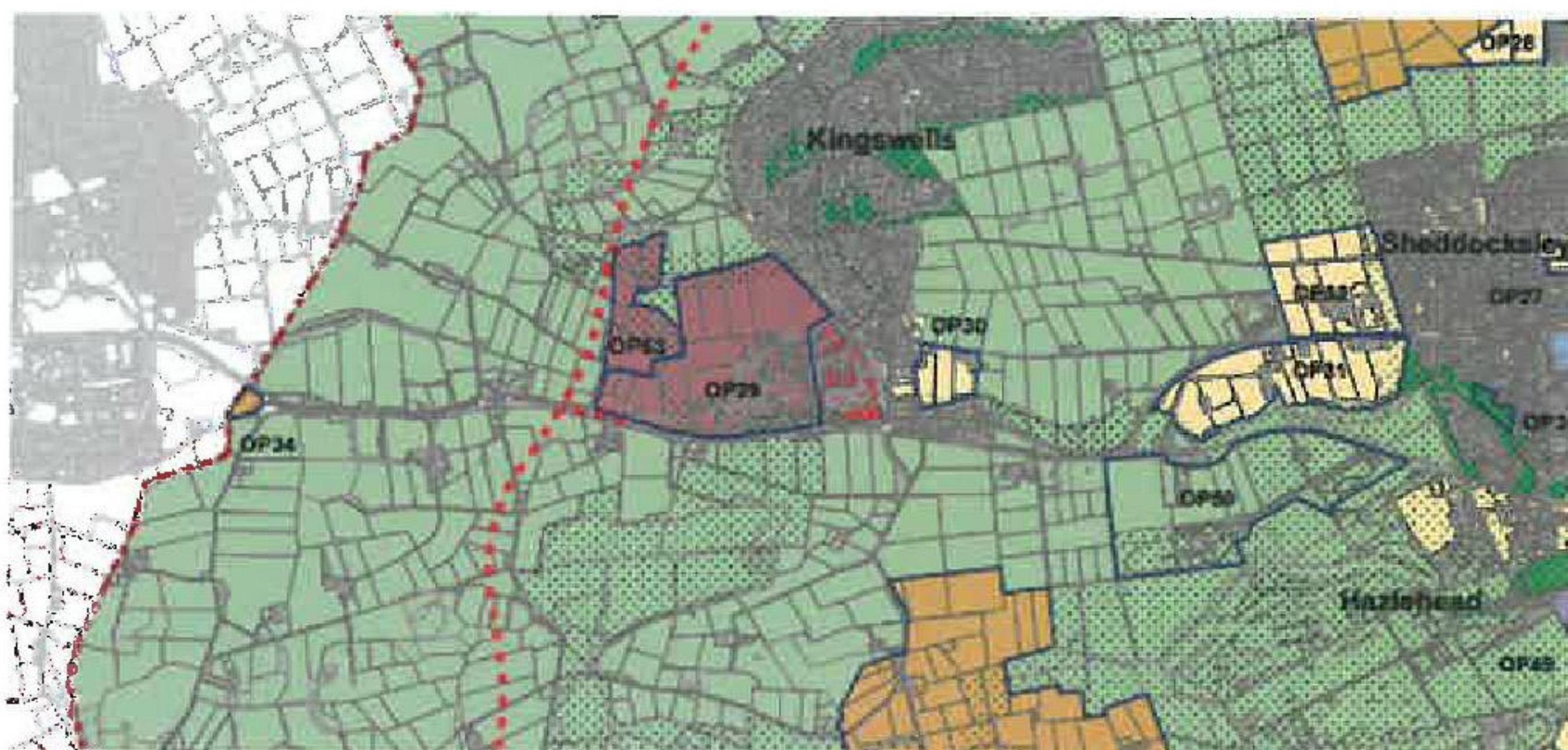
It continues that where a retail development over 2,500 sqm is proposed outwith a town centre, contrary to the development plan, SPP requires a retail analysis to be undertaken. In relation to transportation matters, SPP refers to making sound choices on the location of new development (at paragraph 280.) and placing a focus on places well served by public transport (paragraph 279).

Aberdeen Local Development Plan – Proposed Plan

The LDP identifies Kingswells as a direction for growth. The plan, at 2.2, states that

"Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed. The main housing sites are at Maidencraig (750 homes) on the A944 corridor and at Greenferns (1,350 homes plus 10ha employment land). The AWPR will provide benefits to this area with junctions proposed to the north and south-west of Kingswells."

An extract of the Proposed Plan Proposals Map is copied below. The plan suggests allocations in line with the strategy, including to the west of Kingswells at OP63 (Prime Four Extension) and OP29 (Prime Four Business Park):-



The plan refers to OP63 (Prime Four Extension) as accommodating some 13ha of employment land and OP29 (Prime Four Business Park) as accommodating 50ha. A masterplan is noted as being a requirement for the development of OP63.

In relation to the Network of Centres paragraph 3.18 states that the city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the wider North East. It continues that it is an important regional centre providing a focus for employment and business interaction, it offers access to a wide range of goods and services, it is a place where many people meet socially and choose to live and visit.

Paragraph 3.19 states that the City Centre is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life, noting that the Plan supports the delivery of this vision within a framework of securing sustainable development and continuing that this will be achieved through applying policies which positively promote what can happen, and where, in tandem with the City Centre Masterplan and Delivery Programme.

Policy NC4 of the plan relates to the Sequential Approach and Impact. It states that:-

"All significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance Hierarchy of Centres:

- Tier 1 : Regional Centre
- Tier 2 : Town Centres
- Tier 3 : District Centres
- Tier 4 : Neighbourhood Centres
- Tier 5 : Commercial Centres

Proposals serving a catchment area that is city-wide or larger shall be located in the city centre. Retail proposals shall preferably be located in the City Centre Retail Core.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre. They may also be located in the city centre. Proposals serving a catchment area of size similar to that of a neighbourhood centre shall be located in a neighbourhood centre.

They may also be located in any centre that is in the first, second or third tiers of the hierarchy.

Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy.

Proposals for significant footfall generating development on an edge-of-centre site will not be supported unless:

- the proposal is one that would have been appropriately located in the centre to which it relates; and*
- in the centre to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.*

In all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity.

In major new development areas that are more than 800m walking distance from shopping facilities, permission may be granted for the establishment of a new second, third or fourth tier centre. Developers may be required to reserve land for this purpose.

Retail Impact Assessments should be undertaken where a retail development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres."

Policy NC4 of the plan relates to Out of Centre Proposals. It states that:-

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

"1 no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.

2 there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance Hierarchy of Centres.

3 there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.

4 the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

5 the proposed development would have no significantly adverse effect on travel patterns and air pollution."

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

It is submitted that the proposed development would have a significant impact on the City Centre, and will significantly undermine the Development Plan strategy in this respect.

Conclusion

In conclusion we wish to formally object to the principle of the proposed development.

The information submitted with the current application and which appears on the Council's planning portal appears in no way to justify the development. No detailed assessment of planning policy has been provided for example, and should be requested of the applicant.

The correct process to promote exceptions to policy would be through a review of the Local Development Plan, and not by a speculative application which appears to be accompanied by limited, if any, policy justification.

We would submit that based on the forgoing assessment the proposed development is contrary to the LDP, and indeed represents a significant departure.

No material considerations, either submitted by the applicant nor assessed here support the proposed development where no justification is provided. The LDP Report of Examination underlines the Council and Scottish Government's position relative to the site:

Neither indicate the development warrants a departure from the development plan.

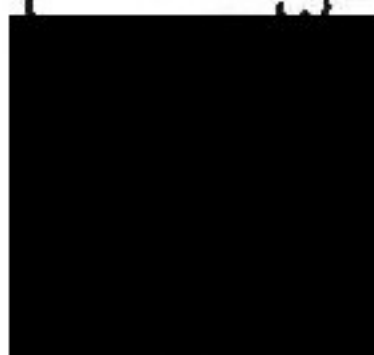
We trust that the above objection will be given due regard in the Council's consideration of the proposed development.

We would reserve the right at this stage to supplement our objections in the event that additional information is submitted by the applicant.

As noted above the review of the SDP and LDP Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

We would be grateful to receive acknowledgement of the receipt of the objection. Should you require further information or clarification at this stage please do not hesitate to contact Shaun Hose of this office direct.

Yours faithfully



ROCKSPRING PROPERTY INVESTMENT MANAGEMENT

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