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Planning & Building Standards  
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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 1<sup>st</sup> 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

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cc. client