

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."

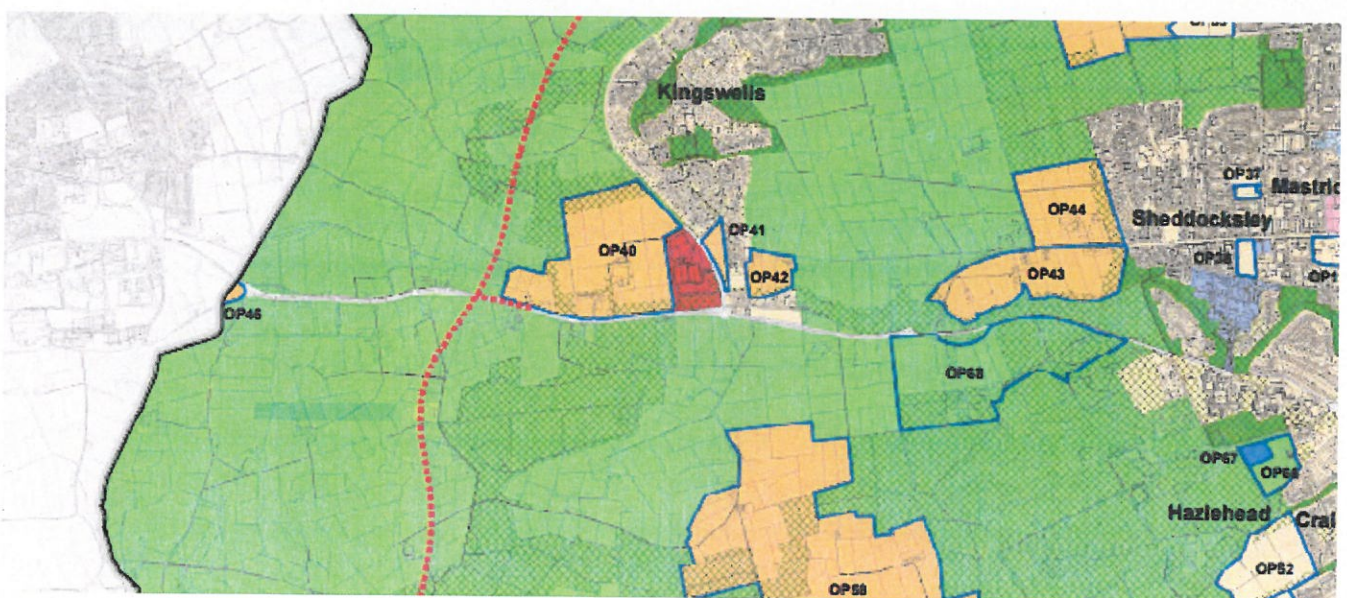
The SDP continues at 4.2 that "in line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area."

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.”*

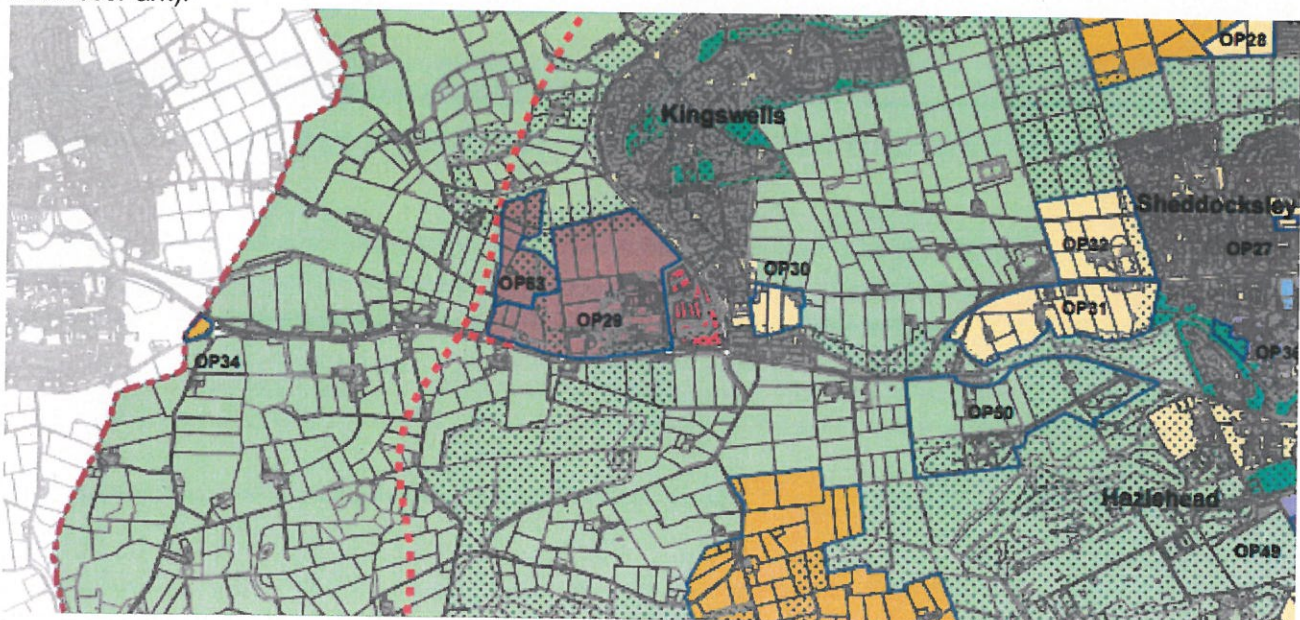
It continues that where a retail development over 2,500 sqm is proposed outwith a town centre, contrary to the development plan, SPP requires a retail analysis to be undertaken. In relation to transportation matters, SPP refers to making sound choices on the location of new development (at paragraph 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 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 horizontal flourish extending to the right.

COLUMBIA THREADNEEDLE