



11 November 2016

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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



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Ellandi LLP

Enclosure 1 Ellandi Assessment of Prime Four Retail Capacity Study

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