



Proposed Aberdeen Local Development Plan 2015 Representation Form

Please use this form to make comments on the Proposed Aberdeen Local Development Plan, ensuring that your comments relate to a specific issue, site or policy in either the Proposed Plan, Proposed Supplementary Guidance, Proposed Action Programme or Strategic Environmental Assessment Environmental Report. Please include the relevant paragraph(s) and use a separate form for each issue you wish to raise.

The consultation period runs between Friday 20th March and Monday 1st June 2015. Please ensure all representations are with us by 5pm on Monday 1st June.

Name	Mr <input checked="" type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms <input type="radio"/> Matthew Williams
Organisation	Savills UK Ltd
On behalf of (if relevant)	LSREF3 Tiger Aberdeen (Jersey) Limited (Ellandi LLP)
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Please tick if you would like to receive all future correspondence by e-mail

What document are you commenting on?	Proposed Plan	<input checked="" type="checkbox"/>	
	Proposed Supplementary Guidance	<input checked="" type="checkbox"/>	
	Proposed Action Programme	<input type="checkbox"/>	
	Strategic Environmental Assessment Environmental Report	<input type="checkbox"/>	
Policy/Site/Issue	Please see below.	Paragraph(s)	Please see below.

What would you like to say about the issue?

This representation is made on behalf of LSREF3 Tiger Aberdeen (Jersey) Limited (Ellandi LLP), owners of the Trinity Shopping Centre, Aberdeen.

By way of background, Ellandi LLP (Ellandi) acquired the Trinity Shopping Centre in December 2014. The Centre comprises 34 retail units and is anchored by a Debenhams department store and a Primark plus a range of other retailers including Argos, Ernest Jones, HMV, Superdrug, Trespass and Waterstones. The Centre forms an intrinsic part of Aberdeen's retail circuit and provides an important link between Aberdeen Railway Station and Hammerson's Union Square to the south, Union Street (Aberdeen's main commercial thoroughfare) and Bon Accord & St Nicholas to the north.

As a major investor in the City Centre, Ellandi and its partners are committed to ensuring that new development occurs in the right place, 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. It is also committed to ensuring that the Trinity Centre is able to respond to the shifting demands of the consumer economy and that it contributes to the City Council's aspiration to promote Aberdeen as a progressive, global City.

It is with the above in mind that we have a number of observations in connection with the Proposed Aberdeen Local Development Plan (PALDP) and associated Supplementary Guidance (SG). These observations are made in view of consultation discussions between Ellandi LLP and the City Council in March 2015 (in connection with the City Centre Masterplan).

Our observations are outlined below.

Draft Policy NC1 - this policy asserts 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. Ellandi LLP supports this approach.

Paragraph 3.21 of the PALDP - this paragraph acknowledges the findings of the Aberdeen City and Aberdeenshire Retail Study 2013. In particular, it highlights that there is potential for developing an additional 30,000 - 35,000 sq. m of retail floorspace in the City Centre by 2022. Paragraph 3.22 goes on to state that the City Centre Retail Core is where the new development should be directed and that new retail development (Marischal Square, Crooked Land / 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.

We support this approach in principle, however we would query whether analysis has been undertaken (as part of the Development Plan and / or Masterplanning process) to establish whether the opportunities identified within the PALDP and City Centre Masterplan will be able to accommodate the scale of assessed need for the City Centre within the timescales of the Plan. We note for example that Denburn and Woolmanhill (OP81) is no longer identified for substantial retail development whereas previously it was envisaged as being capable of accommodating up to 20,000 sqm. Ensuring that identified need can be met within sustainable locations within the City Centre (within a reasonable timescale) will ensure that speculative, harmful out of centre development cannot be allowed to come forward with the justification that it is meeting unmet demand.

Similarly, whilst we acknowledge this will be subject to a greater margin of error due to uncertainties in the retail market, we would query whether an assessment of floorspace requirements beyond 2022 and up to 2035 (the PALDP period) has been undertaken and indeed whether or not longer term opportunities identified by the Aberdeen City and Aberdeenshire Retail Study (e.g. Union Square South) are capable of meeting this need (we understand that the Aberdeen City and Aberdeenshire Retail Study 2013 modelled demand and supply for retail expenditure/turnover within the study area for the period 2013-2027).

[CONTINUED OVERLEAF - SEE ATTACHED SHEET]

What change would you like to see made?

[SEE ATTACHED SHEET]

Please return the completed form by:

- post to the Local Development Plan Team, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB; or
- email to ldp@aberdeencity.gov.uk

The representation form can be filled in, saved, e-mailed and/or printed. You must “save as” to ensure the completed form is saved with the changes you have made. If you need more space, please fill out another representation form or send a word document attachment via e-mail with your completed representation form. **Please ensure all representations are with us by 5pm on Monday 1st June.**

Thank you. For more information, please visit www.aberdeencity.gov.uk/aldp2016 or to contact the Local Development Plan Team call 01224 523470.

Data Protection Statement

The comments you make on the Proposed Plan will be used to inform the Local Development Plan process and the Examination into the Local Development Plan by the Scottish Ministers' Reporter. You must provide your name and address for your representation to be considered valid, and this information will be made publicly available. Other personal contact details such as telephone and e-mail will not be made public, although we will share these with the Reporter, who may use them to contact you about the comments you have made. For more information about how Aberdeen City Council maintains the security of your information, and your rights to access information we hold about you, please contact Andrew Brownrigg (Local Development Plan Team Leader) on 01224 523317.

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Policy NC2 - this draft policy states that changes of use from retail (Class 1 of the Use Classes Order) to other uses within the City Core will only be acceptable if:

- 1) proposals on the part of Union Street covered by Supplementary Guidance: Union Street Frontages complies with that guidance;
- 2) in other parts of the City Centre Retail Core it can be demonstrated that:
 - a) the new use contributes to the wider aims of the City Centre Masterplan and Delivery Programme;
 - b) the proposed alternative use makes a positive contribution to the vitality and viability of the city centre and creates or maintains an active street frontage;
 - c) the proposed alternative will not undermine the principal retail function; the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants will be required to demonstrate what efforts have been made to secure a new retail use);
 - d) the new use does not create over-provision and/ or clustering of a particular use in the immediate vicinity; and
 - e) the alternative use does not conflict with the amenity of the neighbouring area.

Whilst we understand the rationale for such a policy, we are concerned that it is unreasonably onerous and conflicts with overarching guidance contained within Scottish Planning Policy (June 2014) which states that the planning system should “*encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening*” (Para 60).

Of particular concern is criteria (c) of Draft Policy NC2 (supported by Para 3.29) which sets out a requirement for Applicants to provide evidence that a property has been marketed for six months or more and to provide a statement from prospective occupiers explaining their reasons for the property being unsuitable for retail use.

This in our view has the potential to stifle changes of use which are likely to be of benefit to the City Centre (over and above certain retail uses). This includes for example changes of use from to Class 1 (Retail) to Class 3 (Food and Drink) which can positively contribute to the vibrancy and vitality of town centres through enlivenment of the street scene and through increasing shopper dwell time. In this context, we note that increasingly, retail forms only one part of the experience for visitors to a city / town centre; it is equally about gaining access to people driven services, eating out, meeting with friends and having an opportunity to socialise. Subsequently, we would urge the PALDP to incorporate more flexible policies in connection with changes of use in the Core Retail Area in recognition of the fact that customers increasingly expect more from their shopping experiences and there is pressure on shopping centre owners, managers and tenants to respond to this.

Allied to the above comment, and with reference to Section 5.2.2 of the SG (Union Street Frontage), we note that a minimum percentage of ground floor frontage is proposed to be applied to properties situated along Union Street. The SG states that proposals for a change of use from retail (Class 1) to non-retail uses such as cafes, restaurants, hotels, leisure and financial and professional services will be determined in accordance with Policy NC2 and will be measured against minimum percentages as well as other relevant criteria set out in the SG. It goes on to state that all proposals for a change of use must maintain daytime vitality and maintain an active street frontage.

It is unclear from this wording whether a proposal leading to the minimum threshold being breached would be refused outright or, in the event that it does breach the threshold, consideration would still be given to the merits of the proposal including whether or not the proposal contributes to the vitality and viability of the City Centre. This should be clarified. In addition, we would suggest that this policy goes too far in seeking to prevent the clustering of non-retail uses in the City Core and instead each proposal should be considered on their merits with a particular focus on the extent to which it will contribute to the vitality and viability of the area. Clearly, where clustering adversely affects vitality and

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viability then the application should be refused.

Lastly, we note with interest that the SG states that there will be a greater degree of flexibility with the Union Street Frontages Guidelines on proposals for change of use from Class 1 (retail) to Class 3 (food and drink) – unfortunately it is not stated how this flexibility will be applied (which would be helpful).

We would welcome further clarification in relation to the SG in addition to a more flexible approach to changes of use in the Core Retail Area which are reflective of the current trend towards the provision of a more diverse range of uses in the City Centre.

Draft Policy NC4 – this policy deals with the sequential approach and impact and is supported by SG Section 5.2.1 (Hierarchy of Centres). It states that this policy is applicable to proposals for new development and to proposals to extend existing development. We support this policy in principle however would recommend that the policy is also applicable to proposals for changes of use and amendments to extant Planning Permissions (including variations to Section 75 Legal Agreements which restrict the types of goods to be sold for example). This would ensure all changes to provision are properly tested in terms of their contribution (or otherwise) to the vitality and viability of Aberdeen's network of centres.

In Perth and Kinross, a decision was made to adopt a separate policy which dealt with retail obligations and controls specifically (Policy RC5, Perth and Kinross LDP – February 2014). This states that *“proposals to modify planning obligations and other planning controls that control floorspace and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment. Proposals will only be acceptable where:*

- a) it can be demonstrated that there will be no significant impact (individual or cumulative) on any town centre;*
- b) it can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision;*
- c) it can be demonstrated that there will be no change to the role or function of the centre in the network of centres;*
- d) it is supported by a favourable sequential assessment, that demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available in a reasonable time;*
- e) it is of an appropriate scale;*
- f) any detrimental impacts identified in the transport assessment are mitigated”.*

This policy, in our view, provides positive protection of town centres by allowing careful scrutiny of incremental changes to provision outside the City's main retail centres.

Turning to retail impact, draft Policy NC4 goes on to state that Retail Impact Assessments (RIA) should be undertaken where a retail development over 2,500 sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan. This requirement is replicated to cover significant footfall generating development.

We support this approach in principle however we would request that the policy is more explicit in its requirement to undertake RIA for Commercial Centres and would apply where there are proposals for extensions, changes of use and proposals to modify planning obligations and other planning controls that control floorspace in these locations.

In addition, the policy should be amended to reflect Scottish Planning Policy (SPP) (2014) which indicates that for smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities have the discretion to advise when retail impact analysis is

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necessary (i.e. the PALDP should specify that the Council can request a RIA in respect of smaller retail and leisure proposals where they are deemed to have a likely significant impact on vitality and viability).

Draft Policy NC5 – this draft policy states that proposals for significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused unless it meets a number of criteria including a requirement to demonstrate that there will be no adverse effect on the vitality or viability of any centre listed in the SG Hierarchy of Centres. We support this policy in principle, however we would suggest that this policy could be incorporated into Policy NC4 and that the two policies can be simplified.

Again, this was an approach taken by Perth and Kinross Council. Policy RC4 of the Perth and Kinross LDP (February 2014) states that:

“The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in the following order:

- *town centre,*
- *edge of town centre,*
- *other commercial centres identified in the development plan,*
- *out of centre locations that are or can be made easily accessible by a choice of transport modes.*

Proposals for any retail and leisure development of 1,500 square metres or more gross floor space outwith a defined town centre boundary, and not in accordance with the development plan, will require a transport, retail or leisure impact assessment. Any detrimental effects identified in such an assessment will require mitigation.

For smaller developments, the requirement for an impact assessment will be at the discretion of the Council.

Proposals in edge of town centre, other commercial centre or out of centre locations will only be acceptable where:

- a) *it can be demonstrated that a proposal helps meet quantitative and qualitative deficiencies in existing provision;*
- b) *it is supported by a favourable sequential assessment;*
- c) *it is of an appropriate scale;*
- d) *it provides improved distribution and accessibility of shopping provision;*
- e) *it provides for accessibility to public transport and non car modes of transport;*
- f) *any detrimental effects identified in the transport assessment are mitigated;*
- g) *it has been demonstrated that there will be no significant impact (individual or cumulative) on any of the centres within the network of centres¹.*

¹ We note that SPP Paragraph 73 states that centre locations should only be considered for uses which generate significant footfall where:

- 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.

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Limited (Ellandi LLP)**

For all proposals outwith town centres the Council will consider the need for restrictions to be imposed on the installation of mezzanine floors and, in the case of convenience shopping developments, on the amount of comparison goods floorspace allowed.”

We would argue that the structure of this policy provides far more clarity around the Council's approach to town centre development and as such could be used as a template for draft Policies NC4 and 5. The Hierarchy of Centres SG would continue to support this Policy and provide clarity as to the preferred scale and location of development across the City's network of centres.

We note that the SPP requirement for significant footfall generating development differs from the above criteria, however the policy requirement could be amended to reflect this.

Opportunity Sites – we note the existence of a number of Opportunity Sites within and in close proximity to the City Centre and support their promotion through the PALDP in principle. We do however request that further details are provided in connection with OP65 – Haudagain Triangle, Middlefield. The supporting text to this site states that following road improvements in this area, land will become vacant and surplus to requirements. It then goes on to suggest that a retail park and urban space will be acceptable in this location. We are unclear whether this site is intended to meet the retail floorspace requirements identified by the Aberdeen City and Aberdeenshire Retail Study 2013 and what type of need this retail park is intended to meet. Clarification in this regard should be forthcoming and the site should be subject to the tests of Draft Policy NC5 before it can be allowed to come forward.