

Planning Development Management Committee

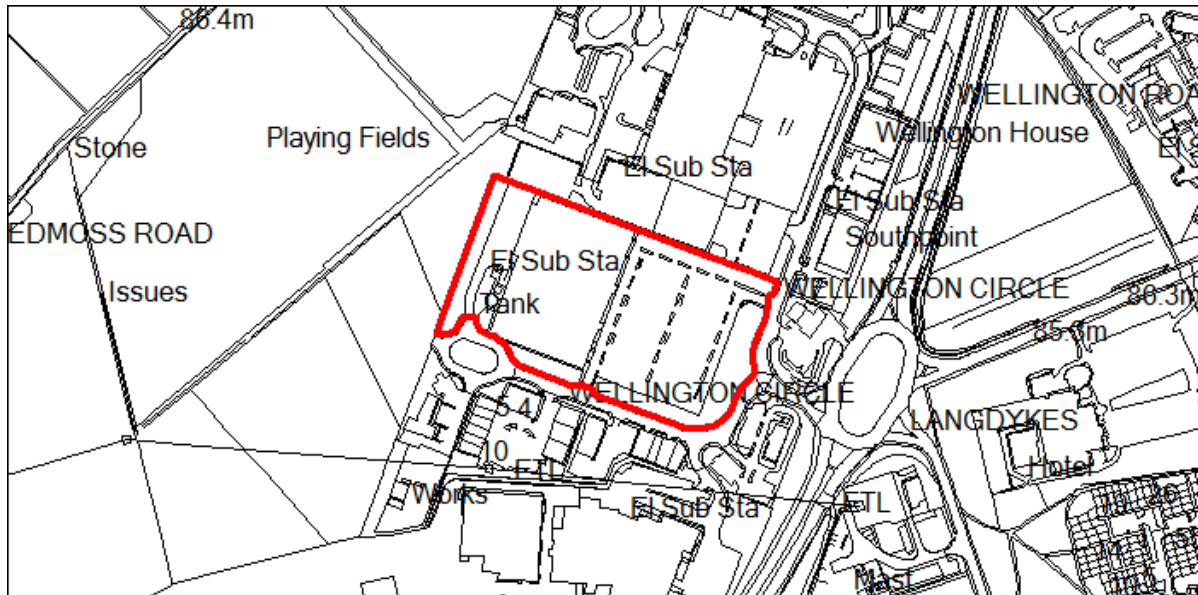
MAKRO, SITE 1 WELLINGTON CIRCLE,
WELLINGTON ROAD INDUSTRIAL ESTATE

PROPOSED ALTERATIONS TO EXISTING
BUILDING (INCLUDING RE-CLADDING) AND
PART CHANGE OF USE OF 5750SQM FROM
WHOLESALE RETAIL WAREHOUSE (CLASS 6)
TO SUPERMARKET (CLASS 1)

For: Cyan Properties Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140924
Application Date: 02/07/2014
Officer: Paul Williamson
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A
Finlayson)

Advert : Dev. Plan Departure
Advertised on: 16/07/2014
Committee Date: 18 June 2015
Community Council : No response
received



RECOMMENDATION:

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:

1. Developer contributions towards the Strategic Transport Fund; and,
2. Developer contributions towards mitigation on the local roads network together with the provision of infrastructure.

DESCRIPTION

The existing wholesale cash and carry building is located on the western side of Wellington Circle, in the Wellington Industrial Estate. The site of approximately 3.5 hectares is located directly to the west of the Souterhead Road roundabout. Surrounding uses includes Royal Mail depot, Burger King, Offices (Blue Sky), a Petrol Filling Station, and a number of other business units surround the premises.

The existing building covers a gross floor area of approximately 10,252 square metres, inclusive of a mezzanine floor level. The car park to the front of the existing store includes approximately 507 spaces.

Access is currently taken from a point on the southern edge of the site on Wellington Circle, while the egress is to the eastern boundary, opposite the petrol filling station.

A service yard is provided from Wellington Circle to the rear (south west) of the building

RELEVANT HISTORY

The current occupier Makro, have been operating out of the premises as a Wholesale Retailer (under Class 6: Storage and Distribution), since 1992.

PROPOSAL

Planning permission is sought for the sub-division of the existing Wholesale Cash and Carry (Class 6 Storage and Distribution) of 10,252 square metres (inclusive of a mezzanine level) to form two separate units with one of 4,502 square metres being retained for wholesale use, and the larger (southern) unit of 5,750 square metres being used for Class 1 Retail purposes (70% convenience/30% comparison retailing).

In addition to the change of use proposed, the building would also be partially re-clad externally, and separate entrance doors with new glazed features would be provided for each unit. The car park would be reconfigured slightly, and would include additional landscaping, and a recycling centre, which would see the number of spaces reduce by 7 to 500 overall.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140924>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

The submitted information includes:

- Planning Supporting Statement
- Retail Assessment
- Design Statement
- Transport Assessment
- Sustainability Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the proposal is being recommended for approval, yet is considered to be contrary to the adopted development plan strategy. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objections. Conditions should be used in respect of: the provision of changing/showering facilities internally to support sustainable transportation (cycling/running/walking to work); and, the provision of the submitted visibility splays. In addition, in light of the transportation impact of the development a financial contribution towards works primarily at the Souter Head roundabout, and the Wellington Road/Hareness Road roundabout would be necessary. This would require a s75 planning obligation/agreement, which would also capture the Strategic Transport Fund (STF) contribution.

Environmental Health – No observations.

Developer Contributions Team – Not applicable in this instance.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Education, Culture & Sport (Archaeology) – No observations.

Transport Scotland – Does not advise against the grant of planning permission.

Aberdeenshire Council (Delivery Team) - Initially sought clarification over aspects of transportation impact. Subsequently confirmed they had no further comments to make. A subsequent response however, indicated some concern at a 28% decrease in trade to the ASDA store in Portlethen, within the adjacent local authority boundary.

AWPR Team (Response provided by Jacobs) – No objections. The proposal shall result in marginal increases to queue lengths during the AM and PM peak periods. As such the overall impact is acceptable.

Nigg Community Council – No comments received.

REPRESENTATIONS

A total of four letters of representation have been received.

While their area does not extend to the application site (albeit the boundary is very close), Cove and Altens Community Council have submitted a representation. They advise that they are generally in favour of this application. They do however indicate some reservations about extra traffic being generated.

Kincorth and Leggart Community Council, who also have a boundary close to the application site, intimated their support for the proposals subject to any traffic issues being resolved.

A solitary objection to the proposals has been received from the developer of the adjacent Masterplanned area of Loirston, whom themselves have submitted a competing proposal for a retail development. While acknowledging the identified need for a major new retail provision to the south of the City, they object on the following grounds:

- The Makro site is not in a suitable location to meet the identified need as it is located within an area zoned for business and industry uses within the Adopted Local Development Plan;
- The Hermiston site, within the Loirston development area, is more appropriate;
- The Makro proposal would result in a detriment to the supply of employment land;
- Previous comments by the Local Development Plan Team at the initial review stage, sought to protect the Makro site for employment use; and,
- The sequential test for the Makro development is inadequate as it does not take account of the proposed site at Loirston, or the committed retail development of 2250 square metres which forms part of the Loirston planning application (which is still waiting the signing of a s75 legal agreement).

In addition, one letter of support was received from Booker, who currently occupies the 'Makro' premises to outline that the property is too large, and in order to continue to trade from this location, the business requires a smaller format of store.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy advises that the planning system should encourage sustainable development by “promoting regeneration and the re-use of previously developed land, and the efficient use of land buildings and infrastructure” (Paragraph 40). It further highlights that planning authorities should “take a positive approach to development, recognising and responding to economic and financial conditions in considering proposed that could contribute to economic growth” (Paragraph 33).

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are

central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Specifically in respect of the assessment of retail proposals, SPP indicates that “the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location” (Paragraph 69).

Aberdeen City and Shire Strategic Development Plan

The strategic aims contained within the Strategic Development Plan indicate that we need to create sustainable mixed communities, with the required associated infrastructure in order to cater for the need of the whole population, while also making the most efficient use of the transport network, including reducing the need for people to travel, and encouraging sustainable transportation methods.

Aberdeen Local Development Plan (ALDP)

Policy I1 – Infrastructure Delivery and Developer Contributions indicates that 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. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2 – Managing the Transport Impact of Development states that new developments will need to demonstrate that sufficient measures have been taken to minimise traffic generated. Transport Assessments and Travel Plans will be required for development which exceed the thresholds set out in the associated Supplementary Guidance.

Policy D1 – Architecture and Placemaking outlines that to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D3 – Sustainable and Active Travel states that 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.

Policy BI1 – Business and Industrial Land states that Aberdeen City Council will support the development of the business and industrial land allocations set out in this plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage and Distribution) in these areas, including already developed land, shall be retained. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

Policy RT1 – Sequential Approach and Retail Impact indicates that all retail development shall 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

Retail Parks

Proposals for development on an edge of centre site will not be supported unless:

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

Retail Impact Assessments should be undertaken where a retail development over 2500 square metres 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 development outwith the city centre or other town centres.

Policy RT2 - Out of Centre Proposals Retail 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:

1. No other suitable site in a location that is acceptable in terms of Policy RT1 is available or is likely to become available in a reasonable time;
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;
3. There is, in qualitative or 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 dependant solely on access by private car;
5. The proposed development would have no significant adverse effect on travel patterns and air pollution.

Policy R6 – Waste Management Requirements for New Development Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate.

Proposed Aberdeen Local Development Plan

Policy D1 Quality Placemaking by Design

Policy NC4 Sequential Approach and Impact

Policy NC5 Out of Centre Proposals

Policy I1 Infrastructure Delivery and Planning Obligations

Policy T2 Managing the Transport Impact of Development

Policy T3 Sustainable and Active Travel

Policy B1 Business and Industrial Land

Policy NE6 Flooding, Drainage and Water Quality

Policy R6 Waste Management Requirements for New Development

Within the Proposed LDP, the 3.2 hectare site is allocated as an opportunity site (OP 110) for the change of use to a Class 1 retail use.

Supplementary Guidance

Hierarchy of Centres

Infrastructure and Developer Contributions Manual

Transport and Accessibility

Waste Management

Other Relevant Material Considerations

Aberdeen City and Aberdeenshire Retail Study 2013

The Strategic Development Planning Authority, in partnership with Aberdeen City and Aberdeenshire Councils commissioned an Aberdeen City and Aberdeenshire Retail Study to examine the future retail potential in the region. This made a number of recommendations on potential retail sites and policy and has been used to inform the contents of the City Centre and Retail sections in the Main Issues Report of the Proposed Local Development Plan.

Table 6.2: Proposed Development Strategy for Retail Floorspace, outlines that there is a retail commitment in Zone 32 (Cove Bay/Altens) at Souter Head Road, Aberdeen (The Thistle Hotel site) for a retail development of around 5800 sq.m (GFA) in order to address retail deficiencies to the south of the City. It is indicated as commencing trading in the period from 2015 to 2020.

Paragraph 4.43 outlines that “Retail commitments will have a direct impact on existing retail locations and centres. They will divert trade away from competing proposals and this trade diversion will, in certain cases, exceed the increases in retail turnover that would arise from increased available expenditure. This will be most significant with the proposed convenience floorspace”.

Table 4.11 on Retail Commitments outlined that the Souter Head Road retail site would comprise 5750 square metres, split overall between 4313 Convenience

retailing (75%), 1150 square metres comparison retail (20%), and 288 square metres for bulky goods retailing (5%).

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle of Development

At the outset of the assessment of this proposal, is the general principle of changing the use. The extant Local Development Plan includes the provision of an opportunity site (OP76) for a retail development on a 3.0 hectares site on Souter Head Road, which is currently occupied by the Thistle Hotel. To date, no application has ever come forward for that site, nor has any Proposal of Application Notice (PoAN) been submitted.

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Circular 6/2013 on Development Planning indicates in paragraph 7 that “Scottish Planning Policy sets the broad principles that should underpin a plan led system. Development plans should be kept up-to-date and provide a practical framework within which planning applications can be determined with a high degree of certainty and efficiency”.

The application premises are located within the Wellington Industrial Estate. The blanket policy applied across this area is BI1 relating to Business and Industrial Uses. It stipulates that uses under classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution), shall be retained. It must however be recognised that the property is already in a quasi-retail use as a cash and carry at present. However, while cash and carry uses fall within a Class 6 (Storage and Distribution) use, it is not the case that all Class 6 sites are suitable for conversion to mainstream Class 1 (Retail) use. As such, proposals must be carefully considered on their own merits, and the specific geographical location. The current occupier has confirmed that the current property is too large, and a smaller format of store is now required. In parallel, the Aberdeen and Aberdeenshire Retail Study (2013) highlights the current identified need for a further retail supermarket to the south of the City. The applicant has also

highlighted the significant investment that has taken place in the 'Thistle Hotel' which is the identified retail site within the Adopted Local Development Plan, and which has a significant length of lease remaining. As such, it is contended that the current allocated site is not capable of being brought forward, and would not meet the requirements of a plan-led system with more certainty of identified developments being realised. The Council therefore accepts that the delivery of the Thistle site is doubtful, hence its retail allocation being removed from the Proposed ALDP.

As such, as part of the Local Development Plan review process, a couple of alternative sites have been the subject of development bids to replace the extant opportunity site for retail use to the south of the city in order to meet the retail deficiencies in this expanding part of the City identified through the 2013 Retail Study. One of these alternatives is the current application site. While it was not initially identified in the Proposed Plan taken to the meeting of the Communities Housing and Infrastructure Committee on 28 October 2014, Elected Members subsequently chose to incorporate the 'Makro site' as the preferred location for retail to the south of the City. As such, the Proposed Plan has recently been out for a ten week consultation period which closed on 1st June. The representations received are currently in the process of being logged, and acknowledged, before the points raised are assessed and responded to in the lead up to a LDP examination which should commence in November 2015. However, from an initial scan of the submissions, four representations have initially been noted:

- Support: Cyan Properties (the applicant to this application). They welcome the identification of the Makro site as the preferred site for Class 1 Retail for the south of the city;
- Neutral: Nigg Community Council (cover the area of the application site) outline their acceptance and support of the objectives of the ALDP, yet indicate the requirement to resolve existing infrastructure problems, particularly with regard to traffic.
- Support: Cove and Altens Community Council (outwith the application site, yet directly adjacent to) did indicate some concerns over the level of traffic that shall be served by the development, in addition to the recently approved travellers site, and forthcoming school. Roads improvements should be installed prior to occupation;
- Objection: Hermiston Securities (competing retail proposal/site, and planning application). Contest that the retail site should be deleted from Makro, and transferred to Loirston.

It can therefore be drawn that the level of representation to the inclusion of the Makro site (OP110) as the identified site for Class 1 (Retail) use has not been the subject of significant levels of representation. It is anticipated that the Local Development Plan shall be formally adopted in November/December 2016.

Notwithstanding, the Proposed Plan as consulted upon, represents the settled view of the City Council at this time. While the extant plan, and the general preference to retain existing industrial and business uses for such purposes still takes precedence, cognisance and a certain level of weight must be given to the changes being brought through the Local Development Plan review.

Notwithstanding, the proposal does represent a departure from the Development Plan at this time.

The applicant is of the opinion that through the existing supply of industrial and business land throughout the City, and the significant level of allocations through the development plan, that the loss of the existing site from business/industrial use would not be significant given the surplus of land available in the nearby Balmoral and Gateway Business Parks which are under development, and across the wider city. They also consider that the development proposal brings its own economic benefits and employment opportunities at the same time. While these opinions have some merit, the main driver for any potential acceptance of such a proposal is the identified need for a retail supermarket for the south of the city. Through the sequential assessment, which shall be discussed further below, it is clear that there are very few opportunities to accommodate a development of this size. The application site, which is identified as the opportunity site OP110 through the Proposed Local Development Plan, takes cognisance of the sustainability benefits and likely reduced timeframe for part conversion of the existing building and ultimate delivery, in comparison to the development of a greenfield site which could be significantly greater.

Retail Need and Sequential Approach

As noted above, both the Adopted Local Development Plan (2012) and the Aberdeen and Aberdeenshire Retail Study (2013) identify that there is a need for a new supermarket to the south of Aberdeen City which shall cater for the needs of the expanding community. No evidence of a desire to secure the delivery of the allocated site for a new supermarket at the 'Thistle Hotel' site on Souterhead Road has been forthcoming. Furthermore, from an initial scan of the submitted representations, there does not appear to be any submission from the owners of the 'Thistle Hotel' site to defend their current allocation. It is partly for this inaction, that it is proposed to remove the current identification as the retailing opportunity site, for the south of the City. Therefore, it is necessary to consider the application proposal against the relevant retailing policies of the Adopted Local Plan

Policy RT1 requires that retail development follows a sequential approach in that it must follow the hierarchy of retail centres identified in the ALDP and its associated Supplementary Guidance. At present, there are no identified town/district centres or retail parks in the south side of the City apart from in Torry, and Garthdee. Cove is however identified as a Neighbourhood Centre (Tier 4). However, the Aberdeen and Aberdeenshire Retail Study has identified the requirement for a new supermarket to meet the current deficiency in provision in the south of the City. The applicant considers that there are no other suitable sites in the identified Tiers within Policy RT1. In light of the spatial requirements for such a proposal, this opinion is shared by the planning authority. This is given further weight through the lack of other approaches coming forward to cater for the identified retail need. The only exception being the site put forward at Loirston. However, it should be noted that the wider Loirston site, has an overarching Development Framework which restricts the types and scale of

development (including retail) within that allocation. As such, there is potential for the current application to accord with the requirements of Policy RT2 relating to out of centre retail proposals. Each of the criteria shall be addressed in turn.

In light of the significant period during which the Souterhead Road ('Thistle Hotel') site has been allocated, and the continued investment into the current premises, it is not apparent that any retail development is likely to be brought forward within the life of the extant Local Development Plan. In line with the aims of the Scottish Government to provide more certainty in planning through the delivery of sites identified through the development plan, in instances where such allocated sites are not delivered with the ALDP timeframes, consideration has to be given to any alternative sites which could meet the deficiency in retail provision, and the needs of the expanding communities in Cove/Charleston/Loirston.

The Retail Impact Assessment submitted by the applicant has outlined that in terms of trade diversion, the following would occur:

Convenience Goods

- Garthdee 13.4% impact
- Portlethen 12.7%
- City Centre 2.7%
- Torry Town Centre 3.9%
- Local Urban 4.7%

Comparison Goods

- Garthdee 3.5% impact
- Portlethen 2.1%
- City Centre 0.4%

While the Retail Impact Assessment has identified that there would be an impact on the turnover at some of the other identified retail locations, it is not envisaged that there would be any significant adverse effect on the vitality or viability of any of those locations identified in the supplementary guidance for Aberdeen City. The reasoning for this is that the extant ALDP, which itself went through a rigorous process, has always envisaged that a store of the size proposed in this application, would be delivered to the south of the City. There would therefore inevitably be an element of trade diversion that would occur, whether it be on the current, or any future allocation for Class 1 retail use. The impact of this is acknowledged, however it is not considered to be of an extent that would merit the refusal of the proposal in this instance.

Furthermore, the location of the premises are adjacent to Wellington Road, where not only are there regular bus connections to the City Centre, and into Cove/Gateway Business Park (Services 3/3G) there are also shared cycle/footway connections to surrounding areas. As such it is considered that the site is safely and easily accessible by a choice of means of transport. In respect of travel patterns and air pollution, the application proposal would be generally reflective of the extant site for retail within the current ALDP. Furthermore, given

its location closer to its intended catchment population and outwith an Air Quality Management Area (AQMA), it may actual result in a decrease in journeys, particularly by private car, in other adjacent retail areas which suffer from traffic congestion (such as Garthdee), and therefore slightly alleviate wider pressures. It is therefore considered that the proposal is in compliance with the general criteria contained within policy RT2.

Technical Matters

Turning to the technical matters of the proposal, the applicant was required to provide a significant level of supporting information, particularly in respect of the potential transportation impacts of the proposal. As such, there have been no technical objections from any consultees to this application.

Roads Officers have indicated that a financial contribution would be necessary towards mitigation works, primarily at the Southerhead Roundabout, and the Wellington Road/Hareness Road roundabout. In addition, a contribution would also be necessary towards the Strategic Transport Fund. All of these contributions could be secured via s75 planning obligation with the applicant thus according with the requirements of policy I1 Infrastructure Delivery and Developer Contributions.

Planning conditions could also be utilised to secure the provision of adequate cycle storage/staff showering facilities to encourage sustainable transportation, and for the provision of adequate SUDS for drainage, and visibility splays at the site access/egress. This would be in compliance with policies T2, D3 and NE6 of the Adopted Local Development Plan relating to; managing the transport impact of development; sustainable and active travel; and flooding/drainage respectively.

Following liaison with the applicant and the Waste Strategy Officer, the site layout has been amended to include the provision of recycling facilities within the site. This is in complete compliance with the requirement of policy R6 Waste Management Requirements for New Development.

Representations

This application was the subject of a very low level of representation for what is a significant development. One letter of support from the current occupier outlined the desire to continue trading in the area, albeit with a significantly reduced floorspace requirement. Two further submissions from adjacent Community Council's outlined their general support for the proposals, subject to the resolution of any potential transportation impacts. As noted above, the transportation matters have been resolved to the satisfaction of Roads Officers.

The remaining representation was submitted on behalf of the developer of the adjacent Loirston masterplanned site. They have also submitted an application (Reference 141754) for a retail development of a similar scale to the one proposed. That application is also scheduled to be determined at the same

Committee Meeting, and therefore its consideration shall take place on its own merits. Notwithstanding, the comments raised have generally been dealt with above. The aspect raised into the lack of reference within the Retail Impact Assessment to the objectors competing proposal is not considered relevant in light of that further application being submitted some time after this current proposal.

Notwithstanding, it is considered that the Aberdeen and Aberdeenshire Retail Study would only justify the creation of one supermarket for the south area of Aberdeen City at this time.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies of the Proposed Local Development Plan, largely reiterate those contained within the extant ALDP. The principle difference is the deletion of site OP76 Souterhead Road for a retail development, and its substitution with site OP110 at the 'Makro' application site on Wellington Circle.

As it stands, the level of representation to the proposed plan on the proposed allocation of OP110 as an opportunity site, has drawn only four representations, with two generally in support, one neutral, and one objection. As such, it is unlikely that the identification of the OP100 site would be a highly contentious matter as part of the Reporters Examination in due course.

It is therefore contended that while the Proposed Plan is scheduled for adoption in winter 2016, the settled view of the Council at this time, is that the retail opportunity for the south of the city, should be on the current application site under consideration. As such, while the development is a departure from the current ALDP, it is considered appropriate in this instance to ensure that prompt deliver of a retail opportunity in a part of the city where there is a proven deficiency.

Other Material Considerations

One of the principal considerations in the allocation of opportunity sites, is the ability to deliver development within the lifespan of the Local Development Plan. As is evident above, the site currently allocated for retail use, does not appear to be in a position where it is likely to be submitted, and ultimately delivered prior to the current ALDP being superseded with the Proposed Plan

The development proposal, while strictly a departure from the current plan, does have its advantages in respect of timescales for delivery. As the application relates to the conversion and adaptation of an existing building and associated car park, the necessary sub-division and fit out would be much quicker than any new build development starting from scratch.

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:

- 1. Developer contributions towards the Strategic Transport Fund; and,**
- 2. Developer contributions towards mitigation on the local roads network together with the provision of infrastructure.**

REASONS FOR RECOMMENDATION

That the proposal to change the use of approximately two thirds of an existing wholesale retail unit (Class 6 Storage and Distribution) to form a new supermarket, would meet the demand for the provision of a new retail facility to the south of Aberdeen as identified through the Aberdeen City and Shire Retail Study 2013.

The site allocated within the Adopted Local Development Plan (2012), OP76 has failed to be delivered, and the proposed site has been incorporated into the Proposed Local Development Plan, which is the Council's most up-to-date indication of intent.

While potentially contrary to Policy RT2 in respect of the extant ALDP and an alternative opportunity site being identified, the applicant has demonstrated through the accompanying information that the proposal meets with the sequential approach, and would be compliant with the emerging ALDP. Furthermore, the proposal would not have a sufficiently detrimental impact on the vitality and viability of existing shopping centres/locations in the Hierarchy of Retail Centres.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) That the use hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(4) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(5) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. Proposed Site Plan A5128/P(--) 06 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use

thereby granted approval - in the interests of public safety and the free flow of traffic.

(7) That no other development in connection with the permission hereby approved shall take place and the access/egress hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 4.5 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed - To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

(8) That the use hereby granted planning permission shall not take place unless the recycling facility has been provided in complete accordance with drawing no. Proposed Site Plan A5128/P(--) 06 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of recycling - in order to ensure the appropriate provision of recycling facilities in an accessible location across the City.

(9) The floorspace of the proposed development hereby permitted shall be restricted to 5750 square metres (GFA) of Class 1 Retail for the sale of 70% convenience, and 30% comparison goods, and shall be used for no other purpose – in order to prevent the sale of goods that would have a potentially unacceptable level of impact on the vitality and viability of the city centre as the regional shopping focus.

Dr Margaret Bochel

Head of Planning and Sustainable Development.