

# Planning Development Management Committee

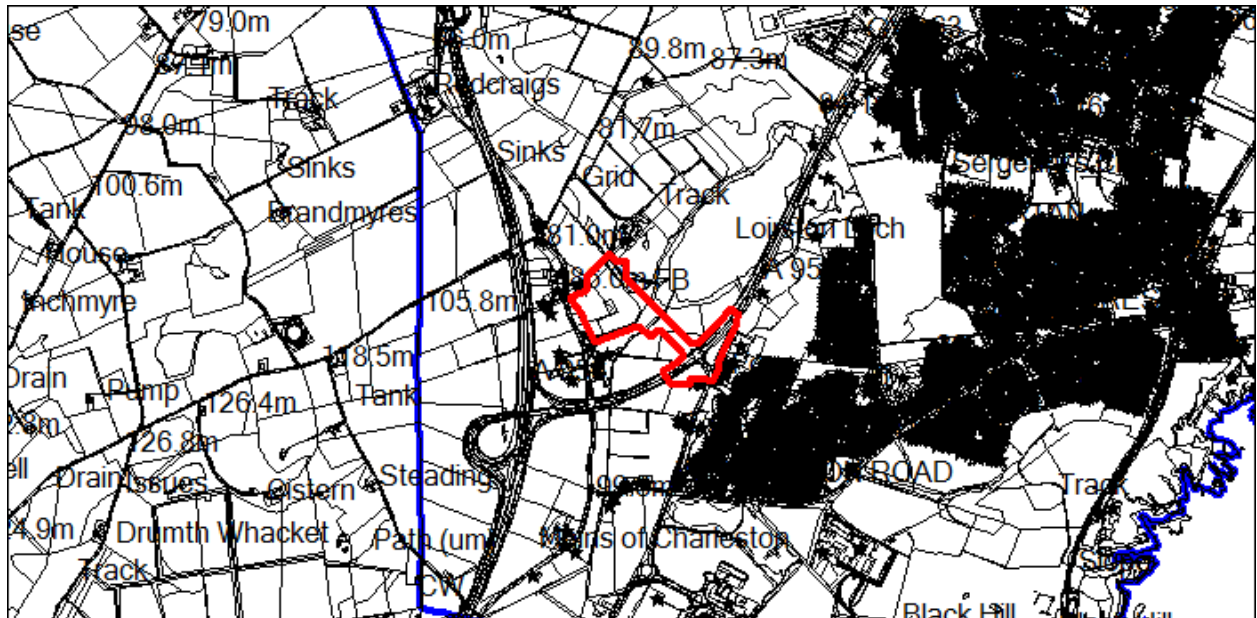
LOIRSTON, NIGG

PROPOSED RETAIL DEVELOPMENT  
COMPRISING A CLASS 1 SUPERMARKET OF  
5800SQM OF FLOORSPACE WITH  
ASSOCIATED CAR PARKING, ACCESS AND  
LANDSCAPING

For: Hermiston Securities Limited

Application Type : Planning Permission in Principle  
Application Ref. : P141754  
Application Date: 04/12/2014  
Officer: Paul Williamson  
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)  
Advertised on: 14/01/2015  
Committee Date: 18 June 2015  
Community Council : No response received



## RECOMMENDATION:

Refuse

## **DESCRIPTION**

The application site covers approximately 7 hectares, of the wider 119 hectare OP77 Opportunity Site and OP78 Opportunity site of 20.5 hectares at Loirston. These sites are allocated for 1500 homes and 11 hectares of employment land, and a further 20.5 hectares of employment land respectively. It is located to the west of the existing residential area of Cove Bay, on the southern outskirts of Aberdeen. To the southeast the site is bounded by the A956 (Wellington Road), and to the west lies Redmoss Road, with the A90 Trunk Road beyond adjacent agricultural ground. The site also partially straddles Wellington Road, and the old Wellington Road, around the junction serving the southern access to Cove, and the adjacent Gateway Business Park further to the south.

The site is relatively level, although also slopes gently down from the A956 Wellington Road towards Loirston Loch. There is an area of low-lying, marshy ground immediately to the west of the loch. The site is also partially wooded, with trees bounding the west and southern parts of the site. These trees include Sitka Spruce of up to 16 metres in height, and a further young plantation of mixed leaf broadleaves and conifers of up to 4 metres in height.

The main use of the site is as grazing land for livestock/agricultural uses. Field boundaries are marked by dry-stone walls and post and wire fences. There are a few houses adjacent to the western boundary of the site. At the southern end of Redmoss Road just north of the A956/A90 junction are two industrial premises: a sawmill and a haulage depot.

## **RELEVANT HISTORY**

130892 – Planning Permission in Principle for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. The application was considered at the meeting of the Planning Development Management Committee on 16 January 2014 where Members were minded to support the officer recommendation of a willingness to approve, subject to the applicant entering into a planning obligation to address: Affordable Housing; Developer Contributions (community library; cultural facilities; education; healthcare; sporting facilities; outdoor recreation; and core paths); Strategic Transport Fund; and, Local Roads impacts.

Following lengthy negotiations over the finer details of the s75 legal agreement, a subsequent report was considered by the Planning Development Management Committee on 28 May 2015. It sought to obtain Members' approval to attach one additional condition to any consent issued, stipulating that a road connection must be made between the application site and the adjoining land (which also forms part of the OP77 opportunity site designation) at a time to be agreed with the planning authority as part of a future application for the approval of matters specified in conditions (AMSC). The decision of the Committee was to accept the officer recommendation.

## **PROPOSAL**

Planning permission in principle is sought for the erection of a retail development comprising a Class 1 supermarket of 5800 square metres of floorspace with associated car parking, access and landscaping.

The indicative layout submitted with the application indicates that the site could be laid out with a store located in a central position towards the north of the site, with surface car parking to the west and south of the building. Planted buffers are shown to the north, west and southern boundaries, with further planting also indicated along the primary service route through the Loirston masterplan area, to the east. Access points are indicated as being either to the south east corner of the site, or to the north. An area for SUDS is also indicated towards the north.

### **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=141754>

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

The submitted information includes:

- Design and Access Statement
- Drainage and Flood Risk Assessment
- Retail Impact Assessment
- Transport Assessment
- Supporting Planning Statement
- Pre-Application Consultation Report
- Updated Ecology Survey Report
- Tree and Woodland Survey Report
- Noise Report
- Air Quality Report

### **PRE-APPLICATION CONSULTATION**

The proposed development was the subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved:

- A public event was held on 26 August 2014 at the Altens Thistle Hotel. It comprised an exhibition over a period of 6 hours where representatives of the developer were on hand to provide information on the proposals and encourage public comments. The information on display included a site location plan, planning context and framework, and an indicative site layout plan/access arrangements.

- Invitations were sent out to 20 local organisations and individuals. This included local Community Councils, Councillors and other stakeholders.
- Feedback forms were also available on the day, and an opportunity to submit them within two weeks of the aforementioned event.
- Approximately 30 people attended the event, with the majority comprising local residents. Other attendees included representatives of four of the local Community Councils in the south of Aberdeen City, together with First Aberdeen, and the Aberdeen and District Angling Association.
- In total 8 feedback forms/e-mails/letters were received. These were from Cove and Altens Community Council; Nigg Community Council; Kincorth and Leggart Community Council; as well as local residents.

A report on the public consultation that was undertaken has been submitted as part of this application. The report details the feedback that was received from the community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions were rejected. The main concerns raised were in relation to-

#### Planning Policy

- The proposal is not in accordance with the Loirston Development Framework as Block B3 is allocated for residential and local needs retailing, and the proposal is far in excess of that;
- No reference is made in the 2012 Local Development Plan (LDP) for an opportunity for major retail development on the Loirston site;
- An alternative retail site is allocated within the 2012 LDP;
- Other retail parks at Garthdee and Portlethen are more appropriate for large scale retail development;
- A supermarket is needed for the expanding community to the south of Aberdeen City whether it be at the Makro site or the proposed greenfield site at Loirston

#### Environment

- The proposal at its northern end encroaches upon an area of open green space outside the boundaries of Development Block B3 of the Loirston Development Framework;
- The proposal could potentially harm wildlife habitat for bats, badgers, otters, and deer;
- Litter and rubbish could negatively impact on the environs of Loirston Loch.

#### Other

- General opposition to the principle of development at Loirston, notwithstanding the allocation within the Local Development Plan;
- Concern at additional traffic generation and the impact on the local road network; and,
- Welcoming of a new supermarket in the area, and the expansion of retail at Loirston.

The consultation process has directly informed the preparation of the proposals for the site with particular regard to:

- Units displaced from Block B3 shall be redirected to other development blocks within the wider Loirston site;
- The Environmental Impact Assessment for the wider development considered the impact on the local environment and Loirston Loch in particular. Mitigation measures shall be necessary to be implemented as the development is taken forward. The ecological impact has been reviewed and updated to take account of the changes to development block B3. As such, the developer claims that the integrity of the overall landscaping and open space for the Loirston Development Framework will be protected, and that a robust landscaped buffer shall be provided between the development and the residential properties to the south and west;
- An addendum to the Transportation Impact Assessment has been prepared to outline further mitigation necessary due to the change in use mix now proposed for Block B3

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because this major proposal is being recommended for refusal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Development Management** – No objection. As part of the wider Loirston site, bus services are planned to be diverted past the application site. Final details of parking and swept paths shall be required through any subsequent application. Conditions shall be required in respect of: analysis as to whether traffic signals shall be required or not; a Travel Plan; and, a Drainage Impact Assessment. Developer contributions shall be required towards the Local Road Network and the Strategic Transport Fund. This would be secured through a s75 planning obligation.

**Environmental Health** – Initially identified that a Noise Assessment and Air Quality Assessment would be required. This information has only recently been submitted by the applicant, and a verbal update shall be provided at Committee. A condition would however definitely be required in respect of an Environmental Management Plan.

**Developer Contributions Team** – Outlined that developer obligations would be required towards: Core Paths/Environmental and Access Improvements; and, the Strategic Transport Fund.

**Communities, Housing and Infrastructure (Flooding)** - No objection. Further details in respect of drainage and SUDS shall require to be assessed at the time of a subsequent application.

**Aberdeenshire Council** – Highlight concerns at the potential loss of 28% of the turnover at ASDA Portlethen, which would result in an adverse impact.

**AWPR Team** – The applicant's plan shows that the site boundary would overlap with Aberdeen Roads Limited (ARL) Land in association with the construction of the AWPR. There will be an impact associated with this development given its proximity to the Charleston junction. This impact would be in the form of increased journey times for all movements from the A956 Wellington Road passing through the AWPR/A90 Charleston junction. This would equate to an additional 1 minute wait (a 25% increase). As such there is likely to be an impact on the signal timings and operation of the AWPR/A90 junction. Further investigation will be required to analyse the impacts.

**Forestry Commission** – This development would result in the permanent loss of woodland area covering approximately 4.3 hectares, some of which was planted as recent as 2010. The Scottish Government has a long-term plan to expand the woodland cover in Scotland and there is a general presumption against the permanent loss of woodland, and the Scottish Government has a policy on the Control of Woodland Removal (2009). This policy requires compensatory planting, to mitigate permanent woodland loss through economic development. Such planting should as a minimum re-establish equivalent woodland (to that permanently lost) of equal type and area, preferably established in the same local authority area. This should be a condition of any development.

**RSPB** – No objection. The proposal is unlikely to result in significant negative impacts on birds. Encouragement is however given to the minimisation of disturbance in the breeding season, during construction.

**Scottish Environment Protection Agency** – No objection. Conditions shall be required in respect of; Details of the proposed culvert/crossing; surface water drainage; Buffer Strips; and, a Construction Environmental Management Plan.

**Transport Scotland** – No objection. A condition is required to prevent occupation of the development until a comprehensive Travel Plan has been submitted to and approved in writing by the planning authority, after consultation with Transport Scotland.

**Nigg Community Council** – No comments received.

## **REPRESENTATIONS**

Four letters of objection have been received, with three from local residents, and the remaining one on behalf of the developer of a competing retail site in the south of the City. The objections raised relate to the following matters:

- The removal of this green area is against local policy;
- Against the wider development of the area due to the impact on open space, and the character of the area;
- Wildlife habitat shall be removed as a result of development;
- Impact on the local roads network;
- Buffer zones should be thicker than currently shown;
- The Proposed ALDP recommends the Makro site for a new supermarket. A further supermarket beside the Loch of Loirston would be surplus to requirements;

- The B3 site in the Development Framework is identified for local retail use. The proposal caters for a much wider area than just the local needs of the new Loirston development;
- The proposal will greatly increase traffic and air pollution problems in comparison to the smaller retail proposal, and associated dwellings identified for the B3 site;
- The public's use of large supermarkets has stagnated or declined recently;
- The displacement of the dwellings from this part of the site contravenes the intentions of the Development Framework;
- The road traffic associated with the development would affect the operation of a traffic light controlled junction at the single bridge connection to the AWPR/Charleston interchange;
- The proposal is contrary to the extant Local Development Plan, the approved Loirston Development Framework, and the Proposed Local Development Plan;
- The Loirston site is remote from the established communities that the supermarket is intended to serve.

## **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 proposals 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**

Within the existing LDP, the site forms part of the respective opportunity sites OP77 (119.2 ha for 1500 homes and 11 ha of employment land, with potential to accommodate football or community stadium) and OP78 (20.5 ha for employment land).

Policy LR1 Land Release Policy Housing and employment development on sites allocated in Phase 1 will be approved in principle with areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.

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 exceeds 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 D6 Landscape Development will not be acceptable unless it avoids:

- 1) Significantly adversely affecting landscape character;
- 2) Obstructing important views of the City's townscape;
- 3) Disturbance, loss or damage to important recreation, wildlife or woodland resources, or to the physical links between them; or



- 4) Sprawling onto important or necessary green spaces or buffer between places or communities with individual identities.

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 NE1 – Green Space Network The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green

Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such development shall take into account the coherence of the network.

Policy NE3 Urban Green Space Permission will not be granted to use of redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space, for any other use than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant.

Policy NE5 Trees and Woodlands outlines that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character of local amenity.

Policy NE6 Flooding and Drainage Developments will not be permitted if they: increase the risk of flooding; be itself at risk from flooding; adequate provision is not made for access to waterbodies for maintenance; or, would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on natural heritage interests.

Where more than 100 sq.m of floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment, and provide SUDS details.

Policy NE9 Access and Informal Recreation New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

Policy NE10 Air Quality Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact or air pollutants are proposed and can be agreed with the Planning Authority.

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.

Policy R7 Low and Zero Carbon Buildings All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

## **Proposed Aberdeen Local Development Plan**

Policy LR1 Land Release Policy

Policy D1 Quality Placemaking by Design

Policy D2 Landscape

Policy NC4 Sequential Approach and Impact  
Policy NC5 Out of Centre Proposals  
Policy NC8 Retail Development Serving New Development Areas  
Policy I1 Infrastructure Delivery and Planning Obligations  
Policy T2 Managing the Transport Impact of Development  
Policy T3 Sustainable and Active Travel  
Policy T4 Air Quality  
Policy T5 Noise  
Policy B1 Business and Industrial Land  
Policy NE1 Green Space Network  
Policy NE3 Urban Green Space  
Policy NE5 Trees and Woodlands  
Policy NE6 Flooding, Drainage and Water Quality  
Policy NE9 Access and Informal Recreation  
Policy R6 Waste Management Requirements for New Development  
Policy R7 Low and Zero Carbon Buildings, and Water Efficiency

Within the Proposed LDP, the wider 119.2 hectare site continues to be allocated as an opportunity site (OP 59) for 1500 homes and 11 hectares of employment land.

## **Supplementary Guidance**

### Loirston Development Framework – November 2012

The planning application site forms part of the Development Block B3 of 2.62 hectares which is indicated for residential development (of up to 50 units) with local retail and commercial, with a maximum height of 4 storeys.

Section 5.5.8 – Local Retail and Commercial states that “The Framework identifies locations for local retail and commercial development which is separate to other employment allocations. These land uses are intended to provide support services for the new residential community and are likely to take the form of an ‘express’ and/or local supermarket and other retail uses. Residential development is expected to be provided in an integrated manner within these blocks, providing true vertical mixed use where residential units are accommodated above ground floor commercial and retail uses”.

Section 5.12 outlines the Burnside Character area. The blocks in this area front onto the watercourse which runs into Loirston Loch. Key character aspects include:

- Existing shelterbelt planting to be considered for retention where appropriate;
- Improved watercourse corridor and ,landscape setting;
- Mixed use, local retail and commercial uses to be integrated with medium density residential;
- Views across Loch from Wellington Road to larger scale local retail buildings to be carefully considered; and,

- Visual impact of parking associated with local retail to be minimised.

Air Quality

Buffer Strips

Drainage Impact Assessments

Hierarchy of Centres

Infrastructure and Developer Contributions Manual

Landscape Guidelines

Low and Zero Carbon Buildings

Transport and Accessibility

Trees and Woodlands

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

Fundamental to the assessment of this proposal, is the general principle of changing the use of the land to form a retail development of this scale and size in this location. The extant Local Development Plan includes the provision of an opportunity site (OP76) for a retail development on a 3.0 hectares site on Souther 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”.

As part of the extant Local Development Plan, the application does form part of the wider mixed use development for 1500 homes and 11 hectares of employment land. The site also partially crosses Wellington Road, to include land around the junction with the ‘old’ Wellington Road, which also access the Gateway Business Park, and the southern end of Cove.

The wider site is covered by a Development Framework which was adopted as Supplementary Guidance to the Local Development Plan in November 2012. That Framework sets out that development block B3 would be for residential development (of up to 50 units) with local retail and commercial uses, with a maximum height of 4 storeys. This aligns with the application for Planning Permission in Principle (Reference 130892) which sought a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. As part of the consideration of that application, the evaluation identified that “The phase 1 masterplan identifies locations for retail uses serving the new community within blocks B3 & B4, to the south-west of the site, adjacent to the ‘entrance boulevard’. In addition, blocks A7, E5 & E6 are identified as providing ground floor commercial uses, which is anticipated to incorporate additional local retailing provision. The incorporation of retail uses at an appropriate scale to serve the new community is consistent with the aims of policy RT5 (Retail Development serving New Development Areas) of the ALDP”.

However, the scale of development being sought in this instance is considered to extend significantly beyond 'local retailing provision' and seeks to cater for a much wider catchment area as confirmed in the applicants supporting planning statement. As such, it is considered that the proposal is contrary to the approved Development Framework for the Loirston masterplanned area. Approval of the application would displace the residential and commercial element that the Development Framework envisages to be located within block B3 and jeopardise the delivery of other development within the wider site or result in densities beyond those expected in the Development Framework. That would not align with the aims and objectives of Policy LR1 of the Adopted Local Development Plan and constitute a significant deviation from the approved Development Framework.

In order to meet the retail deficiencies in this expanding part of the City identified through the 2013 Retail Study and 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. One of these alternatives is the current application site. It was initially identified as the preferred site for a supermarket in the Proposed Plan taken to the meeting of the Communities Housing and Infrastructure Committee on 28 October 2014. However, Elected Members subsequently chose to incorporate the alternative '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 1<sup>st</sup> 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, only four representations have initially been noted in respect of the choice of the Makro site for retail use:

- Support: Cyan Properties (the applicant to the competing retail site and separate application 140924). 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 (who 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. This quoted a number of development proposals in the general area including the retail site choice at Makro.
- Support: Cove and Altens Community Council (outwith the application site) 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 (applicant for this application at Loirston). Contest that the retail site should be deleted from Makro, and transferred to Loirston.

It can therefore be concluded that 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.

However, the Proposed Plan as consulted on (which includes the identification of the Makro site for retail use), represents the settled view of the City Council at this time. The extant ALDP, and the approved Development Framework currently set out the framework for a future application(s) for planning permission in principle. As such the provisions of those documents still take precedence over emerging policies. Nevertheless, cognisance and a certain level of weight must be given to the changes being brought through the Local Development Plan review. Such changes are given further weight in light of the low level of representations that have been received following consultation on the Proposed ALDP. However, the application proposal does represent a departure from the extant Development Plan at this time due to the scale of the retail proposed sought and its departure from the approved Development Framework, and the over-arching Planning Permission in Principle for Loirston which is expected to be released shortly.

#### Retail Need / Sequential Approach / Impact (both Individually and Cumulatively)

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 allocation as the retailing opportunity site, for the south of the City. With this in mind it is considered that the non site-specific retailing policies of the Adopted Local Plan are more pertinent to the determination of this application than the site specific retail zoning at Souterhead Road which (for the reasons give above) can no longer be given weight normally attributed to adopted plan policies.

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 South of the City, and that the Loirston site can create a focal point for retail demand. However, the applicants own Phase 1 Masterplan to accompany the application for Planning Permission in Principle (Ref 130892) for the wider development identifies the retail component for Block B3 as being 2250 square metres, which is less than 40% of the level currently sought in this application. The application proposal is therefore of a significant greater scale than has been

envisaged at Loirston to date. Notwithstanding the requirements of Policy RT2 relating to out of centre retail proposals, 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 hotel premises, it is not apparent that any retail development is likely to be brought forward on that particular site 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 a store of 6,000 sqm is required. This slightly contradicts the application submission which is for 5,800 square metres, although for the basis of the assessment, it gives an indication of the likely associated impacts in terms of trade diversion. As such it is calculated that the following would occur:

#### Convenience Goods

- Portlethen 28% impact
- Garthdee 9%
- Torry Town Centre 6%
- Beach Boulevard 4%
- City Centre 1%

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. Therefore there would inevitably be an element of trade diversion that would occur, on any future allocation for Class 1 retail use in this area. 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.

However, the applicants Retail Impact Assessment does however predict a 28% impact on the existing ASDA store in Portlethen. The applicant has sought to clarify this point in highlighting a difference between a quoted turnover figure of £23.3million, while the 2013 Retail Study quotes turnover at the store to be £35.4 million. As such, utilising the last figure, the applicant contends that the trade diversion would only see a 9.5% impact on ASDA at Portlethen.

The applicant indicates that any trade diversion to the Loirston superstore will arise primarily through re-patriation of lost expenditure (currently to Portlethen and Garthdee). However that in itself does not necessarily mean that there



would be no negative impacts to any existing retail centres. The location adjacent to the Charleston interchange, and the southbound A90, would be an attractive location particularly for commuters in addition to any local catchment. As such, it is anticipated that it could draw further custom beyond the intended catchment area. The Makro site is nestled amongst the existing urban form, and adjacent to the current retail allocation at Souter Head Road. It is therefore considered to have less prominence to draw trade away from other centres.

While the above scenario considers the application proposal on an individual basis in terms of individual retail impact, consideration must also be given to the cumulative impact if both Makro and Loirston went ahead. At a scale of approximately 5750/5800 sqm each, the combined stores would see a 42% impact on ASDA at Portlethen, 15% at Torry Town Centre, and 48% at the Tesco store in Torry, with the adjacent Lidl suffering a potential 33% drop. Such a combined impact would be to the significant detriment of existing centres, and individual stores, and could not be supported through the ALDP retail policies. The Aberdeen and Aberdeenshire Retail Study identifies the need for one supermarket for the south of Aberdeen. The provision of two stores to the south of the City should therefore not be considered appropriate.

In respect of the final criteria for Policy RT2, the location of the application site is within the expanding community at Loirston. The Roads Officer has acknowledged that it is expected that regular bus connections shall be diverted through this area in due course. As such it is considered that the site would be safely and easily accessible by a choice of means of transport, albeit somewhat more detached than the respective allocations within the extant and proposed ALDP. In respect of air pollution, the application proposal is still being assessed given the recent submission of the Air Quality Report by the applicant. A verbal update on this aspect shall be provided at the Committee Meeting. It is therefore considered that while the proposal is in compliance with some of the general criteria contained within policy RT2, it would ultimately be contrary to the policy overall in that another suitable site is available and likely to come forward, and there could be significant adverse effect on other existing centres, if both stores (the application proposal and the Makro site) were brought forward.

#### Development Framework objectives

As noted above, consideration has already been given to the departure from Block B3 in respect of solely identifying retail use on that land, as opposed to a mix of uses, led by residential, with commercial and local needs retail at ground floor levels, within blocks of up to 4 storeys. However, comments received from the Masterplanning, Design and Conservation Team has also outlined some concerns over the proposals. They consider that the application proposal does represent a departure from the DF. Furthermore it is also considered that even in the current indicative form, the proposals would fail to deliver key design parameters. The DF places an emphasis on existing views across the Loirston Loch, and also the anticipated urban form. In this instance, and on the basis of the limited information submitted, the development proposals would not have the envisaged presence of development fronting towards the Loch and primary road

running through the site. Furthermore the indicative layout as shown would ultimately still be dominated by car parking which the DF seeks to avoid as it states in section 5.12 that “visual impact of parking associated with local retail to be minimised”. The scale of the proposals could therefore undermine the anticipated urban form at this gateway location. Given that this area is identified in Phase 1 of the wider development, it would not be desirable to start departing from the approved DF so close to the initiation of development.

### Trees and Woodland / Environmental Issues

The submitted tree and woodland survey confirms that a number of trees/woodland would have to be removed to accommodate the development proposals. Generally, the policy stance of the ALDP is a presumption against all development that would result in a loss of established trees and woodlands. Cognisance must however be given to the wider allocation within the ALDP and Proposed ALDP, in that the roll-out of the Loirston development shall see the area undergo significant change in years to come. The associated Development Framework does indicate the location of the development blocks, and primary access points/roads through the site. It should be noted however that the section on ‘Burnside’ within which the application site is located, the DF does outline that “existing shelterbelt planting to be considered for retention where appropriate”.

The applicant has confirmed that there shall be additional replacement planting undertaken as part of the wider Loirston development. However, the specific details of such planting are not available at this time. It is likely the planting would be on another part of the site. The development proposals is likely therefore have a demonstrable impact on the landscape setting in the ‘Burnside’ character area, and existing buffers with the adjacent residential and commercial properties could be reduced quite significantly. Concern was raised within one of the representations as to the potential impact on the existing buffers, and that they should actually be widened. This is partially to take account of any potential noise arising from new development. The submitted Noise Report is currently being considered by Environmental Health Officers. However, any new planting within the site would take some time to mature, to the extent of the existing tree/woodland cover present. However, such detail could ultimately be the subject of detailed consideration at the time of any subsequent application, should this current proposal be approved.

As the application is for Planning Permission in Principle, much of the detail cannot be considered in its entirety at this time. However, it can be concluded that the development proposals could also have a negative impact on the Green Space Network (GSN) which runs through the site. Through the potential urban form (due to the floorspace proposed, and associated car parking/servicing requirements), a significant impact is highly likely to occur to the connectivity north/south for wildlife, and their associated habitats. Therefore the loss of such habitat, and reduction in woodland cover, could reduce the functionality of this part of the GSN. As such, it would be difficult to enhance the GSN on this

particular development block, due to the land-take of the development proposals as currently submitted.

### 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 and environmental impacts of the proposal.

As this application is for Planning Permission in Principle, a majority of the detail would be assessed through a subsequent application should Members be minded to accept the development proposal. However, as identified above, it is considered that the application is at odds, with the Adopted ALDP, its associated Development Framework, and the Proposed ALDP. As such, it is not considered necessary to consider the specifics of the technical requirements, although many (such as roads layouts, Travel Plans, Culverts, Environmental Management Plans, Recycling Facilities) could be subject to conditions if deemed necessary.

In respect of the comments raised by the AWPR team, the applicant has responded to advise that the proposed development access would not impinge upon the land required by Aberdeen Roads Limited (ARL) for the necessary adjacent works. As noted above however, further detailed analysis would be necessary if PPiP were to be obtained, and the specifics of the final proposal brought forward.

### Representations

In most part, the matters raised have already been addressed above in that the majority highlighted that the proposal would be contrary to the ALDP and the approved Development Framework.

In respect of the other matters raised, the wider allocation at Loirston has already been identified through the Adopted ALDP, and therefore is already established. The area is therefore expected to undergo significant change over the coming years, as the wider development is rolled out.

The concern that the public's use of large supermarkets has stagnated or declined recently is not a material consideration, and the economic justification/merits of the proposal are a consideration for the applicant alone.

### 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 OP110 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 competing application site at Marko. As such, the development of the Loirston site would constitute a departure from the current ALDP, the approved Development Framework and the Proposed ALDP.

#### 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

In their supporting documentation, the applicant has indicated that the process of securing a planning consent and developing a superstore on the site is likely to take around three years. As such, the proposal to bring forward the Loirston site for retail use has been overlooked by the Council in this instance, with the Makro site being found in favour with the Proposed ALDP, with its likely quicker delivery time.

Should Members ultimately be minded to approve this application, then it would be necessary for the applicant to sign up to a s75 Developer Obligation with regard to the provision of developer contributions towards the Local Road Network; the Strategic Transport Fund, and Core Paths/Environmental and Access Improvements. In addition, conditions would also be necessary for the Matters Specified in Conditions to follow including: the design and layout of the proposals; landscaping/tree retention/replacement planting; roads layout and swept paths; a Travel Plan; further traffic analysis; a Drainage Impact

Assessment and SUDS; a Construction Environmental Management Plan; details of the culvert/crossing and buffer strips.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

1) That, while the site lies within the OP77 Loirston Land Release within the Aberdeen Local Development Plan (2012), the scale of retail development sought far exceeds that granted through the planning permission in principle (Reference 130892), and that identified within the Loirston Development Framework which is approved as Supplementary Guidance to the Local Development Plan. Furthermore, the proposal does not comply with Policy RT2 Out of Centre Proposals, and Policy RT5 Retail Development Serving New Development Areas in that there is an allocated site for retail in the extant Local Development Plan, and one identified in the Proposed Local Development Plan, which would meet the identified need for retail provision to the south of the Aberdeen, and there is therefore no additional need beyond the current allocations. Any additional provision could therefore undermine the vitality or viability of other existing retail centres.

2) That the proposals would be contrary to the urban form, design and layout objectives anticipated through the Loirston Development Framework which is approved as Supplementary Guidance to the Adopted Aberdeen Local Development Plan (ALDP), due to

- (i) the lack of mixed-use residential and retail/commercial, and failure to integrate retail use with medium density residential and
- (ii) the expanse of associated car parking and servicing space that would not minimise the impact of car parking

3) That the proposals would be contrary the to Policy NE1 Green Space Network of the adopted ALDP due to the likely a detrimental impact upon the wider connectivity and wildlife habitats associated with the Green Space Network.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.