

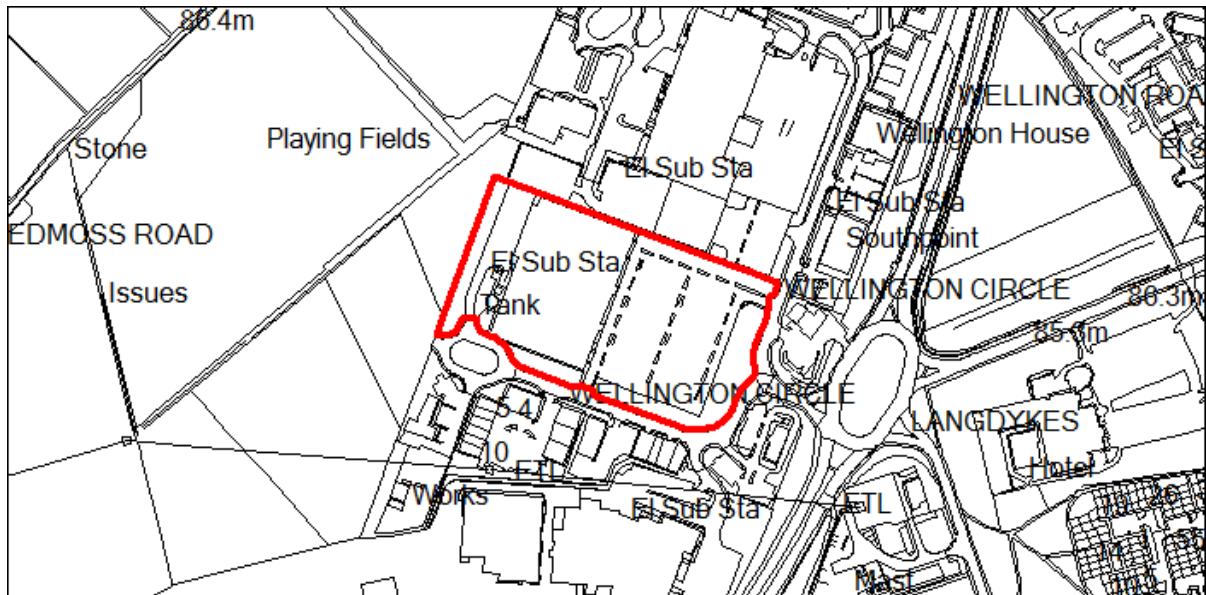
# Planning Development Management Committee

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	Advert : Dev. Plan Departure
Application Ref. : P140924	Advertised on: 16/07/2014
Application Date: 02/07/2014	Committee Date: 17 September 2015
Officer: Daniel Lewis	Community Council : No response
Ward : Kincorth/Nigg/Cove (N Cooney / A Finlayson)	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.

## **UPDATE FOLLOWING PLANNING DEVELOPMENT MANAGEMENT COMMITTEE ON 18 JUNE 2015**

Following the Members decision of 18 June 2015 of a willingness to approve the development subject to the completion of a s75 planning obligation (legal agreement), the applicants agent has approached the planning authority to highlight their difficulties in obtaining an end-user for a large supermarket due to the current economic climate. As such, they have made a request to the planning authority to amend the terms of the planning application submission to:

- Retain the Makro (wholesale warehouse) store (as proposed in the original application submission) at 4502 square metres (reduced from the current overall premises level of 10,252 square metres;
- Reduce the extent of Class 1(Retail) Supermarket to 1476 square metres from 5750 sq.m at present;
- Provide a store/warehouse of 4,274 square metres, for a new concept order and collect unit for IKEA. This format would include approximately 2600 square metres for the rear storage and distribution facilities, with the remaining front area (Approx 1674 square metres) utilised for showroom areas, a central planning area, and a small market hall for take-away goods. In addition, customers will be able to collect and return orders

- placed in the unit or online, where home delivery is not their preferred option. A small café and toilets are also proposed;
- External alterations to include a third entrance feature and associated cladding alterations; and,
  - A drop in the number of car parking spaces provided overall from 500 down to 482.

The applicant has also indicated their commitment to continue to enter into a s75 planning obligation (legal agreement) in respect of the developer contributions which had been agreed previously towards the Strategic Transport Fund, and contributions towards mitigation to the local roads network, together with the provision of infrastructure.

The revision of such an application in this way is considered to necessitate the submission of a new application for planning permission. However it is at the discretion of Members as to whether they accept the request for the variation of this application in order to secure the delivery of the two retail proposals outlined above at this location.

In respect of the potential implications of following such a route, is the potential of:

- jeopardising the approach currently being followed through the Proposed Local Development Plan in identifying the Makro building as the preferred location for the delivery of a supermarket of 5750 square metres;
- A legal challenge from either competing site (Loirston, and Souterhead Road respectively) for the identified retail need through the Extant Local Development Plan, Proposed Local Development Plan, and the Aberdeen City and Aberdeenshire Retail Study (2013).

These aspects shall be considered in the evaluation section.

## **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

Following the consideration at the PDMC meeting of 18 June 2015, the applicant has also submitted:

- Updated Planning Supporting Statement
- Sequential Assessment of Retail Opportunities
- Revised Plans and Elevations

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee following agreement between the Head of Service, in consultation with the Convenor of the Planning Development Management Committee, that the particular circumstances of the application merit further consideration by Members at Committee, in accordance with 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 Develop 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.

As members will be aware from the text above, following on from the decision of the Council on 18 June 2015 for a willingness to approve this application subject to a s75 planning obligation to secure the necessary contributions and infrastructure, and the addition of the agreed conditions, the applicant has unfortunately not been able to secure an occupier for a supermarket of that size. Evidence has been provided to indicate that as a result of current market conditions, two operators who had previously shown interest, were no longer interested in the property. A copy of the supporting statement is attached.

The applicant has subsequently been approached by IKEA expressing an interest in locating their new concept ‘Order and Collect’ store in part of the building. As such, they now wish to amend the proposals in order to create three separate units comprising the downsized Makro; a local convenience store; and a unit capable of accommodating IKEA.

It is considered that the revision of such an application in this way would necessitate the submission of a new application for planning permission in light of the scale of change, and the alteration of the predominant sales of comparison goods, as opposed to be dominance of convenience retailing in the original

submission. However it has been referred back to Committee for Members to decide as to whether they accept the request for the variation of this current application in order to secure the delivery of two retail proposals at this location, instead of the one larger proposal as required through the Aberdeen City and Aberdeenshire Retail Study from 2013.

In respect of the potential implications of following such a route, is the potential of:

- jeopardising the approach currently being followed through the Proposed Local Development Plan in identifying the Makro building as the preferred location for the delivery of a supermarket of 5750 square metres;
- A legal challenge for either competing site for the identified retail need through the Extant Local Development Plan, Proposed Local Development Plan, and the Aberdeen City and Aberdeenshire Retail Study (2013).

### Principle

The reasoning behind accepting the proposal for the Makro site for a new supermarket was to deliver an identified retail need for a supermarket to the south of the City, which to date, has not been provided through the identified site at the Thistle Hotel site on Souterhead Road. Clearly, the economic climate has had a significant impact upon the strategy for the provision of new retail, and specifically supermarket proposals across the United Kingdom. This has seen the retailers increasing the extent of small local convenience retailing proposals. In the instance of Cove, and the new Charleston developments this has already seen the provision of a replacement Co-op unit at the corner of Earns Heugh Road and Loirston Avenue, and a new Sainsbury's Local at the corner of Wellington Road and Charleston Road North, which is expected to open shortly.

The applicant has provided additional supporting information which has highlighted this expansion of smaller format convenience stores. At present, it is indicated it is only this type of retailing that continues to expand. As such, while it would be preferable to ensure the delivery of the identified need, the planning system must also react to changes in the economic climate, and take on material considerations.

Further information has also been provided in the form of a sequential assessment to illustrate the lack of suitable sites/premises within existing identified retail centres. This has indicated that the largest units available, at Berryden (1300 sq.m) and Denmore Road (1579 sq.m) are still around a third of the size required for the new IKEA concept store. As such, the proposal to subdivide what would have entirely been a large supermarket of 5750 square metres, into two separate units, one for IKEA at 4274 sq.m, and one for a smaller convenience retail unit of 1476 sq.m, would still see the delivery of Class 1 Retail use on site.

However, the application proposals are considered to be sufficiently different and would therefore warrant a new application, which would have also allowed the consideration of all the new information together with the opportunity to make representation upon the proposals.

Furthermore, the Retail Impact Assessment (RIA) submitted with the planning application identified the potential impacts upon existing retail centres. Given the substantive change to the composition of the development, and the alteration to the types of retailing incorporated, it is considered necessary to require a revised RIA to demonstrate the impacts of the revised proposals. However, given the reduction in the scale of the supermarket/convenience proposal, it is anticipated that the knock on impact on surrounding retail locations would be reduced accordingly. However, the exact evidence of that outcome has not yet been provided.

As such, while the principle of retail development on site is likely to be acceptable, the finer detail has not yet been considered to demonstrate complete compliance with the required policies of the development plan.

#### Impact upon the current approach envisaged through the Proposed Plan

In parallel, the amendment to the proposals could ultimately have knock on implications for the delivery of the identified retail need in the Local Development Plan. As such, the reality is that a revised Retail Study for Aberdeen City and Aberdeenshire should really be undertaken to inform the review of the Local Development Plan.

#### Potential for Legal Challenge

As Members shall be aware, at the time of consideration of this application on 18 June 2015, a report was also considered for the competing retail site, within the wider Hermiston development at Loirston. While that application was considered to be contrary to the Development Plan strategy, and the Development Framework for the Loirston masterplanned area, this change in circumstances and the revision of the Makro site proposals could see the potential for a legal challenge to be raised.

Furthermore, in light of the non delivery of the retail opportunity site within the extant Local Development Plan (Souterhead Road, Thistle Hotel site), there remains a possibility of a legal challenge from that interested party as well. While the information received to date indicates the complications in the delivery of large retail developments for supermarkets, this needs to be justified through a revised Retail study as noted above.

As such, in order to minimise the risk of challenge, it is imperative that the Council ensure that proper processes and procedures are followed in the handling of planning applications. As outlined above, the substantive change to the development proposals are considered to warrant a new application, together with the submission and revision of some aspects of the supporting information. While no guarantee can be given over the outcome of such a revised application, the general principle can be accepted, so long as it can be fully demonstrated that there is no significant detriment to the vitality and viability of existing retail

centres, and it can also be demonstrated that there are no alternative sites within existing identified retail centres that can accommodate such retail proposals.

### Summary

As a result of the internal legal advice sought, the recommendation is that a new application for the amended development proposals tabled by the applicant. With this in mind, it is recommended that members reiterate their earlier decision to approve the proposals for a supermarket of 5750 square metres only, subject to the completion of the s75 planning obligation (legal agreement), and the conditions listed in the previous report to Committee.

Should Members however consider that the proposals be acceptable as an amendment to the current application then it would be necessary to retain a number of the conditions in respect of:

- External finishing materials;
- Drainage proposals including SUDS;
- Cycle storage provision;
- A landscaping scheme;
- Provision of car parking layout;
- Provision of visibility splays;
- Provision of a recycling facility; and

One further condition would also have to be attached in respect of the restriction of the type of retailing within the 1476 sq.m retail unit to convenience only, with no comparison goods to be sold.

However, it would also be necessary to conclude a section 75 agreement in order to secure the necessary developer obligations, and the provision of local infrastructure improvements prior to the issue of the decision notice in respect of the application.

### 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.

## **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.