

Archibald B (Brian)

From: Archibald B (Brian)
Sent: 01 April 2016 10:42
To: Andrew Brownrigg (ABROWNRI GG@aberdeencity.gov.uk);
'malcolm.campbell@knightfrank.com' (malcolm.campbell@knightfrank.com);
'john.findlay@ryden.co.uk' (john.findlay@ryden.co.uk); david.cooper@booker.co.uk;
info@cove-bay.com
Cc: Donna Laing (DLaing@aberdeencity.gov.uk)
Subject: FW: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER
INFORMATION REQUEST 02 - ISSUE 13 - ALLOCATED SITES LOIRSTON & COVE
Attachments: Makro Decision Notice.pdf

Tracking:

Recipient

Delivery

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Donna Laing (DLaing@aberdeencity.gov.uk)

██████████

██████████

Hello Andrew

Thank you for sending the response through for FIR 02 – Issue 13. I acknowledge receipt and I am copying to the following parties who have 14 days from today to respond to the councils comments.

Hermiston Securities Limited (93)
Cyan Properties Limited (57)
Booker Limited on behalf of Makro Self Service Wholesalers Ltd (62)
Cove and Altens Community Council (147)

Thanks
Brian

From: Andrew Brownrigg [mailto:ABROWNRI GG@aberdeencity.gov.uk]
Sent: 01 April 2016 10:08
To: Archibald B (Brian)
Cc: Donna Laing
Subject: RE: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 02 - ISSUE 13 - ALLOCATED SITES LOIRSTON & COVE

Hello Brian

Please find our response to Further Information Request 2 on Issue 13. I have arranged the responses underneath the individual elements of the request which are highlighted in **bold**.

The Council is requested to

(a) give its current understanding of the floorspace now likely to be available in the former Makro building for a supermarket;

A planning application proposing a part change of use of 5750sqm of the existing building from wholesale retail warehouse (Class 6) to supermarket (Class 1) was given a willingness to approve on 18 June 2015 subject to the completion of a s75 planning obligation (legal agreement). The applicants agent then 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 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 were also proposed;

Therefore 1476 sqm is available in the former Makro building for a supermarket. This amended Planning Application P140924 was granted Conditional Planning Permission on 19 November 2015. A copy of decision notice is attached.

For clarity, condition 9 states:

“(9) The floorspace of the proposed smaller Class 1 Retail Unit of 1476 square metres hereby permitted shall be restricted to convenience retailing only, 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.”

Notice of initiation of development was received by Aberdeen City Council on 9 December 2015.

(b) give its view as to whether alternative provision is now required for convenience floorspace in south Aberdeen;

Paragraph 3.28 of the Proposed Plan highlights retail deficiencies identified in the Aberdeen City and Aberdeenshire Retail Study 2013 (CD16). The study took "committed retail opportunity" into account and OP76 of the 2012 Aberdeen Local Development Plan (Souter Head Road) provided opportunity in the south of the city. The designation of OP110 has come about due to the recognition of a need to identify a replacement site for the "committed retail opportunity" currently identified at OP76 Souter Head Road in the extant Local Development Plan 2012 (CD42) (which has now been removed in the Proposed Plan).

The committee report discussing the proposal discussed above in a) states “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.”

Given this view it is considered that the current need for convenience floorspace in south Aberdeen is less now than it was at the time of the preparation and publication of the Retail Study 2013.

(c) if alternative provision is required, state whether site OP59 Loirston would be suitable for this, and

The Council approved the Proposed Plan for consultation in October 2014 with an amendment requiring the addition of B1309 Makro (supermarket) and the deletion of the reference to the supermarket at OP59, Loirston. The current economic climate appears to favour smaller supermarkets rather than larger ones. Should this position change, then further proposals in respect of the Makro building could be considered in the context of its identification as the preferred location for convenience floorspace as proposed.

It should be noted that the approved masterplan for Loirston allows for appropriately scaled retail development integrated into a neighbourhood centre which would serve the new community there.

(d) make any further comments it wishes on its preferred content of the plan as regards retail provision in south Aberdeen.

We have no further comments.

Regards, Andy

Andrew Brownrigg
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Aberdeen City Council
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Marischal College
Broad Street
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AB10 1AB

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 [Aberdeen Local Development Plan Page](#)

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Application Ref No P140924

PLANNING & SUSTAINABLE DEVELOPMENT
Communities, Housing and Infrastructure
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

The Town And Country Planning (Scotland) Act 1997

Conditional Planning Permission

Ryden LLP

25 Albyn Place
Aberdeen

AB10 1YL

on behalf of **Cyan Properties Ltd**

With reference to your application validly received on 2 July 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

Proposed Alterations to Existing Building (including Re-cladding, Formation of Entrance Features, and New Loading Bay) and Part Change of Use of 5750 sq.m From Wholesale Retail Warehouse (Class 6) to 2 No. Retail Units (Class 1) at Makro, Site 1 Wellington Circle, Wellington Road Industrial Estate

the Council in exercise of their powers under the above mentioned Act hereby GRANT Planning Permission for the said development in accordance with the particulars given in the application form and the plan(s) and documents docketed as relative thereto.

Permission is granted subject to the following condition(s), for which reasons(s) are stated viz:-

(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

PETE LEONARD
DIRECTOR

Continuation

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(--) 16 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(--) 16 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

Continuation

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 smaller Class 1 Retail Unit of 1476 square metres hereby permitted shall be restricted to convenience retailing only, 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.

The reason(s) on which the Council has based this decision are as follows:-

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.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- Site Location Plan A5128/P(--) 01 Existing Site Plan A5128/P(--) 02 Rev A Existing Ground Floor Plan A5128/P(--) 03 Rev A Existing First Floor Plan A5128/P(--) 04 Rev A Existing Store Elevations A5128/P(--) 05 Proposed Site Plan A5128/P(--) 16 Proposed Store Elevations A5128/P(--) 17 Proposed Ground Floor Plan A5128/P(--) 18 Proposed First Floor Plan A5128/P(--) 19 Perspective View 1 A5128/P(--) 20 Perspective View 2 A5128/P(--) 21

Date of Signing 19 November 2015



Daniel Lewis
Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

Continuation

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS GRANT OF PLANNING APPROVAL

The development to which this notice relates requires to be commenced within 3 years of the date of this notice unless a condition of planning approval specifies otherwise.

This permission does not carry with it any necessary approval under the Building Standards Regulations or of the owner or superior of the land or property including, where applicable, the City Council. Please ensure that this permission is compatible with any building warrant obtained. The Planning Service does not cross check approvals in detail.

The applicant has the right to appeal to the Scottish Ministers in certain circumstances (eg. if aggrieved by the conditions that have been attached) and further details are given in Form 1 attached below

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work commencing. Failure to do so is a breach of planning control under Section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the Notice of Initiation of Development Form attached below

A person who completes the development for which planning permission has been granted by the foregoing notice must, as soon as is practicable after doing so, give notice of completion to the Council on the Notice of Completion of Development form attached below. In common with the failure to submit an notice of initiation of development, the Council may take enforcement action if a notice of completion is not given.

Continuation

Regulation 28(4)(b)

Form 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permissions subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Applicants may obtain information on how to submit an appeal by visiting <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals> or contacting –

Directorate for Planning & Environmental Appeals
Scottish Government
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Telephone: 01324 696 400
E-mail: DPEA@scotland.gsi.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
DIRECTOR

Continuation

PETE LEONARD
DIRECTOR

Continuation

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **Form X**

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27 A,B and C of the above Act and Regulations 37 and 38, regarding the initiation (start) of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P140924	19 Novemb er 2015
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Address of site to which permission applies :-

Makro, Site 1 Wellington Circle, Wellington Road Industrial Estate

I hereby give notice that it is intended to **start** the above development on the following date:-
(see notes 1 – 3 below)

--/--/--

(see note 4 below)	<u>Name</u>	<u>Address</u>
Person Intending to Carry Out Development		
Landowner of Site (If different)		
Site Agent appointed for development		Mobile or landline tel. number

Date of Submission of Notice

--/--/-- PETE LEONARD DIRECTOR

Continuation

Address to which you should send this notice :-

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Should you require any help in completing this notice, please contact us :-

Telephone: **01224 523470**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of start of work **must** be given **prior to** commencement of the development (i.e. before starting work on site).
2. Failure to submit this notice to the planning authority is a breach of planning control under section 123 (1) of the 1997 Act.
3. Work may lawfully be commenced at some point after the start date given above, provided that it is undertaken in complete accordance with the planning permission and any related planning conditions which have been imposed.
4. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

Continuation

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **Form X**

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P140924	19 Novemb er 2015
----------------	----------------------------------

Address of site to which permission applies :-

Makro, Site 1 Wellington Circle, Wellington Road Industrial Estate

I hereby give notice that the above development was completed on the following date:- (see notes 1 and 2 below)

--/--/--

(see note 3 below) Person Carrying Out Development	<u>Name</u>	<u>Address</u>
Landowner of Site (If different from above)		
Site Agent appointed in respect of the development		Mobile or landline number

Date of Submission of Notice

--/--/--

Continuation

Address to which you should send this notice :-

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Should you require any help in completing this notice, please contact us :-

Telephone: **01224 523470**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of completion of development on site **must** be given as soon as practicable thereafter.
2. The planning authority may take enforcement action if such a notice is not given. When the last phase of a phased development is completed, the requirement to give notice of completion of development applies.
3. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

PETE LEONARD
DIRECTOR