

PP0740

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to ldp@aberdeenshire.gov.uk or send this form to reach us by 31 July 2020*.

We recommend that you keep a copy of your representation for your own records.

**UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

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Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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Aberdeenshire Local Development Plan
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

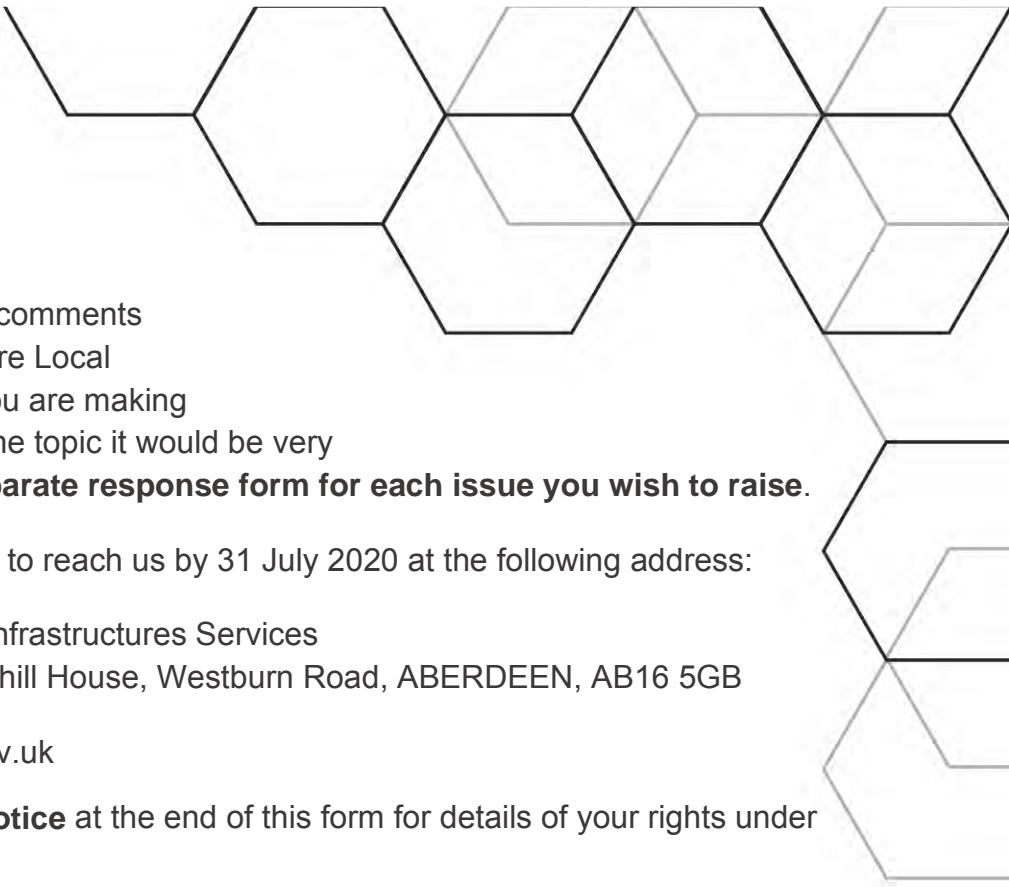
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If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email planning@aberdeenshire.gov.uk.



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	Oliver
Surname:	Munden
Date:	31 July 2020
Postal Address:	Avison Young, [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? Yes No

Are you responding on behalf of another person? Yes No

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Remove the allocation of Protected Land for open space (Ref P12) at Kirk Street, Peterhead, (please refer to the location plan of **Appendix 1**) and allocate the site as a mixed use development site within the defined boundary of Peterhead Town Centre.

Reason for change:

We do not believe that the change identified within the proposed Local Development Plan to allocate the subject site (see **appendix 1**) as protected land for open space (ref P12) is appropriate. Such an allocation ignores extant planning history in relation to the site and development implemented to date, and without any reasonable justification for doing so. Furthermore, the reasoning given for the open space allocation relates to matters that have already been considered by the Council when deciding to grant planning permission for development across the site. Reflecting on this, it is also important to note that there have been no material changes to the planning and environmental context (either within the site or on adjacent land) that support its allocation for open space. Finally, the allocation for open space ignores the development aspirations of the landowner, Aldi, which have been shared with the Council in the process of approving previous applications for development across the site. All these matters are expanded on in greater detail below.

The Location Plan at **Appendix 1** has been split into an eastern and western site as this reflects the most recent planning application history and development strategy implemented by Aldi. In this regard, the eastern site is now part occupied by an Aldi foodstore with an extant permission for a second retail unit, whilst the western site has been temporarily landscaped with grass.

This site is identified within the Proposed Plan as protected land for open space (Ref P12) as identified under Appendix 7b (settlement Statements – Buchan) of the Proposed Plan. The proposed allocation links to the Open Space section (PR1.6) under Policy PR1 Protecting Important Resources. This is not a position that was put forward within the Main Issues Report and we do not believe that the Council have consulted on this change to date. Additionally, the draft Proposed Plan (from page 50 - link below) which was published alongside the Main Issues Report made no mention of allocating the Aldi site as protected open space (Draft Proposed Plan - <http://publications.aberdeenshire.gov.uk/dataset/addde1bd-5678-4303-b10f-a4e358bd8b8a/resource/0e0ab278-01b1-4349-9b18-c94257c6a0b1/download/buchan-new-deer-to-stuartfield.pdf>). Finally, the site does not appear to have been considered within the Aberdeenshire Open Space Audit.

Section PR1.6 of Policy PR1 is replicated below, with the relevant section to this representation highlighted in bold:

“Development will not normally be permitted on any area of open space, including outdoor sports facilities and buffer strips along watercourses, unless the new use is ancillary to the use as open space. Important areas of open space are identified as “protected land” within Appendix 7, Settlement Statements. Exceptionally, the development of essential community infrastructure may be allowed if it will not result in a deficit of open space of the type affected within the settlement, as evidenced by the Open Space Audit, or prejudice the continuity of a green-blue network. Where loss of open space occurs as the result of a new development then replacement must be made of an appropriate type, quantity, accessibility and quality within the settlement. Any new development that adversely impacts on the use and/or provision of sports pitches will be required to provide suitable replacement to the satisfaction of the Planning Authority. In such cases Sport Scotland will be consulted.”

As set out within the introductory paragraphs above, we respectfully request that the Council reflects on the key planning issues highlighted below all of which logically point to allocating the site (instead) for mixed use development.

Planning History

Aldi have owned the site at Kirk Street, Peterhead (**appendix 1**) for a number of years and have secured planning permission for a number of developments across the site.

The most relevant and recent of these was for Planning Permission in Principle across the eastern part of the site, including full detail of the Aldi Store approved in April 2016 (ref APP/2015/2676 – **appendix 3**). This involved the demolition of a derelict block of flats, the full detail of the Aldi store and the in principle development of a second non-food retail unit. The approved plans (**appendix 4**) demonstrates this in further detail. This was followed by an AMSC application (ref APP/2016/2813 – **appendix 6**) which was approved in January 2017 to address conditions which related to the delivery and operation of the Aldi foodstore. The store was subsequently opened in late 2018. Proposals for the second retail unit are likely to come forward in due course pursuant to the grant of PPP which remains extant.

At a similar time to the granting of this permission, a separate planning permission (ref APP/2016/2812 – **appendix 5**) was also granted for the western site which involved engineering works to level the site and provide temporary landscaping. This was subsequently subject to a non-material variation which sought to generally retain the existing levels of the site and provide temporary grass landscaping whilst revised development proposals are prepared for the site (see **appendix 5**). These matters were made clear to the Council in progressing this application. These works were completed alongside the development of the Aldi foodstore.

Of further relevance to these representations, it is important to note that planning permission was granted in 2010 across the entire site (east and west) (ref APP/2006/4179) for the erection of 6 food and non-food retail units (**appendix 2**). This established the principle of development across the whole site. Planning permission was subsequently granted for an extension of time to bring forward detailed proposals pursuant to this original consent before Aldi then decided on a revised development strategy of first developing the eastern part of the site.

All of the above planning history context demonstrates the acceptability of development across the entire site.

Archaeology

The Council's determination of the above applications of APP/2006/4179 and APP/2015/2676 are an important consideration in our request to remove the protected land for open space allocation of P12 from the Aldi site.

The reasoning included within the Proposed Plan at Appendix 7b – Settlement Statement for Buchan for the allocation of the site as open space (Reference P12) is "*To protect the cemetery as an amenity for the settlement and for contributing to the character of the place.*" Firstly, as noted above, there have been no material changes to the planning and environmental context either within the site or on adjacent land, including the cemetery referred to above. Together with site planning history summarised above, there are no justifiable reasons given for now setting aside this important context and allocating the site for open space.

There have been no changes to any surrounding features including the cemetery and former abbey to the south of the site which would support the Council's proposal to set aside extant planning permissions across the site and allocate it for open space (with the exception of the built and trading Aldi foodstore). This is particularly relevant given the archaeological findings identified during the discharge of conditions of the 2016 planning permission and previous archaeological works on the site. This has involved watching briefs, trial trenching and archaeological evaluations taking place several times in 2009 and 2018. These works did not identify any significant finds within the area, supporting our view that the protected open space designation is not necessary for this site.

Peterhead Town Centre

During the determination of the originally approved application with ref APP/2006/4179, a consultation response was received from the Planning Policy team, who agreed that the site is located at a suitable site within **close proximity** to Peterhead Town Centre, as identified on page 8 of the Report of Handling (**appendix 2**). The Report of Handling then goes on to provide further commentary on the acceptability of the location as a retail site, which ultimately concludes that the site is suitable for retail development, having fulfilled the retail policy criteria.

The Aldi owned site lies within close proximity of the Peterhead Town Centre boundary at 140m. Given this short distance, and the planning permissions which the site benefits from, we consider that there is a strong case for the site to be located within an extended Peterhead Town Centre boundary. It would form a logical extension to the Peterhead Town Centre boundary and the existing Aldi store already generates significant linked trips with other shops and services within the town centre.

Current Local Development Plan

Linked to the above, the currently adopted LDP (April 2017) does not place a formal allocation across the site, with it being included as "white land" and therefore subject to general policies within the plan. This is further demonstrated by the below extract from the proposals map from the adopted plan.

The site has therefore clearly been considered appropriate for development in the past, and there is no evidence provided as to why such an open space protection should now be allocated upon it.

In addition, on page 5 of the report of handling for APP/2006/4179 (**appendix 2**), the Council's policy team have clearly noted that the site comprised a key location for regeneration in Peterhead, which is still a relevant consideration as much as the site has not yet been developed.

Aldi's Aspirations

As has already been identified, to date Aldi have invested significant sums in securing planning permission for retail development across the site including for their own Aldi store. Additionally, significant expense has been incurred from enabling development costs for future development and in the temporary land profiling and landscaping of their western plot.

In the medium term, Aldi have aspirations for further development across the site. This includes the second unit in close proximity to the Aldi store, as identified by the plan at **Appendix 4**, but also to deliver commercial led mixed use development, including retail and potentially some residential uses on the western plot. All of the planning history to date supports these aspirations. There is no evidence to point in the direction of setting this aside in favour of allocating the site for open space and this would be at cross purposes with the Council's recognition of its value for regeneration and retail delivery.

Changes Requested

In light of the position set out above, it is requested that the whole of the site (as per **appendix 1** and controlled by Aldi) is allocated as a mixed use development opportunity site, and for it to be included within an extended Peterhead Town Centre boundary. It is considered that the allocation of the site as protected space does not represent our Clients aspirations for the site, the Councils previous acknowledgement of the importance of regenerating the site, nor the substantial planning history which the overall site benefits from.

We respectfully request that the above is reflected in a revised version of the Proposed Plan and prior to any examination that follows.

We would welcome the opportunity to discuss the above matters further if this would assist and we reserve the opportunity to comment on any further stages as appropriate. In the meantime, we look forward to receiving formal acknowledgment of receipt of this representation in due course.

Appendices:

Appendix 1 - Site Location Plan

Appendix 2 - APP/2006/4179 – Report of Handling and Approved Plans

Appendix 3 - APP/2015/2676 – Decision Notice

Appendix 4 - APP/2015/2676 – Approved Existing and Proposed Site Plan

Appendix 5 - APP/2016/2812 – Decision Notice and Approved Plans

Appendix 6 - APP/2016/2813 – Decision Notice

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

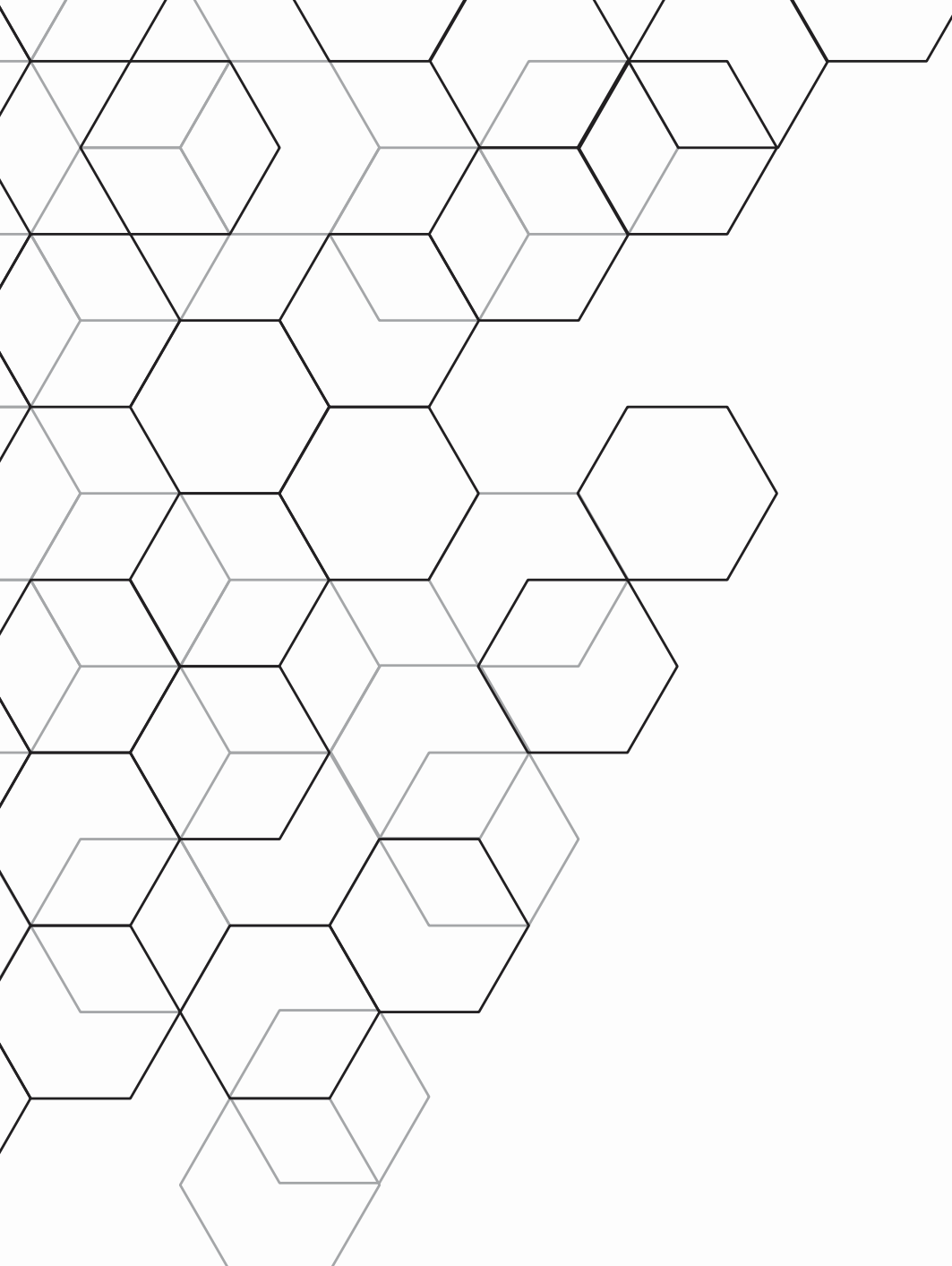
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

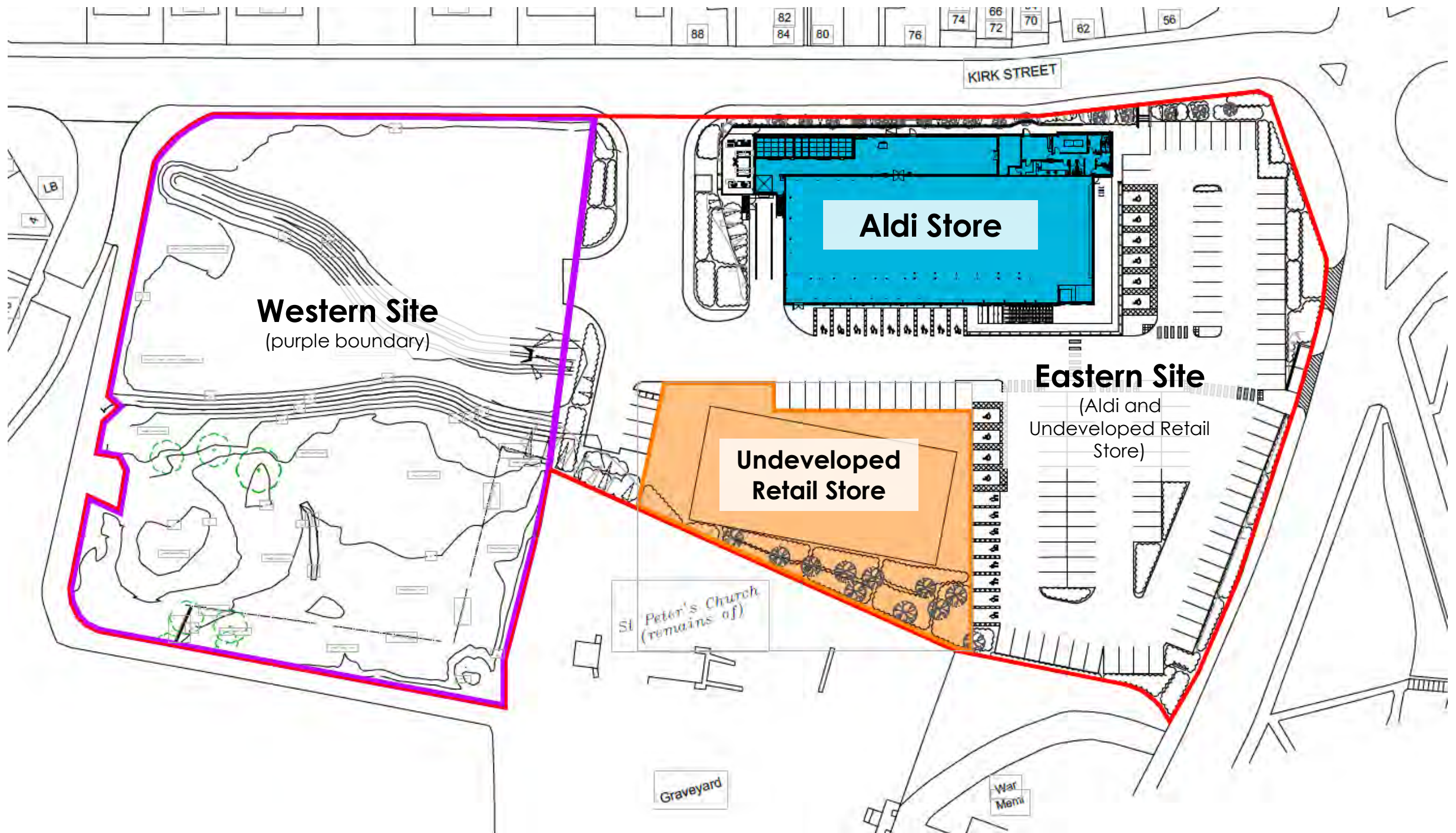
- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.



Appendix 1

Location Plan

Aldi Peterhead – Landownership Plan



Appendix 2

APP/2006/4179 Report of
Handling, Decision Notice and
Approved Plans

REPORT OF HANDLING

Application Reference: APP/2006/4179

Proposal: Full Planning Permission for Demolition of Existing Buildings and Formation of Retail Park (6 Units - Food and Non Food Retail), Associated Car Parking, Ancillary Engineering and Landscaping Works and Alterations to Existing Housing Block

Address: Kirkburn Mills, Kirk Street, Peterhead

1. Description of proposal

This application seeks full planning permission for the demolition of existing buildings and the formation of a retail park (6 units - 1 food and 5 non-food) and alterations to existing housing block to form 16 units at Kirkburn Mills, Peterhead. Car parking and landscaping also form part of the submission.

The site currently comprises a mix of industrial mill buildings and shop with detached residential dwellings and 3 storey tenement blocks located at the north east corner. The buildings comprise a mix of designs and finishes with corrugated cladding predominant on the industrial buildings and granite and slate on the residential properties. The submission will involve the demolition of all the existing structures with the exception of the corner granite tenement block, which sits at the junction of Kirk Street and South Road.

The proposed retail park will comprise of an Aldi store and 5 associated Class 1 non- food retail units with a total gross floorspace of 4565 square metres. The breakdown of the net retail floorspace of each unit equates to: Aldi : 1014 square metres (811 convenience and 203 comparison/ bulky goods), unit 2: 711 square metres, unit 3: 395 square metres, unit 4: 323, unit 5: 294 square metres and unit 6: 307 square metres. The proposed buildings are of a single storey design, with mono pitched roof which will measure approximately 7.8 metres high. The buildings will be finished in a combination of powder coated aluminium panels and glazing on the walls.

Convenience sales are broadly defined as food items, drinks, tobacco, newspapers, magazines and confectionery, purchased regularly for relatively immediate consumption. Comparison sales relates to items which a purchaser will compare on the basis of price and quality before a purchase is made, such as clothes, fashion, electrical goods and furniture.

The Site

The site is presently occupied by a textile manufacturer and comprises a complex of mill buildings, offices, shop and vacant residential properties. It comprises an area measuring approximately 1.96 hectares, located 175 metres from the south western boundary of the town centre. The site occupies a prominent roadside location being bounded by South Road to the east and Kirk Street to the north. The site lies within a mixed area which with the exception of a kitchen/ bathroom showroom to the north on the opposite side of Kirk Street and takeaway to the west on the opposite side of Cairntrodle Road the

neighbouring properties are predominantly residential. The south west edge of the site is delineated by the West Links playing fields, while the St Peters Kirk and associated Kirk yard, which are Listed Category A and B respectively are to the south east. Old St Peters Kirk, is in addition a Scheduled Ancient Monument.

The retail development and servicing areas for units 3, 4, 5 and 6 will be accessed via Kirk Street which bounds the north edge of the site. The service yard areas associated with the Aldi unit and unit 2 will be accessed via the south east corner of the site onto South Road. A secondary access point will also require to be formed onto Kirk Street to serve the residential block.

The car parking provision is split into two designated areas, and will be located at the frontage of the retail units with provision for a total of 261 spaces, including (14 disables spaces and 9 parent and child spaces).

It is proposed to connect the building to the existing public water and drainage supplies, with surface water dispersed within the site by means of 'Sustainable Urban Drainage Systems'.

2. Variation

Revisions to the design approach to the store and soft and hard landscaping within the site, dated March 2007.

3. Supporting Information

The applicants have submitted a Design Statement, Drainage Impact Assessment, Contaminated Land Investigations and Remedial Measures Report, Retail Assessment and Transport Assessment

4. Relevant Planning History

An outline application (APP/2005/1272) seeking approval for the erection of a new retail store (4645 square metres gross floor area) was registered on 12 April 2005. This application is still under consideration and is not yet at a stage whereby it can be reported to the Area Committee.

The development opportunities of this site originate from the Aberdeenshire Towns Partnership and the Peterhead Project group with the key priorities outlined within the Partnership's "Peterhead Regeneration Strategy 2004-2007". This document highlights projects for the built environment, identifying priority and long term proposals for each which promotes a strong contribution that builds upon new uses for derelict sites and redundant buildings. This site represents one of the recognised development opportunities, whereby it is acknowledged that the closure of this employment and manufacturing base on a strategic entrance point to the town would bring a need to address acceptable and appropriate development at this location.

The Environment Section of Planning (Projects) has been responsible for the



progression of the development opportunities of the site via the preparation of a design guide. This design guide – ‘Re-development Opportunity, Kirkburn Mills, Kirk Street, Peterhead’ was endorsed by the Buchan Area Committee and was published in May 2005. This document promotes redevelopment which does not damage the built or cultural heritage or negatively impact upon the character, environment or amenity of the surrounding area is encouraged to reinforce a local identity and sense of place. The guide recommends the retention of a number of the existing buildings within the site based on their perceived contribution to the built environment and recognises the opportunities to redress the visual imbalance presently created by the existing industrial buildings within the site.

5. Representations

The application was advertised as a proposal which may be of interest to the public and as a Departure to the Development Plan. A total of 7 letters of representation (including 1 petition) have been received. The main grounds of objection are as follows:

- *The increase in traffic generation will have a detrimental impact upon the road network, while neighbouring properties will experience problems in terms of increased noise and pollution.*
- *The residents will experience loss of parking along Kirk Street.*
- *It is considered that there is already sufficient supermarket sites within Peterhead to meet consumers requirements.*
- *There is no provision within the Adopted Local Plan for additional retail floorspace within Peterhead nor is it considered that there is sufficient justification to support a retail development of the size proposed in expenditure leakage terms.*
- *The comparison sales element of the proposal will have significant impact upon the vitality and viability of Peterhead town centre.*
- *It is considered that the submission fails to meet a number of key development Local Plan policy tests in addition to policy guidance as set out in National Planning Policy Guidance.*
- *The development can not coexist with the town centre without undermining the vitality and viability.*
- *It is considered that the applicant has failed to fully satisfy the sequential approach to site selection by failing to demonstrate sufficient flexibility or realism towards the sites investigated within the settlement. The development if split up could be accommodated within the town centre.*
- *The site is not considered to fully qualify as edge of centre, being located away from the core shopping area and has no visual connection whereby any shoppers wishing to make a linked trip to the town centre will require to negotiate a roundabout, junctions and distributor road.*
- *Significant dedicated parking spaces will entice shoppers from the town centre and the major transport infrastructure between the site and the town centre will create a significant barrier.*

- *The development will have a significant impact upon the historically important churchyard and boundary wall.*

6. Consultations

The Transportation & Infrastructure Service (Roads Development) have raised comments in relation to the proposed access arrangements and car parking provision. The access locations are deemed to be acceptable subject to visibility splays being confirmed. .

In terms of car parking the consultee notes that there will be a shortfall in parking provision on-site, comprising 26 spaces. The consultee having assessed that Transport Assessment deems the level of parking provision to be reasonable and considers that the level of parking provision can accommodate the expected traffic movements and trip generation.

The Transportation & Infrastructure Service (Transportation) have been consulted in relation to the submitted Transportation Assessment. Having audited the document, the consultee confirms that the proposal is acceptable in accessibility terms.

The Head of Environmental Health and Waste Management considers the development to be acceptable in terms of noise emissions subject to a planning condition requiring the details, including sound power levels, of any external plant or machinery to be agreed prior to installation.

The Environmental Health Service (Scientific Officer) has been consulted in relation to the potential contaminated issues associated with the former and existing industrial use. On commenting on this matter, the consultee advises that further site investigative work requires to be undertaken. At the time of writing the consultee is unable to formally comment on the suitability of the site for development until the site investigation works have been completed.

The Environment Section of Planning (Projects), and also the Built & Cultural Heritage team have been consulted in relation to the design elements and the built environment. They are of the view that the site occupies a key location that will serve to signify the renewal of this strategic entrance into the town centre. A degree of concern has been expressed in relation to whether this scheme is wholly appropriate and in keeping with the Council's development guide, with particular reference made in relation to the design and the loss of established building lines combined with the prominence of car parking areas and the loss of one existing buildings identified for retention. It is not considered that the development will reinforce the established local identity, but rather that it will create a distinctly new pattern of development and character of its own.

On commenting on the specific layout, car parking and landscaping elements the consultees consider that it is essential that the overall design and detailing on the buildings and hard/soft landscaping are identifiable to this specific location. In this regard they have outlined a number of suggestions in terms of the design of the buildings, boundaries, recycling facilities and landscaping.

These comments have been relayed to the developer, and will require to be subject of further discussions.

The Transportation & Infrastructure Service (Landscape Services) and the Environment Section of Planning (Landscape) have been consulted in relation to the landscaping scheme. On commenting on the submission, both consultees note the importance of the location and the contribution which the development could provide to the surrounding streetscape. In this regard the consultees maintain that all soft and hard landscaping will require to be of a high standard and details of the landscaping, management and maintenance have been requested. At the time of writing this issue remains outstanding.

The Legal & Governance Service (Planning Gain) have been consulted and notes the benefits associated with the development of this site and the impact upon the neighbouring recreational land. The coconsultee has suggested that contributions be sought in respect of measures to improve the attractions of the town centre (and thereby assist to maintain the vitality and viability), a cash contribution towards affordable housing, and accessibility in terms of improved pedestrian and cycle access links.

The Planning & Environmental Service (Planning Policy Team) note that the site represents a key location as recognised under the remit of the Aberdeenshire Towns Partnership and Peterhead Project "A Framework for Physical Development- supporting the regeneration of Peterhead 2004-2002". In terms of Policy Emp\6 of the Finalised Aberdeenshire Local Plan, the Policy Team concur with the applicant's view that in the absence of any suitable town centre locations that the site accords with the sequential approach occupying a location which lies within an acceptable distance of the town centre. It is considered that the development is likely to be capable of co-existing with the town centre, while tackling deficiencies in the qualitative provision of retail floorspace which cannot be met within the town centre. As such retail development is deemed reasonable in principle subject to matters of accessibility, servicing and design being resolved. In this respect it is noted that the site is located within a historic section of Peterhead and as such it is recommended that any new development respects the surroundings and provides a sense of place.

Scottish Water advise that a public water supply and foul drainage system will be available subject to further discussions with the developer regarding the infrastructure problems constraining the site.

Scottish Environment Protection Agency (SEPA) initially raised adverse comments on the basis that there was insufficient information provided on the surface water disposal scheme. As a result of further discussions with the developer and the submission of information they advise that they are satisfied with the information provided.

The Transportation & Infrastructure Service (Flood Prevention) have been consulted in regard to the surface water drainage arrangements and raise no adverse comments.

The Environment section of Planning (Archaeology) raise no adverse comments subject to the development being the subject of a standing buildings survey and archaeological watching brief. This will require to be undertaken by an archaeological organisation acceptable to the consultee.

Historic Scotland have been consulted in regard to the impact of the development upon the setting of the neighbouring Scheduled Ancient Monument. St Peters Churchyard, and the associated Category 'A' and 'B' listed and Scheduled Ancient Monument, which lie adjacent to the southern boundary of the site are located on the opposite side of Erroll Street. On commenting on this matter Historic Scotland do not consider that the setting of the neighbouring churchyard will be adversely affected and raise no objection.

Peterhead Community Council raise no objections in principle, however they have expressed concerns in relation to the level of traffic generation and the suitability of the service yard access points.

7. Relevant Policies

Policy Emp\1: Allocated and Existing Employment Land
Policy Emp\6: Retail Development in the Larger Settlements- Sequential Test Policy
Policy Inf\1: Roads and Access
Policy Inf\2: Parking, Services and Accessibility
Policy Inf\4a: Foul Drainage Standards
Policy Inf\4b: Surface Water Drainage Standards SUDS
Policy Gen\1: Sustainability Principles
Policy Gen\3: Developer Contributions
Policy Gen\4: Infill Development
Policy Gen\7: Contaminated Land
Policy Gen\11: Redevelopment and Mixed Use Areas

National Planning Policy Guidance:

Scottish Planning Policy 8: Town Centres and Retailing (SPP8)
National Planning Policy and Guidance 17: Transport and Planning (NPPG17)
Scottish Planning Policy 17: Transport and Planning Maximum Planning Standards (SPP17)
National Planning Policy Guideline 18 - Planning and the Historic Environment (NPPG18)
Scottish Planning Policy 1 - The Planning System (SPP1)
Memorandum of Guidance on Listed Building and Conservation Areas

8. Other Material Considerations

Aberdeen and Aberdeenshire Retail Study 2004

The Aberdeen and Aberdeenshire Retail Study (AARS) was published in



November 2004 and noted by the Infrastructure Services Committee at their meeting on the 2 December 2004. This study replaces the Aberdeenshire Towns Shopping Study published in 1999. The study provides up to date information on retail catchments, expenditure and turnover across Aberdeenshire and makes recommendations for the enhancement of retail planning policies in future development plans. This information was not used in the Retail Impact Assessment undertaken for the proposed site.

The AARS identifies Peterhead as an important town centre serving the area of Buchan. This is consistent with the designation of the town as a key Service Centre in NEST. It identifies that Peterhead, the largest town in Aberdeenshire, as having the largest amount of retail floor space in any of the Aberdeenshire towns. It notes that the centre has below average indicators of vitality and viability and that turnover in the centre is anticipated to decline between 2004 and 2011. It advocates that this is a reflection, in part, of a decline in the catchment population, but also the effects of the development of additional out of centre retail floorspace and the impact that this will have on town centre business.

9. Directions by Scottish Ministers
10. Discussion

This application was reported to the Buchan Area Committee meeting of 20 February 2007 for determination. The main issues outlined within the Committee report are as follows:

Principle

In policy terms, this site lies within an infill/ existing employment area whereby the Council aims to protect employment land from other uses. The definition of employment land within the Aberdeenshire Local Plan glossary makes specific reference to retailing as an employment use. This type of development is therefore considered to be appropriate within the Aberdeenshire Local Plan and will not have a significant impact on the remaining employment land allocation for Peterhead. Consequently, the proposal, subject to compliance with Council policies concerning access, servicing and a demonstration that the proposal respects the character and amenities of the surrounding area and neighbouring uses is acceptable in principle. Also given the retail element of this proposal, the application requires to be considered in light of specific National, Strategic and Local Plan policies as discussed below.

Retail Policy

The proposals require to be considered against the requirements of the Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST) – Policy 15: Retailing and Town Centres and Policy 31: Connecting Communities within the North East, and with the Aberdeenshire Local Plan – Policy Emp16: Retail Development in Larger Settlements – Sequential Test; and the requirements of SPP8 – Town Centres and Retailing.

The Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST) sets out the strategic policies for retailing in Aberdeenshire. The plan favours the enhancement of the vitality and viability of communities and retail investment can contribute to this process by improving the quality and range of facilities for people. The Aberdeenshire Local Plan aims to protect and enhance the vitality and viability of the defined town centres in larger settlements through the sequential approach to new retail development. The main Policy considerations require the applicant to demonstrate that:

- (a) the sequential approach to site selection has been undertaken;
- (b) there will be no detrimental impact on the vitality and viability of town centres;
- (c) the site is or can be made accessible by a choice of means of transport; and
- (d) there is consistency with other Structure Plan policies, namely Policy 31, which along with transport infrastructure, seeks to maintain or enhance the vitality and viability of the economy, and town centres in particular.

a) Sequential Approach

In accordance with the above policies, the applicant is required to submit a Retail Impact Assessment (RIA), which incorporates a sequential approach to site selection. This assessment considers a number of sites around the town and concludes that there are no 'town centre' sites. In terms of the sequential approach, the next preference is edge of centre locations followed by 'established major retail locations' outwith town centres which are or can be made accessible by a choice of means of public transport including regular, frequent and convenient public transport services. In this case, the applicant submits that there are no potential sites of a comparable size, which are closer to the town centre than this site. The applicant submits that the site qualifies as an 'edge of centre' being located approximately 175 metres to the south west edge of the town centre as defined in the Aberdeenshire Local Plan. The site is deemed to lie within reasonable walking distance of the town centre and is accessible by a range of travel modes which will facilitate opportunities for linked trips to the town centre.

On discussing the sequential approach with the Council's Independent Consultant, it is not considered that the site fully qualifies as an edge of centre location. Although located in close proximity to the town centre the site occupies a partly edge of centre/out of centre site and is therefore not any more sequentially preferable to any other out of centre location identified; albeit it is physically closer.

Notwithstanding this, it is agreed that there are no town centre, nor edge of centre sites large enough or available. The only town centre site which is promoted for redevelopment in the Development Plan is the St Peter Street flats site. However this is presently the subject of a full planning application for a non-food retail development with gross floorspace of 1858 square metres which is significantly below the applicant's requirements. This site is neither available



nor large enough to accommodate the development.

Having considered town centre and edge of centre sites, policy gives preference to suitable sites in or adjacent 'established major retail locations'. In this case there are two established major retail locations for convenience retailing, namely ASDA at West Road and Morrison's at Queen Street. However land lying adjacent to the Morrison store is identified as 'protected land'. A third established major retailing location is the Buchan Gateway to the south of the town. However, this is identified specifically for bulky goods and not convenience/ comparison retailing. On balance, it is considered that the applicants have demonstrated a sequential approach to site selection.

b) Impact on Town Centre Area

The Retail Assessment (RA) indicates that Peterhead remains a largely comparison based centre with the bulk of convenience shopping being met by stores outwith the town centre and beyond. The report outlines that the main convenience facilities serving the area are ASDA, Morrison's on Queen Street, Lidl on Windmill Road, and a number of smaller independent retailers, which are all located outwith the centre. In terms of the town centre, it is noted that the majority of commercial floorspace is of a comparison/specialised nature, with a small element being convenience. The main convenience shops being the Spar and Farmfoods, which are both located at Drummers Corner, while there are a number of smaller independent stores.

The applicant submits that there is a need for additional modern retail floorspace in Peterhead, which is the largest town in Aberdeenshire. It is considered that the settlement presently suffers due to a lack of modern retail choice, which is presently discouraging shoppers from shopping within the town. The applicant submits that changes in trends towards larger floor plate units makes it difficult to fit modern retail units into the existing fabric of the town. It is outlined that this proposal will address an existing shortfall and provide a better quality and choice of retailer in Peterhead, which may tempt shoppers to remain in Peterhead to shop for goods. The knock on effect of this retail park will be improved choice, addressing a qualitative deficiency, while the likely increase in competition between the existing out of centre retailers will have the potential to bring positive benefits to shoppers via lower priced goods.

The applicant's assessment outlines that a current surplus in comparison expenditure exists, which combined within the absence of additional floorspace/new store is resulting in leakage of comparison/ bulky goods spending outwith the Peterhead shopping catchment area. The RA states that the proposal offers an opportunity to address this imbalance by recapturing revenue lost through leakage to other towns and will address a quantitative/ qualitative need. It is submitted that the level of surplus capacity is such that the level of anticipated turnover generated by the proposed store can be accommodated without significant impact upon existing stores and the town centre.

In terms of retail impact, the RA indicates that in respect of the convenience

goods the main impact will be experienced by the convenience stores outwith of the centre, namely ASDA, Morrison's and Lidl, the latter of which represents a deep discounted retailer similar to the Aldi proposal. The assessment submits that SPP8 and Council planning policies seek to protect the vitality and viability of the town centre, and therefore the above stores which are located out of centre are not protected by policy.

The RA also predicts a limited impact on existing stores in neighbouring towns, namely Tesco in Fraserburgh via limited clawback/diversion. No exact figure has been provided but it is considered that the impacts would be low and would not undermine the vitality and viability of other town centres (in any event the Tesco store is not located in the town centre).

In terms of Peterhead town centre, the assessment concludes that the anticipated trade draw associated with the proposed development will result in a 7.3 % impact for convenience and 6.3% for comparison goods on the town centre. It is however indicated that any impact will be offset via the clawback of leakage of retail expenditure, namely the comparison goods element of the development. While it is considered that the locality offers the opportunity to provide secondary benefits in the form of linked trips for shoppers between the town centre and the site. The assessment concludes that the overall impact will not affect the vitality and viability of the town centre.

On commenting on the RA, the Planning Policy Section and the Council's Independent Consultants concur with the applicant's view in relation to the retail characteristics. In terms of the impact upon the town centre, the Consultant considers that level of impact has been overstated. In this regard he considers that a more realistic level of impact will be as follows: convenience only - will equate to 3%, comparison goods only - will equate to 5%. The overall impact (convenience and comparison) will equate to 5%.

In terms of the convenience element the Consultant submits that deep discount retail units such as Aldi do not tend to compete directly with small independent convenience goods stores, but rather provide a complimentary role. Furthermore, it is considered that the introduction of the comparison goods element of the modern retail park, with larger floor plate units, which is presently lacking within the settlement, will result in significant 'clawback' of the leakage expenditure from outwith of the town. He also advises that the above levels of retail impact do not take into account the potential for linked trips providing secondary benefits for the town centre. The Consultant advises that providing the parking at the retail park encourages shoppers to use this car park and visit the town centre then this benefit needs to be acknowledged.

In terms of the cumulative impact upon the town centre, including existing developments and consented schemes (namely the redevelopment of Lidl, consented extensions to ASDA and Morrison's), concern has been expressed that this assessment has not been conducted by the applicant. In this regard the Consultant having assessed the level of impact considers the impact on the town centre (convenience retail only) will equate to 27%, if all these developments go ahead, including the Aldi store. While it is not considered that

the proposed development will significantly undermine the overall viability and vitality of the town centre, in view of the potential cumulative impact it is nonetheless deemed necessary to ensure that the impact is kept to a minimum via the restriction of the floorspace combined with the car parking management and town centre accessibility. These matters represent issues which will require to be the subject of further discussions with the applicant and can be dealt with via appropriate planning conditions and/or legal agreement.

Quantitative/Qualitative Need

Turning to SPP8 which sets out a number of requirements to be met where the proposal is contrary to the Development Plan. SPP8 requires the following considerations to be met:

- (a) there is no individual or cumulative impact on the vitality and viability of the network of centres identified in the Development Plan;
- (b) the proposal will help to meet qualitative and quantitative deficiencies identified in the Development Plan.

In terms of individual and cumulative impact, this is discussed above. Regarding quantitative and qualitative deficiencies, it is pointed out that none have been identified in the Development Plan. This is perhaps due to the timing of the Plan relative to the new SSP. In quantitative terms, the applicant notes that there is a deficiency of convenience retailing within the town centre, and it is submitted that the Aldi store will satisfy this requirement by providing a medium format convenience store in closer proximity to the town centre than any existing convenience retail facility within Peterhead. In terms of comparison goods, it is submitted that the development will, in part, tackle existing levels of comparison expenditure which are leaking from the town, while it will serve to provide purpose built units for comparison goods operators whom are unable to locate within the town centre. The view could be taken that the comparison element, in particular, will tackle an existing quantitative deficiencies.

In qualitative terms it is considered that the introduction of the larger floor plate comparison retail units within the settlement may help to provide improved choice for shoppers within the catchment. It is submitted that the provision of this facility will introduce a new type of retailing choice which is not presently available nor able to be accommodated within the town centre and as such the development may assist in providing greater choice for consumers.

In summary, it is considered that the development of this site would allow the establishment of an alternative shopping environment, in close proximity to the town centre. It is deemed likely to be capable of co-existing with the town centre and will tackle an existing deficiency in qualitative provision of retail floor space which cannot be met in the town centre. It is recognised that the site is already well integrated into the transport system and surrounding area, although clarification is sought in relation to the car parking management proposal and the levels of pedestrian accessibility to and from the town centre. It is acknowledged that there will be a level of impact upon Peterhead town centre associated with this development. However, this potential impact could potentially be offset via the significant clawback of leakage of comparison retail

expenditure and the role of linked trips providing a retail destination which will compliment the town centre as opposed to being in direct competition. Subject to agreements being reached in terms of the breakdown of the sales area, the management of the car parking area and the levels of pedestrian accessibility it is not expected that the development will undermine the overall vitality and viability of the town centre. It is also considered that developer contributions in respect of the measures to improve the overall attractiveness of the town centre (and thereby assist to maintain the vitality and viability) are appropriate.

Design and Layout:

The site lies within a sensitive area forming a key visual approach into the town centre from the south. It lies within an area of important built environment, comprising a mix of one and a half and two and a half storey traditional granite built properties. In addition, it noted that the neighbouring St Peter's Kirk and associated Kirk yard are Category 'A' and 'B' Listed buildings respectively, while St Peter's Kirk is a Scheduled Ancient Monument. It is therefore important to ensure that the development is of an appropriate scale and design so as not to adversely affect the general visual character of the area nor the specific setting of the neighbouring listed buildings.

The development opportunity of this location was established via the Aberdeenshire Town Partnership "A Framework for Physical Development-Supporting the Regeneration of Peterhead" document produced in 2004. The redevelopment of this location is viewed as one of the key redevelopment projects within Peterhead which can make a significant contribution to the built environment and enhance the town's image and has culminated in the formulation of the Council's design brief "Design Guide: Redevelopment Opportunity, Kirkburn Mills, Kirk Street, Peterhead". This design brief, has implications for the scale of any development, particularly on the grounds that it promotes the retention of a number of the existing buildings on site, which are deemed to contribute towards the built heritage and streetscene.

On commenting on the initial submission, the Environment Section (Projects and Built & Cultural Heritage) highlighted a number of issues which were deemed not to accord with the design approach promoted within the Council's design guide. The main aspects highlighted related to the loss of the established building lines and the open nature of the layout; pedestrian approach across South Road, the need to integrate the tenement block within the scheme, the minimal landscaping; the loss of no 77 Kirk Street and the potential impact upon the Category 'B' Listed churchyard perimeter wall. The need to ensure that the design and layout compliments the quality of the town's built heritage and is appropriate to the locality was emphasised.

In response, the applicants revised elements of the scheme, namely the positioning and levels of the buildings in relation to St Peter's Kirk and the incorporation of enhanced landscaping/ boundary treatment. Furthermore a design statement has been submitted outlining the applicant's design approach to the development. The applicant submits that this revised scheme represents the optimum solution which they can achieve while accommodating the constraints imposed by the irregular shape of the site, retention of existing



buildings, access and parking requirements and the retail floorspace demand. The design statement outlines that the format of modern retail development does not lend itself in favour of traditional building lines; the consequences of such it is submitted would result in a visually dominant street scene; loss of cross site views to the bay and loss of views to St Peter's Tower.

The applicant submits that the current submission seeks to incorporate elements of the design guide via the retention and rehabilitation of the tenement block, and preservation of the adjacent Kirktown roundabout area while reinstating boundaries, levels of pedestrian accessibility and visual interaction with surrounding strategic viewpoints. It is submitted that the proposal delivers a contemporary design which will present an enhanced welcome to the town centre while being sympathetic to the surrounding cultural heritage features. It is considered that the removal of the existing industrial buildings, of little architectural merit, combined with a lower density scheme allows for the provision of a layout which comprises two identifiable squares which will serve to open up the site when viewed from Kirk Street and reveal additional views of St Peter's Kirk Tower. It is submitted that the interaction between the site and St Peter's Kirk is enhanced via the design and low ridge heights of the buildings combined with sensitive ground regrading. Also, it is proposed to utilise a mix of attractive landscaping and recycled materials and boundary enclosures to connect the site to the surrounding streetscape. The matters of hard and soft landscaping and boundary treatment are still the subject of discussions with the applicant and as yet no final agreement has been reached.

In terms of the impact upon the setting of the neighbouring St Peter's Churchyard listed, the advice contained within the "Memorandum of Guidance on Listed Buildings and Conservation Areas" indicates that a careful assessment requires to be made of the impact which proposals can have on the setting of listed buildings. As a general guide, the listed building should remain the focus for its setting and attention should not be distracted by the presence of new development. This advice is reinforced within the Structure and Local Plan policies which outline that new development which could affect the setting of a listed building should be of a scale and appearance to retain the character of the setting.

On considering the impact of the proposed development regard has to be shown to the relationship between the existing building on site and the neighbouring Scheduled Ancient Monument. In this case, the overall mass and vertical scale of the proposed buildings will be significantly less and the buildings will have less dominance within the streetscene than when compared with the existing industrial buildings. As a result, the proposed development will not have any greater visual impact upon nor dominate the setting of the neighbouring listed building. Furthermore, the positioning of the buildings have been revised, with the provision of a 5 metre wide sterile protection zone at the site boundary adjacent to the neighbouring churchyard and links area. On balance, it is considered that the design is reasonable in principle, however it is deemed necessary to ensure that visual harmony and relationship between the site and St Peter's Churchyard is enhanced via the use of appropriate and compatible finishes, lighting, art and surfacing works.

Overall, it is acknowledged that the submission does not fully accord with the Council's design guide, particularly in terms of the sense of locality and the contribution towards the townscape of Peterhead. However, it is noted that via the design statement that the applicant has sought to demonstrate that this proposed layout will provide a positive contribution by providing a pleasant and accessible environment, which opens up the site and affords additional views and vantage points over the neighbouring historic townscape and landscape. While not wholly in keeping with the design guide approach, it is nonetheless considered that the proposal will not have an adverse visual impact within the surrounding area, nor the setting of neighbouring scheduled ancient monument/listed buildings, a viewed shared by Historic Scotland, providing the design/ finishes, boundary enclosures and landscaping areas are of an appropriately high standard. These matters still require to be addressed.

Servicing and Access of Development

The development will be served by new accesses which will be taken via Kirk Street and South Road. On considering the access arrangements and the concern expressed by the objectors, the Head of Roads raises no adverse comments and concludes that the access arrangements are satisfactory to serve a development of this scale.

In terms of car parking, it is considered that the site is of a sufficient size to accommodate the proposed building and its associated car parking including cycle parking, disabled parking and parent and child parking. The parking shown on the plan represents a shortfall of 26 spaces, however the Head of Roads considers that sufficient justification has been provided, in terms of the Transport Assessment which demonstrates that the level of provision is acceptable in sustainability terms.

The Transport Assessment (TA) submitted identifies that the development will generate additional traffic volume on the road network surrounding the site. It however concludes that the development will have no significant traffic impact on the road network in terms of capacity. The appraisal reveals that the junctions on this network have sufficient capacity to accommodate growth in prevailing traffic levels. The Head of Transportation, having considered the TA, has concluded that the proposal is acceptable, subject to appropriate planning conditions. These conditions will cover the need for a Travel Plan and the incorporation of improved cycle/ footpath links from the site to the town centre.

Surface Water Disposal

The developer has submitted a detailed surface water disposal scheme for the site. The detailed submission comprises a mixture of surface treatments which will transfer surface water from the site to the existing public system. On commenting on the surface water scheme, the relevant consultees have indicated that they have no objections to the scheme, in principle, subject to a number of detailed matters being clarified by the developer's engineer.

Contaminated Land:

Given the current use of the site, the applicants has been required to investigate ground contamination. In this case, initial site investigation reports undertaken have proved inconclusive and the Environmental Health Scientific Officer has requested further investigations be undertaken. The report which is being sought by the consultee will outline an inventory of any potential contamination sources and make recommendations for any details of any remediation works, which may be deemed necessary prior to any development commencing on site.

The applicant's consultants have confirmed that they are agreeable to undertaking these tests, however in order to do so they will need access to buildings which are still in use by the current operator. They have indicated that they are reluctant to undertake any additional works until such time as the application has been reported to the Area Committee to establish the Committee's view on the acceptability of the submission, however they advise that they are agreeable to progressing this matter should the Area Committee reach a favourable decision. Consequently, this matter has not been completed and the Environmental Health Scientific Officer is therefore unable to provide a conclusive response on the suitability of the site for development.

Planning Gain

As part of the consultation process, the Planning Gain Officer has assessed the impact of the proposed development upon the existing infrastructure, community facilities and local environment. As a result of this assessment, it has been concluded that contributions be sought in respect of measures to improve the overall attractiveness of the town centre (and thereby to assist to maintain the vitality and viability), a contribution towards affordable housing, public art, and accessibility in terms of improved pedestrian and cycle access.

Economic Development Implications

A development of this nature will have economic implications, in terms of employment opportunities and the local economy. In this case, the applicant submits that the proposal has the potential to generate additional employment opportunities comprising full and part time jobs (including construction and operational phases). It is also anticipated that the development, if it were to proceed, would act as a catalyst attracting other developers and attracting further investment into the area.

Conclusion

In conclusion, the proposal is considered to be in accordance with National, Strategic and Local Plan policies relating to retail development. The Retail Impact Assessment shows that the development could address existing deficiencies in comparison retail provision and assist in the significant clawback of comparison retail expenditure currently lost to competing facilities outwith Peterhead. The impact on the town centre is deemed to be reasonable subject

to controls regarding the breakdown and extent of the sales area. Therefore, it is recommended that authority to grant outline planning permission be delegated to the Acting Head of Development Control and Building Standards, subject to a number of outstanding matters being resolved. It is therefore considered that subject to appropriate conditions and agreements, the development can proceed without detriment to the area, subject to a number of outstanding requirements being fulfilled.

The Buchan Area Committee having considered the application at the meeting of the 17 April 2007 agreed to defer determination of the application to seek revisions to the design, The application was subsequently reported back to the Buchan Area Committee meeting of 17 April 2007 for further consideration. At this meeting the Buchan Area Committee agreed revisions to the design/ external materials and agreed that the grant of Full Planning Permission be delegated subject to a number of outstanding points being resolved.

11. Recommendation

That authority to GRANT Full Planning Permission be delegated to the Head of Development Control and Building Standards subject to the conditions outlined within the Committee reports of 20 February and 17 April 2007 and the matters outlined within section 13 of this report being addressed:

12. Summary of any terms of any planning obligations and S75 complete or payment made

Affordable Housing Contribution
Town Centre Impact Mitigation
Percent for Art

13. Delegated matters following Committee and any additional conditions

- (a) further discussions and agreement with the applicant regarding the hard and soft landscaping, surfacing, boundary treatments, public art and external lighting and finishes;
- (b) further discussions and agreement with the applicant in relation to the breakdown of the proposed retail sales floorspace and the inclusion of any additional conditions and or legal agreement deemed necessary;
- (c) the satisfactory conclusion of negotiations regarding planning obligations;
- (d) further discussions and agreement with the applicant in relation to the stability of the Kirk yard wall and the provision of a condition survey and protection measures to safeguard the integrity of the wall;
- (e) further discussions in relation to the surface water disposal arrangements within the site, to satisfy the requirements of Scottish Water, SEPA and the Flood Prevention Unit;
- (f) further discussions and agreement with the Environmental Health Service: Scientific Officer in relation to the contaminated land study and the provision of a remedial scheme and the inclusion of any additional conditions as required;



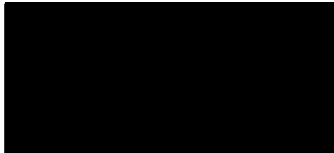
further discussions and agreement with the applicant regarding the car parking provision/management, associated infrastructure modifications and pedestrian/cycle links to be provided within and adjacent to the site; with any conditions/agreements required to satisfy the requirements of the Head of Roads and the Transportation Unit; and



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: B/APP/2006/4179

TO: GVA Grimley



FOR: Aldi Stores Ltd (Bathgate)

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Demolition of Existing Buildings and Formation of Retail Park (6 Units - Food and Non Food Retail), Associated Car Parking, Ancillary Engineering and Landscaping Works and Alterations to Existing Housing Block at Kirkburn Mills, Kirk Street, Peterhead

and in accordance with the plans docketted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following conditions:

1. That the development hereby granted shall be begun on or before the expiration of five years beginning with the date on which the planning permission is granted or deemed to have been granted.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

2. No development shall commence on site until details of all boundary enclosures and surfacing of parking, service areas and footways have been submitted to and approved by this Council as Planning Authority. Thereafter the works shall be completed in accordance with the approved details prior to the proposed development being open for trading.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

3. The retail sale of Class 1 retail under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 goods from units 2 to 6, as approved, shall be restricted to comparison goods only, except where the sale of convenience goods within each individual unit does not exceed more than

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10% of the net retail sales area of each individual unit.

Reason: To comply with planning policy and not to undermine the role of the town centre, and to retain effective planning control.

4. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

5. No development shall commence on site until a Landscape Implementation Timetable and Management Plan (including a programme for the completion of all soft and hard landscaping, long term design objectives, management responsibilities, and maintenance schedules for all landscape/open areas, other than privately owned domestic gardens), has been submitted to and approved by the Council as Planning Authority. The landscaping shall thereafter be implemented and maintained in accordance with the approved scheme.

Reason: In order to preserve the character and visual amenity of the area.

6. No development shall commence on site until a phasing timetable for the development of the overall scheme has been submitted to and approved by the Council as Planning Authority. This shall include the provision of housing, roads, landscaping, art, recycling centre, footpaths and enclosures. The development shall thereafter be carried out in accordance with the approved phasing plan and timetable unless agreed otherwise in writing with this Council as Planning Authority.

Reason: In the interests of amenity so as to comply with the Local Plan Policies for the area which require that developments are in harmony with the surrounding area.

7. No development shall commence on the construction of the buildings hereby approved until details of all external lighting have been submitted to and approved by this Council as Planning Authority. The lighting shall thereafter be provided and operated in accordance with the approved details.

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Reason: In the interests of the appearance of the development and the visual amenities of the area.

8. No development shall commence until a detailed construction method statement for the site has been submitted to and agreed with this Council as Planning Authority in consultation with the Scottish Environmental Protection Agency (SEPA). This method statement shall address the temporary measures proposed to deal with surface water run-off during construction prior to the operation of the final Sustainable Urban Drainage Systems scheme. Thereafter the agreed measures shall be provided and operated in accordance with the approved details.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

9. The development shall not be occupied until surface water drainage arrangements have been constructed in accordance with the approved plans.

Reason: In order to ensure that adequate drainage facilities are provided in the interests of the amenity of the area.

10. That the buildings hereby approved shall not be occupied unless its loading, offloading, turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the loading, offloading, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

11. A Green Transport Plan shall be submitted to the Council as Planning Authority prior to the initial store opening with an accompanying staff survey being undertaken within 6 months of opening. The Green Transport Plan shall include the following information:
- (a) An employee travel survey;
 - (b) Consideration of alternative modes of transport to and from the development and consideration of how to promote different modes of transport;
 - (c) Provision and implementation of facilities for cyclists and pedestrians;
 - (d) Promotion of cycling and car share measures;
 - (e) Consideration of the car parking requirements for the development costs; and
 - (f) Measures to be put in place for monitoring, reviewing and implementation of the Green Transport Plan.

Reason: In the interests of road safety and good planning.



12. No external plant or equipment shall be installed within the site until full details including specification and sound power levels have been submitted to and approved by the Council as Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

13. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: In the interests of recording and preserving such items of historical importance that may exist within the site.

14. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: In the interests of recording and preserving such items of historical importance that may exist within the site.

15. Any amendments to this proposal with regard to Gross Floor Area (GFA) through any form of extension either upwards or out will be the subject of further consideration via an amended Transport Assessment or Transport Statement as required by Aberdeenshire Council.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

16. All internal road layouts, access junction, cycleways, footpaths and crossing facilities must be designed and constructed by the developer and will be subject to final agreement with the Transportation & Infrastructure Service

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(Roads Development) through the Roads Construction Consent process.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

17. The car park will be monitored for a period of 6 months after opening and the local police consulted in order to establish any patterns of antisocial behaviour taking place in the car park outwith store opening times. Should antisocial behaviour be considered an issue, the developer will implement within a further 6 months, a barrier system such that the car park can be securely closed out with store operating times.

Reason: In the interests of residential amenity.

18. Unless otherwise agreed with this Council as Planning Authority the car parking provision shall consist of the following:

- (a) A total of 261 car parking spaces, 14 of which will be set aside for disabled parking and 9 for parent and child parking.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) 17 - Transport and Planning.

19. A pedestrian refuge island will be located on South Road and will be functional to coincide with the store opening. The crossing will be surveyed at the developer's expense 12 months after opening in order to determine the pedestrian crossing demand. The findings of the survey will be presented to Aberdeenshire Council Transportation department and a decision will be made with regard to upgrading the facility. Should a new signal controlled crossing facility be required this will be provided at the developer's expense within 9 months of the survey date. The developer will provide a bond, the amount to be determined, to cover the costs of the survey and provision of a signal controlled pedestrian crossing.

Reason: To ensure the provision of a means of access to an adequate standard.

20. Prior to the commencement of the development, a notice of the intended date of initiation of development shall be submitted to the Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.

Reason: Pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.



21. Following the completion of the development, a notification of the completion, shall as soon as practicable, be submitted to the Planning Authority and such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.

Reason: Pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

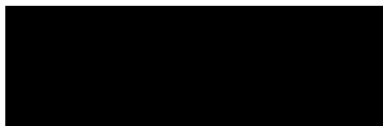
Informative

This decision notice must be read in conjunction with the terms of a Legal Agreement. You are advised to satisfy yourself that you have all the relevant documentation.

Reason for Decision

The proposed development fully accords with the relevant strategy and objectives of the Aberdeen City and Shire Structure Plan 2009 and policies of the Aberdeenshire Local Plan.

Dated: 19/11/2010



Director of Planning and Environmental Services

List of Plans and Drawings

3D Architecture & Design

0111-PET-EXT-SX-A-0003 Rev P1 Existing Location Plan dated 27/10/2006 ;

0111-PET-EXT-EL-A-0001 Rev P1 Proposed North & South Elevations dated 27/10/2006;

0111-PET-EXT-EL-A-0002 Rev P1 Proposed East & West Elevations dated 27/10/2006;

0111-PET-EXT-EL-A-0003 Rev P1 Proposed North & South Elevations Unit 2 dated 27/10/2006;

0111-PET-EXT-EL-1-0004 Rev P1 Proposed East & West Elevations Unit 2 dated 27/10/2006;

0111-PET-EXT-EL-A-0005 Rev P1 Proposed North & South Elevations Units 3/4/5/6 dated 27/10/2006;

0111-PET-EXT-EL-A-0006 Rev P1 Proposed East Elevation Units 3/4/5/6 dated 27/10/2006;

0111-PET-EXT-EL-A-0007 Rev P1 Proposed West Elevation Units 3/4/5/6 dated 27/10/2006;

0111-PET-EXT-EL-A-0008 Rev P1 Proposed North Elevation Aldi Store & Unit 2 dated 27/10/2006;

0111-PET-EXT-SX-A-0001 Rev P2 Proposed Site Plan dated 13/11/2006;

IMPORTANT

THIS IS A LEGAL DOCUMENT - PLEASE RETAIN WITH YOUR TITLE DEEDS



0111-PET-GF-GA-A-0004 Rev P1 Proposed Ground Floor Plan Residential dated 27/10/2006;
0111-PET-GF-GA-A-0005 Rev P1 Proposed First & Second Floor Plans Residential dated 27/10/2006;
0111-PET-RF-GA-A-0001 Rev P1 Proposed Site Roof Plan dated 27/10/2006;
0111-PET-EXT-SX-A-0002 Rev P1 Proposed Site Plan with Vehicle Tracks dated 27/10/2006;
0111-PET-GF-GA-A-0001 Rev P1 Proposed Floor Plan dated 27/10/2006;
0111-PET-GF-GA-A-0002 Rev P2 Proposed Floor Plan Unit 2 dated 13/11/2006;
0111-PET-GF-GA-A-0003 Rev P2 Proposed Floor Plan Units 3/4/5/6 dated 13/11/2006;
0111-PET-RF-GA-A-0002 Rev P1 Proposed Roof Plan dated 27/10/2006;
0111-PET-RF-GA-A-0003 Rev P1 Proposed Roof Plan dated 27/10/2006;
0111-PET-RF-GA-A-0004 Rev P1 Proposed Roof Plan dated 27/10/2006;
0111-PET-GF-GA-A-0006 Rev P1 Existing Floor Plans Residential dated 27/10/2006;
0111-PET-EXT-EL-1-0009 Rev P1 Existing Elevations Residential dated 27/10/2006;
0111-PET-EXT-EL-A-0010 Rev P1 Proposed Elevations Residential dated 27/10/2006;
Aerial View Northeast dated 27/10/2006; View from South Road dated 27/10/2006;
Kirk Street Approach dated 27/10/2006; View from Roundabout dated 27/10/2006;
Main Store Entrance dated 27/10/2006; Vehicular Entrance dated 27/10/2006;
View from Store Entrance 27/10/2006; Aerial View Northwest dated 27/10/2006;
Aerial View South dated 27/10/2006; Pedestrian Entrance dated 27/10/2006

Woolgar Hunter

Dwg No 002 Rev P1 Site Long Sections dated 22/12/2006;
Dwg No 001 Rev P1 Proposed Levels Layout dated 22/12/2006

3D Reid

Dwg No. (D) 03 Rev B dated 2/03/2009; Dwg No. (D) 04 Rev B Site Plan 2/2 as proposed dated 2/03/2009; Dwg No. (D) 30 dated 09/01/2009;

John Richards Landscape Architects

Soft Landscaping Plan Dwg No 0113-PET-EXT-PL-L-00001D dated May 08

Variation to the Application

Revisions to the design approach to the store and soft and hard landscaping within the site, dated March 2007.

For details of how to appeal to Scottish Ministers against any conditions please see attached notes.



Notes
 Do not scale from this drawing. All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. Copyright reserved.
 All soft landscaping is for indicative purposes only. Please refer to John Richards Landscape Architects' layout drawing 0113-PET-EXT-PL-L-00001 for more detailed information.
 Proposed new boundary wall to be constructed with reclaimed granite or equivalent with railings to be paint finish colour black.
 Proposed new boundary railings along Kirk Street to be paint finish colour black, refer to drawing (D) 05 detail number 5.
 For further details of boundary treatments refer to drawing (D) 05 landscape plan and boundary details.



-  SOFT LANDSCAPING
-  TARMAC (VEHICLE)
-  TARMAC (PEDESTRIAN)
-  MARSHALLS CONSERVATION SMOOTH GROUND CONCRETE PAVING, CHARCOAL (450 x 450mm)
-  MARSHALLS PERFECTA SMOOTH GROUND CONCRETE PAVING, NATURAL (450 x 450mm)
-  BRUSHED CONCRETE
-  MARSHALLS PRIORA POROUS CONCRETE BLOCK PAVING, BRINDLE (200 x 100mm)



B	amendments to paving material finishes	10/02/09	RT
A	additional landscaping added	04/12/08	RT
-	first issue	16/10/08	RT

Status
PLANNING

Client
Aldi Stores (Bathgate) Ltd

Project
**Retail development
 Kirk Street
 Peterhead**



Title
**SITE PLAN 2/2
 AS PROPOSED**

Scale	Size	Date	Drawn	Checked
1:250	A1	30/09/2008	RT	AG



Project No. **06050** Drawing No. **(D) 04** Rev. **B**

Aberdeenshire Council
 Planning and Environmental Services
 Town and Country Planning (Scotland) Act 1997
 Application No. APP/2006/4179

APPROVED
 In terms of the decision dated
19 NOV 2010

Christine Gore
 Director of Planning and Environmental Services

**WEST LINKS
 PLAYING FIELDS**

Notes
 Do not scale from this drawing. All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. Copyright reserved.
 All soft landscaping is for indicative purposes only. Please refer to John Richards Landscape Architects layout drawing 0113-PET-EXT-PL-L-00001 for more detailed information.
 Proposed new boundary wall to be constructed with reclaimed granite or equivalent with railings to be painted finish colour black.
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- SOFT LANDSCAPING**
- SOFT LANDSCAPING
 - TARMAC (VEHICLE)
 - TARMAC (PEDESTRIAN)
 - MARSHALLS CONSERVATION SMOOTH GROUND CONCRETE PAVING, CHARCOAL (450 x 450mm)
 - MARSHALLS PERFECTA SMOOTH GROUND CONCRETE PAVING, NATURAL (450 x 450mm)
 - BRUSHED CONCRETE
 - MARSHALLS PRIORA POROUS CONCRETE BLOCK PAVING, BRINDLE (200 x 100mm)
 - DERBY GOLD TOP HOGGIN



B	amendments to paving material finishes	10/02/09	RT
A	additional landscaping added	04/12/08	RT
-	first issue	18/10/08	RT

PLANNING

Client
Aldi Stores (Bathgate) Ltd

Project
 Retail development
 Kirk Street
 Peterhead



Title
**SITE PLAN 1/2
 AS PROPOSED**

Scale	Size	Date	Drawn	Checked
:250	A1	30/09/2008	RT	AG

Aberdeenshire Council
 Planning and Environmental Services
 Town and Country Planning (Scotland) Act 1997

Application No. **APP/2006/4179**

APPROVED
 In terms of the decision dated
19 NOV 2010



Christine Gore
 Director of Planning and Environmental Services

Project No.	36050	Drawing No.	(D) 03	Rev.	B
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ST. PETER'S CHURCH
 (REMAINS OF)

ST. PETER'S CHURCH
 GRAVEYARD

Appendix 3

APP/2015/2676 Report of Handling

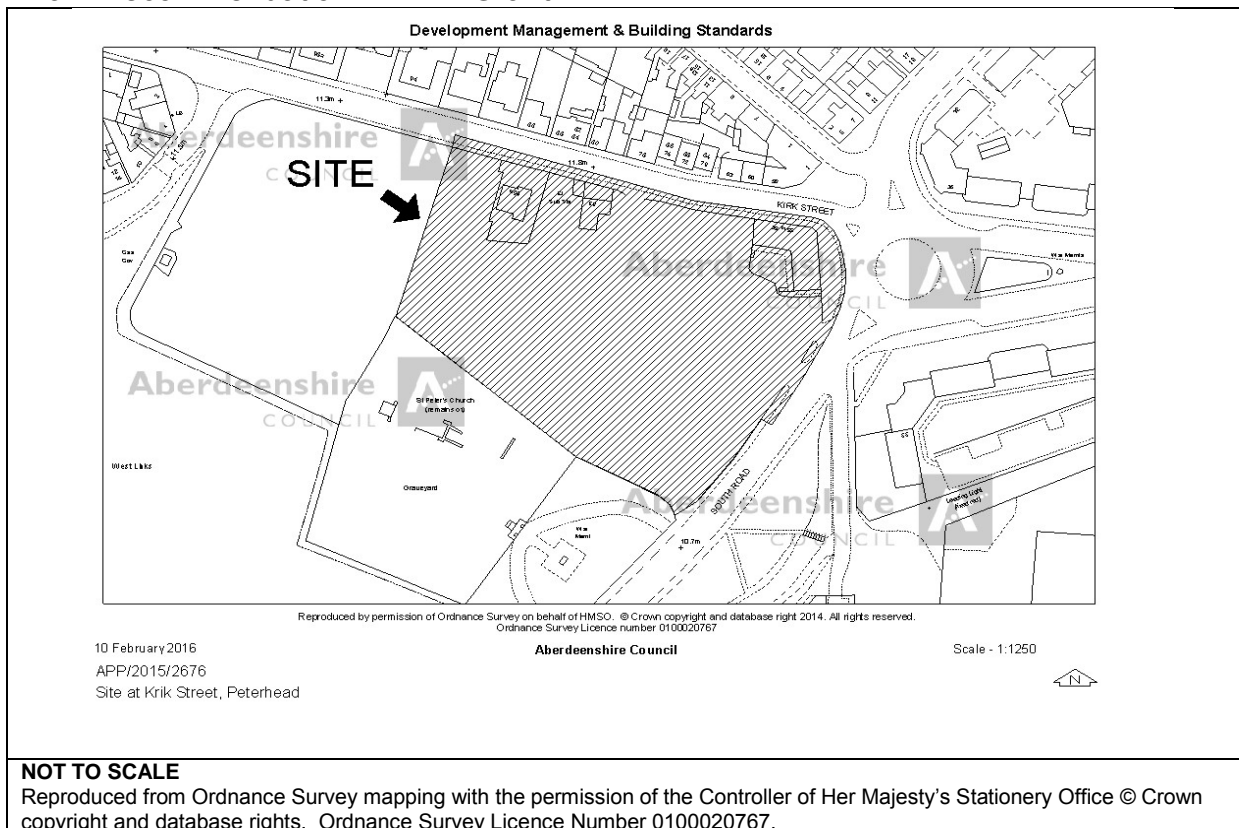
Buchan Area Committee Report - 23 February 2016

Reference No: APP/2015/2676

Planning Permission in Principle For Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, at Site At Kirk Street, Peterhead, Aberdeenshire

Applicant: ALDI Stores Ltd, J4-M8 Pittishaw Road, Bathgate
Agent: GVA 

Grid Ref: E:412706 N:846094
Ward No. and Name: Peterhead North And Rattray
Application Type: Planning Permission in Principle
Representations: 8
Consultations: 16
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: RHMA
Complies with Development Plans: Yes
Main Recommendation: Grant



1. Reason for Report

- 1.1 The application is being referred to Area Committee because there have been valid objections from more than five separate households.

2. Background and Proposal

- 2.1 This is an application for the demolition of an existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works to a site within the former Kirkburn Mill site, Peterhead (Appendix 1).

2.2 Site Description

The application site is in close proximity to (but outwith) the Town Centre Boundary as defined in the Local Development Plan. The application site is within the wider derelict mill site, and is bound by South Road to the east and Kirk Street to the north. There is a roundabout to the north east. The site is bound to the south by the Scheduled Monument 'St Peters Church'. The remains of the church are A-Listed and the adjoining cemetery is B-Listed. The War Memorial sits adjacent, to the south. To the south west there are playing fields and public open space. The site is bound to the west by the remainder of the former Kirkburn Mill site, beyond which are residential dwellings (Cairntrodlie).

- 2.2.1 This site is in a relatively prominent position within the settlement and clearly visible on approach from South Road and Kirk Street. The area is predominantly residential with a number of shops and services interspersed throughout. There are dwellings to the north, east and west.
- 2.2.2 At present the site is enclosed by a combination of high closed boarded fencing, low rendered walls and a derelict three storey building to the north east corner. This building was formerly residential (flats) and has been derelict since 2005, and was subject to a fire in 2014.
- 2.2.3 Following the closure of the mill (circa 2008) the mill buildings were demolished (2009). The site has sat derelict since and represents a negative visual and amenity impact on the locality. There is debris and litter throughout.
- 2.2.4 The landform slopes downwards to the south. A water course previously ran through the site and has recently been redirected.

2.3 Proposal

- 2.3.1 The application proposes two retail stores and is essentially a 'hybrid' application in that full details are provided for one of the units (Phase 1), with the second unit (Phase 2) being in principle, where further details would be required as part of Matters Specified in Conditions application(s). A plan of the scheme in its entirety is attached as Appendix 2 (Proposed Site Plan) and an

accompanying Phasing Plan for the scheme is attached as Appendix 3. The application site area is 1.27 hectares.

- 2.3.2 It is noted that a third phase has been identified on the phasing plan, comprising of the remainder of the wider mill site to the west (approximately 0.69 hectares). For the avoidance of doubt 'Phase 3' is outwith the current application boundary and is not being assessed as part of this application.
- 2.3.3 The agent has stated that if Phases 1 and 2 are successfully progressed, consideration may be given to developing Phase 3.

2.4 Details of Proposed Phasing and Design

2.4.1 **Phase 1**

This phase proposes a supermarket (Aldi) and associated car parking and landscaping. The food store would be located to the north of the site with parking to the east and south / south east. The unit would have a gross floor space of 1815 m² of which 1254 m² would be for sales (Appendix 2). Access would be from the north west.

- 2.4.2 The proposed retail unit in Phase 1 is of a standard design recognisable with the end user and of which there are numerous examples throughout Scotland and the rest of the United Kingdom. The unit would be single storey with external finishes consisting of cement render, powder coated aluminium sheeting, facing brick and glazing. Please refer to appendix 4 for full elevations. The unit would be positioned to the north of the site adjacent to Kirk Street, with entrance to the east / south east of the building.
- 2.4.3 A landscaping scheme is proposed for the site (amended). The scheme proposes boundary planting to all sides and also within the site, and includes the use of native species. The most significant planting would be to the southern and eastern boundaries (appendix 5). It is noted the landscaping scheme proposes to reuse the existing pink granite from the 3-storey building, which sits to the north east.

2.4.4 **Phase 2**

This phase proposes a second retail unit 'in principle', located to the rear of the site, towards the boundary with St Peters Church. The proposed gross floor area would be 929 m². At this stage, as the application is in principle, there are no other details.

2.4.5 **Phase 3**

Phase 3, as noted above is outwith the application site and is not under consideration at this time.

2.5 Existing Permission

Kirkburn Mill has been subject to a number of planning applications (refer to section 2.6 below) and currently has an existing permission for Demolition of Existing Buildings and Formation of Retail Park (6 Units - Food and Non Food Retail), Associated Car Parking, Ancillary Engineering and Landscaping Works and Alterations to Existing Housing Block. This expires in February 2017. A site plan of this scheme is attached as Appendix 6. To note, the existing permission extends to the west beyond the current application site, covering a total site area of 1.96 hectares.

2.5.1 The developer has stated that they have attempted to market the site however due to economic downturn have not been successful and ultimately this has led to the consideration of a reduced scale scheme (i.e the current application).

2.6 History Of Planning Applications On The Site

- **APP/2005/1272**: Withdrawn on 23.03.2011. Outline Permission for the Erection of Class 1 Retail Store and associated car parking
- **APP/2006/0928** Withdrawn on 06.11.2006. Demolition of Existing Buildings and Formation of Retail Park (6 Units - Food and Non Food Retail) and Alterations to Existing Housing Block
- **APP/2006/4179** Approved on 19.11.2010. Demolition of Existing Buildings and Formation of Retail Park (6 Units - Food and Non Food Retail), Associated Car Parking, Ancillary Engineering and Landscaping Works and Alterations to Existing Housing Block. The permission was not implemented. Subsequently, a 'section 42 application' was submitted which sought to extend this permission. This has been approved (see below).
- **APP/2015/3487** Approved. This was a 'section 42' application to vary Condition 1 (Time) of Planning Permission of APP/2006/4179. This is the existing permission on the site (appendix 6).

2.7 Pre Application discussions

Prior to submission of the application, regular pre application meetings took place between this Service, Economic Development and the applicant / agent. The aim of these meetings was to identify concerns from the outset and work towards an acceptable scheme.

2.8 Processing Agreement

A draft processing agreement was produced prior to the application with a processing agreement being signed following formal submission.

2.9 Technical reports and surveys

- Design and Access Statement
- Drainage Statement
- Energetica Statement
- Geo Environmental Assessment (Parts 1-6)
- Planning Statement
- Noise Statement
- Retail Note / Retail Assessment Findings
- Sustainability Statement
- Transport Statement

2.10 Relevant Amendments

The Landscaping Scheme was amended to take into account the comments of Landscape Services (Appendix 5).

3. **Representations**

3.1 A total of 8 valid representations (8 objections) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:

- Traffic increase
- Roads safety
- Location of the proposed access
- Parking
- Visual impact
- Loss of granite building
- Noise

3.2 It is noted that whilst a number of representations stated there were no objections to the principle of the application, the representations objected to the proposed access onto Kirk Street and as such, these representations were considered to be material formal objections to the proposal.

4. **Consultations**

4.1 Internal

Business Services (Developer Obligations): Have yet to agree a finalised position in respect of Developer Obligations. A verbal update on this can be given to Members.

Infrastructure Services (Archaeology): No objections subject to an appropriate condition. The application occupies an area within the historic medieval core of Peterhead (SMR Ref NK14NW0095), adjacent to the remains of a church dating to the 12th Century (also a Scheduled Monument). Under previous applications, a programme of archaeological mitigation was undertaken (in 2009), however these works were not completed.

Infrastructure Services (Contaminated Land): No objections. Conditions should be attached in relation to full investigation of the site and subsequent remedial measures.

Infrastructure Services (Economic Development): The proposed site is on the junction of Kirk Street and South Road, both of which are key routes into Peterhead. The redevelopment and investment in this prominent site is welcomed. Aldi purchased the site in 2008 and for the last 8 years the site has remained vacant causing it to become a concern for the residents of Peterhead and the business community. The proposed redevelopment of the site will:

- Bring a vacant brownfield site back into use.
- Visually improve the key routes into Peterhead from the west and south respectively.
- The Town Centre First Principle has also been considered, this development is close to the town centre so although it may draw some customers from the town centre the proposal also has the potential to bring additional foot fall to the town centre. Evidence from other Aldi developments in Dundee & Greenock has demonstrated that the introduction of the Aldi store, in a location near to the town centre, has helped to increase local footfall and also reduced vacancy levels through the retention of more local shopping trips. This has allowed consumers to shop more locally with resulting spin-off benefits for other retailers.
- The proposal as described, will create employment opportunities and reflect the Strategic objectives of Aberdeenshire Councils Economic Development Strategy:
- To ensure that Aberdeenshire is known as a supportive business environment that promotes investment and attracts and welcomes talented people and innovative business.
- The redevelopment of the site is welcomed.

Infrastructure Services (Environmental Health): No objections subject to conditions in relation to noise. The service also noted potential for dust nuisance during the construction phases. Informatives are suggested in relation to food safety and health and safety at work.

Infrastructure Services (Environmental Team): No objections. It is recognised that in its current condition the site has little biodiversity value although the proposed landscaping does largely comprise species that could tolerate coastal and/or exposed locations. There are no conditions proposed. A bat survey was not required. No conditions are suggested.

Infrastructure Services (FPU): No objections and following the submission of additional information from the developer's engineer, a condition is suggested in relation to the position of the building and a 600mm freeboard.

Infrastructure Services (Landscape Services): No objections. No conditions were proposed however comments were provided in relation to the landscaping of the site, use of native species, maintenance and proximity to the Scheduled Monument and the impact on the adjacent residential area.

Infrastructure Services (Roads Development): It is noted that initially Roads Development objected to the proposal due to the location of the service bay and the required manoeuvring of service vehicles (customers entering and reversing service vehicles). A shortfall in parking was also noted. Following the submission of additional information the shortfall in parking has been accepted. Continued concerns were highlighted regarding the manoeuvre of servicing vehicles however this in itself was not considered a reason for refusal. It was concluded that there are no objections subject to appropriate conditions and informatives.

Infrastructure Services (Transportation): Following the submission of additional information, the proposals are considered acceptable however a number of conditions are requested in relation to reinstatement of the footway, and the upgrading / relocation of bus stop(s).

Infrastructure Services (Waste Management): No objections. Waste management have provided general comments in relation to current standards.

Energetica: No objections. Various elements of the proposal were positively identified by the Energetica Team. The redevelopment and investment in this redundant brownfield site on a key inner approach to the town is welcomed. The proposal reflects the Strategic Objectives of the Energetica programme namely:

- Attract high value investment and people to the region
- Maximise on quality of design/ development and quality of life

4.2 External

Historic Environment Scotland: No objections. No comments.

Transport Scotland (Trunk Roads): No objections. No comments.

SEPA: SEPA initially objected due to lack of information. Following the provision of additional information, the objection has been removed subject to conditions in relation to the position of car parking and the secondary unit. Comments were also made in relation to freeboard recommendations, pluvial hazard and river engineering works.

Scottish Water: No response. This is accepted as no objection.

Peterhead Port Authority: No response. This is accepted as no objection.

5. **Relevant Planning Policies**

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used,

encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2012

Policy 1 Business development

SG Bus5: Development in the Energetica Framework Area

Policy 2 Town centres and retailing

SG Retail1: Town centres and retailing

Policy 8: Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD4: Infill development

SG LSD8: Flooding and erosion

SG LSD10: Contaminated land

SG LSD11: Carbon neutrality in new development

Policy 9 Developer contributions

SG Developer Contributions1: Developer Contributions

SG Developer Contributions2: Access to new development

SG Developer Contributions3: Water and waste water drainage infrastructure

SG Developer Contributions4: Waste management requirements for new development

SG Developer Contributions5: Methodologies for the calculations of developer contributions

Policy 11 Natural heritage

SG Natural Environment2: Protection of the wider biodiversity and geodiversity

Policy 13 Protecting, improving and conserving the historic environment

SG Historic Environment4: Archaeological sites and monuments

5.4 Other Material Considerations

1/2012 Opportunities for Biodiversity Enhancement in New Development

5/2012 Energetica

6/2012 Layout, siting and design of new development

6. Discussion

6.1 The main considerations in the assessment of this application are the principle of the development, the layout, siting and design of the proposal, the likely impact of the development on the character and amenity of the area (including impact on the roads network), and technical issues.

6.2 Principle

It is noted there is an existing permission encompassing and extending beyond the current application site. Considering the scale of the existing permission against the current proposal, this application represents a reduced scheme, with less floorspace.

- 6.2.1 The existing permission is for 1521m² of convenience or comparison floorspace within the foodstore unit 1 and 3044 m² comparison floorspace within remaining units (2-6).
- 6.2.2 In comparison, the current application proposes a food store of 1815 m² gross floorspace of which 1254 m² is for sales, and a class 1 retail development of 929m² gross floorspace (although planning permission in principle). Considering the above, as the scale of the proposal is less, it is considered the basic principle of a retail scheme is acceptable.
- 6.2.3 Although the basic principle is accepted it is prudent (and for the avoidance of doubt) to give the 'Sequential Approach' due consideration. The 'Sequential Approach' is identified in Policy 2 Town centres and retailing SG Retail1: Town centres and retailing of the Aberdeenshire Local Development Plan and outlined below.

6.3 Sequential Approach

Policy 2 states that Aberdeenshire Council will support retail, commercial, and other proposals appropriate to the scale and function of urban areas. This support will apply particularly to proposals in town centres, and shops designed to serve a local neighbourhood. Where proposals are made outwith town centres, it will be necessary to demonstrate that a sequential approach to site selection has been followed and that there will be no significant adverse effect on the vitality and viability of existing town centres.

- 6.3.1 The supplementary guidance goes on to say Aberdeenshire Council will approve retail and commercial proposals within settlements, subject to other policies, if: 1) they are appropriate to the scale and function of the settlement; and 2) they are within a town centre defined in the proposals map, OR they are elsewhere within a settlement where it can be demonstrated that a **sequential approach** to site selection has been followed and 3) they are in a location that either is, or at the developers' expense can be made, conveniently accessible by means other than the private car to the projected catchment of the facility.
- 6.3.2 In the case of any retail or commercial developments outwith town centres, the developer can demonstrate that there will not be significant adverse effect on the vitality or viability of the existing centre.
- 6.3.3 The sequential approach requires that locations within settlements are considered in the following order:
- i) principal and other town centre sites;
 - ii) edge of town centre sites;

- iii) other commercial centres identified within the development plan;
- iv) derelict or vacant land in out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport;
- v) other out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

6.3.4 Recognising that at present, there are not any sites of the appropriate area within the defined town centre boundary, considering the close proximity of this site to the settlement boundary (with the closest boundary point being the Royal Mail Delivery Office in Kirk Street), and that the site represents a brownfield opportunity with public transport routes, the proposal complies with the principle of the 'sequential approach' identified in the Local Development Plan.

6.3.5 As noted above, for out of town centre developments, there should not be a significant impact on the vitality or viability of the town centre. The impact on the defined town centre is considered below.

6.5 Vitality and Viability on the Town Centre

The agent has provided retail assessment findings which consider scenarios for trade diversions. The trade diversions were considered against other retail destinations (supermarkets) and the town centre. Summarising the findings, trade diversions would be largely from established competitors in the locality who operate from out of centre premises.

6.5.1 A potential impact was identified in the town centre where two scenarios were considered. Two scenarios are required because at this stage the second retail unit is in principle, and as such it is not known if this unit would sell comparable or comparison goods, or a combination of both.

6.5.2 The results identified that total trade diversion from town centre =

Convenience 2 % and Comparable 1 % or;

Convenience 1% and Comparable 1%

6.5.3 As the potential diversion ranges from 1% to 2%, and although there is an identifiable impact, the impact could not to be described as 'significant' and as such this service accepts there would not be a significant impact on the vitality or viability of Peterhead Town Centre.

6.5.4 It is noted that Aberdeenshire Council have previously accepted that for the existing live proposal with 6 units, there would not be a significant impact on the Town Centre.

6.5.5 The principle therefore remains clearly established and accords with Policy 2 Town Centres and Retailing and the accompanying SG Retail1: Town centres and retailing of the Aberdeenshire Local Development Plan.

6.5.6 It is noted that the agent suggests the proposal would retain trade within the catchment area and further suggests that the proposal will have a positive impact in that it will promote linked trips and increase local expenditure. Although this is potentially correct, there is no evidence to support this and the agent accepts this is not possible to model this presumption.

6.6 Layout, Siting and Design / Visual and Amenity Impacts On locality

Due to the prominence of the site, the siting, layout and design must be given careful consideration. The relationship to residential dwellings and the nature of the development must also be carefully considered.

6.6.1 The site is relatively prominent and visible on approach from South Road. In addition, but to a lesser extent, the site is relatively visible from Kirk Street (albeit at present due to the boundary treatment). Currently the site has a negative and detrimental visual impact on the amenity of the area. Sections of the site are screened by unattractive closed boarded fencing. To the south, due to the low walls there are unobstructed views into the site and due to the derelict state, it could not be described as contributing positively to the amenity of the locality.

6.6.2 The design style of the retail unit identified in Phase 1 is of a modern standard, and the style is clearly identifiable and associated with the end user. There are examples of such units within Aberdeenshire and throughout the UK. It is accepted that the proposal is relatively honest in appearance and it does not attempt to replicate the traditional form in the immediate locality, nor does it rely on traditional local materials. The contemporary style is in itself not a reason for refusal, nor is, the lack of a 'bespoke' design.

6.6.3 Prominent materials in the immediate locality are 'Peterhead' granite and slate. Prominent features are also pitched roofs and heights range from single to three storeys. Although the proposed building would be finished in modern materials some efforts have been made to reuse some pink granite in the landscaping. This would ensure the proposal could comfortably assimilate into its surroundings. The landscaping is considered in more detail in section 6.7 of this report.

6.6.4 The finishing materials and colour would result in a relatively 'light' appearance and again, considering this with the landscaping scheme, may complement the traditional granite buildings in the locality.

6.6.5 It is also noted there are other examples of more modern metal clad buildings in the locality which are not considered to have caused any significant detrimental impact.

6.6.6 In terms of scale, the single storey flat roof design would not be excessive—considering this alongside street levels, it is considered it would not over dominate the locality. It is also noted that due to site levels, the store would sit lower than the road level of Kirk Street and again this would limit the visual impact and dominance. Due to the difference of levels and the distances to

the dwelling to the north, it is not considered there would be a significant overbearing impact on the locality. Please refer to appendix 7 for Streetscape Elevations.

- 6.6.7 The proximity to neighbouring dwellings was noted from the outset and concern was raised regarding the proposed 'backing' of the store onto Kirk Street and lack of 'active frontage'. It is also noted this issue was raised in the letters of representation.
- 6.6.8 Following discussion with this Service at the pre application stage, plans were amended to include a horizontal glazing strip along the north elevation (appendix 4). In addition landscaping is also proposed along the north boundary, with an amended scheme proposing an extended knee rail to protect the landscaping.
- 6.6.9 It is noted that Historic Environment Scotland have not objected to the proposal and no impact on the Scheduled Monument or Listings have been identified. It is considered the visual impact would be mitigated to an acceptable level by the proposed landscaping (see 6.7 below) and also due to the height of the building.

6.7 Landscaping

A Landscaping scheme was submitted in order to identify how the site would be 'dressed' and assimilate into the immediate and wider locality. This service continually identified the importance of an adequate landscaping scheme throughout the pre application and application stages.

- 6.7.1 Landscaping Services were consulted on the initial landscaping plan and did not object however commented in relation to a number of issues including, utilising the knee rail on the north elevation (in order to protect planting long term thus the northern elevation of the site), suggested improved planting on the southern elevation with inclusion of native species to improve the southern boundary and the potential impact on the Scheduled Monument. Environment Planning were also consulted and advised that consideration should be given to the use of native species throughout the site.
- 6.7.2 An updated Landscaping Scheme was submitted (as per Appendix 5) which has satisfactorily addressed the issues raised.
- 6.7.3 Suitable conditions would be attached to any permission to secure the implementation and phasing of the landscaping scheme, planting, reuse of granite and subsequent maintenance.

6.8 Roads - Access and Parking

It is noted numerous representations did not specify an objection to the principle of the application, but the position of the access and associated impacts on Kirk Street. Undoubtedly, there will be an increase in traffic along Kirk Street and the surrounding locality - as would be expected with any such

development. What must be considered is that if the increase in traffic and safety implications would be to such an extent that the development would be considered unacceptable. Roads Development have confirmed that they do not object to the proposal, subject conditions. It is not considered the impacts on Kirk Street, although likely to be evident, could justify a refusal.

- 6.8.1 On-street parking has been raised as a concern and also concerns were identified that in future parking restrictions may be applied thus disadvantaging residents in the locality. Roads have confirmed they would not advocate waiting restrictions in connection with any proposed development as the basic premise is that the development provides sufficient off-street parking (148 spaces) to serve its own needs.
- 6.8.2 Initially both Roads and Transportation raised the issue of the parking shortfall. Following submission of a transport statement from the agent, both Roads and Transportation removed their objections.
- 6.8.3 Continued concerns were highlighted regarding manoeuvre of servicing vehicles however it was recognised that although not ideal, this in itself was not significant enough to justify a refusal of the application.
- 6.8.4 Transportation suggested conditions in relation to the reinstatement of adjacent footpaths and the closing off of any site accesses. This can be addressed through a suitable condition. Transportation also commented in relation to the upgrading and moving of a bus stop – again this can be addressed through a suitable condition / conditions.
- 6.8.5 Transport Scotland have not objected to the proposal and have offered no comment.
- 6.8.6 Transportation have reiterated their request for onsite showers as the proposal does not contain showering facilities. The agent has noted this and at present does not wish to consider amended plans. Although this is regrettable, it is not considered a justifiable reason for refusal.
- 6.8.7 There are no conditions required in respect of Transport Scotland's response.

6.9 Flooding and Drainage

Initially both SEPA and FPU objected to the application however following the provision of further information from the agents consulting engineer, conditions were requested in respect of the position of the building, parking area and freeboard level.

6.10 Noise / Environmental Health Response

Letters of representation raised concern regarding potential noise impact from both delivery vehicles and potential noise from the warehouse / refrigeration units. Environmental Health have been consulted on this application and

suggested conditions in relation to noise during construction and general noise emanating from the operation of the site.

6.10.1 Regarding the construction phase, a condition is requested in relation to the provision of a Construction Management Plan. This should identify mitigating measures in relation to potential issues of noise and dust.

6.10.2 Turning to the potential of noise nuisance as a result of deliveries, although Environmental Health do not identify this as a particular concern, it is prudent to attach a condition in order to exert additional control on the development and attach a condition in relation to the delivery times of vehicles. This would ensure that the level of amenity currently enjoyed by the residents in this locality would be retained. It is also noted a condition would be attached in relation to general noise emanating from the site.

6.10.36.12 Further to the above, the applicant must bear in mind that Aberdeenshire Council can take action under the Environmental Protection Act 1990 at a later stage should a statutory noise or other nuisance occur.

6.11 Energetica, Sustainability, Energy Efficiency

The site is located within the Energetica Corridor, and as such an Energetica statement has been submitted in support of the proposal. The Energetica Team welcomed the redevelopment and investment in this redundant brownfield site on the key inner approach to the town. It is noted that the proposal reflects the Strategic Objectives of the Energetica Programme namely:

- Attract high-value investment and people to the region
- Maximise on quality of design/development and quality of life

6.11.1 The submission of the Energetica statement and accompanying sustainability statement is welcomed in that consideration has been given to the sustainable nature of the building both in terms of energy consumption and use, as well as demonstrating compliance with 'Energetica principles'. Optimisation of solar gain due to the orientation and glazing was noted, as well as use of renewable energies.

6.11.2 It is noted that the proposal adds to the attractiveness of the locality through the provision of additional retail choice and could help to retain local convenience and comparison spend rather than it leaking to other locations.

6.11.3 A condition would be attached to ensure the submission of a finalised energy statement for the development. It is therefore considered the proposal complies with SG LSD11: Carbon neutrality in new development and Policy 8: Layout, siting and design of new development and Policy 1 Business development SG Bus5: Development in the Energetica Framework Area.

6.12 Archaeology

Comments would be addressed through a suitable condition.

6.13 Contaminated Land

A condition would be attached to ensure full site investigation and any subsequent remedial measures. Subject to the attached condition, it is considered the proposal would comply with SG LSD10: Contaminated Land.

6.14 Waste Management

There are no conditions required to be attached. Comments are for the information of the operator. A suitable condition would be attached to ensure appropriate waste management facilities.

6.15 Additional Issues Raised Through Representations

All issues raised have been discussed in the report.

6.16 Conclusion

This site has been a blight on the locality for a number of years and it is noted that current efforts to develop the site in accordance with the existing permission have not been successful. This has been due to the economic climate.

6.16.1 As per Policy 1 of the Local Development Plan, Aberdeenshire Council will support the development of business and sustainable economic growth in all areas by taking account of the economic benefits of the proposed development when we make decisions in development management. The application presents a redevelopment opportunity with a realistic prospect of being delivered.

6.16.2 Subject to the proposed conditions, the application would allow for the redevelopment of the majority of the derelict Kirkburn Mill site with no significant detrimental impact on the locality.

6.16.3 It is noted the loss of the existing building on the site would be regrettable, however on balance and considering the overall positive impacts the redevelopment of the site may bring to the locality and the wider area, the loss of the building is accepted. The building is not listed and not of such considerable local importance and as such its retention would not be insisted upon. The reuse of the granite in the Landscaping Scheme is welcomed.

6.16.4 Full consultation with Roads, Transportation and Transport Scotland have not raised any significant points of concern. Where it is recognised that there may be some noticeable impacts regarding the positioning of the access on Kirk Street, these could not be considered significant and the level of impact would not justify a refusal.

6.16.5 In terms of design, it is recognised a scheme identifiable with the end user scheme is proposed, evident throughout the UK –to this extent and considering the dereliction and history of the site a degree of pragmatism should be exercised in accepting the design of the actual store. In addition, consideration must be given to the proposed landscaping and the positioning of the building within the site, which would allow for the proposal to be assimilated into the surroundings. It is noted there are no comments or objections from Historic Environment Scotland and it is not considered there would be any impact on the Scheduled Monument and Listed Buildings.

6.16.6 Where some negative impacts have been identified, these could not be termed 'significant' and collectively would not justify a refusal. Generally any potential impacts have been mitigated through amended plans or could be successfully mitigated through attached conditions.

6.16.7 For the aforementioned reasons, the application is recommend for approval and it is considered to comply with the relevant Policies and associated supplementary guidance of the Aberdeenshire Local Development Plan 2012.

7. Area Implications

7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Equalities and Financial Implications

8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

8.2 There are no financial implications arising from this report.

9. Sustainability Implications

9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

10.2 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

11. Recommendation

11.1 GRANT planning permission in principle with detailed matters brought forward subject to the following conditions:-

1. Phase 1 shall comprise of the initial retail unit and shall be restricted to the areas of land coloured red in plan 0131 – PL210 and shall not exceed 1815 m² (gross floor area); and the second retail unit shall be restricted to the area coloured blue, and shall not exceed 930 m² gross floor area: all as shown on Drawing no 0131 – PL210

Reason: to clearly define the phasing of the scheme and limit impact on the town centre (through applying floorspace limitations).

2. That prior to any development commencing in relation to Phase 2, details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) Unless otherwise agreed in writing by the Planning Authority, A landscaping scheme proposing any additional planting including programme for implementation, completion and subsequent maintenance.
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul water from the development;
- (f) Full details of the proposed means of disposal of surface water from the development.
- (i) Full details of the proposed access to the development including visibility splays where appropriate;
- (j) An Energetica Compliance Statement

Reason: Permission for 'Phase 2' of this development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

3. That no development in connection with Phase 1 of the permission hereby approved shall take place unless details of all materials to be used in the external finish for the proposed development have been submitted to and

approved in writing by the planning authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure effective assimilation into the locality.

4. No development shall commence on the site until a demolition management scheme has been submitted to and approved in writing by the Planning Authority. All works involving demolition must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. For the avoidance of doubt this condition relates to the site in its entirety.

Reason: In order to minimise damage to, and effectively retain for reuse an adequate supply of the in situ pink granite and ensure damage is limited during the demolition stage.

5. The development shall be served in accordance with the approved drawings and following details:

The maximum gradient of the first 10m of the access must not exceed 1 in 20.

- Prior to occupancy of development, and unless otherwise agreed in writing, off-street parking for 148 cars, surfaced in hard standing materials must be provided within the site.
- Prior to commencement of development onsite, visibility splays, measuring 2.4 by 59m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 9.0m, the minimum width at the throat of the bell mouth so formed to be 10.0m. The area within the bell mouth & for a minimum distance of 20.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen, macadam or asphalt.

Reason: In the interest of road safety

6. Prior to operation of the first retail unit, and unless otherwise agreed in writing, all footways at redundant site accesses must be reinstated to the satisfaction of the planning authority.

Reason: In the interest of road and pedestrian safety

7. Prior to commencement of development on the site, and unless otherwise agreed in writing by the Planning Authority a scheme detailing the upgrading and relocation of bus stops in proximity to the site must be submitted to and

agreed in writing by the Planning Authority. Prior to operation of the first unit, the agreed and identified bus stops to be upgraded and / or relocated and to the satisfaction of the Planning Authority, and for the avoidance of doubt be fully operational.

Reason: In order to ensure the site is serviced by adequate methods of sustainable transport

8. In relation to the site in its entirety, all soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (Proposed Landscaping Plans (Revised) 0131-PL207D) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. For the avoidance of doubt this condition relates to the site in its entirety.

Reason: To ensure the implementation of a satisfactory scheme of landscaping for the site in its entirety which will help to integrate the proposed development into the local landscape and in the interests of the visual amenity of the area.

9. Prior to the first unit becoming operational, a detailed maintenance scheme for landscaping throughout the site shall be provided for the written approval of the Planning Authority. Maintenance works shall thereafter be carried out in accordance with the scheme agreed in perpetuity, unless an amended scheme is first agreed in writing with the Planning Authority.

Reason: To ensure a satisfactory maintenance scheme is implemented for the landscaped areas.

10. The area within the 1 in 200 year plus climate change flood extent as illustrated on "Proposed Drainage Layout Plan, Preliminary", (Drawing C1000 P1) is only developed for car parking.

Reason: To mitigate potential impact from flooding.

11. All buildings should be outwith the 1 in 200 year plus Climate Change flood extent as shown on 'Drainage Layout Plan' (P1, Aug 2015) and the finished floor level of all buildings should include at least 600mm freeboard.

Reason: To mitigate potential impact from flooding

12. Neither unit shall be occupied until surface and foul water drainage arrangements have been constructed in accordance with the approved plans.

Reason: In order to ensure that adequate drainage facilities are provided and in the interests of the amenity of the area.

13. For each phase of development, development shall not commence until a construction management plan for that particular phase has been submitted and approved in writing by the Planning Authority in consultation with Environmental Health. All works on site must be undertaken in accordance with the approved construction management plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works and to mitigate potential impacts on the amenity of the area.

14. The rating level of the noise from the development and its associated plant and equipment shall not exceed the measured background noise level by more than 5dB when measured at 3.5 metres from the external façade of any noise sensitive premises. The rating level and background noise level are defined in BS 4142:2014 and the measurement period for assessment is any hourly period, between the hours 0700 to 2300 and any 15 minute period during the hours 2300 and 0700. For the avoidance of doubt this condition shall relate to the site in its entirety.

Reason: In the interests of protecting the existing amenity in the locality.

15. That unless otherwise agreed in writing by the Local Planning Authority, deliveries to the store will not take place during night time (i.e. between the hours of 23.00 to 07.00).

Reason: In the interests of the residential amenity of the locality.

16. For each phase of development and prior to commencement of any works on that phase, development shall not commence until details of all external lighting for the phase to which it relates have been submitted to and approved by the Planning Authority. The lighting shall thereafter be provided and operated in accordance with the approved details.

Reason: In the interests of the residential amenity of the locality.

17. For each phase of development and prior to commencement of any works on that phase, development shall not take place unless waste management proposals for each unit have been submitted to and approved in writing by the Planning Authority in consultation with Waste Management. Unless otherwise agreed in writing by the Planning Authority all the measures identified in the approved proposals shall be in place and fully operational prior to either unit being opened to members of the public. Thereafter, the development shall not take place unless the approved waste management proposals are implemented in its entirety.

Reason: To ensure appropriate waste management for the site.

18. In relation to the application in its entirety, no works shall take place within the development site until the developer has secured the implementation of a

programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

19. For each phase of development and prior to commencement of any works on that phase, that no development in connection with the permission hereby approved shall take place unless a finalised Energy Statement has been submitted to and approved in writing by the Planning Authority, including the following items:

- (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
- (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

11.2 Reason for Decision

The proposal complies with the aims and objectives of the Local Development Plan in that it would allow for an economic development opportunity on a brownfield site without significant impact on the locality.

██████████
Director of Infrastructure Services
Author of Report: ██████████
Report Date: 15 February 2016

Comments for Planning Application APP/2015/2676

Application Summary

Application Number: APP/2015/2676

Address: Site At Kirk Street Peterhead Aberdeenshire

Proposal: Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works|cr||cr|

Case Officer: [REDACTED]

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:Hi.

How can I see an artists impression of what is about to be built?

Two retail units (Class 1) means nothing to me but I am concerned that this development will increase traffic on Constitution street.

The main reason for my concern is that Constitution street is already very crowded and does not need more traffic.

What kind of business are looking to move into these units?

The documents sent out are far too vague and stop short of actually telling me anything useful.

Best regards

[REDACTED]

APP/2015/2676



28.8.15

Dear Sirs

I read in the "P.J" today that Aldi had been given planning permission to build in Peterhead. I have no problem with this but was horrified to read that the building is to be faced with granite from the building already standing.

It is an absolute disgrace that Aldi be allowed to knock down this building. The workmanship on it is excellent. I am sure many in the town will feel as I do - that the planners should not allow this.

We have few enough beautiful buildings in the town without knocking them down.

Please save this building for the good of the town.

Yours faithfully

Comments for Planning Application APP/2015/2676

Application Summary

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Address: Site At Kirk Street Peterhead Aberdeenshire

Proposal: Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works|cr||cr|

Case Officer: [REDACTED]

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Glad to see the site being developed at last!

The objection I would like to raise is regarding the site access from Kirk Street. This is already a busy street with traffic backing up at peak times from round about to/from Cairntrodle/West Road/Kirk Street junction. With main entrance being put at planned location this can only cause further problems.

We must remember that the plans are showing the possibility of an additional retail unit (which no one knows of what type- hence no idea of traffic volume) and a future housing development this can only add further problems to an already busy street. There appears to be no changes to the actual width of road at the entrance. Having lorries turning off and on to the existing busy street gives cause for concern. Does this mean that the residents on this section of Kirk Street are eventually going to have parking restrictions at their properties. Presently there are no parking restrictions on either side of the road. I would like to suggest that the proposed entrance is seriously looked at again so that traffic flow and resident parking can be maintained. Presently there are options as the whole site is available, please do not let us allow anything to go, just because we are glad to see the development!

Comments for Planning Application APP/2015/2676

Application Summary

Application Number: APP/2015/2676

Address: Site At Kirk Street Peterhead Aberdeenshire

Proposal: Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works|cr||cr|

Case Officer: [REDACTED]

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: [REDACTED]

Aberdeenshire Council,
Planning and Building Standards,
Viewmount,
Arduthie Road,
Stonehaven AB39 2DQ.

15th September 2015

Dear Sir/Madam,

Interested Party Comment - Planning Application Reference: APP/2015/2676, Kirk St., Peterhead

As the owner occupiers at [REDACTED], we are writing to voice our concerns regarding some important aspects of the proposed development by ALDI on the site opposite our house and driveway entrance.

As an elderly couple (80 and 77 years old) we value our continued independence and rely heavily on our personal transport to get us around particularly when it comes to shopping. I, [REDACTED], am still a driver and hold my license for the next 3 years even though I have had a hip and knee replacement. My wife has a cataract in one eye and has had the other eye operated upon but still requires the use of spectacles.

Whilst we enjoy our regular outings to the surrounding shops, we depend heavily on our transport because we are unable to carry heavy loads and understandably have limited capability to walk considerable distances without the use of a walking stick or stability aid.

In that respect, our car is very important to us for our continued mobility needs and I have a Disability Blue Badge which I have held for over 12 years now. Although I have a driveway outside my house which is beneficial to my ability to unload shopping comfortably and in my own time, in recent years it has been increasingly difficult to negotiate to and from Kirk Street due to the volume of traffic and its importance as a main route for lorries and buses.

I consequently had made enquiries and have submitted a recent application to Aberdeenshire Roads for an on-street Blue Badge space with "Keep Clear" markings outside my property adjacent to my front gate which will help with my disability/ability/mobility needs.

Although we are not against the retail development, there is now a direct conflict with my application in that any proposal including the access to our current driveway is immediately opposite the main access to the site for all vehicles.

ALDI is a very popular store and operates a 7 day experience and will have regular deliveries by large lorries which will need to negotiate the entrance as well as customer's cars in the main car park, main road traffic and residents parking. The awkwardness of the proposed delivery/loading area will be such that there will also be a direct conflict with lorry manoeuvrability and customer cars potentially creating a tail back of vehicles on to Kirk Street.

Our biggest fear is, and from our experience when we lived in Aberdeen City Centre, there may have to be a certain revocation of parking outside Kirk Street owners' properties to alleviate the burden of traffic congestion at the entrance to this site in favour of the development.

We believe this will be directly prejudicial to our proposed needs and current access issues to our property by car and would merit serious appeal if our application to Roads was declined in favour of this development.

The current on-street parking arrangements for other residents will also be affected and family and friends visiting will be affected by left and right turns at the site entrance.

It would be pointless for the developers to suggest, for instance, that residents would be allowed to

use the retail parking spaces because this could be revoked at a later date and the distance for a disabled person to walk to his car (namely myself) is not only ludicrous but dangerous due to my next point.

The proposed plans show no pedestrian controlled crossings along the entire length of the site on Kirk Street so residents/pedestrians wishing to enjoy the shopping experience would have to negotiate an ever increasing traffic particularly at peak and popular shopping times.

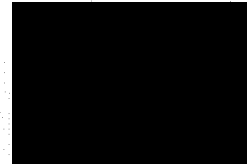
My disability needs dictate that even for the short distance across the road, I would need to take my car. The only alternative would be for me to have a Road Legal Shopping Scooter which I am not in a position to afford or finance especially since I already hold a license and own a car!

I have shopped at these German stores for many decades now and enjoy the quality of their products so I have always looked forward to this development happening across the street. I am very disappointed that their architects had taken no notice of my driveway or sent an agent to discuss the impact with current owners, at which time they would have fully realised the major impact this proposed entrance to the site would have on me as a disabled resident.

I therefore feel that the proposed entrance needs serious review and more sensitive consideration to the current amenity of the area and its historical residential status. We believe as Kirk Street residents we should be entitled to continue to enjoy what we have invested in in a sustainable manner which others in the future will also benefit from.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.

18th April 2005

Building Standards Manager
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

15 SEP 2015

Dear Sir,

Re: Planning Application APP/2015/2676,
Kirk Street/South Road, Peterhead.

Thank you for your neighbour notification of the planning application proposed for the above site.

Although I welcome the proposed site development in general, I have serious reservations concerning certain aspects of the submitted plan. It would appear that the favouring of option 3 of the "Design & Access Statement" is to ensure the highest profile for Aldi with little consideration being given to neighbouring residential properties.

I have the following objections/concerns with regard to the proposal:

- Site Entrance/Exit
- Increased traffic
- Parking problems
- Access to my property
- Increased noise levels
- Visual Impact

My main concern is the positioning of the proposed site access. This site entrance/exit will severely affect the residents of Kirk Street between the Cairnrodie/Station Road junction and the South Road roundabout. This is an extremely busy section of road especially at peak times and regularly the traffic builds up to produce tailbacks from the roundabout to the Cairnrodie/Station Road junction.

The "Transport Statement" attached to the planning application only provides the predicted generated vehicle trips for the Aldi Unit during evening and Saturday peak periods. This does not take into account of the second retail unit, which is not identified, or the future housing development which is not quantified.

As far as I can see from the attached plan, very little consideration has been given to the current volume of traffic on the West Road/Kirk Street.

I do not accept that access to the site is not viable from the South Road or even the South Road roundabout since the building at the north east corner of the site is to be demolished. In fact if this building is to be demolished the site entrance/exit from the South Road roundabout would seem to be the most sensible choice. Much has been said about avoiding the Bridge section of the South Road but previously all vehicular access and deliveries to the Kirkburn Mill was via this section of road.

The residents opposite from the proposed site require roadside parking on a daily basis and I am concerned that following this development, parking restrictions will have to be imposed on this section of Kirk Street.

Currently when the bus pulls up at the mentioned bus stop on Kirk Street, adjacent to the proposed site access, traffic comes to a halt. I assume that this bus stop will need to be relocated, which will require careful consideration.

Also, according to the "Transport Statement", uncontrolled pedestrian crossings are currently provided across all approaches of the Kirk Street / South Road roundabout to the north east of the site. I am concerned that if the development goes ahead, these would have to be changed to be controlled pedestrian crossings, further restricting the traffic on Kirk Street.

The "Design & Access Statement" attached to the planning application says that "The north side of Kirk Street is residential housing, and as such a sensitive treatment must be adopted here."

As far as I can see from this proposal, all the design features are in favour of Aldi with very little consideration given to the local residents regarding the visual impact. The front of the shop faces south with the nearest residents given a view of the rear and the north-west corner of the building. This view incorporates the warehouse, the refrigeration units and the loading bay where we will be able to view the unloading operations of the articulated Lorries. Aldi also wants to be able to accept deliveries and carry out unloading operations at any time of day or night that suits them. This gives me concern for increased noise levels possibly during the night. I am also concerned about the continual noise levels generated by the refrigeration units, given their location.

In a previous version of this plan produced in 2005, the Aldi Unit was set back from Kirk Street and the landscaped parking area between the street and the store, thus keeping the service and unloading areas further away from the local residents. This layout seems to me to give far more consideration to the Aldi's nearest neighbours.

Yours faithfully,

A large black rectangular redaction box covers the signature and name of the sender. A small handwritten mark is visible to the right of the top edge of the redaction.

28 SEP 2015

APP number: APP/2015/2676

Proposal of demolition of existing building and erection of two retail units.

Name [REDACTED]

Address [REDACTED]

Tel no: [REDACTED]

Dear Sirs

This is to advise you that I strongly object to the proposed access site to the above mentioned.

Kirk Street is a very busy road into early evening with a high volume of traffic. Many commuters use this as a thoroughfare to and from town centre to Longside/Mintlaw and to access shops further along.

There is a bus stop outside my house and it can cause a tail back on both sides of the road when it drops off or picks up passengers on a regular bases.

The extra volume of customer cars and the delivery Lorries would have a huge impact on the already heavy traffic travelling along Kirk Street/West Road.

As for the delivery Lorries they would increase the noise levels during day and especially at night.

Currently we have on street parking at the moment with no restrictions and do not wish residential parking permits as in some areas.

I would be grateful if you could take this letter and note that I strongly object and have serious concerns regarding the proposed access site for the above planning

Yours Sincerely

[REDACTED]

Comments for Planning Application APP/2015/2676

Application Summary

Application Number: APP/2015/2676

Address: Site At Kirk Street Peterhead Aberdeenshire

Proposal: Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works|cr||cr|

Case Officer: [REDACTED]

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My main concern is where the proposed site access is shown on the plans. Kirk Street is a very busy road throughout the day with a higher volume at peak times.

Kirk street is also used as a thoroughfare from town centre to West Road and beyond. There is a bus stop located outside 84 Kirk Street and when the bus stops there it creates a tail back of traffic on both sides of the road.

Customers and Delivery lorries will in my opinion add to the congestion and I certainly do not want cars/lorries queuing up right in front of my door. The noise level and pollution of delivery lorries during day and night is also a concern with levels being even higher when they are having to queue to gain access to the site.

This letter is to strongly object to the proposed access

Regards

[REDACTED]

Comments for Planning Application APP/2015/2676

Application Summary

Application Number: APP/2015/2676

Address: Site At Kirk Street Peterhead Aberdeenshire

Proposal: Demolition of existing building and erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works|cr||cr|

Case Officer: [REDACTED]

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although I welcome the proposed site development in general, I have serious reservations concerning certain aspects of the submitted plan.

My main concern is the positioning of the proposed site access. This site entrance/exit will severely affect the residents of Kirk Street between the Cairntrodlie/Station Road junction and the South Road roundabout.

This is an extremely busy section of road especially at peak times and regularly the traffic builds up to produce tailbacks from the roundabout to the Cairntrodlie/Station Road junction.

As far as I can see from the attached plan, very little consideration has been given to the current volume of traffic on the West Road/Kirk Street.

The residents opposite from the proposed site require roadside parking on a daily basis and I am concerned that following this development, parking restrictions will have to be imposed on this section of Kirk Street.

Currently when the bus pulls up at the mentioned bus stop on Kirk Street, adjacent to the proposed site access, traffic comes to a halt. I assume that this bus stop will need to be relocated, which will require careful consideration.

As far as I can see from this proposal, all the design features are in favour of Aldi with very little consideration given to the local residents regarding the visual impact. The front of the shop faces south with the nearest residents given a view of the rear and the north-west corner of the building. This view incorporates the warehouse, the refrigeration units and the loading bay where we will be able to view the unloading operations of the articulated Lorries. Aldi also wants to be able to accept deliveries and carry out unloading operations at any time of day or night that suits them. This gives me concern for increased noise levels possibly during the night.

APP number: APP/2015/2676

Proposal of demolition of existing building and erection of two retail units.

Name

Address

Tel no;

Dear Sirs

This is to advise you that I strongly object to the proposed access site to the above mentioned.

Kirk Street is a very busy road into early evening with a high volume of traffic. Many commuters use this as a thoroughfare to and from town centre to Longside/Mintlaw and to access shops further along.

There is a bus stop outside my house and it can cause a tail back on both sides of the road when it drops off or picks up passengers on a regular bases.

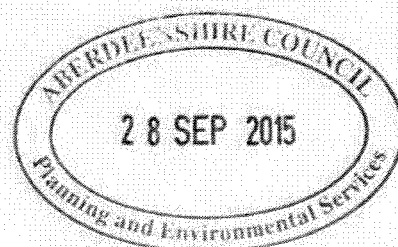
The extra volume of customer cars and the delivery Lorries would have a huge impact on the already heavy traffic travelling along Kirk Street/West Road.

As for the delivery Lorries they would increase the noise levels during day and especially at night.

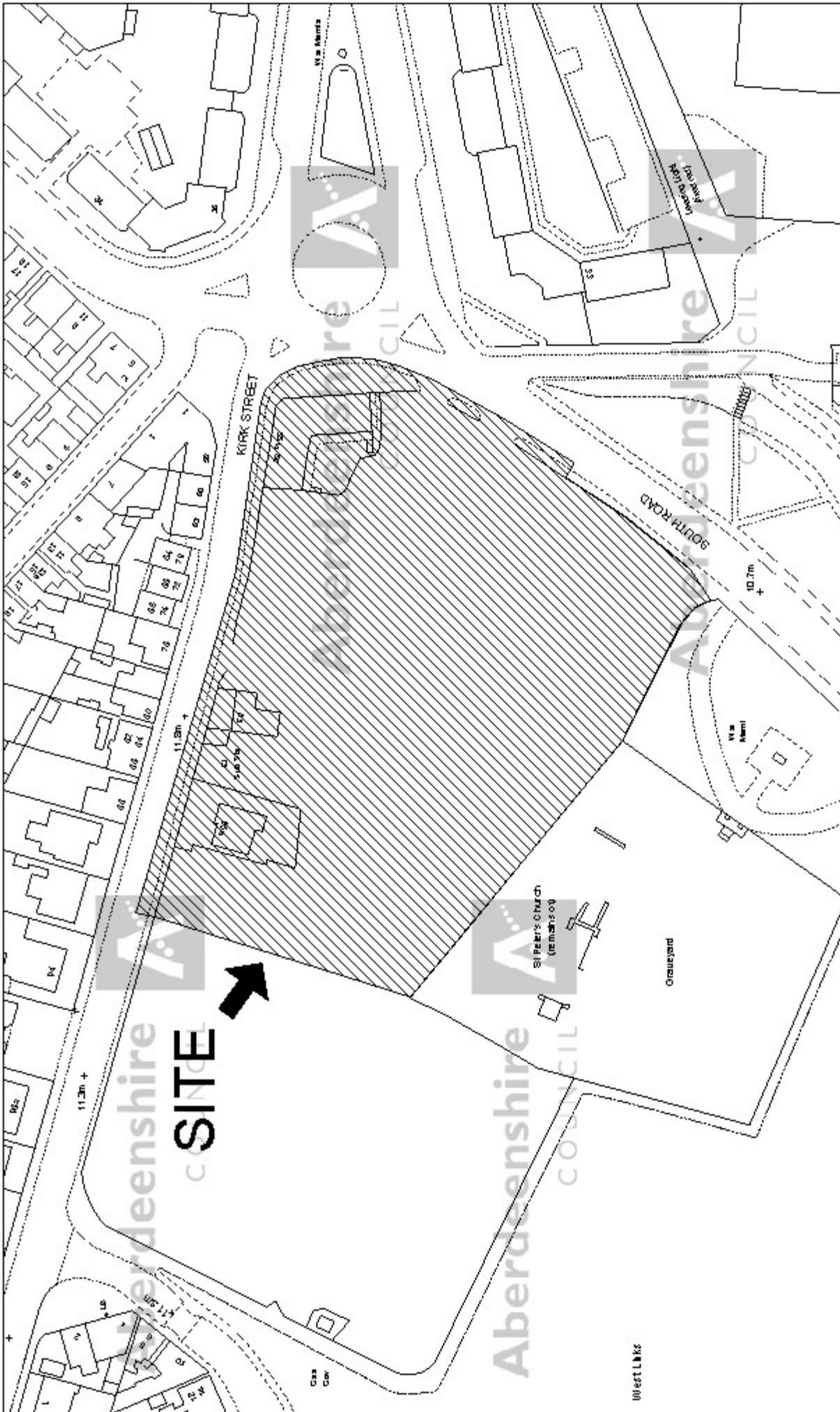
Currently we have on street parking at the moment with no restrictions and do not wish residential parking permits as in some areas.

I would be grateful if you could take this letter and note that I strongly object and have serious concerns regarding the proposed access site for the above planning

Yours Sincerely



Development Management & Building Standards



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10 February 2016

APP/2015/2676

Site at Kirk Street, Peterhead

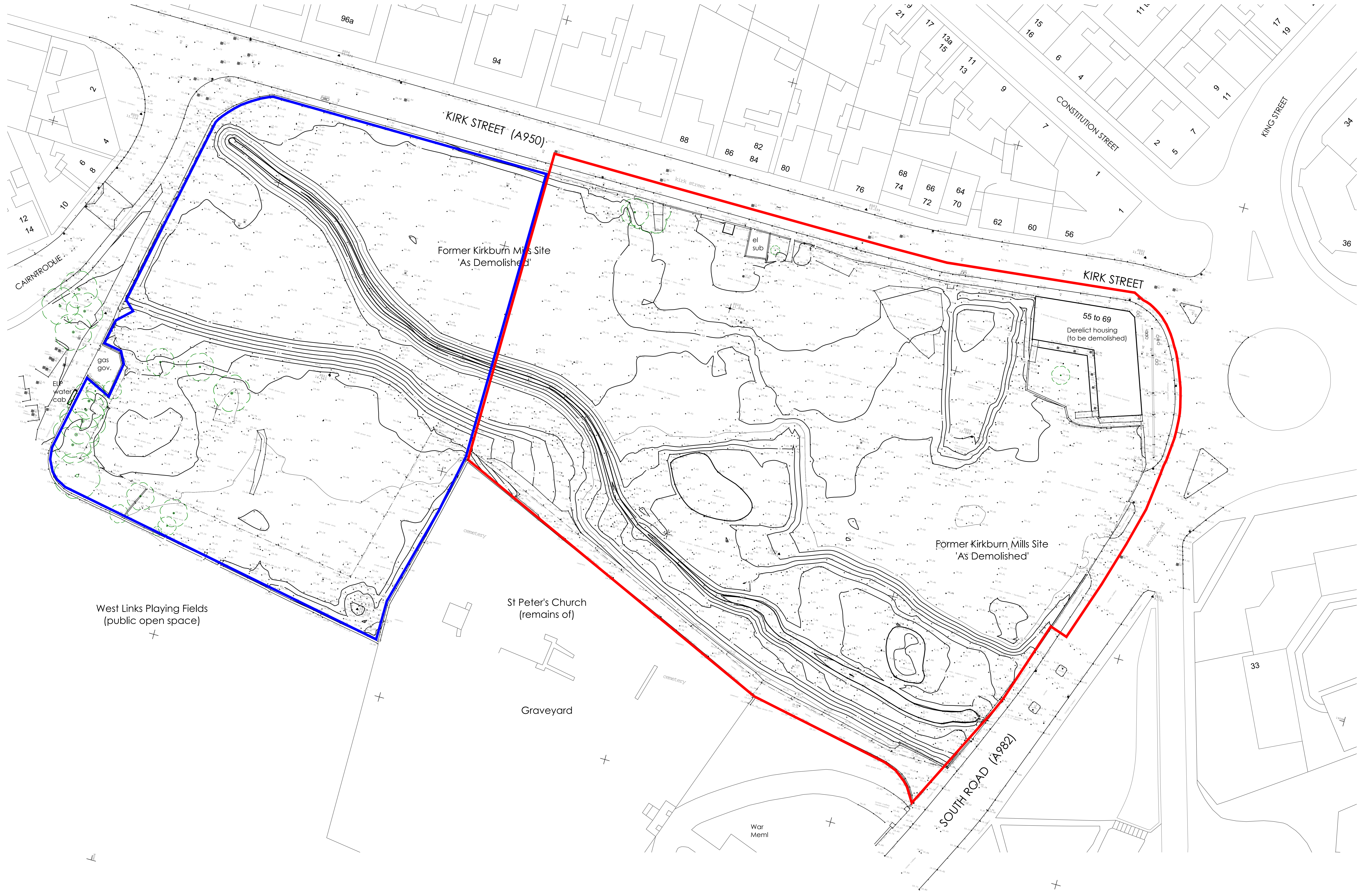
Aberdeenshire Council

Scale - 1:1250

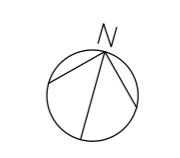
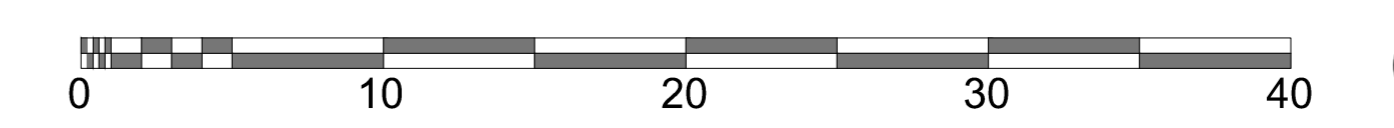


Appendix 4

APP/2015/2676 Existing and Proposed Site Plan

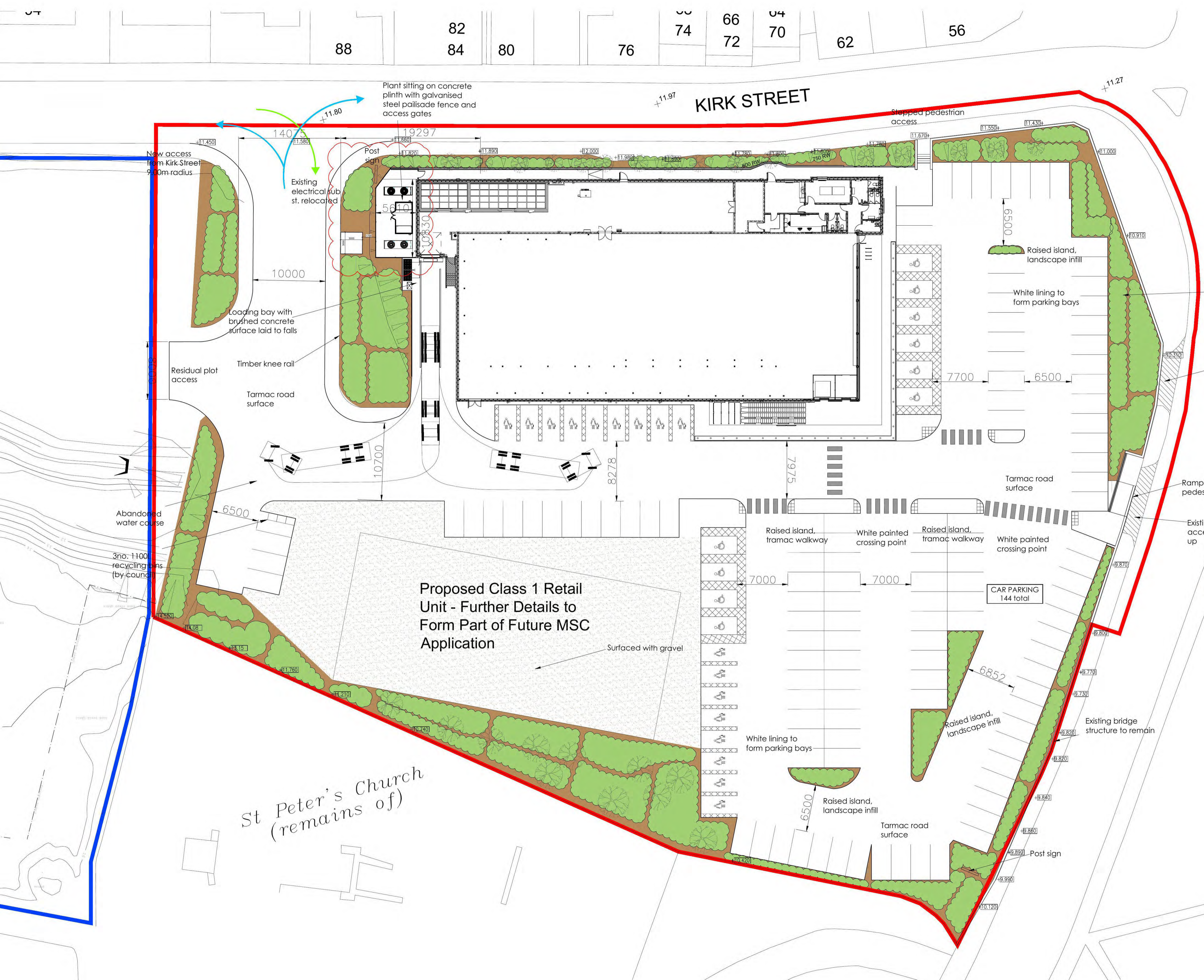


Revisions:
 A Site boundary clarified.
 02.07.15 NM



Client: ALDI Stores Ltd.
 Project: Kirk Street Kirkcaldy
 Drawing: Existing Site Plan (PLANNING)
 Date: 19.04.15
 Scale: 1:250 @A0
 0131 - PL202
 A





Rev	Date	Description	Rev By	CHK'd By
A	24.06.14	Site levels added, boundary treatment clarified.		
B	02.07.15	Site levels clarified.		
C	07.08.15	Levels clarified, 2no. parking bays lost.		
D	12.08.15	Drawing generally updated.		
E	19.10.15	Additional trees added to planner comments.		
F	17.11.16	Recycling point added to planner comments.		
G	11.09.17	External lobby omitted, ornately black reconfigured, parking reconfigured.		
H	16.03.18	Plant slab increased in size, boundary treatment notes updated.		
I	22.03.18	Plant equipment clarified.		
J	10.04.18	Recycling bins clarified.		
K	23.04.18	Plant equipment omitted.		
L	14.05.18	Plant equipment added.		

Aberdeenshire COUNCIL Infrastructure Services
 Town and Country Planning (Scotland) Act 1997
 Application No. **APP/2015/2676**
NON MATERIAL VARIATION
 In terms of the decision dated
31 MAY 2018

St Peter's Church
 (remains of)

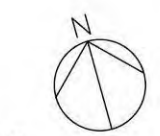
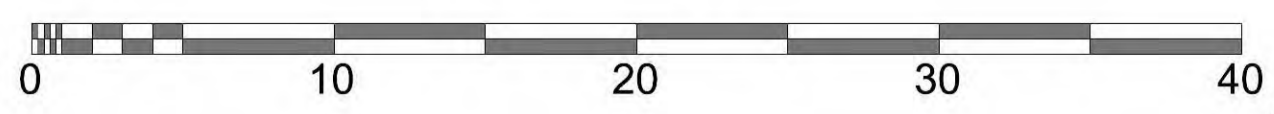
Proposed Class 1 Retail Unit - Further Details to Form Part of Future MSC Application

CAR PARKING
 144 total

Existing Car Parking:

Standard Bays (2.7x5.0m)	= 117
Accessible (3.7x6.2m)	= 10
Parent / Child (3.0x5.0m)	= 17
Total	= 144

Client	Aldi Stores Ltd				
Project Title	Aldi - Peterhead				
Project Address	Kirk Street, Kirktown, Peterhead AB42 1RU				
Drawing Title	Proposed Site Plan				
Drawing Number	0131 - PL203				
Drawn	Checked	Date	Scale	Rev	Status
		19.06.15	1:250	A1	Planning



Appendix 5

APP/2016/2812 Decision

Notice and approved plans



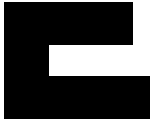
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2016/2812

TO: GVA Grimley Ltd.



FOR: Aldi Stores Ltd
ALDI Stores Ltd
Pottishaw Road



In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Engineering Works to Form Site Levels and Temporary Soft Landscaping at Land Off Kirk Street, Kirktown, Peterhead, AB42 1RU

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following conditions:

- (1) Prior to the commencement of development, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any ground breaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: to record items of archaeological interest

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**



- (2) All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme (as per the approved site plan and supporting documents) and management programme. For the avoidance of doubt the approved scheme shall be carried out in the first planting season following the completion of the site level works. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- (3) Drainage to be carried out in accordance with the approved Residual Plot Drainage Layout plan.

Reason: in the interests of the amenity of the area and to ensure the site is adequately serviced

Informatives

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.
- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
- (3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) The proposed vehicular access onto the public road shall be formed at the Developer's expense and must be constructed in accordance with the council's specification.



- (5) Adequate provision shall be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.
- (6) Adequate precautions shall be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.
- (7) An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes.

Further details and application forms may be obtained by telephoning the relevant Area Roads Office (see below) or on the council's website:

Banff & Buchan - 01261 813495

Buchan - 01771 638103

Formartine - 01358 726440

Garioch - 01467 628088

Kincardine & Mearns - 01569 768465

Marr - 019755 64920

Reason for Decision

It is considered that the proposal complies with the Aberdeenshire Local Development Plan 2012

Dated: 13 February 2017


Head of Planning and Building Standards

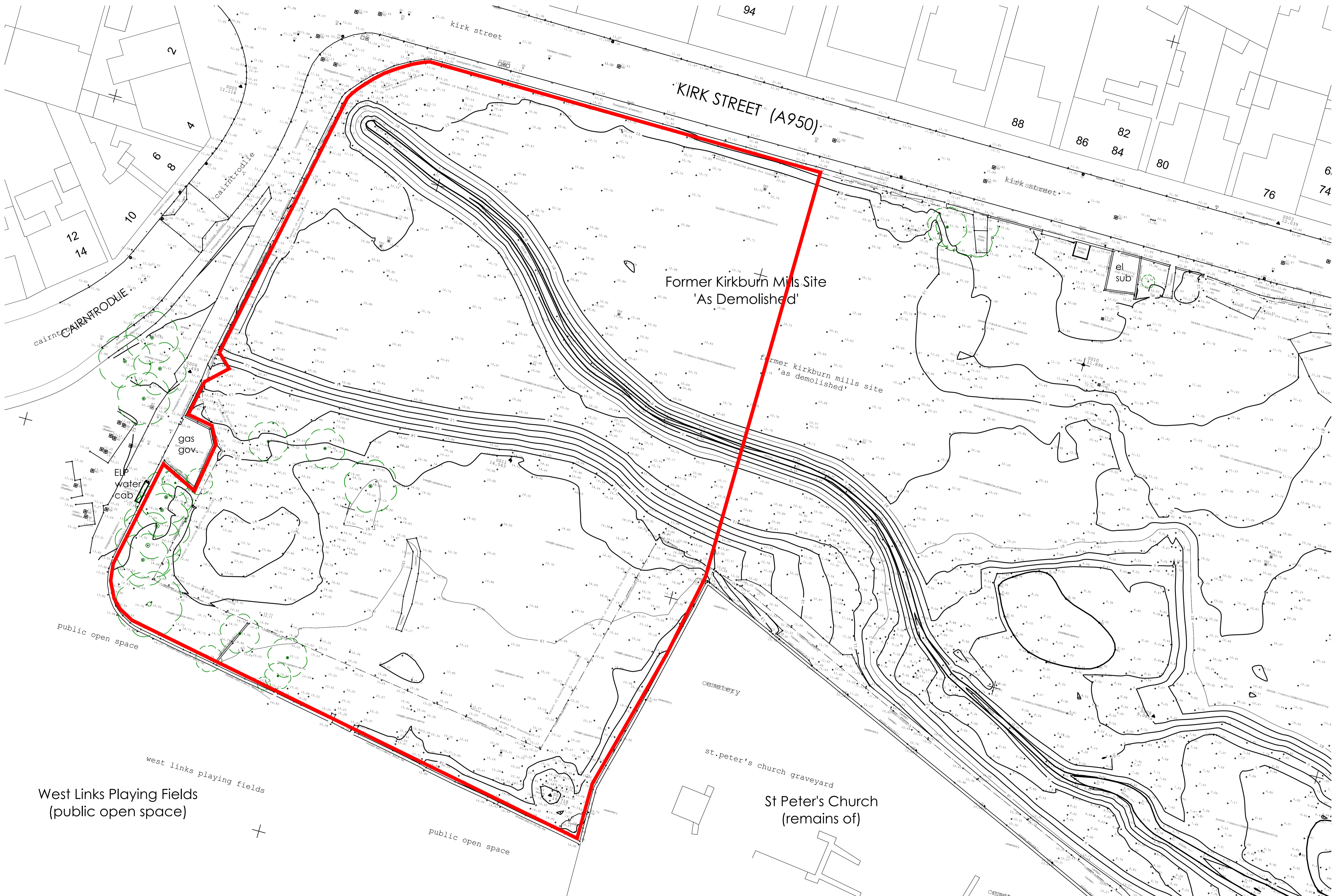
List of Plans and Drawings

Reference Number: 0131-PL301 Site Location Plan

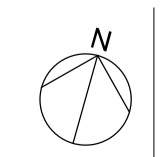
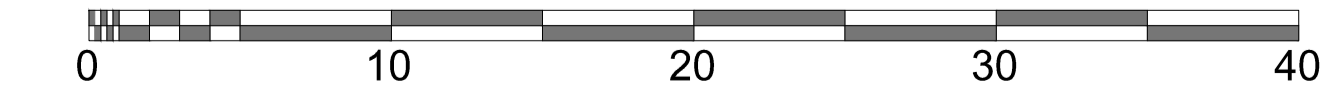
Reference Number: 0131-PL303 Proposed Site Levels plan

Reference Number: C0001 Version Number P2 Cut and Fill Volume

Reference Number: 0131-PL304 Proposed Landscape Plan



West Links Playing Fields
(public open space)



Client
Aldi Stores Ltd

Project Address
Kirk Street, Kirktown,
Peterhead, AB42 1RU

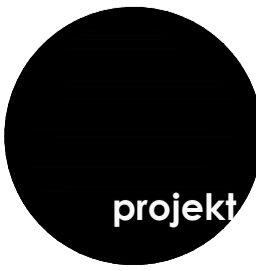
Drawn
Date 28.09.16

Project
Aldi - Peterhead

Drawing Title
Existing Site Levels Plan
[PLANNING]

Drawing Number
0131 - PL302

Project Architects



Revisions

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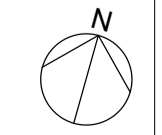
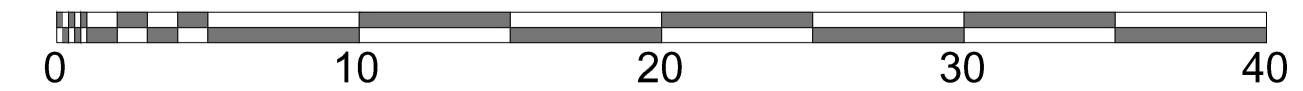
99

100



West Links Playing Fields
(public open space)

St Peter's Church
(remains of)



Client
Aldi Stores Ltd

Project
Aldi - Peterhead

Project Address
**Kirk Street, Kirkcaldy,
Peterhead, AB42 1RU**

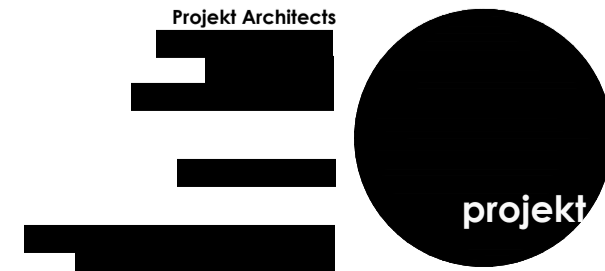
Drawing Title
**Proposed Site Levels Plan
[PLANNING]**

Drawing Number
0131 - PL303

Revision
B

Drawn
28.09.16

Checked by
1:200 @ A1



Revisions

Revision	Description	Date	Author
A	Updated to existing site condition.	14.03.18	NM
B	Updated to latest site condition.	19.07.18	NM

The use of the data by the recipient is an agreement of the following conditions:
1. The data is provided for the specific purpose of the project and is not to be used for any other purpose.
2. The data is provided on an 'as is' basis and the provider does not warrant its accuracy or completeness.
3. The recipient is responsible for ensuring that the data is used in accordance with the applicable laws and regulations.
4. The recipient is responsible for ensuring that the data is not disclosed to any third party without the prior written consent of the provider.
5. The recipient is responsible for ensuring that the data is not used in any way that is illegal, defamatory, or otherwise harmful to the provider or its clients.
6. The recipient is responsible for ensuring that the data is not used in any way that is in breach of any applicable laws or regulations.
7. The recipient is responsible for ensuring that the data is not used in any way that is in breach of any applicable contracts or agreements.
8. The recipient is responsible for ensuring that the data is not used in any way that is in breach of any applicable intellectual property rights.
9. The recipient is responsible for ensuring that the data is not used in any way that is in breach of any applicable privacy laws or regulations.
10. The recipient is responsible for ensuring that the data is not used in any way that is in breach of any applicable data protection laws or regulations.

Appendix 6

APP/2016/2812 Decision Notice



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: B/APP/2016/2813

TO: GVA Grimley Ltd.



FOR: Aldi Stores Ltd
ALDI Stores Ltd



In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Approval of Matters Specified in Conditions for Conditions 3, 6, 8, 12, 15, 16, 17 and 18 of Planning Permission in Principle Ref APP/2015/2676 for Demolition of Existing Building and Erection of Two Retail Units (Class 1) and Associated Works (in Principle) Including Full Details of One Retail Unit, Car Parking, Landscaping and Associated Works at Site at Kirk Street, Peterhead, Aberdeenshire

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Approval of Matters Specified in Conditions** for the said development subject to compliance with the following conditions:

- (1) Prior to the commencement of demolition on the site, a demolition management scheme shall be submitted to and approved in writing by the Planning Authority. All works involving demolition must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. For the avoidance of doubt this condition relates to the site in its entirety.

Reason: In order to minimise damage to, and effectively retain for reuse an adequate supply of the in situ pink granite and ensure damage is limited during the demolition stage.

IMPORTANT

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- (2) For each phase of development, development shall not commence until a construction management plan for that particular phase has been submitted and approved in writing by the Planning Authority in consultation with Environmental Health. All works on site must be undertaken in accordance with the approved construction management plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works and to mitigate potential impacts on the amenity of the area.

- (3) In relation to the application in its entirety, no works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

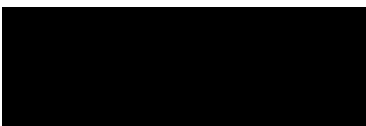
Informatives

- (1) This decision notice should be read in conjunction with the decision notice issued under APP/2015/2676, as additional conditions may still apply to this site.
- (2) It should be noted that the standard 'Cairngorm' shelter as supplied by Commutaports is to include a flagpole, solar light and dropped midrail for a 1m x 1m publicity case - as per the Roads Development response.

Reason for Decision

It is considered that sufficient information has been submitted to comply with conditions 6, 8, 15, 16 & 18 of planning permission APP/2015/2676.

Dated: 13 January 2017



Head of Planning and Building Standards

IMPORTANT

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List of Plans and Drawings

Reference Number: 0131-PL201 Version Number A Site Location Plan

Reference Number: 2256/20-(63)-00-02 Version Number A Car Park External Lighting Layout

Reference Number: 115758-015-0701 GENERAL ARRANGEMENTS sheet 1 of 2

Reference Number: 115758-015-0702 GENERAL ARRANGEMENTS sheet 2 of 2

Reference Number: 115758-015-0901 Construction Details

Reference Number: 0131-PL203 Version Number F Proposed Site Plan

IMPORTANT

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