



**Leeds**  
CITY COUNCIL

Originator: J.Bacon

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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 24<sup>th</sup> September 2009**

**Subject: APPLICATION 09/01906/FU SINGLE STOREY RETAIL FOOD STORE WITH 79 PARKING SPACES AND LANDSCAPING AT FORMER SITE OF LION AND THE LAMB PUB, YORK ROAD, LEEDS**

**APPLICANT**  
ALDI STORES LTD

**DATE VALID**  
19<sup>th</sup> MAY 2009

**TARGET DATE**  
18<sup>th</sup> AUGUST 2009

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**Electoral Wards Affected:**

**KILLINGBECK & SEACROFT**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: Should Members be minded to APPROVE planning permission, subject to the completion of a section 106 agreement then the following conditions are suggested:**

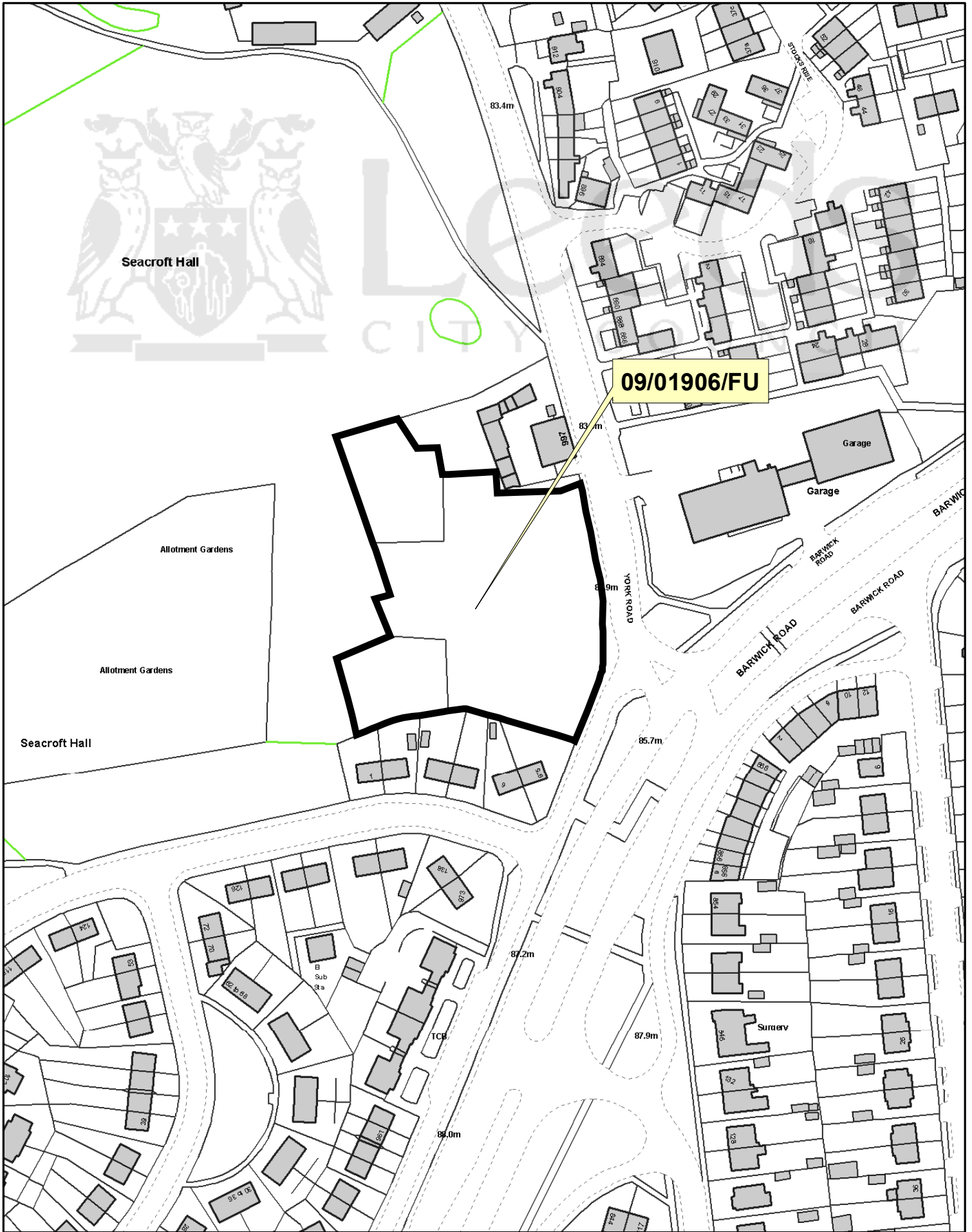
**1.0 Summary**

- 1.1 This application was recommended by planning officers for refusal at the previous Plans Panel (East) meeting on 27<sup>th</sup> August 2009. At that meeting Members did not accept the officer recommendation and resolved that the application should be approved.
- 1.2 Members considered that the proposed development was acceptable in that as an Aldi store it addressed a local need and that the development would tidy up the appearance of the application site.

- 1.3 At the meeting of the Plans Panel in August, Members had before them information regarding the potential for impact on neighbouring centres at Seacroft and Crossgates. It was considered that this proposal, because of its scale, would not impact on these centres. However, Members are made aware that the proposal could impact on the desire to create a new neighbourhood centre in the west of the EASEL area. This information was also before Members at the last meeting and Members made their decision in the light of that information.
- 1.4 Members should also be aware that there is currently an application with the Council for the redevelopment of the Netto store opposite the application site, which would be likely to be brought forward with a recommendation for grant.
- 1.5 The applicants have now signed a Unilateral Undertaking in respect of the financial contributions for Public Transport Enhancements (£68,171), Bus Shelter Improvements (£10,000 to Metro) and to implement the terms of the Travel Plan (incl. payment of monitoring fee £2,500).
- 1.6 Based on Aldi's supporting documents the store is to operate as a deep discounter of convenience goods and that these types of goods will be the dominant goods sold from within the store. Convenience goods are defined as every day essential items (including food, drinks, newspapers/magazines and confectionery) (Annex A, PPS6). Comparison goods are to be an ancillary element and Aldi's supporting documents advise that these types of retail goods will make up no more than 15% of the net sales floor area. Comparison goods are defined as items not obtained on a frequent basis (including clothing, footwear, household and recreational goods) (Annex A, PPS6).
- 1.7 In assessing the merits of the application, Members considered that the Aldi store would fulfil a neighbourhood shopping role which justified the scheme. Obviously the development cannot be limited to a particular operator and, as such, it is necessary to ensure that this type of retailing remains predominant. A planning condition is suggested to restrict the proportion of comparison goods to no more than 15% of net sales area. Members are advised that if an unrestricted A1 use was granted, there is potential in the future for retail occupiers to focus on comparison goods retailing, which would be considered to further harm the vitality and viability of nearby town centres as well as move away from the justification Members gave to approve this particular Aldi proposal.
- 1.8 Officers have contacted the applicant regarding the use of such a condition and the applicants have indicated that they would accept a condition to restrict comparison goods sales.
- 1.9 Panel Members are invited to consider the following suggested planning conditions:
  1. Time limit on full permission (3 yrs).
  2. Submit details of external walling and roofing materials.
  3. Submit details of permanent boundary treatment.
  4. Restriction on retail floorspace for comparison goods (no more than 15% net sales area).
  5. Restriction on opening hours (08.00-20.00 Mon to Sat & 10.00-18.00 Sun & Bank Holidays).
  6. Restriction on delivery times (07.30-18.30 Mon to Sat with no deliveries/ refuse collections on Sun/Bank Holidays).
  7. *No development shall take place until a noise report to assess the noise emitted from all mechanical services plant on the proposed building has been submitted to and approved in writing by the Local Planning Authority. Any mitigation works as*

*recommended within the report shall be carried out before the building is brought into use. Reason: In the interests of the amenity of nearby residents.*

8. *No mechanical ventilation or air conditioning system shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details. Reason: In the interests of amenity.*
9. Full details of the storage and disposal of litter/ waste materials to be submitted.
10. *No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. Reason: In the interests of residential amenity and to safeguard highway safety.*
11. *Vehicles fitted with refrigeration units shall not be parked in the open, with the units operating on Sundays and Bank Holidays, nor at all other times between the hours of 18.30 hours and 07.30 hours the following day. Reason: In the interests of amenity.*
12. *No construction works nor deliveries into the site shall be undertaken before 07.30 hours or after 18.30 hours on any weekday or before 08.00 hours or after 13.30 hours on Saturdays nor at any time on Sunday, Bank or Public Holidays unless otherwise first agreed in writing by the local planning authority. Reason: In the interests of the amenity of nearby residents.*
13. Area used by vehicles to be laid out, drained, surfaced and sealed.
14. Full details of the facilities for the parking of cycles to be submitted for LPA approval
15. Details of the proposed methods of closing off and making good the existing access to be submitted for LPA approval.
16. *Notwithstanding the submitted details contained within Drwg No.0380-102 RevD, no development shall take place until full details of the works required to install a dropped crossing to the service road adjacent to the application site and a pedestrian refuge (to north of site) on York Road have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the development being brought into use unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of improving pedestrian access and safety.*
17. Protection of existing trees and other vegetation.
18. Preservation of existing trees and other vegetation.
19. Submission of landscape scheme.
20. Implementation of landscape scheme.
21. Landscape Methodology Condition.
22. Details of surface water discharges.
23. Report unexpected contamination.



# EAST PLANS PANEL



Scale 1/ 1500

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