

Planning Committee: 24 May 2011

Item Number:

Application No: W 09 / 1169

Town/Parish Council: Leamington Spa
Case Officer: John Beaumont

Registration Date: 03/11/09

Expiry Date: 29/12/09

01926 456533 planning_east@warwickdc.gov.uk

Land off Queensway, Leamington Spa, CV31 3LZ

Erection of a new Aldi retail food store (Use Class A1), with associated car parking and landscaping; Erection of business units (Use Classes B1(b) and (c), B2 & B8) and a building for the display and sale of motorcycles (SuiGeneris) with associated car parking and landscaping. FOR Aldi Stores Limited / Deeley Properties Limited

This report is being presented to Committee to seek Committee's authority to amend the terms upon which a section 106 Agreement may be concluded i.e. to alter the 'trigger' point for the construction of 9 industrial units and associated infrastructure and to allow flexibility as to securing the provision of a suitable employment scheme in circumstances where the Applicants have indicated it is likely that a new application for an amended employment scheme is to be submitted to the Council.

BACKGROUND

Application W09/1169 is a joint application for a retail (Aldi) store and a B1/B2/B8 employment scheme. Members will recall approving the above application at their 8th December 2010 meeting, subject to a Section 106 Agreement to secure construction of a number of the industrial units and associated infrastructure within 6 months of the permitted Aldi retail store opening. Discussions have taken place with the Applicants, Deeley Properties and Aldi Stores as to the precise wording of this Agreement. It has also emerged that it is likely that an application for an amended employment scheme will be submitted, which, if approved, the applicants have indicated would be constructed instead of the previously intended W09/1169 employment scheme. The proposed amended application is driven by the specific operational requirements of what is described by the applicants as a nationally known occupier.

My recommendation to the 8 December Planning Committee, which was approved, was:-

"GRANT, subject to the satisfactory conclusion of a Section 106 Agreement to secure the construction of 9 industrial units and associated infrastructure within 6 months of the opening of the Aldi retail store (as set out in the assessment section of this report) and to the conditions listed below."

Following discussions on the 'trigger' point for the construction of the 9 industrial units and the associated infrastructure, the applicants have now agreed that this could be changed to being that the works be completed before this opening of the Aldi retail store, rather than after 6 months of its opening. I consider this gives the District Council greater control over this element of the proposed phasing of development.

Furthermore, in view of the likelihood of an alternative, occupier-driven, employment scheme being submitted by the applicants for the employment part of the application site, it is possible that the speculative 9 industrial units under W09/1169 will not come forward and that instead, subject to planning permission being granted, an alternative employment scheme will be delivered on the site in addition to the Aldi retail store. It would be beneficial to accommodate this possibility into the S106 obligation currently being finalised so that planning permission W09/1169 may now be issued and the need for a future amendment to this Section 106 Agreement can be avoided.

In the event that the alternative planning application is made for the 'employment' component of W09/1169, it will be reported to this Committee who will determine whether or not to grant planning permission and also be able to determine if it is considered to be a satisfactory alternative for the purpose of meeting the Section 106 obligation related to permission W09/1169 in respect of securing employment and economic benefit.

RECOMMENDATION

In relation to Application W09/1169 the Committee now resolve to **"GRANT, subject to the satisfactory conclusion of a Section 106 Agreement to secure the construction of 9 industrial units and associated infrastructure (or such alternative employment scheme as the Council have confirmed delivers similar economic benefits) prior to the opening of the Aldi retail store and to the conditions listed below."**

NB. These conditions were approved by Planning Committee on 8th December 2010 and the only change proposed is that Condition 15, of 28, stated:-

"Within 6 months of the opening to the public of the retail store, Units 2a, 2b, 3, 4, 5, 6a, 6b, 6c and 6d as identified on the approved Drawing No. R06A62-2000FS-W003F shall be constructed to a shell finish and the associated infrastructure thereto shall be completed to enable their occupation."

Given the fact that the 'trigger' point will now be the opening of the Aldi retail store and that these requirements will be incorporated into the Section 106 Agreement, together with reference to a possible alternative employment scheme, it is recommended that this Condition be no longer imposed on the planning permission W09/1169.
