

Planning & Development
PO Box 634
Barnsley
S70 9GG

23 December 2019

Our Ref: 19/4916

Dear Sir/ Madam

Section 73 application for revised delivery hours at the existing Aldi store at Barnsley Road, Goldthorpe

On behalf of Aldi Stores Ltd, please find enclosed a planning application pursuant to Section 73 of the Town & Country Planning Act 1990 (As Amended) to vary Condition 22 (delivery hours) attached to Decision Notice 2014/1020, which was approved on 20 November 2019.

Section 73 allows a planning application to be made for the carrying out of development without compliance with one or more conditions attached to a previous planning permission, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' (S73) but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.¹

Proposal & Background

This application seeks approval to:

- extend Monday to Saturday delivery hours to allow these to take place between 0600 to 2300 (1 hour extra in the morning);
- align Sunday delivery hours with Monday to Saturday hours (2 hours extra in morning and 5 hours extra in evening);
- remove reference to Bank Holidays

The amendments sought seek to provide the most sufficient window of time throughout the day, including outside opening hours, so that the Aldi store can be fully stocked ahead of the next day's trading. This is an important consideration and is not considered excessive or inappropriate given the sites location on the corner of Barnsley Road and the A635, beyond which is agricultural land on three sides and a vacant development plot on the remaining (east) side. The nearest residential uses are ~100m to the east on Mulberry Close. The stores loading bay is located towards the north end of the site close to the A635, and there is additional mitigation in place by way of the foodstore building itself and a 3m high close boarded timber fence around the service area.

¹ Paragraph: 017 Reference ID: 17a-017-20140306

By amending the delivery hours as proposed, the store can be serviced either side of store opening hours, reducing the stores need to be serviced throughout the trading day. Importantly, the sites location ensures that the window of deliveries sought will have no impact on the amenity of the nearest properties to the east.

Justification

The application seeks to extend the permitted delivery period and so that the hours are consistent throughout the week. As such, the following wording is proposed for condition 22 attached to 2014/1020:

Deliveries shall only take place between the hours of 0600 & 2300 Monday to Sunday

Monday to Saturday

Increasing the window of deliveries by one hour at the start of the day (from 0600) Monday to Saturday is not uncommon or unreasonable taking into account the site specific considerations. The additional hour at the start of the day allows staff to re-stock and stack the shelves outside of the stores trading period, reducing the reliance on the store being serviced during the day. With respect to the latter, having this flexibility means staff can use their time to help with any questions and queries during the stores busier trading periods/ jump on additional tills as demand dictates.

The first hour of deliveries (0600-0700) would fall outside the established daytime hours as defined by the World Health Organisation (WHO). However given the site context (discussed above) and the bespoke delivery procedure in place (discussed towards the end of this supporting note), deliveries during this hour will not give rise to unacceptable impact on neighbouring residential amenity. Importantly, allowing for a 2 hour window prior to store opening allows for larger deliveries (as & when required) which need to be dispatched 1.5 – 2 hours before opening and includes a small allowance for minor delays experienced en-route and other ad hoc variances which come from head office.

Sunday

Aldi Stores Ltd acknowledge that greater emphasis should be afforded to protect residential amenity on Sundays. However given the sites context, with the loading bay ~100m away from the noise sensitive properties, alongside the physical and operational mitigation in place, there is no need for the delivery window to be restricted above & beyond that which applies throughout the wider week.

Bank Holidays

The reference to Bank Holidays is dropped as it is long established that Bank Holidays are no different to normal Monday to Saturday trading hours/ shopping patterns, a point that is agreed by Inspectors. Further, Bank Holiday opening hours are not treated differently to Monday to Saturday opening hours so it is logical and desirable that these days are considered consistently.

It is standard practice for all supermarkets to open normal hours on Public Holidays in order to meet customer expectations, and therefore important that unnecessary restrictions are not placed elsewhere to prevent this.

Misc.

Altering the delivery window as proposed will not result in the store receiving any more deliveries than it does at present, and it will not receive deliveries during the first hour sought (or last hour) every day. Instead, and in addition to the rationale given above, the revised window allows much greater flexibility for the logistics team, who regularly deliver to a number of stores back to back within a logical geographical catchment from one fully laden HGV on

a pre-determined route dictated by individual store requirements. The benefit of this is reducing the need for additional HGV's on the road network. This is particularly useful at the Goldthorpe store, given its relationship with the regions distribution office and the ability for the store to be serviced at the start or end of any given driver's pre-determined route.

Also, given Aldi's arrangements, where lorries share the car park with customers, it is a more satisfactory arrangement where delivery vehicles can visit the store outside of normal opening hours and during the store quieter trading hours to minimise conflict with visitors.

Aldi's approach to deliveries/ impact on amenity

Unlike other supermarkets, Aldi stores do not have a conventional service yard. Instead they use a level dock delivery process where vehicles reverse up to the loading bay with the HGV rear opening contained within the surrounding 'curtain'. Goods are then wheeled in cages directly off the lorry into the warehouse area, without the use of a tailgate or any external lifting equipment. Photographs accompany this application (**appendix 1**) and show a typical Aldi delivery taking place and how/ the role the level dock system plays. This process allows any noise resulting from deliveries to be minimised. Therefore, the delivery process is as quiet as it can be with most of the amenity concerns commonly associated with deliveries eliminated from the Aldi procedure. Other mitigation bespoke to Aldi's delivery procedure include:

- no reversing beepers;
- refrigeration units turned off when on-site;
- lorry engine not left running for long periods;
- all unloading taking place internally.

There is further mitigation in terms of the limited number and duration of events and deliveries only being carried out by trained Aldi HGV operatives who are familiar with the particular store and surrounding road network.

Conclusion

In summary, taking into account the site specific considerations, the mitigation in place and the rationale behind revising the permitted delivery hours, we consider that the proposals are entirely in accordance with local and national policy – notably adopted Local Plan policy Poll1 'Pollution Control and Protection' which requires development to not give rise to [noise] pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Application Package

In addition to this cover letter, the following documents are submitted in support of the application. The application fee has been paid via credit card at the time of submission:

- Decision Notice to be varied (2014/1020)
- Appendix 1 - Photograph showing an Aldi delivery taking place;
- Application Forms, certificate, fee

We trust that the application can be now validated, and await confirmation of this. Should you have any queries, please do not hesitate to contact myself.

Yours sincerely,

Handwritten signature of Jamie Pert in blue ink.

Jamie Pert
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Harrogate