

Development Management
Barnsley Council
PO Box 604
S70 9FE

12 September 2016

Our Ref: 12/1564

Dear Sir / Madam,

Section 73 (Variation of Conditions) Application for Aldi Stores Ltd at Land off Barnsley Road, Cudworth, Barnsley.

On behalf of Aldi Stores Ltd, please find enclosed a planning application pursuant to S.73 of the Town & Country Planning Act 1990 (As Amended) to vary Conditions 11 (delivery hours) and 12 (opening hours) attached to Decision Notice 2015/0564 which was approved by the Council on 7 April 2015. The application has been submitted via Planning Portal, under reference PP-05477114 on 12 September 2016.

Application Package

The following documents are submitted in support of the application:

- Application Forms and Certificates , signed and dated;
- Architectural Drawing produced by The Harris Partnership;
 - 0738-50 Rev B Site Location Plan; and
 - 0738-100 Rev B Site Layout Plan
- Noise Impact Assessment Report (2448/ENIA Rev B) prepared by Acoustic Design Technology;
- Existing Decision Notice 2015/0564
- Existing Decision Notice 2013/0710
- Appeal Decision Notice APP/D1590/W/14/3001589

The required application fee (£195) has been paid via credit card upon submission

Proposals

The S.73 application is required to allow the store to:

- receive deliveries between 0600 – 2300 Mondays to Saturdays (including Bank Holidays) and 0900 – 2000 on Sundays;

Directors
Helen Cuthbert | Stuart Slatter | Claire Temple
Associate Director
Alastair Close

Consultants
Caroline Dawson | Dan Templeton
Associates
Rob Scadding | Katie Turvey | Heather Vickers | Alan Williams

- trade between 0800 – 2200 Mondays to Saturdays (including Bank Holidays) and 1000-1600 on Sundays.

This differs from the existing conditions stated on both permitted Decision Notices (2015/0564 and 2013/0564) which allow:

- receive deliveries between 0800 – 2000 Mondays to Saturdays and 0900 – 1600 on Sundays and Bank Holidays
- trade between 0800 – 2200 Mondays to Saturdays and 1000 – 1600 on Sundays and Bank Holidays.

This application therefore seeks the following changes:

Delivery Hours: remove reference to Bank Holidays and extend deliveries by two hours in the morning and three hours in the evening Mondays to Saturdays and extend deliveries on a Sunday from 1600 to 2000;

Opening Hours: remove reference to Bank Holidays

The foodstore occupies a town centre store in a highly accessible location. People expect deliveries to take place in town centre locations. Indeed, both national and local planning policy expects retail to locate in town centre locations rather than out-of-centre / business parks etc.

In addition to the above, the amendment would accrue benefits to the stores customers, and is in line with the company's wider business model which is in place across the region. The foodstore is currently under construction and expected to open in December 2016.

Background

In September 2013, permission was granted for the erection of a foodstore with associated car parking and landscaping, under application reference 2013/0710. Condition numbers 11 and 12 were attached, which read as follows:

11. Deliveries shall be only take place between the hours of 0800 & 2000 Monday to Saturday and 0900 & 1600 on Sundays and Bank Holidays.

12. The use hereby permitted shall be carried on only between the hours of 0800 to 2200 Mondays to Saturday and 1000 to 1600 on Sundays or Bank Holidays

In August 2015, a Minor Material Amendment was granted for an extension to the staff welfare area, approved under application reference 2015/0564. The above conditions were carried over like for like.

Justification

The amendments sought are in order to meet the needs of the customers and to bring the stores operating hours in line with Aldi's (current) strategic operational model.

Deliveries

The amendments will enable the delivery of fresh goods to the store before opening to the public, 08:00 on Mondays to Saturdays. By bringing the permitted hours of delivery forward, staff will be able to display the produce and stack the shelves prior to customers doing their shopping, which frees up staff time to help with any questions and queries whilst the store is open to the public. Extending delivery hours on a Sunday also allows the store to be re-stocked after a full weekend of trading (commonly the busiest trading days for an Aldi store), and therefore not requiring a larger than normal delivery load on Monday morning. With respect to Bank Holidays, it is now common practice to operate normal Monday to Saturday trading hours on such days, providing a more efficient service to the benefit of its customers.

Trading Hours

The rationale for removing Bank Holiday reference remains the same as for the delivery hours and is in line with existing Aldi foodstores elsewhere.

The original proposal was supported by a Noise Impact Assessment produced by KR Associates which confirmed that the operation of the site, when considering deliveries between 0700 – 2200, is unlikely to give rise to complaints, with noise from deliveries being 'perceptible' but not significant to the nearest noise sensitive properties to the rear of the site (Willow Close). Overall, the report concluded that there is unlikely to be a significant negative impact from deliveries.

This s73 application is accompanied by an updated Noise Impact Assessment produced by ADT, taking into consideration the amendments sought. The report concludes that noise associated with servicing and customer activity should equate to no observed adverse effect. When considering the absolute level of the sound, the maximum predicted level is comparable to existing as shown in the KR Associates report.

Given the mixed use of the area, including neighbouring foodstore and garage, it is reasonable to assume the level and character of sound from the proposed deliveries are consistent with the residual sound. It is also reasonable to suggest that the noise impact from the customer car park should equate to 'no observed adverse effect' within the PPG.

The Officers Report which accompanies the original permission (2013/0710) also acknowledges that the northern boundary between the site and nearest houses benefits from a 2m high close boarded fence and tree cover. Barnsley Road itself is also noted as the main arterial route through the centre, with a number of residential and retail properties.

The original application received overwhelming support during the consultation period (96%), and the site is located within a designated commercial. It is clear therefore that the local community are keen for the foodstore to come to fruition and the amendments sought within this application will ensure that the development can operate efficiently to the benefit of those involved. On this point, we note that NPPF paragraph 123 states decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them.

The foodstore has been pulled away as far as physically possible from the boundary of the neighbouring properties, with no windows along this elevation as all activity is focussed along the Barnsley Road frontage. The delivery yard, which sits to the rear of the store benefits from a 2m acoustic fence and 7 existing trees, with a

further five introduced as per the approved landscape plan, these all serve as physical barriers between the foodstore and the nearest houses. 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. Goods are then wheeled in cages directly off the lorry into the warehouse area, without the use of a tailgate or any lifting equipment. This process allows any noise resulting from deliveries to be minimised.

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 to avoid potential conflict. Furthermore, Aldi already adopt a number of mitigation measures to minimise the impact of deliveries on residential amenity. Therefore the delivery process is as quiet as it can be in terms of managing the process. Most of the problems commonly associated with deliveries are eliminated from the Aldi procedure.

Inherent mitigation procedures include:

- i. no reversing beepers
- ii. no use of refrigeration units in the service yard
- iii. lorry engine not left running for long periods
- iv. all unloading taking place internally

There is further mitigation in terms of the limited number of events and the duration of events (approximately 30 minutes). Finally, we are keen to point out that the extension of delivery hours is to allow flexibility, and Aldi will not be delivering at these hours, and when this does happen, no more than one delivery will take place during the first hour of the day.

In Aldi's experience, larger deliveries should typically be dispatched between 1.5 - 2 hours before opening which allows for stock to be fully unloaded and shelves stocked. This also allows for any delays experienced enroute to the store. This window is absolutely crucial, as if the delivery has not been fully unloaded, the store will not be fully stocked and will be losing trade. Further to this, if customers develop the perception that a store lacks stock, the reality and Aldi's further experience is that they will simply no longer shop there.

Case Studies

Elsewhere, delivery hours from 06:00 on Mondays to Saturdays has already been established at other Aldi food stores across the country with a recent Appeal decision allowed at Westcliffe on Sea, Essex (reference: APP/D1590/W/14/3001589). This Appeal was granted as it was noted that Aldi are committed to operating as quietly and efficiently as possible, going above and beyond what other food retailers do to ensure noise and disruption when deliveries are taking place is kept to a minimum. These measures include;

- Switching all refrigeration units off prior to arrival at the store;
- Reversing alarms and all other alarms/bleepers shall be switched off whilst at the store during 'night time' hours;
- The engines of all delivery / collection vehicles shall be switched off when not manoeuvring and no horns sounded or radios used (except in an emergency) during 'night time' hours.

Aldi Stores Ltd, East Street, Sittingbourne also has consented delivery hours from 06:00 Mondays to Saturdays (application reference: 14/503850/FULL, granted on 2nd February 2015), whilst acknowledging the residential flats immediately adjacent to the loading bay area. This further establishes the precedent for the extension of delivery hours prior to the commencement of 'daytime' hours defined by the WHO.

Summary

In summary, with the mitigation measures secured and the limited duration of deliveries, the proposals are in accordance with paragraph 123 of the NPPF and we ask that the variations be allowed. This will ensure the foodstore (upon completion) can operate efficiently and in line with the businesses wider model, to the benefit of its customers.

We trust the above is satisfactory and look forward the receiving confirmation that the application has been validated in due course. Should you have any queries please do not hesitate to contact me.

Yours sincerely,



Jamie Pert

Assistant Planner

Planning Potential

Harrogate

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