

Planning & Development
PO Box 634
Barnsley
S70 9GG

29 November 2019

Our Ref: 19/4916

Dear Sir/ Madam

Section 73 application for revised delivery hours at the existing Aldi store at Sheffield Road, Birdwell

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 4 (delivery hours) attached to Decision Notice 2017/0938, which was approved on 13 September 2017.

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 evening) and;
- remove reference to Bank Holidays

The modest 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 Sheffield Road (A61) and the location of the stores loading bay, behind the store and bound by large industrial and commercial units at Rockingham Business Park. The nearest residential properties are located >50m to the south of the stores loading bay, in-between which is the foodstore itself and an area of vegetation, providing significant acoustic screening.

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

The application only seeks to extend the window in which deliveries can take place by one extra hour in the evening - Monday to Saturday to 2300. By doing this, the store can be serviced towards the end and just after the trading day, reducing the stores need to be serviced prior to opening and during the trading day.

Justification

The application seeks to extend the permitted delivery period by one hour in the evening Monday to Saturday and; to remove reference to Bank Holidays. As such, the following wording is proposed for condition 4 attached to 2017/0938:

Deliveries shall only take place between the hours of 0600 & 2300 Monday to Saturday and 0800 & 2200 on Sundays

Monday to Saturday

Increasing the window of deliveries by one hour at the end of the day, up to 2300 Monday to Saturday is not uncommon or unreasonable taking into account the site specific considerations. The additional hour at the end 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 before and during opening hours. 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.

Importantly, extending the delivery window from 2200 to 2300 remains within the established daytime hours as defined by the World Health Organisation (WHO). Further, the sites context, with industrial & commercial units to the north and the nearest noise sensitive uses (houses to the south) being separated by the foodstore itself and an area of dense vegetation means that the small amendment will not have any adverse impact on residential amenity.

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 last hour sought (or first 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.

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 (2017/0938)
- Site Location Plan
- 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,



Jamie Pert

Senior Planner

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