

Planning Department  
Howden House  
1 Union Street  
Sheffield  
S1 2SH

26 February 2020

Our Ref: 19/4916

Dear Sir/ Madam

**Section 73 application for revised delivery hours at the existing Aldi store at The Common, Ecclesfield, Sheffield, S35 9WN**

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 43 (delivery hours) attached to Decision Notice 14/03166/FUL, which was approved on 20 November 2014.

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.<sup>1</sup>

**Proposal & Background**

This application seeks approval to:

- extend Monday to Saturday delivery hours to allow 0600 to 2300 (1 hour extra in morning and 1 hour extra in evening);
- extend Sunday delivery hours to allow 0800 to 2000 (1 hour extra in morning and 2 hours extra in evening) and;
- remove specific reference to Bank Holidays

The amendments sought seek to provide a 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 context in that it represents a logical extension to the Ecclesfield Local Shopping Centre, surrounded by a mixture of commercial, retail and residential uses.

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<sup>1</sup> Paragraph: 017 Reference ID: 17a-017-20140306

The Aldi stores bespoke loading bay is located ~20m from the nearest noise sensitive property which flanks Mill Road, in-between which is a 2m high close boarded acoustic fence and a mature strip of dense landscaping. Cumulatively these provide significant acoustic screening and mitigation from the noise generated from the delivery process.

The amended hours seek to maximise the popular and established discount shopping facilities ability to trade efficiently and effectively, providing the best service it can to its existing customer base, including the stores ability to supply fresh produce and other goods on and throughout the trading day.

### Justification

The application seeks to extend the permitted delivery period by one hour in the morning and one hour in the evening Monday to Saturday; extend deliveries by one hour in the morning and two hours in the evening on Sundays and remove reference to Bank Holidays. As such, the following wording is proposed for condition 43:

*No deliveries to, or collections from, the store shall be carried out between 2300 and 0600 hours (on the following day) Mondays to Saturdays, or between 2000 to 0800 hours (on the following day) on Sundays*

### Monday to Saturday

Increasing the window of deliveries to allow these to take place between 0600 - 2300 Monday to Saturday is not uncommon or unreasonable taking into account the site specific considerations. It allows staff the flexibility to provide a more efficient service throughout the trading day by allowing the re-stocking and stacking of shelves outside of the stores trading period and also later in the trading day/ when the shop floor is typically quieter. This frees up staff time to help with any questions and queries during the stores busier trading periods/ jump on additional tills as demand dictates whilst the store is open to the public.

Staff members having to re-stock throughout the trading day gives rise to an undesirable situation whereby customers and staff with pallets have to share the shop floor. This application seeks to alleviate & remedy this by extending the hours in which deliveries can take place by an appropriate and proportion amount, including either side of the store opening, without impacting on residential amenity.

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

The principle of servicing Aldi Stores on Sundays either aligned with, or slightly reduced, compared to Monday to Saturday delivery hours is established and not uncommon throughout the authority area and wider region in which Aldi and other food retailers operate. This is especially important given the popularity of Saturday and Sunday for its customers.

The existing Sunday hours currently allows for deliveries between 0900-1800. The one hour extension in the morning allows a further hour for the store to prepare for the day ahead. The first hour of deliveries (0800-0900) remains inside the established daytime hours as defined by the World Health Organisation (WHO). The importance

of the 2 hour window before store opening is particularly important on a Sunday as these deliveries tend to be considerable as they falls either side of the stores busiest trading day (Saturday) and Sunday. Again, the stores loading bay and wider context means that 0800 deliveries on a Sunday will not give rise to unacceptable impact on the amenity of the nearest residents.

Increasing the window of deliveries from 1800 to 2000 is desirable as it allows a considerable window outside of store closing, and is an important tool to assist the store to prepare for the day and week ahead, including replenishing non-perishable, comparison goods and special buys, which aren't delivered to the store daily, as well as fresh goods. Crucially, deliveries until 2000 still affords an additional degree of protection to neighbouring amenity on Sunday's, even though in reality neighbouring properties will be unaware of any activities taking place.

The road network is also typically quieter into Sunday afternoon/ early evenings, with deliveries during these times having very little, if any, impact on the local road network. In reality, having HGV's on the road network during these times and outside of peak hours is favourable.

#### Bank Holidays

The reference to Bank Holidays is dropped. It is long established that these days are no different to normal Monday to Saturday trading hours/ shopping patterns, a point that is agreed by Inspectors. Further, there is no restrictive condition on Bank Holiday opening hours so it is logical and desirable that these days are considered consistently.

The principle of servicing Aldi Stores on Bank Holidays as if it were a normal trading day is also established at other stores in the authority area and across the wider region.

#### 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 and/ or last hour sought 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 stores 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 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 shows a typical Aldi delivery taking place and 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 in terms of managing the process. Most of the problems commonly associated with deliveries are 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, the modest alterations proposed and distance between the loading bay and nearest noise residential properties, we consider that the proposals are entirely in accordance with local and national policy – notably Core Strategy ‘challenge 6’ which requires consideration of a proposal leading to a material increase in levels of pollution, including noise, and paragraph 180 (a) of the NPPF which requires development to take into account likely effects on the surrounding environment.

### 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 (14/03166/FUL)
- 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

**Planning Potential**

Harrogate