

Our Ref: 05C200206
Your Ref: PP-15309855

20th October 2026

Kirklees Planning Authority
Civic Centre 3
Market Street
Huddersfield
HD1 2EY

Dear Sir/Madam

The Town and Country Planning Act 1990 (as amended) Section 73 Application to vary Condition 25 of planning permission 2019/60/92221/E at the existing Aldi foodstore on Huddersfield Road, Mirfield.

Avison Young (UK) Limited has been instructed by Aldi Stores Limited to prepare and submit the above application on their behalf.

This application is seeking to vary condition 25 of planning permission ref. 2019/60/92221/E (as approved by Kirklees Council on 18th December 2020).

This application has been submitted via the Planning Portal with reference number PP-15309855.

Alongside this Cover Letter and the requisite application forms, this application comprises the following documentation:

- Noise Impact Assessment prepared by NSL (dated 28th September 2026)

The Site and Background

The Aldi foodstore ('the site') occupies 0.8ha of land. It is situated between Huddersfield Road (A644) to the immediate north, and the River Calder to the immediate south. The context besides the site, along the River Calder, is predominantly commercial/ industrial, while the north is defined by a residential area.

Entry/egress is facilitated by a singular access road which adjoins the A644 to the north.

The service yard, where the deliveries are unloaded directly into the store, is located to the south of the site, situated as far south as the boundary line permits from the residential properties to

the north. Additionally, the service yard is shielded from view of the residential area by the foodstore itself.



Figure 1: The Existing Site Layout

The store was originally subject to an outline consent in December 2020 (ref. 2019/60/92221/E), with it then being subject to a reserved matters application subsequently to agree the detail of the foodstore.

Presently, the foodstore accords to the servicing and delivering hours stated in condition 25 of the Decision Notice, in “the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework”. These are:

- Monday to Saturday 07:00 to 23:00 hours; and
- Sundays 08:00 to 20:00 hours

The abovementioned servicing and delivery hours were advised by Kirklees Council’s Pollution & Noise Control Team which were formalised by condition 25 of the Decision Notice.

The store has been open for nearly 2 years, having officially opened on the 31 October 2024. Since this date, no complaints from local residents have been recorded pertaining to the matter of noise associated with deliveries at the foodstore. The current operation of the store in the absence of any identified amenity impacts encourages the proposal to seek a modest extension to the existing delivery restrictions to facilitate marginally improved operational flexibility.

The Proposal

This application is seeking to vary condition 25 to permit servicing and deliveries to the existing Aldi foodstore between the hours of 06:00 and 23:00 between Mondays and Saturdays, leaving Sunday and Bank Holiday hours unchanged.

The proposed amendment represents a modest one-hour extension to the beginning of the permitted delivery period and does not involve any material alterations to the store, including the service yard and access arrangements; the location, function and operation of servicing will fundamentally remain as previously approved.

It is not anticipated that there will be any additional deliveries compared to the existing schedule, however by allowing for an additional delivery hour in the mornings of Monday to Saturday, it allows Aldi further flexibility for the arrival of deliveries vehicles, which in turn enables staff to restock shelves ahead of the store opening in order to enhance the customer experience by effectively maintaining product availability throughout the trading day and minimising disruption in the car park and the foodstore.

The foodstore has been operating for nearly 2 years under the current delivery restrictions and has received no complaints regarding deliveries to date. It is therefore anticipated that applying to slightly extend these restrictions by an additional hour in the mornings between Mondays and Saturdays would not give rise to detrimental effects upon any nearby local residential properties.

Instrumental to demonstrating this are the recommendations of the submitted Noise Impact Assessment (NIA), prepared by Noise Solutions Ltd. The assessment demonstrates that delivery activity between the hours of 06:00 and 07:00 would result in a BS4142 Rating level of 27dB at the worst affected residential receptor (R2). Compared to the representative background sound level of 40dB LA90, the Rating level is 13dB below the prevailing Background Sound level. Accordingly, the NIA concludes that 'no impact' is anticipated by the proposed delivery hours. Measuring the impact against Kirklees Council's adopted criterion of 35dB demonstrates that the Rating level results in a difference of -8DdB, therefore meeting the locally adopted criterion.

Delivery activity is consequently considered to output noise at a level significantly below the level at which adverse effects would be expected. This equates to 'No Observed Adverse Effect' applying the Planning Practice Guidance on Noise, notwithstanding compliance with Policy LP24 of the Kirklees Local Plan and a demonstrated consideration of residential amenity. The summary of the NIA is that noise impact should not represent a reason for planning permission refusal.

Nonetheless, the applicant is willing to engage in a dialogue with the Council's EHO in order to address any concerns that they may have with these proposals.

Summary

This Section 73 application seeks to vary condition 25 of planning permission 2019/60/92221/E to allow the current delivery restrictions to be slightly extended; which ultimately will allow the delivery restrictions at the existing foodstore to gain an hour in the mornings of Monday to Saturday, as being 06:00-23:00 Monday to Saturday, with no changes to Sundays and Bank Holidays.

The proposals are entirely necessary for the continued operation of the foodstore, as by ensuring the efficient delivery and stocking of goods. This will continue to allow for the occasional earlier deliveries to facilitate staff to restock shelves in time for the store opening, which in itself offers a better shopping experience for the local community which this store serves.

It is for this reason that I expect this modest alteration to the planning permission to be approved without delay, however, should you or the Council's EHO have any queries then the applicant is willing to engage in discussions to ensure that any concerns are addressed satisfactorily.

I look forward to receiving formal validation of this application shortly, but if you have any queries then please don't hesitate to contact me.

Yours sincerely

Tom Clift
Senior Planner
Avison Young

For and on behalf of Avison Young (UK) Limited