



Planning Department,
Ashfield District Council,
Urban Road,
Kirkby-in-Ashfield,
Nottingham,
NG17 8DA

PP-14359343
UK0043237.8851
5 December 2025

Dear Sir/Madam,

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990
(AS AMMENDED) TO VARY CONDITIONS 4, 5, 6, 8, 10 AND 12 OF PLANNING PERMISSION
V/2022/0869 AT THE APPROVED LIDL STORE, SITE OF FORMER HUCKNALL TOWN
FOOTBALL CLUB, WATNALL ROAD, HUCKNALL, NG15 7LP
PP-14359343**

On behalf of Lidl GB Ltd, please find enclosed a Section 73 application to regularise proposed changes to the permitted hours for the loading and unloading of delivery vehicles associated with the approved Lidl store at the site.

The application also seeks to reword conditions that have previously been discharged, so that they become compliance conditions referring to the relevant approved information.

To regularise these changes, the application seeks to vary Condition 4 (Drainage Plans), Condition 5 (Remediation), Condition 6 (Boundary Treatments and External Lighting), Condition 8 (Delivery Times), Condition 10 (Noise Assessment) and Condition 12 (Highways Details) attached to permission ref: V/2022/0869.

In addition to this cover letter, please find enclosed the following documents to support this variation of condition application:

- Variation of Condition Application Form and Certificate;
- Site Location Plan (ref: A-PL-101);
- Noise Assessment, October 2025, prepared by Miller Goodall
- Draft Section 106 memorandum; and
- For information purposes only:
 - Decision notice for planning permission ref: V/2020/0306 ie the Original Permission;
 - Decision notice for planning permission ref: V/2022/0869 ie the Section 73; and
 - Decision notice for planning permission ref: V/2020/0131 ie the Kirkby in Ashfield Aldi Extension.

The planning application fee of £2,000 has been paid online via the Planning Portal (ref: PP-14359343).



BACKGROUND AND SITE CONTEXT

SITE CONTEXT

The application site extends to approximately 0.9ha and is located at the junction of Watnall Road (B6009) and the A611 in Hucknall. It previously accommodated part of the Hucknall Town Football Club (HTFC) ground, and is broadly where the existing club buildings and car parking/hardstanding were located.

The site is located approximately 1.3km west of Hucknall Major District Centre and 1.0km west of the Watnall Road Local Shopping Centre, which adjoins the Major District Centre. It is located at the junction of key north-south / east-west routes into Hucknall and in an area characterised by mixed use development.

The site is adjacent to recently constructed residential development to the northwest and southwest, albeit the approved store will be separated and screened by parking and / or close boarded fencing. Land on the opposite side of the B6009 Watnall Road, to the east and southeast of the site is occupied by commercial and industrial units, including a Texaco petrol filling station.

PLANNING HISTORY

THE SITE

In July 2022 full planning permission was granted at the site for the 'Demolition of Existing Building and Creation of Food Store (A1), Access, Landscaping and Associated Infrastructure' (ref: V/2020/0306). Condition 8 of this original permission stated:

"The loading or unloading of delivery vehicles shall not take place between 11:00pm to 07:00am Monday to Sunday."

The above planning permission was then varied via a Section 73 application (ref: V/2022/0869), which was granted on 15 August 2024 to slightly reconfigure the site and reduce the footprint of the approved building.

The decision notice included the following revised condition:

"8. The loading or unloading of delivery vehicles shall not take place between 11:00pm to 07:00am Monday - Sunday and not at any time on Bank Holidays."

On 4 December 2024, a Non-Material Amendment application was approved (ref: V/2024/0503) relating to further minor alterations to the Gross Internal Area floorspace, landscaping, and elevational treatment.

Most recently, a Non-Material Amendment application (ref: V/2025/0540) was approved on 23 October 2025 to regularise changes to the electric vehicle charging spaces, trolley bay, flip flap door, rainwater pipe locations, 8 permeable bays, additional bollards, new pedestrian access and a new rear retaining wall.

Please note that all pre-commencement conditions associated with the approved scheme have been discharged and construction is progressing on site.



OTHER RELEVANT HISTORY

Other relevant planning history includes planning permission ref: V/2020/0131 at the Aldi store in Kirkby in Ashfield for an extension to the existing food store. The decision notice included Condition relating to delivery times, the full wording of which can be read below:

“The loading and unloading of vehicles shall only take place between 07:00 hrs and 22:00 hrs Monday to Saturday and 08:00hrs to 20:00 hrs Sundays. There shall be not delivery vehicles present on the site outside these hours.”

PROPOSED AMENDMENT

In working up the proposed operations of the store, Lidl have raised concern with the restrictions imposed upon them by Condition 8 with respect to no deliveries being able to take place on Bank Holidays. This Bank Holiday restriction would create a considerable challenge for Lidl because it would give them only one hour on the morning after a Bank Holiday to work stock before opening, which would affect product availability.

As a result, Lidl are seeking greater operational flexibility to ensure that deliveries and stock management can be carried out efficiently, safeguarding the freshness and range of products available to customers while maintaining compliance with the Council’s expectations regarding noise and disturbance.

The proposed amendment to Condition 8 (which would allow deliveries to take place on bank holidays between 9am and 7pm) aims to address this operational difficulty by allowing deliveries at times that better support the store’s logistical needs, without undermining the purpose of the restriction or causing adverse impacts on local amenity.

Separately, this application also seeks to “tidy up” the consent by amending the wording of Conditions 4, (part of) 5, 6 and 12 to compliance conditions. This is to reflect the fact that these conditions have already been discharged, and as such, information satisfying their requirements has been considered and approved by the Council.

PRE-APPLICATION DISCUSSIONS

No formal pre-application discussions have been entered relating to the current proposals, due to the minor nature of the amendment. However, the Council’s Planning Team (Sophie Sales, Technical Planning Officer) advised via email that the proposal should be dealt with via a Section 73 application, rather than a non-material amendment application.

PROPOSED CONDITION WORDING

The following sets out our proposed amendments to Conditions 4, 5, 6, 8, 10 and 12 (as indicated in red).

CONDITION 4

“The development hereby permitted shall ~~not commence (excluding demolition and site clearance works) until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority be carried out in accordance with the following plans as approved under application ref: V/2025/0541:~~

- Combined Topo Survey, Proposed Levels, Hard-Standing and Drainage (ref: SY468-000-L FINAL);
- Proposed Site Finishes (ref: AD_122);
- Drainage Layout with Infiltration Rev P02;
- Flood Risk Assessment and Drainage Strategy (22 September 2023); and
- Additional Soakaways and Ground Water Monitoring letter (4 January 2023).

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.”

CONDITION 5

~~“No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.~~

~~The scheme shall include:~~

- ~~i. A site investigation scheme, based on the Desk Study already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;~~
- ~~ii. The results of the site investigation and detailed risk assessment referred to in (i) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;~~
- ~~iii. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete to a satisfactory standard; and~~
- ~~iv. A monitoring and maintenance plan, setting out provisions for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action.~~

The contamination remediation works shall be carried out in accordance with the **approved details approved under application ref: V/2024/0619 (Part 1: Remada Remediation Strategy Report No: 896.03.03 February 2025, and Remada Supplementary Ground Investigation Report No: 896.07.01 February 2025)** and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- a) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
 - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Or
 - ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.additional land contamination shall be fully remedied prior to the first occupation of the development.

b) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.”

CONDITION 6

~~“The unit shall not be occupied until full details of the sites boundaries treatments and external lighting have been submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatments and external lighting details as approved under application ref: V/2025/0541 and set out below shall thereafter be implemented in accordance with the agreed details and within an agreed time frame prior to the occupation of the store:~~

- Proposed Site Plan (ref: AD_120);
- Boundary Treatment Plan (ref: AD_125)
- External Work Details Sheet 1;
- External Works Details Sheet 2
- Drawing No.A-PL-107 Rev B; and
- Drawing No.A-PL-109 Rev.D.”

CONDITION 8

“The loading or unloading of delivery vehicles shall not take place between 11:00pm to 07:00am Monday - Sunday and ~~not at any time 7:00pm and 09:00am~~ on Bank Holidays.”

Condition 10

“The recommendations set out in section 10 of the Noise Assessment by Miller Goodall dated the ~~April 2020~~ ~~October 2025~~ shall be fully adhered to”

Condition 12

~~“Details of t~~The highways access works shall be submitted to and approved in writing by the Local Planning Authority and as approved under application ref: V/2025/0317 and shown on the approved Proposed Access Plan and S278 General Arrangement Plan shall be fully implemented prior to the store opening. For avoidance of doubt, these works include the following:

- a) The site access and the junction with Watnall Road, as indicatively shown on VN91493/ D110 Rev E, to include a right turn ghost island with two pedestrian refuges with demountable street furniture.
- b) The improvements to the A611 roundabout, as indicatively shown on VN91493/ D110 Rev E.
- c) A 2.7 metre shared route to the west of the access.”

Section 106 Agreement

Although the original permission was subject to a Section 106 Agreement, a Deed of Variation is not necessary as the proviso wording at clause 2.4 allows for the application of the Section 106 agreement to future planning permissions (which would include those granted under Section 73) subject to that being agreed between the relevant parties, with a memo to that effect being placed with the original agreements. As such, a draft S106 Memorandum is submitted with this application.

PLANNING POLICY CONTEXT

Local Planning Policy

ASHFIELD LOCAL PLAN REVIEW (ALPR) SAVED POLICIES (2002)

Whilst the ALPR remains the statutory Development Plan, a number of its policies have been superseded by the NPPF and, therefore, the weight attributed to the 'saved' ALPR policies will depend on their consistency with the NPPF. Key policies are set out below:

- Policy ST1 – Development, highlights that development will be permitted where it does not conflict to other policies in the local plan, it will not adversely affect the character, quality, amenity or safety of the environment, highway safety, it will not prejudice the comprehensive development of the area and it will not conflict with adjoining or nearby land use,
- Policy ST2 – Main Urban Areas, states that development will be concentrated within the main urban areas of Hucknall.
- Policy SH8 – Commercial / retail development, states development will be permitted where design and signage is acceptable, adequate parking is provided with safe and convenient vehicle/pedestrian access, landscaping complements and enhances appearance and security measures do not adversely affect the character of the area.

EMERGING LOCAL PLAN

Ashfield District Council are in the process of preparing a new Local Plan that will run from 2023 – 2040. The status of the emerging Local Plan is in 'Regulation 19 – pre submission draft', with the relevant consultation taking place between December 2023 and January 2024. Given the status of the emerging plan, only very limited weight can be afforded to its draft policies. However, we have reviewed the pre-submission draft and have identified the policies below as being of most relevance to the proposal:

- Policy EM1 - Business and Economic Development, states that the Council assigns significant weight to proposals for business development, which provide for, or assist the creation of new employment opportunities and inward investment.
- Policy SD3 – Amenity, seeks to safeguard the conditions for users or occupants of adjoining or nearby properties, and future users/occupants of new development proposals.
- Policy SD9 – Environmental Protection, requires development to be sited and designed so to avoid adversely impacting upon health, living conditions, the natural environment, dust, noise, vibration, smell, light or other forms of pollution.



National Planning Policy

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2024)

The NPPF emphasises the importance of sustainable development and sets out the core planning principles guided by the Government's planning policies. Under paragraph 11, development proposals that accord with an up to date development plan should be approved by delay.

Section 6 of the NPPF seeks to build a strong, competitive economy. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Section 12 relates to achieving well designed places, and paragraph 135 (f) requires policies and decisions to ensure that developments create a high standard of amenity for existing and future users.

Section 15 seeks to conserve and enhance the natural environment. Paragraph 198 (a) requires planning policies and decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

PLANNING CONSIDERATIONS

Principle of Development

The extant planning permission (ref: V/2022/0869) for a food store on the site, has already firmly established the principle of Class E use, confirming that the food store operations and the associated servicing and deliveries are acceptable.

The current application seeks only to return the wording of the condition to its original format, rather than introducing any new use or intensification beyond what was previously approved.

The original permission (ref: V/2020/0306) was not subject to any restrictions preventing bank holiday deliveries. This was only introduced through the approval of the Section 73 scheme (ref: V/2022/0869), although from a review of the relevant report, submitted noise information and environmental health consultation response, there is no justification as to why the amendment was made. The food store could be built out and operate under the original permission without any restrictions on Bank Holiday deliveries and this represents a genuine fallback position and material consideration for this application.

Delivery restrictions can undermine the Lidl's ability to provide a consistent and reliable shopping experience. If customers encounter empty shelves or reduced product choice during peak periods, they may turn to competitors or online alternatives. This is especially relevant as shopping habits evolve, with more consumers expecting seamless availability. Therefore, it is important for Lidl that they are able to avoid this issue by receiving deliveries on bank holidays.

The amendment to the restriction is considered reasonable and proportionate, given the fallback position and that similar food stores elsewhere in Ashfield - such as the extension associated with the Aldi store at Kirkby in Ashfield, which sits within a similar context and is close to residential development - are not subject to comparable limitations (please see the enclosed permission for



an extension to this Aldi store, with no bank holiday restrictions attached ref: V/2020/0131). This demonstrates that Bank Holiday deliveries are consistent with local practice and can be acceptable.

In light of the above, we consider the proposal to be acceptable in principle and the approval of this application would align with the principles and aspirations of paragraph 85 of the NPPF and draft policy EM1 (Business and Economic Development) of the Ashfield Emerging Local Plan.

Residential Amenity

Delivery restrictions are often imposed in the interests of protecting residential amenity, in particular with respect to noise. At the time of the original approval the residential development to the north had been approved and was a material consideration in determining the conditions associated with planning permission V/2020/0306, when a restriction on Bank Holiday deliveries was not deemed necessary.

Although the context has not changed, to provide a robust assessment this application is supported by a Noise Assessment prepared by Miller Goodall to demonstrate that the proposal is acceptable in this respect.

The noise assessment associated with the original planning permission V/2020/0306 (Miller Goodall report ref: 102240_V2, dated May 2020) was undertaken during Covid-19 restrictions and therefore relied upon historic 2013 baseline data from another consultancy. As new dwellings have since been built adjacent to the site, updated baseline noise monitoring has been undertaken to provide representative current conditions, namely Sunday background noise levels. These are considered representative of conditions on a Bank Holiday Monday.

Predicted noise levels from delivery operations have been compared against the new measures background sound levels in accordance with BS 4142:2014 + A1:2019. The results show that the worse case Rating Level is 53 dB $L_{A90,T}$. The resultant -4 dB difference indicates a low noise impact within the context of the site. Accordingly, it is considered that allowing Bank Holiday deliveries between 09:00 and 19:00 would not give rise to adverse noise effects and should not prevent approval of the proposed variation of Conditions 8 and 10.

Furthermore, the servicing of the store will be undertaken via the front, with vehicles accessing through the car park. As such, the residential properties to the rear (north) of the store benefit from screening from servicing activity by the store itself. The other residential properties near to the site are on the opposite side of the A611 to the site.

Given that there were previously no bank holiday delivery restrictions attached to the original permission, and that the enclosed updated Noise Assessment demonstrates that the proposed amendment would not result in adverse noise effects, we consider the proposals to comply with paragraphs 135 (f) and 198 (a) of the NPPF, Policy ST1 and draft Policy SD3.

CONCLUSION

The application seeks to vary Conditions 4, 5, 6, 8, 10 and 12 of planning permission ref: V/2022/0869 to enable deliveries on bank holidays and to “tidy up” the consent to reflect information that has been approved previously via the discharge of conditions. The submitted information demonstrates that the proposed amendments are acceptable in principle and that they will not result in any adverse impact on amenity.



The proposals comply with the NPPF, saved policies of the adopted Local Plan, and draft policies of the emerging Local Plan, and as such we trust that the application can be supported.

We look forward to receiving confirmation of the validation of the application. However, if you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Fraser Dann', written in a cursive style.

Fraser Dann
Associate Planner