

<b>Committee Date</b>	20/10/2020	
<b>Address</b>	The Porcupine, 24 Mottingham Road, Mottingham, London, SE9 4QW	
<b>Application number</b>	19/01670	<b>Officer</b> Jessica Lai
<b>Ward</b>	Mottingham and Chislehurst North	
<b>Proposal</b>	Full planning permission for the demolition of the existing public house and erection of an A1 retail foodstore, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.	
<b>Applicant</b>	Lidl Great Britain	<b>Agent</b> Ms Laura Beech
<b>C/O Agent</b>		Ms Laura Beech Walsingham Planning Brandon House King Street Knutsford WA16 6DX
<b>Reason for referral to committee</b>	Major Development, Outside Delegated Authority	<b>Councillor call in</b> Yes

<b>RECOMMENDATION</b>	<b>Permission, subject to a S106, 278 Legal Agreement and planning conditions.</b>
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#### **KEY DESIGNATIONS**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 28  
Mottingham Local Centre

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Public house - Sui-generis	Total floor area: 620
Proposed	Retail – Class E	Retail floor area: 749 Total floor area: 1,380

<b>Vehicle parking</b>	Existing number of spaces	Proposed number of spaces	Difference in spaces (+ or -)
Standard car spaces	16	29 (33 in total including disabled and parent and children priority spaces)	+17
Electric charging point	0	7 active and 7 passive	+14
Disabled car spaces	0	2	+ 2
Parent and children priority spaces	0	2	+ 2
Cycle	0	26	+26

<b>Representation summary</b>	<p>298 neighbouring properties were consulted on the 5<sup>th</sup> June 2019.</p> <p>Following on from this a further 14 day re-consultation letter was sent on the 6<sup>th</sup> August 2020.</p> <p>A site notice was placed at the site and the proposal was advertised in the press with an advert dated the 19<sup>th</sup> June 2019.</p>
Total number of responses	404
Number in support	67
Number of objections	335
Number of comments	2

## REPORT UPDATE

This application was withdrawn without prejudice by the Assistant Director of Planning from the Development Control Committee on the 21<sup>st</sup> May 2020. The reason for withdrawal was due to the publication of new statutory Government guidance in respect of local authorities on managing their road networks in response to the coronavirus (COVID-19) outbreak and its implication in assessing a planning application. Whilst the proposal would increase the width of the public pavement on the southern side of Mottingham Road, the reduction of the public pavement width on the northern side of Mottingham Road had raised concerns at the time the application was due to be determined, in light of the very recent government guidance. The Assistant Director of Planning considered that this matter should be considered prior to a formal decision being made. Additionally, an independent highway consultant was appointed to review the highway aspects of this proposal due to the continuing concerns raised.

Glanville were appointed by the London Borough of Bromley to provide an independent review of the transport information submitted to the Council in support of this planning application. The Glanville's Independent Transport Document Review was published on the 31<sup>st</sup> July 2020. Glanville have also undertaken independent traffic surveys in September 2020 at the request of the Council. Glanville have published a further Independent Transport Update document (dated 2<sup>nd</sup> October 2020) which outlines their independent findings including a review of the Transport Technical Note 05 (dated August 2020) submitted by the applicant, in response to the queries. The following additional documents have been received since the application was deferred at the last DCC meeting on the 21<sup>st</sup> May 2020:

- Glanville's Independent Transport Document Review document dated 31<sup>st</sup> July 2020 (Appendix 1);
- Transport Technical Note 05 dated August 2020 (Appendix 2); and,
- Glanville's Independent Transport Update document dated 2<sup>nd</sup> October 2020 (Appendix 3).

This application was withdrawn by the Assistant Director of Planning in an earlier Development Control Committee on the 28<sup>th</sup> January 2020 and deferred on the 18<sup>th</sup> March 2020 for the following reasons:

- Carbon reduction;
- Highway issues; and,
- Marketing of the property.

The original report is updated below.

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 This report considers the re-submission of the full planning application for the redevelopment of the site to provide a new retail store within Mottingham Local Centre. An earlier application for a retail store with a larger retail shopping floor area was dismissed at appeal at a public inquiry in December 2014.
- 1.2 Any new development will have an impact upon the social, economic and environmental situation, including any potential highways impacts. In striking a planning balance, the relevant issues outlined in the previous planning appeal decision, the updated development plan including the new statutory guidance under a three month rolling review issued by the Secretary of State for Transport are all relevant in considering and determining this application.
- 1.3 An independent highway consultant was appointed by the Council to review the information submitted by the applicant in the support of this application. New independent traffic surveys (speed survey, turning count, queue length and parking beat survey) were also commissioned by the independent consultant in September 2020 which concludes the transport assessment submitted by the applicant to the Council including the responses to the findings and recommendations outlined in the Independent report, remains appropriate and acceptable in highway terms.
- 1.5 To ensure highway safety, the existing visibility splays need to be improved for new development and this includes any possible re-use of the site as a public house. This is due to its proximity to the War Memorial roundabout and its existing siting and arrangement. The detail of proposed access arrangements and footway dimensions on both sides of Mottingham Road are provided and this addressed the concerns raised by the previous Planning Inspector within their appeal decision in December 2014.
- 1.6 The Government statutory guidance published on the 9<sup>th</sup> May 2020 (updated on the 23<sup>rd</sup> May 2020), entitled "*Traffic Management Act 2004: network management in response to COVID -19*" is guidance under a rolling 3 months review by the Government. This sets out high-level principles to help local authorities to manage their roads and what actions they should take. It requires consideration to be given towards widening footways to encourage pedestrian use. The reduction of pavement width on the northern side of Mottingham Road complies with the national design guidance and the Pedestrian Comfort Guidance document published by Transport for London. The proposed footway reduction on the northern side of Mottingham Road assessed in isolation could be considered to conflict with the objectives of new Covid 19 government guidance. However, consideration must be given to ensuring that a suitable carriageway width is retained and that appropriate visibility splays are provided to maintain highway safety, and it should be noted that the pavement width on the southern side of Mottingham Road would be increased. As part of this proposal, an improved pedestrian island will be provided. Assessed overall,

the proposal would provide an overall improvement to the highway environment in the area and is thus not considered be in conflict with the new guidance. In view of proposed use and the likely intensity of visits to the site, officers considered that it is essential to ensure an acceptable level of highway safety on both sides of the carriageway and public pavement can be maintained. It is on balance considered that the realignment and adjustment work on both sides of Mottingham Road would be acceptable.

- 1.7 The site has a historic and an established use as a public house and has been vacant since 2013. The site was included on the Council's Assets of Community Value list between 2013 and 2018. However, the listing was removed after a period of 5 years since 2018. Whilst the opportunity to re-use the site as a public house would be lost, the proposed development would contribute to the vitality and viability of Mottingham Local Centre bringing a derelict site back into active use. The proposal would create job opportunities and a degree of competition between the existing convenience shops in the Local Centre. The proposal would provide more shopping options in Mottingham and in turn would improve the availability of quality and services and products in Mottingham. This accords with development plan policies.
- 1.8 The application site was placed on the market and there have been no offers or successful parties to undertake the site and/or revert the site back to its former use. The viability assessment has been assessed and agreed by an independent viability consultant who has confirmed that the site is not viable as a public house.
- 1.9 The application is accompanied by an air quality assessment and noise impact assessment. Subject to the recommended measures as specified in the assessments including operating hours, servicing and delivery hours, the proposal is considered acceptable by the Council's Environment Health Division. The opening hours, servicing and delivery including the size of vehicles and routes will be managed by planning conditions to ensure any harm arising from this proposal can be mitigated to an acceptable level without causing any significant harm to the residential amenities enjoyed by the neighbouring properties.
- 1.10 Subject to the improvement works to the existing pedestrian island, a planning obligation to review and amend the waiting restrictions in the area and the planning conditions suggested, it is considered that the proposal would be acceptable.

## **2. LOCATION**

- 2.1. The site (The former Porcupine Inn) measures approximately 2,581sq.m in area and is located on the south-western side of Mottingham Road near to the War Memorial roundabout. The site was first opened in 1688 as a village pub. The existing building is a part single and part two storey building with a former beer garden to the rear and an off-street parking area in the forecourt. The building was constructed in the 1920s after the First World War.



**Fig.1 Existing site plan**

- 2.2. The former public house ceased trading in 2013 and the site has been vacant for seven years. The property was registered as an Asset of Community Value (ACV) in 2013 for a period of 5 years and this status expired in 2018. At present, the site is secured by wooden panels and it was illegally occupied by travellers in August 2016 for a short period of time.
- 2.3. The site is adjoining a motorcycle showroom to the north and residential properties to the south and west. Opposite the site is Mottingham Library. The application property is not a listed building and the site is not located within a conservation area. The War Memorial at the roundabout is Grade II listed.
- 2.4. The site forms part of the Mottingham Local Centre in the Proposal Map. The site is located in a suburban area and surrounded by low rise buildings which range between single to three storeys in height. The site is also surrounded by a mixture of residential and commercial buildings.
- 2.5. Mottingham Road is a classified road (A208/B226) which runs between Orpington and Mottingham connecting the Borough north to the Royal Borough of Greenwich. The public transport accessibility of the site is rated

at 2 on a scale between 0 to 6b, where 0 is worst and 6b is Best. The application site is located within Flood Zone 1 and is not subject to surface water flooding. Mottingham Road and its surrounding highway network are subject to surface water flooding. There are two TPO trees in the former beer garden.

- 2.6. The geometry of the War Memorial Roundabout has not changed since the 2014 planning appeal scheme was determined. The site does not form any part of the Green Chain Walk or any designated cycle route in the Borough. There are 11 sections of the Green Chain Walk in South East London and 12 designated cycle routes in the Borough. The closest Green Chain Walk and designated cycle routes are located to the north of the War Memorial roundabout along West Park.



Fig 2. Green chain walk



Fig 3. Cycle route

### 3. PROPOSAL

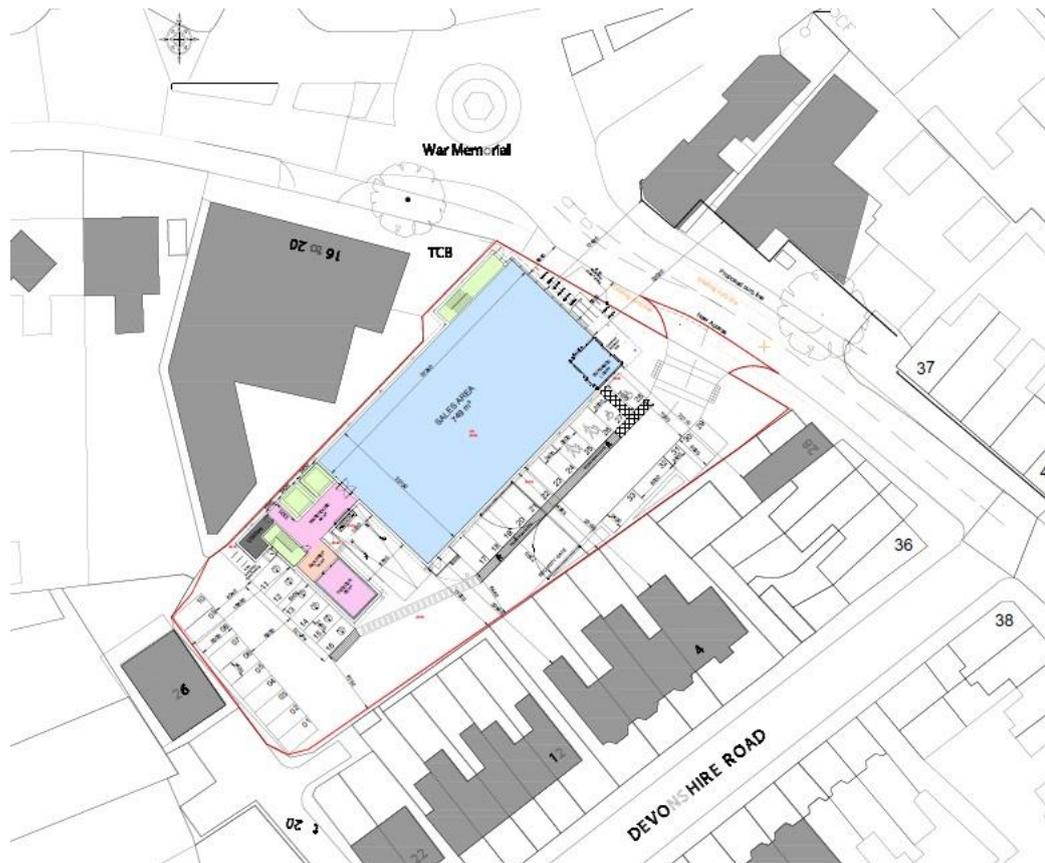
- 3.1. Full planning permission is sought for the demolition of the former Porcupine Inn building and erection of a part single and part two storey building to provide a retail unit (Use Class Order Class E), to be occupied by Lidl.
- 3.2. The proposed building would measure 20 metres in width, 9.4 metres in height with a maximum of 49 metres in depth including the loading bay. The breakdown of the proposed internal floor area is as follows:

#### *Ground floor*

- Sales area measuring approximately 749sq.m
- Internal stairs, lifts, utility, freezer area and bakery area measuring 179sq.m

#### *First Floor*

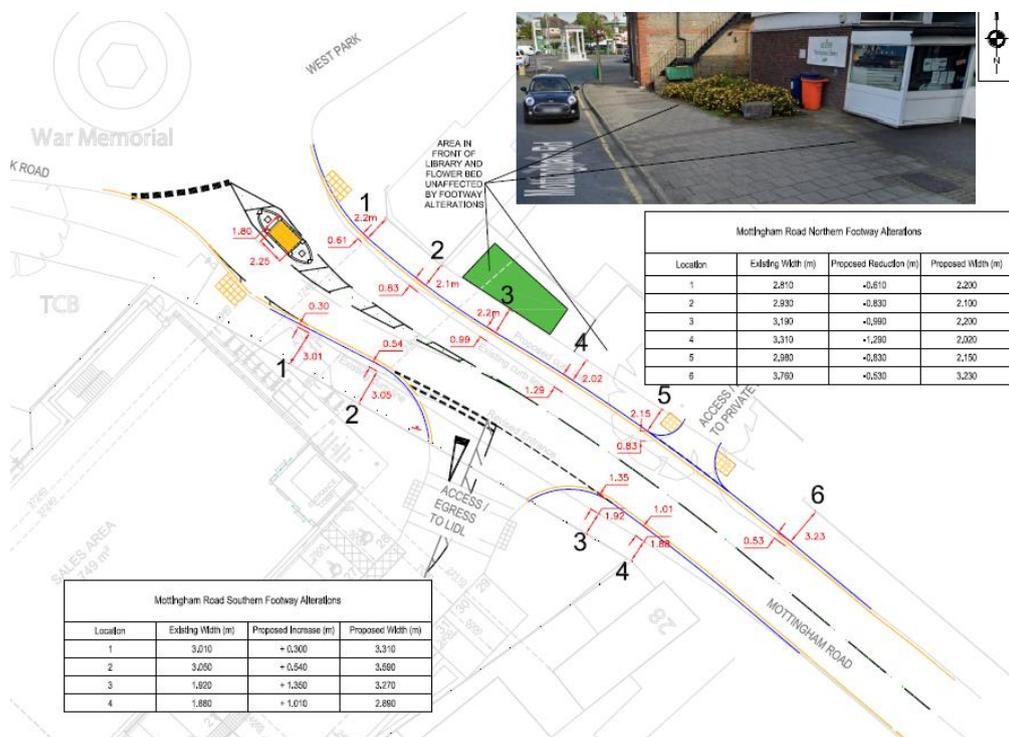
- Manager's office, toilets, welfare, stairs, lift and warehouse measuring 452sq.m



**Fig 4. Proposed site plan**

- 3.3. The proposed opening hours will be between 08:00 and 22:00 Monday to Saturday, between 10:00 and 16:00 on Sunday. The proposed delivery hours will be between 08:00 and 21:00 Monday to Saturday, between 10:00 and 16:00 on Sunday. No overnight deliveries will take place.
- 3.4. Goods vehicles are subject to road width and delivery hours restrictions in London. The London Lorry Control Scheme controls the movement of heavy goods vehicles on specific roads in the London. The scheme prevents goods vehicles exceeding a specific gross weight travelling on the identified residential roads at night hours and at weekends to minimise noise disturbance to residents. This is an established practice for which a permit will be required for goods vehicles exceeding the prescribed sizes and for delivering during the restricted hours.
- 3.5. It is anticipated that up to 2 deliveries per day using larger delivery vehicles (over 18 tonnes in weight and 10 metres in length) via Court Road (A208) would be required.
- 3.6. The weight restrictions on Court Road are 16.5 tonnes and a permit will be required during the restricted hours between 9pm and 7am, 9pm to midnight on Monday to Friday; between Midnight and 7am, 1pm to midnight on Saturday; and at any time on Sunday. No deliveries are proposed during the earlier or late hours on weekdays. A permit will be required for deliveries at the weekends (between 1pm and 9pm on Saturday, between 10am and 4pm on Sunday).

- 3.7.** The applicant has agreed that a planning condition be attached which limits the delivery hours and any required permits for deliveries on Sundays or within the restricted hours will be obtained and these details will be finalised and secured through a planning condition.
- 3.8.** The applicant has advised that smaller sized delivery vehicles 18 tonnes (10 metres in length) can be used for this site, in response to the concerns raised by the residents. However, the number of deliveries will be increased up to 3 to 4 times per day and this is not preferred. The delivery route can be via Court Road (A208) or Mottingham Road (B226) using the existing highway network.
- 3.9.** It is anticipated that an average of 9 employees would be travelling to and from the site on a given day with a maximum of 5 to 7 employees being on site at the same time.
- 3.10.** The proposed vehicular access would achieve the required sightline of 2.4 metres x 43 metres. A “Keep Clear” road marking would be laid out at the vehicular entrances to the site. The road and footway near the proposed access route would be adjusted. The footway on the southern side of Mottingham Road would be increased between 0.3 metres and 1.35 metres. The footway on the northern side of Mottingham Road would be reduced between 0.53 and 1.29 metres. No part of the footway would be below 2 metres as recommend in the Manual for Streets including the TfL guidance. A replacement pedestrian refuge island of a larger size with tactile paving would be provided and this would measure 1.8 metres deep and 2.25 metres wide. The existing street lighting would be replaced under a S278 highway works agreement.



### Fig 5 Proposed realignment works on both side of Mottingham Road

3.11. A mature tree adjacent to the Mottingham Library was removed in 2017 and this area of highway land is planted with flowers measuring approximately 3.7 metres wide and 7.2 metres deep, occupying part of the existing pavement.



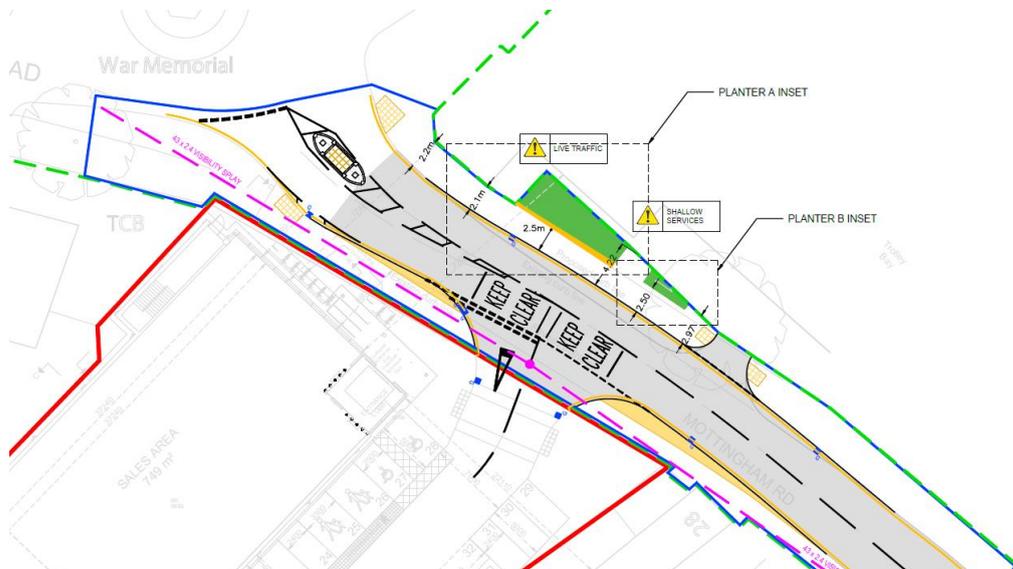
Fig 6. Removed tree adjacent to Mottingham Library in 2017 (left).  
Fig 7. View towards War Memorial Roundabout from Mottingham Road (right).

3.12. The Mottingham library boundary is outlined in red and the extent of highway land is shown below.



Fig 8. Mottingham Library boundary

3.13. The applicant's Technical Note 05 suggested that the existing planting area on the northern side of the pavement can be re-shaped enabling a wider footway and some additional planting could be incorporated. No part of the pavement would be below 2.1 metres in width. It should be noted that this is an indicative plan which shows the footway can be further widened, should the Council require this, subject to S278 agreement.



**Fig 9. Suggested works on the northern side of Mottingham Road.**

3.14. A car park providing 33 parking spaces including 14 electric charging points (7 active and 7 passive), 2 disabled spaces and 2 parent with children priority spaces would be provided.

3.15. The parking spaces would be free for customers for a maximum period of 90 minutes and there is no return in one hour. An in-store validation machine would be installed for customers to register their car plate. The car park will be monitored by an automatic number plate recognition (ANPR) technology to monitor and manage the car park.

3.16. The car park gate would be opened and closed daily by an employee around an hour before and after the opening hours. This restriction would also be sign posted in the car park.

3.17. Twenty-six cycle storage spaces (6 long stay and 20 short stay) would also be provided.

3.18. Six lighting columns measuring 6 metres high would be installed in the car park. Eight wall mounted lights and four down lighters would be attached on the proposed building. The existing trees including two TPO trees would be removed and replaced by replacement planting and landscaping.

#### **4. RELEVANT PLANNING HISTORY**

4.1. 87/01716/FUL – granted on 20.07.1987.  
Single storey rear extension.

- 4.2. 89/02541/FUL – refused on 30.010.1989.  
Retrospective full planning application for the use of public house forecourt for stationing of flower stall.
- 4.3. 07/03543/FULL1 – granted on 26.11.2007.  
Erection of a jumbrella and a megasol in outside drinking area at rear.
- 4.4. 13/01377/DEMCON – refused on 24.06.2013.  
Prior approval for the demolition of public house.
- 4.5. 13/04160/FULL1– refused on 20.02.2014 and subsequent planning appeal was dismissed on the 16.12.2014.

Demolition of the Porcupine public house and erection of a two storey building to provide a retail foodstore comprising 800sqm sales area with ancillary storage, office, servicing area and 35 car parking spaces.

## 5. CONSULTATION SUMMARY

### A) Statutory

- 5.1. Historic England – (Listed building): **No objection**  
Historic England do not consider that it is necessary to be notified about this application.
- 5.2. Historic England – (Archaeology): **No objection**  
The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are required.
- 5.3. LB Bromley – Highway: **No objection**

The following update comment is received following the Glanville's reports:

Consultants Glanville were appointed to give an independent review of the transport information provided in support of the planning application for the re-development of the former Porcupine Inn in Mottingham into a new Lidl food store. Their report, Transport Document Review, raised a number of queries and Lidl's Transport Consultants, SCP, provided Technical Note 05 responding to Glanville's report.

Glanville also carried out traffic surveys which were presented in their Independent Transport Update (Oct 2020). This also included a response to SCP's Technical Note 05.

One recommendation was that a "Keep Clear" marking should be installed at the access. That is accepted and can be included within the s278 drawings if the application is permitted.

Glanville's Independent Transport Update concludes "*SCP has produced a response to Glanville's review of the Transport Assessment. It is considered*

*that this report provides an appropriate response to the queries and recommendations outlined within Glanville's review and that there are no safety issues associated with the proposals.*

*It is therefore concluded that the assessment undertaken by SCP on behalf of LIDL remains appropriate and that the conclusions within the Transport Assessment remain acceptable."*

Two issues have arisen during the review process.

#### 1. Deliveries

During the review process 2 servicing strategies were identified. The first option was for a larger vehicle to access the site via Court Road and the second was for a smaller vehicle to use Mottingham Lane which would increase the overall number of trips. Lidl and Glanville indicated a preference for the first option which I would agree with. A Delivery and Servicing Plan would be conditioned as part of any permission in which the details of the servicing strategy would be agreed.

#### 2. Pavement widths in Mottingham Road

Following the proposed narrowing of the footway on the northeast side of Mottingham Road, the narrowest parts of the footway will be in front of no 29, the building on the corner, and the adjacent planter. The footway will be in excess of 2m along this stretch. Once past the planter there is the area in front of the library which, including the footway, extends to some 10m deep. The width along this section is in excess of the minimum footway width given in Manual for Streets and I am not aware of any corporate direction which this contravenes. I am not sure that that this would form a sustainable ground of refusal. If permission is forth coming, please include all the former conditions including the s278 and s106 items.

The original highway comment is re-attached as follow:

Mottingham Road is part of the B226 and a London Distributor Route. The previous application was dismissed at appeal due to the sub-standard sightlines at the proposed access.

#### *New access*

It is proposed to close up the existing accesses to the site and replace them with a single more central access. In order to achieve the required sightline of 2.4m x 43m to the right of the access, it is proposed to adjust the road alignment by building out the footway in front of the proposed store and reducing the footway on the opposite side of the road. Detailed dimensions have been provided which indicates that a minimum 2 metres footway will remain in front of the library in accordance with the recommended width for a footway in Manual for Streets. This is in addition to the private open space in front of the library. The road marking details have also been updated.

There do not seem to be any technical reasons why the road alignment cannot be amended. Should planning permission be approved, the development should be subject to a Stage 2 Road Safety Audit and the applicant will need to enter into a S278 agreement for the highway works to be carried out.

The Stage 1 Road Safety Audit raised a number of issues mostly relating to the detailed design issues, missing information and the crossing of the site access which can be dealt with during the detailed design process. A zebra crossing was initially proposed to replace the existing pedestrian crossing. This has now been superseded and the applicant has put forward the option to widen the pedestrian refuge to 1.8 m deep and 2.25 metres wide which will significantly enhance pedestrian safety.

### *Servicing*

Servicing and deliveries will take place from 08:00 to 21:00 on Monday to Saturday and from 10:00 to 16:00 on a Sunday. A Delivery, Servicing and Waste Management Plan condition should be attached, should permission be recommended. The swept path for the delivery vehicles shows vehicles would occupy both carriageways of Mottingham Road. This was considered acceptable in the previous appeal decision and there were large vehicles serving the former pub.

### *Parking*

The parking ratio in the current application is identical to the previous appeal scheme which was considered acceptable. The site is within a low PTAL area with 3 bus routes. The TRICS data indicates that the highest car park accumulation occurs on Saturday with 34 parked vehicles. It is noted that the car park is subject to a maximum stay of 90 minutes. There is a high demand for on-street parking and there is no public car park in the area. The parking stress survey has been carried out within 500m from the site and a further survey within 200m during the 2 peak periods (17:00-18:00 Thursday and 12:00 to 13:00 Saturday) was carried out and this indicates the availability of on-street parking spaces are low. There is no mention if people are making linked trips. There is a waiting restriction in the vicinity on Monday to Saturday between 8:30am and 6:30pm. Should permission be recommended, the waiting restriction in the area will need to be monitored and reviewed. This cost (£5,000) should be met by the applicant.

## **B) Local Groups**

### **6. Royal Borough of Greenwich (Planning) – No objection**

The Royal Borough has formally considered the matter and raises no objection. The Council has no further observations to make.

**6.1. Royal Borough of Greenwich (Councillors John Hills, Matt Hartley and Roger Tester) – **Objection****

Objection is raised to the proposal on the following grounds:

- A significant and unacceptable increase in traffic congestion;
- Increased danger to pedestrians from lorries and cars turning in to and out of the proposed store in particular, a risk to pedestrian using the Library;
- Loss of amenity to residents from increased parking difficulties and insufficient parking spaces;
- The removal of two protected trees; and,
- An unreasonable loss of business to several local independent businesses who sell food and other products, and the consequent damage to the local economy.

**6.2. Member of Parliament – Sir Bob Neill MP - **Objection****

Objection is raised to the proposal. A similar proposal was refused and dismissed in 2014. The pub was considered as a valued community facility. There are more residents whom object to the proposal than support it. Many within this local community believe that the applicant has cynically and deliberately allowed the site to fall into disrepair in order to make the redevelopment more appealing. The viability assessment indicates that the applicant has received offers in the past 5 years as well as interest registered by the Porcupine Development Committee. The applicant has refused to positively engage with local residents. The proposal would have an impact on local businesses and result in the removal of two protected trees. The proposal would fail to demonstrate a safe and suitable access can be achieved. The proposal would result in a considerable increase in the volume and character of traffic and the changes of footway would be to the detriment of pedestrian safety. 33 parking spaces would be insufficient. The proposal would have an impact on the neighbouring residents in terms of noise from the car park early in the morning and late at night. The proposal would threaten the character of Mottingham Village and viability of local independent business. Planning permission should be refused.

**6.3. Bromley Councillor – David Cartwright - **Objection****

Objection is raised to the proposal on grounds of road safety, traffic congestion, lack of local parking, need for retail unit, loss of local history, surface water flooding, noise and light pollution to the residential properties in the late evening. There are utilities under the public pavement, and it is not suitable for heavy vehicles to traverse this area without causing damage to the service main. There has been significant and regular flooding in the area of Mottingham Road stretching from the War Memorial roundabout to Devonshire Road.

#### **6.4. Bromley Councillor – Will Rowlands - Objection**

Traffic in Mottingham Village is already a problem, in particular during rush hours and school pick up/drop off times. There are often traffic queues from Eltham College to the west of the War Memorial and to the A20 traffic lights at the eastern end of Court Road. Any increase in either parking or delivery will significantly increase these problems. The width of Mottingham Road is not considered suitable to accommodate large delivery lorries. The site is located near to the library and changes in footways are not considered appropriate for local residents and visitors to the shops and library. There are retail stores within 200m from the site. The proposal would have an adverse impact on the existing high street business and small trader. The proposal would also have an adverse impact on noise and light during late evening hours. Policy 23 resists the loss of a local pub and there are no alternative within 500m from the site. The proposal would cause irreparable damage to the community and the village.

#### **6.5. Mottingham Residents Association - Objection**

Object to the proposal on the following grounds: (1) Transport and safety of all road users (2) Accessibility; (3) Servicing arrangements; (4) Parking; (5) Vitality and community wellbeing - the need for a night time economy; (6) Environmental issues, and (7) Loss of amenity to residents.

The proposal to reduce the width of pavement outside Mottingham library would be detrimental to the needs of all users including parent, baby and toddler groups and all other age groups. The flower bed is not indicated on the plan. The HGVs will occupy the full width of the carriageway. The reduction of width is not considered acceptable. The minimum width for a parent with a child or people with a pushchair should be 2.7 metres. The depth and width of the existing pedestrian refuge is too small and would not accommodate the multiple shoppers crossing to the entrance to the proposed store. The siting of the entrance and trolley store will also increase the risk of an accident.

The assumption of pedestrian accessibility within 2km is a reasonable distance to walk is not realistic. The site has a low PTAL rating and shoppers are more likely to visit Eltham and Chislehurst or visit the site by car. The delivery arrangement for Porcupine was a one-way system and vehicles leave the site near the entrance nearest to the roundabout. The proposed servicing and delivery arrangement is not considered appropriate and the suggested delivery time would be between 6 to 7 am and 10 to 11pm. The proposal would also cause damage to the existing utilities. The proposal would fail to achieve the required visibility splay. The parking spaces do not provide enough allowance for driver error. HGVs are clearly far too large for the car park. Impact on highway safety should be fully addressed. The proposal would provide inadequate parking spaces and there is a lack of on-street parking in the area. The only free local on-street parking is approximately 200m away on Court Farm Road, mostly occupied by Eltham College sixth formers. The site is too small to accommodate the

size of the proposed store and would represent gross overdevelopment. The submitted travel plan focuses on travel for staff members rather than shoppers.

The Mottingham Community has been well served by the support of CAMRA and the Porcupine Development Committee to ensure the future of the Porcupine Inn. There are no public houses within 500m from the site. The site was considered as a community facility and there were local meetings held at this site. Mottingham needs a nighttime economy to thrive and retain a future as a community.

The CGI indicates the proposal would appear as an intrusive development. The existing building is set in from the road and would result in the loss of 2 protected trees and impact on the wildlife and character of the area. The existing building should be reinstated. The proposal would have an adverse impact on residential amenities in the area, in terms of noise, outlook, traffic and disturbance during demolition and construction.

The proposal to increase the width on the southern footway has no meaningful contribution to highway safety as the width of northern footway would be reduced. The delivery vehicles would have an adverse impact on the roundabout capacity. The wooden bollards are often damaged or demolished by vehicles leaving the roundabout. The assumption delivery vehicles would not block the roundabout is unrealistic. The scales of the drawings are different and cannot be accurate. A light controlled pelican crossing should be investigated, including a safety audit. Delivery should not be close to the residential area. Minor accidents are unlikely to be reported unless they result in major damage or injury. Bromley has a high car ownership. However, Mottingham, Coldharbour, Chinbrook and Downham **are** in the top 10% of deprived households nationally with low car ownership. The parking survey was carried out during bank holiday. There were 21 free spaces on 5<sup>th</sup> September 2019 in the area. The proposal to review parking arrangement after 3 months of operation has no scope to increase parking provision.

A letter dated 24<sup>th</sup> January 2020 from MRA states that the planning committee report is inaccurate with unsupported assumptions, errors and omissions. There are barely any differences between the current and previous schemes. The status of the application was not updated on the Council's website until the 22<sup>nd</sup> January 2020 and residents were not notified ahead of the meeting. The viability assessment prepared by Morgan and Clarke was not considered by officers. The site is located on the south-western side of Mottingham Road and is adjoins a motorcycle show room. Whilst the site was occupied by travellers for a short period of time, this has no bearing on this application. The applicant had made little effort to secure the site at the time and the pub was closed for 7 years. Mottingham Road is subject to surface water flooding including the opposite side of the road and corner of West Park. This is recognised in the Strategic Flood Risk Assessment as Local Flood Area 117, on Flood map C. The objection on highway grounds is higher than the support.

The proposal would result in job losses to the nearby shops. Lidl is not a good employer and is anti-union. They have refused to recognise Usdaw and provide opportunity for Usdaw to approach their staff about Usdaw's membership. The Prince of Wales public house is located 508 metres from the site and is over the 500 metre requirement set in the Bromley Local Plan Policy. These requirements should not be ignored. The Royal Tavern is currently closed with its future unknown.

#### **6.6. Campaign For Real Ale - Objection**

Objection is raised on the grounds of loss of the public house which has the potential to be a valued community asset. The proposal would be contrary to the Bromley Local Plan, draft London Plan and the NPPG. The site has been closed and neglected by the owner for more than 5 years. There are no public houses within 500m from the site and the site should have been marketed for at least 24 months as stated in the draft London Plan. Bromley Local plan requires a 12 month time period for marketing activities. There is a general lack of evidence to substantiate the assumption in the viability assessment. This assessment accepts that the pub has been stripped of fixture and fittings and has been damaged in the process. There was no evidence provided which relates to the trading history of the pub before it was closed. The asking price of the pub provided. It can only be concluded that the main reasons the pub is described as unviable is the sale price is unrealistic. The Porcupine Inn has been a valuable community asset and could become so again.

#### **6.7 Ted Rowlands for Porcupine Development Committee – objections**

The issues highlighted in Granville's report have not been adequately noted or addressed. The proposal is not acceptable from the traffic and transport perspective. The Granville report is relying on the applicant submitted information and cannot be supported. The impacts of the Covid19 pandemic have not been announced by the government.

Lidl has advised a member of the Porcupine Development Committee the cost of this proposal would have to reflect on the market value of the site, should the applicant wish to sell the site. Furthermore, there are reports that there is an interested party, who have been in contact with Lidl with a view to purchasing the site for housing and possibly a micro pub.

#### **6.8 Eltham College – Objection**

The redevelopment of the site, any change of use which might lead to an increase of large vehicles using Mottingham Lane would be a significant danger to the young pupils who attend the Junior School. The entrance to Mottingham Lane is restricted following discussion with Councillor Cartwright Year 3 pupils are 7 years old and there are around 60 x 7 years old who use the pavements on this narrow road. and would not be possible to close the entrance completing

without moving congestion to Grove Park Road. Mottingham Lane is narrow and I would urge the application be refused.

### **C) Adjoining Occupiers**

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

#### 6.9 Objections:

1. Increased traffic (Addressed in para 9.26 -9.33)
  - *The applicant takes no account of the increased amount of traffic since 2014. The proposal would not attract local people to walk to the store and would attract more people to drive.*
  - *Mottingham road is a busy road with care home, nursery, junior and senior school, riding stables and galley in the area. Mottingham Lane is a very busy cut through in the mornings and evenings with regular queues building at the junction with Grove Park Road. The proposal would increase traffic, congestion, noise and pollution in the area and is already worse than 2014.*
  - *The proposal will have 80 car movements per hour at peak time. The village is already severely congested all day. Court Farm Road is being used as a short cut to avoid traffic in the villages and access to A20.*
  
2. Inadequate junction and pavement width (Addressed in para 9.3 -9.15)
  - *The reduction of pavement width would not help social distancing near the library. The current Covid 19 situation to keep a 2 metres distance must be considered. TfL are proposing to increase pavement sizes.*
  - *Existing roads are not wide enough for current traffic and there is already considerable traffic congestion from Eltham College school during peak and school hours. The narrowing the pavement and removing the flower bed to give pedestrian a wide enough footpath is not acceptable, causing safety hazard to pedestrian, especially for young children, elderly, people with pushchairs and wheelchairs and would be contrary to Policy;*
  - *Mottingham is a village and the roads are narrow and windy with some of the earliest properties next to the narrow pavement. Mottingham Road is a lane built for houses and carts, not a road for highway. Why public pavement should be narrow to accommodate this unwanted proposal. The previous appeal was refused on highway ground and no changes are proposed.*
  - *The local road including West Park are already very busy due to its being a main road to A20 and other towns with a petrol station nearby;*
  - *The roads of Mottingham and the roundabout were not designed for the amount of traffic that now passes through there on a daily basis, so it is dangerous to actively encourage more traffic to the area. The area is already used as a shortcut to avoid traffic on the A20 so already suffers with bad congestion;*
  
3. Inadequate parking provision (Addressed in para 9.49 – 9.52)
  - *Inadequate parking spaces and demand for parking would overspill to*

*neighbouring road. It should be noted that the roads in the area are parked with commuter using the train station.*

- *The site is very small and poorly accessible by public transport. The applicant's comments relating the volume to pedestrian and cyclist shoppers is fanciful. The supporters of the proposal will be most likely arriving by car.*
  - *Increase demand for kerb side parking and reduce parking for small businesses. Residential without a drive or garage on Dorset Road and Devonshire Road would not be able to park. The free spaces on Wet Hallows are completely occupied by commuters using the train station between 7 am until 7pm. Parking spaces on West Park is used by the residents whom have paid expensive residents permits. These spaces will now be occupied by Lidl shoppers.*
  - *Court Farm Road is part of the London Cycleway. Impractical to suggest people will cycle or walk to Lidl carrying bags of shopping;*
  - *The proposed car park could be used by people not visiting the store. People may use the car park even when they are not using the Lidl store. The staff could park in the car park.*
  - *SCP report indicates that the availability of parking spaces outside shops in Mottingham are usually at capacity. Unsuitable parking spaces are indicated in Mottingham Lane and the neighbouring roads where the road bends and near the junction are included.*
4. Road safety (Addressed in para 9.3 – 9.15, 9.63)
- *There are already a number of road traffic accidents on this roundabout. Roads are already dangerous for children to cross as there are no precautions, e.g. zebra crossings. The site is located near to a busy and dangerous roundabout and is close to local school, Eltham College, library and a Petrol Station;*
  - *Whilst part of the footway would be widened, the junction is very narrow and increased traffic flow will cause major traffic jams with people turning in and out of Lidl all the time.*
  - *The existing local road infrastructure is not suitable for the size and nature of the proposed development;*
  - *Vehicles travel at speed along Mottingham Road despite the fact there are the road humps to reduce the speed. There was a car accident on Devonshire Road 2 weeks ago which caused a traffic queue outside the library.*
5. Traffic survey (Addressed in para 9.59 - 9.60)
- *Traffic surveys were carried out during school holidays and cannot represent the normal traffic. The traffic speed at 28.91mph for vehicles travelling south east remains high in a residential area with parked cars on the road and being near to a roundabout.*
6. Servicing and delivery (Addressed in para 9.16 – 9.25)
- *Lorries will struggle to turn safely and risk damaging the war memorial.*
  - *The site is not suitable the proposal and should be located on a high street not a busy junction in a residential area;*

- *There are parked vehicles on road and not suitable for delivery vehicles to pass. Delivery via Court road and West Park are not suitable. West Park has been narrowed recently in an effort to reduce speeding and there are parked cars on the road. The details of service and delivery arrangement should be considered at application stage.*
- *The use of 40 tonne, 6-wheel articulated trailers for servicing and delivery is not appropriate in a residential area. The delivery vehicles will obstruct the pedestrian walkway in the car park. The pedestrian refuge is inadequate. The trailer will be parked elsewhere in the car park or local streets if detached while unloading takes place. Technical note suggests that smaller 10 M rigid HGV would be use for more frequent daily delivery via Mottingham Lane. Mottingham Lane is not suitable for use by such vehicles on a regular basis and there is weight restriction on Court Road.*
- *Delivery vehicles would obstruct some of the parking spaces in the car park. The shared access from the site from servicing and shoppers is not adequate.*
- *Vehicles turning into and out of the site will cause issues (especially large delivery lorries) as the roads are narrow. Mottingham Road would not be able to cope with the servicing and delivery. Orangery Lane is an example where drivers would block the road whilst waiting for space and is a much larger retail unit and car park;*
- *Proposed delivery hours are during school drop off/pick up times so the area will be heavily congested;*
- *BP garage already causes a lot of congestion when petrol tankers arrive to deliver petrol. I have witnessed the driver delivering at the BP petrol station requires several reversing and inch forward to be able to park. It is unsure whether any skilled driver would be able to deliver the goods to the proposed site.*

7. Job opportunities (Addressed in para 9.9)

- *There is no suggestion that local people would be benefited*

8. Public utilities (Addressed in para 9.58)

- *Re-routing of utilities services (gas, water and electricity) may be required due to the proposed highway works*

9. Design (Addressed in para 9.32 – 9.35)

- *The proposed building is intrusive, bulky and out of keeping with the War Memorial and neighbouring properties. The proposed building should be located in Eltham or Bromley instead of Mottingham. The bright yellow and blue Lidl hoardings and illuminated adverts will not fit into the street scene and will spoil the look of the village and War Memorial;*
- *Loss of community feel of the village and there are no differences when compared with the previous application. The site is just in front of the war memorial so a supermarket is inappropriate, and dignity should be maintained;*
- *Overdevelopment of the site. The site is not a brownfield site suitable for development but primarily green space in a residential area.*

10. Loss of community asset (Addressed in para 9.6 – 9.26)

- *No evidence to confirm the pub was unviable when it was closed in 2013 and acquired by the applicant in 2013;*
- *Loss of pub which was highly valued by people in the area and there is no other pub in the vicinity that can serve the local community. Building was a pub registered as an assets of community value providing good services to the local people;*
- *There is a lack of community facilities in the area. The building could be used as a health centre, doctor surgery library café, social services, a community centre or for infant school expansion;*
- *Contrary to Policy 23 of the Local Plan as there is no alternative public house within 500m of the site and Lidl have not demonstrated that the existing pub was not viable. The village needs a pub. The proposal would not be an asset for the village;*
- *There is no information to demonstrate there are no prospective purchasers willing to maintain the existing use. There are many other pubs in the area that have been refurbished and modernised;*
- *The building is a local, traditional and landmark building and should be protected, renovated and not destroyed. The building is very old and has historical links to Mottingham. The site should be as a pub;*
- *Contrary to Policy 20 of the Local Plan as Lidl have failed to demonstrate that the demolition of The Porcupine is of benefit to the community; they will provide an alternative facility for the community or that there is no longer a need for the pub;*
- *Demolition of the pub is contrary to Policy 40 as the pub should be regarded as a non-designated heritage asset. The site could again become a focal point of Mottingham;*
- *Lidl have allowed the existing pub to become derelict so the proposal is seen as the only viable solution but could still be possible to turn it into something else;*
- *The proposal could place the adjacent war memorial at risk and would result in loss the of village character;*
- *Alternative pubs suggested are much further away so would not serve the Mottingham area as a local pub.*

11. Need for a new store (Addressed in para 9.6 – 9.9)

- *Site is not suitable for a retail store, contrary to Bromley SPG2 and not in keeping with the character and appearance of the area, the iconic War Memorial and will ruin the amenity of Mottingham Village;*
- *The Council should consider a total regeneration of Mottingham village whereby it can facilitate the supermarket plus small local shops rather than allowing the area to deteriorate further with congestion, parking issues etc;*
- *There is a Lidl in Eltham High Street and people should visit Eltham High Street instead of Mottingham Village. The village already has 5 food outlets so this could cause competition and closure of existing stores leaving premises vacant. No need for a new store of its size in the village. All buses that serve Mottingham come via Eltham where there is already a Lidl store;*

- Many people choose to have their shopping delivered from supermarket. This is more environmentally friendly for people to shop;
- Impact on local trade and wrong location for a busy supermarket. There are already many shops in the area offering 'top up' food items offered by this proposal. If local businesses are forced to close, there will be yet more empty shops. The building could be used as a restaurant;
- Any new jobs created will be cancelled out by those lost from local shops which will be forced to close due to the competition from Lidl;

12. Loss of trees (Addressed in para 9.37 – 9.43)

- *Removal of TPO trees and green space will impact upon wildlife in the area. The proposal would result in environmental degradation;*
- *Increase flooding due to loss of trees;*
- *No suggestion of planting around the site to mitigate the loss of existing planting and habitats;*

13. Residential amenities (Addressed in para 9.36 – 9.48)

- *The opening and deliveries will be during unsociable hours, including Sundays. There are restrictions of Court Road during night hours and at weekends. The queue for the car park with engines noise will be constant. The proposal would have an impact on residential amenities in terms of lighting, privacy, litter, noise and visual impact.*
- *Air quality assessment highlights that there will be a reduction in air quality resulting from this proposal. Vibrations from delivery lorries would destroy houses in the area with no foundations. Acoustic fence will not substantially attenuate noise;*
- *Residents in the area already suffered from noise from fast food outlets up to 11pm with plants, staff and customers shouting, slamming doors, deliveries overnight alarm from car. The proposal would increase the noise due to late night shopping, deliveries and construction works;*
- *Increase anti-social behaviour and crime. The car park will make it easy for burglars to access the back gardens of residents to the rear of the site. The proposal does not comply with the London Plan policies.*
- *No. 26 Devonshire House is a council care home providing special needs for up to 5 residents requires a degree of care. The proposal would have a great impact on the residents' amenities.*
- *The proposal would destroy a community asset. The local area does not have the capacity and level infrastructure need to support a large supermarket. There are 3 Lidl stores in the area, Eltham, Bromley and Footscray;*

14. Flooding (Addressed in para 9.48 – 9.51)

- *The roads are flooding in the area when it rains. The proposal would increase the likelihood of flooding resulting from inadequate management of surface water drainage as more of the local soil and plant cover is replaced by impermeable tarmac and brick, especially with the increase in more extreme weather due to climate change;*
- *No mention of energy saving measures or sustainability in the application. The proposal would only negatively impact the environment.*

## 15. Impact on heritage (Addressed in para 9.28 – 9.31)

*This historic building stood through countless monarchs, industrial revolution, the wars and should be retained to provide a sense of community unity. The proposal would be detrimental to heritage value of the site and Mottingham Village, especially the War Memorial Remembrance Service is attended and en-masse by Mottingham residents.*

## 16. Other

- *Housing should be the priority for the empty site;*
- *The re-consultation letter is sent during holiday and has arrived late.*
- *The site is overgrown and has not maintained by the applicant in the hope to obtain permission for a retail store. The handling of this application has been severely compromised by incorrect and unconstitutional practices and protocols on the part of council officers. There is documentary evidence of organisations prepared to consider redevelopment of the site, but these were rejected by Lidl or their representatives.*
- *The number of objections is more than support.*
- *Planning permission should be refused, or a judicial review will be instigated in 6 weeks.*

6.10 Please note the above is a summary of objections received and full text is available on the Council's website.

## 6.11 Support

1. Is there still a need for public house/ community use
  - *The Residents Association have had more than enough time to find an alternative use for the site and have failed. The pub has been closed for years and is an eyesore in the village. The current empty building does not contribute to the community and no party has put forward a suitable alternative. Prior to the closure of the pub, the venue was unpopular and needed refurbishing. It is time to demolish the building and people should move on;*
  - *The pub has been closed for 7 years and there is no further interest and should be redevelopment to attract more business in Mottingham. The site occupied a prominent location providing a gloomy image for Mottingham.*
  - *It is clear that a pub in its current climate is not viable. Whilst residents were looking forward for a pub or restaurant as a potential community facility, I agree with the previous inspector that a small supermarket that local people can walk to, with limited car parking spaces would be acceptable. I don't have to travel in my car to the co-op or Eltham for an alternative supermarket as it is too far to walk.*
  - *There are a number of public houses in Eltham and Chislehurst area (The Banker Draft, The Rising Sun, The GPO, The Queens Head, The Bulls head, Rambler Rest, Prince of Wales, Imperial Arms, The Bickley,*

*the Gordon Area, The Crown Tavern etc). There are no larger retail shops in the area and the proposal is needed;*

- Most objectors who want the pub to remain never went in there when it was open;*
- There is a lack of demand for a pub in this area as existing local ones are not that popular. The proposal will serve as a community hub and make the neighbourhood more lively;*
- The pub was closed down as it was not popular and not viable to be kept open. People did not support the pub before should not to support it now;*
- In the latter period, The Porcupine was never a thriving pub and was not an asset to the community. It has not proved possible to reopen it as a pub since its closure;*
- The reuse of this building as a pub would attract undesirable people in the village.*
- The idea of a pub on the site is out of date. No one has suggested a viable alternative so why not make the site a store that will be used rather than retaining it as a derelict eyesore. The proposal would improve the visual appearance of the area.*
- The current pub site is an eyesore and could be dangerous. The proposal will improve amenities for the local area.*

## **2. Need for a retail shop**

- The current climate requires local shop and business would provide job opportunities. The site has been vacant for many years and is in a poor indictment of how bureaucracy is getting in the way progress. As a resident, fully welcome the development of the site with a shop I can walk to instead of driving to Sidcup, Eltham or Charlton. Mottingham Village needs rejuvenating. The building was a tried looking pub with few customers.*
- The availability of good quality and budget fresh fruit and vegetables in the area is low. The proposal would offer more healthier food to the school students from the college instead of places servicing pizza, kebab and chips. The number of people visiting the library is decreasing and likely to be closed. The proposal would attract people to visit Mottingham and help the local business.*
- The local shops not sufficient for residents needs as residents have to travel out of the local area to shop. The proposal will reduce carbon footprint because people will be able to shop nearer to home;*
- A store selling fresh, affordable produce would be welcomed. High cost convenience stores are of no use to the community who need low cost, high quality good that Lidl can provide. The proposal would be useful for local people who currently have to travel to Eltham or Chislehurst for a large supermarket with reasonably priced food;*
- The local shops sell goods for high prices, a Lidl would be more affordable; There is no decent local shop in the area. The Co-op and M&S are expensive. Mottingham village should have a decent supermarket. The pricing of goods are unreasonable. The proposal would help people on a low wage and not able to drive to the shops;*
- There is a need for affordable groceries as many elderly and vulnerable*

*people are non-motorist and are held to local expensive shops;*

- *This proposal will benefit the young and old, unlike the previous pub;*
- *The proposal would be great not only for Mottingham but also Bromley;*
- *The proposal will lift the town and contribute to employment with healthy valuable food, fresh baker and convenience good;*
- *Makes use of a derelict site and more job*
- *The existing pub has not been used and is run down. The proposal would be a brilliant idea to the area. As a former resident with family ties in the area, I support proposal;*

### 3. Highway

- *A number of objections refer to parking. The proposal would provide 33 parking spaces, and this may actually help with the congestion in the village. Walking in Mottingham today is not unsafe or dangerous, except match day or open day associated to Eltham College which generate more traffic.*
- *The level of parking spaces is appropriate for this location and by limiting the spaces the proposal would in turn discourage people to travel by car.*
- *The site is close to several bus routes. The proposal would encourage local people to walk instead of traveling in car to shop.*
- *Congestion would only be minor and there will be a car park so only minimal impact on roads;*
- *The pub had a car park that was used by shoppers so there was always traffic in the vicinity;*
- *The existing roads in Mottingham currently cope with deliveries to M&S and BP garage so this will be no different;*
- *The pavement outside the library is more than what is needed so can afford to be narrowed to allow for this proposal;*
- *The applicant has a track record of making parking and access issues work;*
- *The proposal will be used mostly by local people who will walk there. If it has longer opening hours, customer visits will be spread out to alleviate some of the parking concerns;*
- *Smaller delivery vehicles could be used;*
- *existing roads in Mottingham currently cope with deliveries to M&S and BP garage so this will be no different;*

### 4. Improvement and regeneration to the Local Centre and job provision

- *The proposal would provide more shopping choice and job opportunities in the area. The proposal would also bring more customers to the small shops in the area;*
- *As a resident, I will shop locally instead of visiting Eltham. Mottingham is in need of investment such as this proposal;*
- *The proposal will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street. The proposal will also bring benefits to other closed shops in the village;*
- *The proposal will increase footfall to other local businesses and help to regenerate the village;*

- *Other local non-food shops will benefit from increased footfall due to the new Lidl;*
- *People more likely to shop in the local area than online if the store is available which means more money stays in the borough generating employment and boosting the economy;*
- *The proposal will encourage more regeneration of Mottingham, which at the moment is quite run down and behind other areas such as Lee and Hither Green;*
- *The proposal will modernise the area and would provide good opportunity for Mottingham to be improved and invested in;*

#### 5. Others

- *Good for residents with children to have an affordable supermarket nearby selling healthy foods, otherwise they will grow up eating unhealthy/fast foods that are more readily available*
- *Lidl is a great company with high standards and the proposal would improve local amenity;*
- *Will help older people to shop locally as they cannot manage their heavy bags from Eltham High Street.*

#### 6.12 Letter from planning agent dated 18<sup>th</sup> February 2020

The application was withdrawn from the Development Control Planning Committee meeting agenda on the 24<sup>th</sup> January 2020, two working days prior to the scheduled date on the 28<sup>th</sup> January 2020. The applicant is aware that Mottingham Residents Association has requested the application to be deferred.

The current application is accompanied by a viability assessment prepared by David Coffey Lyons (DCL), dated April 2019. This assessment describes the marketing activity that has been undertaken in relation to the site, including the costs that will be involved in refurbishing the public house to enable its reinstatement. A viability appraisal is undertaken by DCL and confirms the property would not be viable on a freehold or free of tie lease basis. This finding was agreed by an independent viability consultant appointed by the Council, which also states that *“The key test with regards to the viability of the pub operation will be realised through the marketing campaign which to date has not correlated to any firm offers from any parties willing to operate the site as a public house. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house”*.

The MRA made reference to a viability assessment undertaken by Morgan and Clarke. This assessment was carried out during the public inquiry in 2014 six years ago. This assessment does not take into account the marketing activities that have taken place on the site since 2014, including the Community Right to Bid. The 2014 assessment is dated and does not take into account the current condition of the public house or the latest market information available regarding to the performance of the local

public house section. This document is clearly out-of-date and was recognised by the Council as an independent viability consultant was commissioned to assess the current viability.

The proposal is in line with the Government's retail policy as new retail development should be focused in defined centres which Mottingham Local Centre forms part of. The proposal will generate up to 40 full-time and part-time employment and positions will be at a range of levels of skills and seniority. The proposal is not expected to have an adverse impact on local traders as the site is located within a Local Centre with limited sales floor area. The proposal would attract shoppers and investment to the Local Centre, meeting the need for residents and diversify the uses in Mottingham.

Lidl is a highly reputable employer and places great emphasis on its staff welfare and development and abides by its "Living Wage policy". Lidl is an equal opportunities employer and has a policy of employing local people from all backgrounds to work at their stores. Lidl offers an excellent work ethic including training opportunities for staff to progress within the company. Lidl also recognises that supporting employees' mental health, both inside and outside the workplace is essential and has a number of established tools and initiatives to support their staff.

It is clear that the alternative public house is located around 500m from the site. The distance between the Prince of Wales and the former Porcupine Inn measures approximately 498 metres on google map and this is within the policy requirement. The Council has indicated the distance is 508m. This discrepancy can be explained by the fact that the precise measurement will depend upon exactly where within the two sites the measurement is taken from.

## **7. POLICIES AND GUIDANCE**

- a. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
  - the provisions of the development plan, so far as material to the application,
  - any local finance considerations, so far as material to the application, and
  - any other material considerations.
- b. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

- c. The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- d. The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.
- e. The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- f. The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- g. The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- h. Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.
- i. The application falls to be determined in accordance with the following policies:

London Plan Policies:

- 2.6 Outer London: vision and strategy
- 2.15 Town Centres
- 3.1 Ensuring equal life chances for all
- 3.16 Protection and enhancement of social infrastructure
- 5.2 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.16 Waste net self- sufficiency

- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft London Plan:

- GG1 Building strong and inclusive communities
- HC7 Protecting public house
- SD6 Town centres
- SD7 Town centre network
- SD8 Town Centres: development principles and development plan documents
- D1 London's form and characteristics
- D2 Delivering good design
- D3 Inclusive design
- D10 Safety, security and resilience to emergency
- D11 Fire safety
- S1 Developing London's Social Infrastructure
- E11 Skills and opportunities for all
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI8 Waste capacity and net waste self-sufficiency
- SI13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- DF1 Delivering of the Plan and Planning obligations

Mayor of London Supplementary Guidance:

- Accessible London: Achieving an inclusive environment (October 2014)

- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- Sustainable Design and Construction (April 2014)
- Planning for Equality and Diversity in London (October 2007)

Bromley Supplementary Guidance:

- Bromley Planning Obligation SPD

## **9.0 ASSESSMENT**

9.1 The main issues to be considered in respect of this application are:

- Background and key differences between the appeal and current scheme
- Land use/Principle of Development
- Impact on non-designated heritage
- Design, layout and massing
- Residential Amenity
- Transportation and Highway
- Sustainability
- Design Out Crime
- CIL
- Head of Terms

### **Background and key differences between the appeal and current scheme**

9.2 An earlier planning application for the redevelopment of the site to provide a new retail store comprising of 800 square metres of retail sales floorspace with associated facilities and 35 parking spaces was refused in February 2014 and the following reasons were contested at appeal: -

- 1 Highway safety (access, serving and parking arrangement);
- 2 Loss of TPO trees and impact on the character and appearance of the area;
3. Security and crime prevention measures;
4. Impact on character and appearance and residential amenities;
5. Loss of public house and community facility;

9.3. The third reason (security and crime) of this refusal was removed prior to the planning inquiry which was held in September 2014 and this was based on the additional information submitted at appeal stage.

9.4. The subsequent planning appeal was dismissed in December 2014. The main issues and grounds in dismissing the appeal can be summarised as follows: -

Issue 1: The character and appearance of the area having regard to the loss of protected trees.

It was considered by the Planning Inspector that the loss of protected trees and open space to the rear of the existing building would have a limited degree of adverse effect on the character, appearance and amenity of the area. The impact and harm would be limited and would not be sufficient to bring the proposal into conflict with the London Plan policy and UDP policies and would not weigh against the appeal scheme.

Issue 2: The living conditions of adjoining occupiers with particular reference to visual impact, noise and disturbance.

The proposed building considered at the appeal was set back from the neighbouring properties. The site is located within a Local Centre. The operating and delivery hours were considered by the Inspector as controllable through the imposition of an appropriate planning condition should the appeal be allowed. As such, the Inspector afforded this matter very limited weight in the appeal scheme and did not dismiss the scheme on residential amenities.

Issue 3: The provision of community facilities

The former Porcupine Inn was considered as an Asset of Community Value and the proposal would result in the loss of valued community facilities. An open marketing exercise would enable all considerations including viability of the site to be taken into consideration. As this was not done as part of the appeal the Inspector considered the proposal to lack evidence of marketing and dismissed the proposal for this reason.

Issue 4: The vitality and viability of the local centre

The Inspector considered that the proposed retail use would benefit the local economy and would enhance the vitality and viability of Mottingham Local Centre and this was a consideration that weighed significantly in favour of allowing the appeal. However, as stated above due to the lack of evidence to demonstrate that the loss of this asset of community value was acceptable the appeal was dismissed.

Issue 5 Highway safety

The provision of 35 parking spaces (1 parking space per 22.9sq.m sales area) was considered acceptable. The Inspector considered that the access arrangement and junction details including the dimensions of the road, turning area and dimensions of visibility splays should be detailed and provided at appeal stage and cannot be secured by a planning condition. In the absence of these details, the appeal scheme was also considered by the Appeal Inspector to be in conflict with the provisions in the Framework concerning highway safety. The appeal was therefore dismissed for this reason.

9.5. The key differences are as follows:

1. Reduction in sales floor area from 800sq.m to 749sq.m;
2. Reduction of parking spaces from 35 spaces to 33 spaces;
3. Realignment of Mottingham Road including footway with detailed dimensions of the access arrangement, junction details, turning area and dimensions of visibility splays; and;
4. Proposed building would be sited 2.5m closer to the road and there will be a minimum of 4.94 metres distance between the front of the building and the back edge of the pavement;
5. Improvement works to the existing pedestrian crossing/refuge and road marking on Mottingham Road; and,
6. "Keep Clear" road marking at entrance to the car park.

#### **Land use/Principle of Development - Acceptable**

9.6. The NPPF indicates that a Local Centre forms part of the Town Centre hierarchy. Paragraph 86 of the NPPF states that main town centre uses should be located in town centres and this is supported by the London Plan and Bromley Local Plan (BLP) which aim to maintain the viability and vitality of Town Centres. For new town centre uses with a floor area below 2,500sq.m, a retail sequential test and impact assessment would not be required.

9.7. The principle to introduce a retail use within Mottingham Local Centre is considered acceptable and would comply with the NPPF, London Plan and Local Plan which seeks to promote town centre uses within town centres. The former Porcupine Inn forms part of the Mottingham Local Centre and there is a range of shops and services (26 units) within this local centre. However, the existing range of convenience shops including comparison shops is very limited due to the number of existing retail shops being low and a high number of catering/takeaways within the Centre. There is a healthy range of good and services in the Kimmeridge Cross Neighbourhood Centres and Parades. However, this centre is located in excess of 1,300 metres from the site. The site is located near to the adjoining borough and is close to a major town centre (Eltham) in the neighbouring borough with extensive ranges of goods and services including catering and drinking establishments.

9.8. Officers note that the provision of an additional retail shop would create a level of competition between the existing goods and services providers and would have an impact to existing business offering similar/same products, the proposal would provide a wider range of convenience and comparison goods and choices in Mottingham Local Centre and would in turn improve the quality and availability of products in the local area. The proposal would potentially attract shoppers to visit Mottingham centre and encourage trade retain in the borough, instead of visiting the neighbouring borough. The proposal would also provide up to 40 full time and part time job opportunities in the Borough and assist to regenerate the derelict site.

As such, it is considered that the proposal would improve the attractiveness of the Local Centre and positively contribute to the shopping function of Mottingham Centre. It is considered that the proposal would also comply with the objectives of Bromley Local Plan Policy 95 which promotes an adequate range of shops and services to meet the needs of local communities.

- 9.9. There are concerns regarding the impact to the existing shops and job losses in the local area from the residents. The proposal would provide up to 40 full time and part time job opportunities and would contribute positively to the overall employment opportunities in the area. Furthermore, it should be noted that the previous appeal decision stated that *“the proposed retail use would benefit the local economy and would change the vitality and viability of Mottingham local centre...This is a consideration which weighs significantly in favour of allowing the appeal”*. This remains a highly relevant consideration and the provision of a wider range of retail choices and availability of products is therefore considered acceptable.

*Loss of public house/ community facilities and marketing*

- 9.10. Bromley Local Plan Policy 23 (Public House) resists the loss of a public house except where: -
- a. there is an alternative public house within a 500 metres walking distance of the site and if the public house is located within a local parade or shopping centre, the diverse offer of that parade or centre is not significantly affected by the loss; and,
  - b. where it can be demonstrated that the business is no longer financially viable as a public house, including the submission of evidence of active marketing as a pub for a substantial period of time.
- 9.11. Where the above criteria are met any change of use must be sympathetic to the design, character and heritage value of the original building if it is considered to be a positive contribution to the local area.
- 9.12. In addition, Bromley Local Plan Policy 20 (Community Facilities) and supporting Paragraph 3.1.24 state that proposal for redundant pubs will also be required to comply with the community facilities policy. Planning permission will not be granted for a proposal that would lead to the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves or it can be demonstrated that there is no longer a need and 6 months marketing has been provided.
- 9.13. Draft London Plan Policy HC7 (Protecting Public Houses) states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect

of the building being used as a pub in the foreseeable future. Paragraph 7.7.7 states that boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators. The pub should have been marketed as a pub for at least 24 months at an agreed price following an independent valuation, and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents.

- 9.14. A public house can constitute a community facility in planning policy terms. It is noted that the former Porcupine Inn was the only public house within the Local Centre before the last operator vacated the site in March 2013. The site was also registered on the Council's Assets of Community Value (ACV) list in July 2013. It should be noted that the 5 year period as an ACV has lapsed in July 2018 and the site has remained vacant in the past 7 years without any positive contribution to the Local Centre, community or the area. It should also be acknowledged that there were no further applications for the ACV to be renewed.
- 9.15. The proposal would result in the loss of a public house which was highly valued by the local community. In assessing the acceptability of new development, consideration should be given to the current planning policy requirements and Paragraph 24 of the previous planning appeal decision (December 2014) which states that *"An open marketing exercise would enable all considerations such as land acquisition costs, repairs and refurbishment cost, operating cost and profiles, along with any development potential of the land to the rear of the existing building, to be factored into the assessment. Without providing such an opportunity for the market to have a say about the prospects of a public house on this site, I am not satisfied that the evidence before the Inquiry established whether such a use would be viable or not"*.
- 9.16. Paragraph 3 of the planning appeal decision also states that *"The Porcupine Inn closed down in March 2013. The site was acquired by Lidl in the same month for £1.1m, without being put on the open market"*.
- 9.17. Since planning permission was dismissed in December 2014, the applicant has considered a range of options for the site. In 2016, the applicant decided to dispose of the site and commenced marketing the site. The Council was notified of the applicant's intention to dispose of the site. A six months moratorium period (commenced in June 2016 and expired in December 2016) and the procedures set out under Section 88 (2) of the Localism Act 2011 were followed. This provided local community groups with the opportunities to acquire the site for re-occupation as a public house, or other community uses. However, the acquisition bid for the site from the local community (The Porcupine Inn Development Committee which operates under the name of Greenwich Co-operative Development Agency) did not materialise. There were no successful undertakers.

- 9.18. The applicant has continued to market the site after the expiry of the moratorium period in December 2016. The applicant has advised that there were no successful offers received from pub operators. The offers received were for housing or commercial development.
- 9.19. Following a review of the marketing results, the applicant has instructed a leisure and hospitality business and properties specialist (David Coffey Lyon Ltd) to value and market the site in November 2018. The property was advertised by Davis Coffey Lyons, advertisements were placed in the Morning Advertiser and a sales board was erected at the site. The draft London Plan states vacant pubs should be marketed in a condition which allows the property to continue functioning as a pub. It should be noted that the kitchen and facilities were removed in 2013 since the last operator vacated the site. It is not possible for any genuine marketing company or vendor to market the site in its former trading condition, except the current and factual information of the property such as its location, floor area and its last lawful use. The marketing materials along with the viability assessment were reviewed by the independent viability consultant and no issues were raised regarding to the marketing channel and materials.
- 9.20. The site/property was placed on the open market for freehold and leasehold. The site has been offered for sale or rent both locally and London-wide and placed in appropriate publications and through an authoritative specialised marketing agent. As such, it is considered that reasonable measures to market the site have been taken.
- 9.21. The applicant received an offer to rent by a pub operator. However, this offer did not materialise after viewing the property. The applicant has also received offers for a care home and supermarket development. There were no other offers for pub uses received.
- 9.22. This application is accompanied by a viability assessment which includes an appraisal of refurbishment costs and the condition of the former public house site and viability tests. This viability assessment has been assessed and endorsed by an independent viability consultant appointed by the Council. It is considered that the refurbishment cost and business modelling assessment made by Davis Coffey Lyons are acceptable. The independent viability consultant has also advised that the property has been marketed for a prolonged period of time which reflects the demand for its land use. In the absence of any interest from potential occupiers, the site would not be in a position to be reinstated as a public house.
- 9.23. Objections were received stating that *“the site has received interest from purchasers willing to look at a mixed affordable house development, potentially with a small micro pub which would retain and restore a lost local amenity and provide new housing but, Lidl continue to refuse to speak to anyone”*.
- 9.24. Davis Coffey Lyons has advised that there were 7 freehold and leasehold enquiries for residential, retail/commercial uses during the lockdown

period. To date, no offers materialised since the property was placed on the market.

- 9.25. Overall, it is considered that the site has been marketed for a prolonged period of time and it is clear from the above that no firm and successful offers have been received to bring the site back into its former use. In view of the viability assessment which has been reviewed by an agreed independent viability consultant, it is considered that the property has been extensively marketed and the site would not be viable for its former use. It is also considered that the loss of the public house would be justified in this instance given that the site remains vacant and the site has been put on the market for a prolonged period.
- 9.26. Objections were received stating the viability report prepared by Morgan and Clarke Chartered Surveyors has not been considered. This viability assessment was carried out in 2014 associated to the 2014 planning appeal. The findings of this dated report were reflected in the previous planning appeal decision. The current application is accompanied by an updated viability assessment including an open market exercise in line with the comment raised by the previous Planning Inspector.
- 9.27. Furthermore, the Prince of Wales Public House (154 Mottingham Road) remains as the nearest alternative public house located approximately 508 metres south from the site. This is marginally over the 500 metres requirement set in the Bromley Local Plan Policy 23. On balance, it is considered that there are alternative choices of public houses in the local area and this is considered acceptable.

#### **Impact on non-designated heritage - Acceptable**

- 9.28. NPPF Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets. This is consistent with Bromley Local Plan Policy 40 which states that where non-designated heritage assets are highlighted as at risk of harm from a planning application, clear demonstrable reasons or evidence of their significance will be required. Where the Council agrees that such assets are worthy of protection, proposals to replace such a building will be assessed against the NPPF, taking into account the scale of harm or loss and the significance of the heritage asset.
- 9.29. The site is not located within a Conservation Area and the building is not listed. The site is located approximately 14 metres south from the Grade II Listed War Memorial. Mottingham was originally a hamlet in Eltham Parish, in Blackheath, Kent. The County of London was created in 1889 and Mottingham was excluded from the new county and the area transferred from Kent to Greater London in 1965, which now forms part of

the London Borough of Bromley. The site has a history of public house use. However, the original building was demolished and rebuilt due to bomb damage in the First World War. The design of the existing public house mimics the post war houses on West Park and does not pose any significant architectural value.

- 9.30. The principle to demolish the building with a replacement building was considered acceptable by the Planning Inspectorate. Paragraph 10 of the previous appeal decision states that, "*I have no reason to find that it would not be an appropriate replacement building in terms of its effect on the street scene*". The Council's conservation officer has reviewed the planning appeal decision, heritage statement and condition of the existing building, it is considered that the existing building does not pose any special architectural merits or have any significant heritage value. The Council's conservation officer has also considered that the proposal would not have an adverse impact in the area and the setting of the listed memorial. Historic England has advised that there is no requirement to be consulted.
- 9.31. The applicant has acknowledged the historic use of this site as a public house. A commemorative information board in recognition of the site history is proposed. It is considered that the details of the commemorative information board should be secured by a planning condition.

#### **Design, layout and massing - Acceptable**

- 9.32. The proposed building is contemporary and is designed with a pitched roof. The proposed building would comprise of two floors with a storage area and a manager's office above the sales area on the ground floor with a maximum height measuring 9.4 metres. The external finishes of the building would consist of clear glazing, bricks and tiles to match the surrounding properties.
- 9.33. The proposed building would be sited away from the residential properties on Devonshire Road to ensure adequate distance between the proposed building and the neighbouring properties can be maintained without causing any adverse impact on residential amenities.
- 9.34. The proposed site layout plan indicates that the vehicular access to the site would be sited away from the War Memorial roundabout. The northern vehicular access would be removed, and new replacement planting would be provided near to the new access. The disabled and parent and child parking spaces would be located near to the entrance to the proposed building.
- 9.35. Overall, it is considered that the design, layout and massing of the proposal would be acceptable and would not appear out of keeping with its surrounding area.

## **Residential Amenity - Acceptable**

- 9.36. Paragraph 170(e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. This is consistent with Bromley Local Plan Policy 4 which seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 9.37. The nearest residential properties would be impacted by the proposal are numbers 4 to 26 Devonshire Road and number 28A Mottingham Road and the residential flats located on the northern side of Mottingham Road. The impact on residential properties impacted by the proposal is considered below.

### *Air quality*

- 9.38. The application is accompanied by an Air Quality Assessment which has been reviewed by the Council's Environment Health department. The site is located outside the Council's Air Quality Management Area. There are no sensitive ecological receptors identified. Key pollutants associated to the proposal have been identified as dust generated by construction activities, and nitrogen dioxide (NO<sub>2</sub> and NO<sub>x</sub>) and fine particulate matter (PM<sub>10</sub>) predominantly associated to the road traffic during construction and operational phase. Air quality monitoring data has been collected as part of this assessment which indicates that the impact of the proposal is low and the receptors is negligible. The proposed development would not require any on-site combustion plant such as gas/fuel boilers or Combined Heat and Power (CHP) units and power would be supplied by the National Grid or solar panel.
- 9.39. The Air quality Assessment has considered the likely impact of the proposed development on local air quality and on the proposed receptors being introduced into the area. The assessment concludes that with the implementation of the recommended on-site mitigation measures, it is considered that air quality would not pose a constraint to the redevelopment of the site. The Council's Environmental Health Officer has considered that the submitted details are adequate and acceptable.

*Noise and vibration (plant and car park)*

- 9.40. A revised Noise Survey and Impact Assessment in line with the NPPF, NPPG and British Standard 4142:2014 (BS4142) was submitted with the application and has been reviewed by the Council's Environmental Health. The noise baseline data was collected at 13:15 hours on 1<sup>st</sup> April 2019 and finished at 10:15 hours on the 3<sup>rd</sup> April 2019. The details of parking layout, specification and details of the proposed external plants and 2.4 metres high acoustic fence are provided in assessing the impact of the proposal. The proposed opening hours would be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00. It is demonstrated that the noise associated to the external plants and traffic of the proposed store would be within the environmental limit and would not have an adverse impact on the neighbouring residential properties on Devonshire Road.
- 9.41. The Council's Environmental Health Officer is satisfied with the assessment and is recommending planning conditions to restrict (1) the use of the site as retail (Class E), (2) installation and maintenance of acoustic fence prior to the first occupation of the unit, (3) opening hours be limited between Monday – Saturday, 08:00 – 22:00, Sunday 10:00 – 16:00 and (4) delivery hours be limited between Monday – Saturday, 08:00 – 21:00, Sunday 10:00 – 16:00 should be secured by planning conditions.
- 9.42. Noise and vibration during construction would be controlled through the implementation of measures to be set out within a Construction Management Plan (CMP) secured through condition.

*External lighting*

- 9.43. External lighting is considered to be essential for the car park and servicing delivery in particular, during evening hours of the winter season. A total of six- 6 metres high lighting columns would be installed in the car park and would not be facing the neighbouring properties. Four recessed down lighters and eight wall mounted lights would be installed on the building.
- 9.44. The lighting layout plan including the Lux value is provided which confirms the lighting levels at the site boundary will not exceed 5 Lux, except on the site access road. The proposed lighting will not cause excessive glare to the neighbouring residential properties. The Council Environmental Health Officer was consulted, and no objection is raised.

*Outlook, sense of enclosure and privacy*

- 9.45. The houses on Devonshire Road are adjoining to the former public house. The proposed building would be part single and part two storey in height

would be visible from the rear and side of the neighbouring properties on Devonshire Road and Mottingham Road. However, the back to side distances between the proposed building and the neighbouring properties on Devonshire Road ranges between 16.7metres and 23.1metres. As such, it is considered that adequate distances between the buildings can be maintained.

- 9.46. Number 26 Devonshire Road is an established Council care home providing care for up to 5 residents since 2003. The proposed building would be located approximately 17 metres away from No.26 Devonshire Road. The car park associated to the proposal, operating hours, servicing and delivery hours would be limited and would not be operational during unsociable hours. Due to the distance and relationship with the neighbouring properties, it is considered that the proposal would not have a significant impact on the residential amenities enjoyed by the neighbouring residents.
- 9.47. The houses on Court Farm Road are located to the west of the site and are not adjoining to the application site. The distance between the rear wall of the houses on Court Farm Road and the site boundary measures approximately 35 metres. Due to the distance and relationship with the neighbouring properties, it is considered that the proposal would not have a significant impact on the residential amenities enjoyed by the neighbouring residents.
- 9.48. The impact on residential amenities was considered acceptable when the previous scheme was considered at appeal. Paragraph 17 of the appeal decision states that *“The foodstore and its parking and servicing would change views of the appeal site from neighbouring properties. However, given the setback distances of the proposed building from residential properties and taking into account that this is a designated local centre, where some development could be expected to take place. I do not consider that any harm to the outlook from nearby residential dwellings would be a consideration that would weigh against the proposal. Similarly, with appropriate boundary treatment, reasonable standards of privacy for this area could be maintained”*.

## **Transportation and Highway**

### *Parking spaces*

- 9.49. The Draft London Plan sets a maximum parking standard for retail use in outer London at a ratio of 1 parking space for every 50sq.m retail floor area (GIA). The proposed gross internal floor area measures 1,380sq.m and a maximum of 28 parking spaces should be provided to accord with this.
- 9.50. The proposal would provide 33 parking spaces and would be above the maximum standards set in the draft London Plan. There is no parking standard set for non-residential development in the Bromley Local Plan. Whilst the Public Transport Accessibility Area is rated at 2, there are 3

bus routes serving the area and Mottingham Railway Station is located approximately 670 metres from the site. The proposed parking ratio in the current application would be 1 parking space per 23sq.m and would be the same as the appeal scheme, which was considered acceptable by the Planning Inspectorate.

- 9.51. The Transport Statement indicates that the average dwell time/ turnover of parking spaces is 25 minutes.
- 9.52. Parking stress surveys have been carried out in roads up to 500 metres from the site and a further analysis of parking availability within 200 metres of the site during the peak periods was required. The result confirms that there is parking stress on the neighbouring roads due to the parked vehicles. The surveys indicate that the parking stress is not at capacity, except Devonshire Road. Given the level of parking spaces provided, it is considered that any potential unmet parking demand can be accommodated in the area.
- 9.53. Glanville has carried out a 200 metres parking survey and a comparison of the parking survey carried out in 2018 by the applicant. The results indicate that the impact on off-street parking provision remains appropriate.
- 9.54. Officers note that the provision of 90 minutes free parking could attract visitors making linked trips in the area and could undermine the dwell time of the parking spaces.
- 9.55. A car park management strategy is submitted which indicates that the parking spaces would be provided for their customers only. Appropriate signage will be placed at the entrance and within the car park. The customers' free parking period is on a maximum basis and no vehicles can return to the site within a one-hour period. A number plate recognition system will be used to monitor the use of the car park. A car park usage and management scheme will be carried out after a 3 to 6 month monitoring period. Given that the car park will be monitored, and the usage will be managed and reviewed by the applicant, it is considered that an adequate level of parking spaces can be provided. There is no parking restriction near the entrance of the site on Sunday. The Council's highway officers consider that the waiting restriction in the area should be monitored and reviewed, prior to its first occupation. The cost to monitor, review and amend the waiting restriction/amendment of the traffic order shall be met by the developer. The final decision on the need for amendments should be made by the highway authority.
- 9.56. The following queries were raised by the independent highways consultant;
  - The parking accumulation calculation provided in the original transport assessment is correct based on the TRICS data. This indicates that there is likely to be one excess vehicle trying to park on Saturday and this is unlikely to result in a severe off-site parking impact as the parking beat survey shows that there is sufficient off-

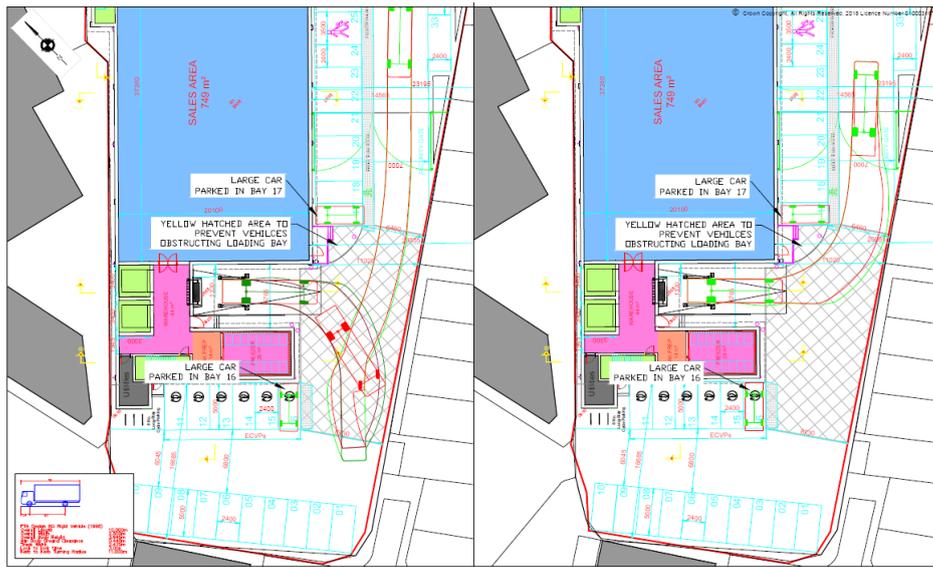
site parking. However, no information has been provided for parking requirements, parking accumulation or parking during peak periods - for example, Christmas and therefore the potential impact at these times is unknown. It is acknowledged, however, that at these busy times there will be staff on hand to ensure that vehicles do not queue out of the car park resulting in Mottingham Road being blocked. Glanville considered that parking survey data and customer parking for similar sized Lidl stores would provide additional evidence to confirm the acceptability of parking provisions.

- A car park management strategy is provided which specified that signage will be provided for Lidl customers only, further information should be provided to ensure the loading bay, disabled parking spaces and parking spaces are not used inappropriately. A planning condition is suggested for ensuring continued parking management.
- No clarification has been provided as to how this will impact customers who leave their electric vehicle to charge.
- No new speed surveys were undertaken as part of the original submission whilst noting the road layout has not changed since 2014.
- There is a risk the parked vehicles will be clipped by the delivery vehicles and pedestrian visibility could be blocked by delivery vehicles.

9.57. In response of the above queries, parking duration surveys data for a similar sized store in Locksbottom and a larger sized store in Addington have been provided including the Christmas period (week commencing 16<sup>th</sup> Dec 2019). The average parking duration is 30 mins during the Christmas period. The average parking duration for other weeks is 27 to 28 minutes. It is considered that the level of parking provision is acceptable and adequately responded to Glanville's recommendation (e) in terms of shopping during certain time periods and adequate levels of parking provision.

9.58. The applicant has confirmed that an ANPR machine to validate free parking for customers will be installed prior to the store opening, in order to manage the usage of the car park. Parking penalties will be issued to any vehicle overstaying the maximum duration. The ANPR is managed by a third party. An excess charge ticket to any vehicles in the car park where (i) any vehicle has been parked for more than 90 minutes (ii) A vehicle is not parked in an authorised parking bay (iii) any vehicle has parked in a disabled space where such a vehicle is not authorised to do so (iv) any vehicle is not displaying a valid notice indicating that the driver is disabled (v) a vehicle is not wholly parked within a designated bay (vi) a vehicle is parked in a parent and child bay where such vehicles are not authorised to do so (vii) a five minute prior observation period has been observed. The car park gate will be open and locked by an employee before and after the operating hours daily. Appropriate signage will be placed in the car park to inform customers.

- 9.59. The applicant has confirmed that the area outside the loading bay would be marked as a yellow box preventing parking or obstruction within the car park.
- 9.60. Glanville's recommendation (g) is therefore satisfied.
- 9.61. An updated swept path analysis confirming delivery vehicles would not interfere with the parked vehicles and pedestrian route in the car park are provided and this is considered acceptable.



**Fig10. Updated swept path analysis**

- 9.62. Based on the information submitted, officers considered that the level of parking provision would remain acceptable. Glanville has reviewed the responses provided above and no further queries were raised. Glanville has also carried out an independent parking stress survey in September 2020 and considered that the original transport assessment submitted by the applicant remains acceptable.

*Speed survey*

- 9.63. A new speed survey was undertaken by the applicant on the Friday 17<sup>th</sup> July 2020 and Monday 20<sup>th</sup> July 2020. The data shows 85<sup>th</sup> percentile speeds of 27.01mph for north westbound traffic and 28.91mph for south eastbound traffic and this confirms 43m visibility splays are still appropriate for the site.

9.64. Glanville has undertaken an independent speed survey between Tuesday 8<sup>th</sup> September and Monday 14<sup>th</sup> September 2020 and confirm the proposed visibility remains appropriate.

*Electric charging points*

- 9.65. Draft London Plan (Policy T6) requires that new residential development

should provide 20 percent of spaces for active charging facilities with passive provision for all remaining spaces. There is no minimum or maximum requirement for an electric charging point for retail development in the draft London Plan (Policy T6.3), except the requirement for rapid electric charging which should be made. The current London Plan requires 20 percent (1 in every 5 spaces) both active and passive charging points be provided.

- 9.66. Seven active and seven passive rapid electric charging points would be provided and would comply with policy requirements.

*Accident records*

- 9.67. Glanville comment that the accident record should be updated to include 2018 and 2020. The most updated records between 2015 and 2019 are provided. A total of 14 accidents occurred in the surrounding area of which 12 caused slight inquiries and 2 resulted in a serious injury. There were no fatal accidents recorded. There have been no accidents recorded within the immediate vicinity of the proposed site access between 2015 and 2019. The number and nature of personal injury accidents within the study area does not suggest that there is any underlying highway safety issues which might be exacerbated by the application proposal. The location of accidents between 2015 and 2019 is shown below.



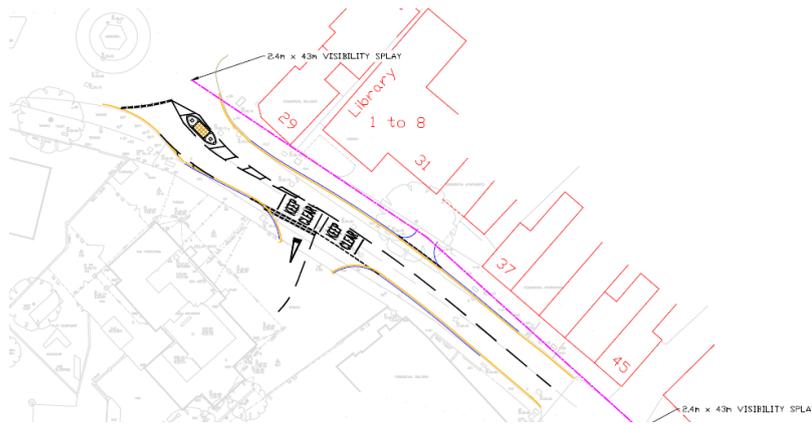
**Fig11. Location of accidents between 2015 and 2019**

*Access and highway improvement works*

- 9.68. Adequate visibility is essential to ensure highway safety. There are two existing vehicular accesses to the site, and it is proposed to remove the existing accesses and replace these by a single and central access. It should be noted that the northern visibility splay is positioned in a close proximity to the War Memorial Roundabout and should be sited away. Should the site be occupied for any new use or re-occupied for its former use, access improvements should be provided in order to ensure

highways safety. The proposal would provide a consolidated vehicular access to the site and would be sited away from the roundabout. The principle to provide a new access is therefore supported.

- 9.69. The sightline to the right (east) is obscured by the existing buildings on southern side of Mottingham Road. This is due to the siting of the existing buildings and the straight nature of the Mottingham Road near to the application site.
- 9.70. Table 7.1 and Figures 7.18 in the Manual for streets sets out the recommended values for junction distances (X and Y values) and is in line with the road speed limit. A visibility of 2.4m x 43m is required to ensure adequate visibility splays can be achieved and ensure safety for all highway users. This was highlighted by the Planning Inspectorate in dismissing the previous scheme. The previous appeal scheme indicates the visibility splay would achieve 2.4m x 30m to the east and this was not considered adequate and not considered to be appropriate for the access details to be considered at planning condition stage. Paragraph 37 of the previous appeal decision states *"I do not consider that the access arrangements shown on the proposed site plan 4974 PL 02 G would be acceptable.... the details would need to be determined as part of any permitted development proposal.*
- 9.71. The current proposal would achieve the required visibility splay of 2.4m x 43m and this is supported by detailed footway dimensions confirming its size, position and distance. The sightline to the right/south of Mottingham Road is restricted by the existing building line and in order to achieve the required visibility, the footway near the entrance of the site, on both sides of Mottingham Road will need to be adjusted.
- 9.72. The width of the existing southern footway measures between 1.88m and 3.05m. It is proposed to increase the width of the southern footway by between 0.6m and 1.35m. The width of the proposed southern footway would measure between 2.89 and 3.59m. The average width would be increased from 2.47m to 3.27m.
- 9.73. The width of the existing northern footway measures between 2.81m and 3.76m. It is proposed to reduce the width of the northern footway by between 0.53m and 1.29m. The width of the proposed northern footway would measure between 2.02m and 3.23m. The average width would be decreased from 3.16m to 2.78m.
- 9.74. The visibility splay associated to the residential flats (No. 31 Mottingham Road) opposite the site is considered acceptable and would also achieve the required standard as illustrated below.



**Fig 12. Proposed viability splay – No. 31 Mottingham Road**

- 9.75. The site is in an established local centre with a mixture of residential and commercial uses. The level of traffic movements experienced by residents and users would be more than other residential roads. The local traffic is mostly associated to its range of local amenities in the area including schools, nurseries, shops, a library and a care home. A level of traffic and pedestrian movement associated to its activities are expected.
- 9.76. Footway provision is an essential factor in encouraging or hindering walking. The proposed realignment works would have a degree of positive and negative impact on the overall pedestrian walking environment near the site. The footway reduction on the northern side of Mottingham Road when assessing this in isolation could be in temporary conflict with the objectives of new government guidance in response to Covid 19. It should be noted that the proposed reduction would be limited and is not provided without an overall improvement to the area. It is important to note that no part of the proposed footway would be below 2 metres in width on the northern side of Mottingham Road and this would enable a good degree of social distancing. It is also important to note that the proposal would comply with the highway requirements.
- 9.77. The existing footway on the southern side of Mottingham Road is relatively narrower than the northern side. The width of the footway on the southern side of Mottingham Road will be increased which complies with the principles of the new guidance. A replacement pedestrian refuge of a larger size with tactile paving would also be provided as part of this proposal. The proposed highway works including any required utilities works and replacement streetlights would be secured by a S278 agreement.
- 9.78. The proposal would comply with the national design guidance (Manual for Streets) and the Pedestrian Comfort Guidance for London – Guidance Document published by Transport of London (2010) which states the minimum footway width with no street furniture is 2 metres. The 2.9 metres footway width relates to footways with large pieces of street furniture such as guard rails, cycle parking (parallel with the road), a bus flag or a busy pedestrian crossing and is not applicable in this case. The proposed realignment works on the northern side of Mottingham Road would retain a 2 metres footway width and would comply with the national

guidance (Fig 13) and TfL guidance Furthermore, it should be noted that the siting of the library entrance door is not facing Mottingham Road which is approximately 9 metres from the back edge of the existing public pavement.

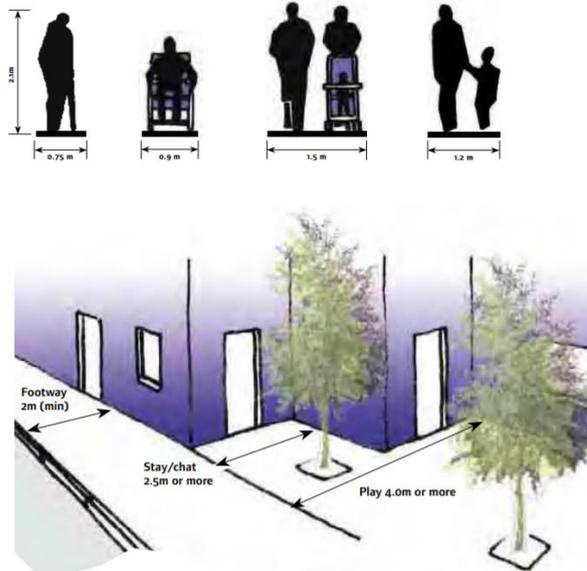


Figure 6.8 The footway and pedestrian areas provide for a range of functions which can include browsing, pausing, socialising and play.

### Fig 13. Manual for Streets Extract

- 9.79. Glanville considers (Recommendation 9) that consideration could be given to providing a “Level of Services” assessment to show the impact of the reduced footway outside the library. A ‘Fruin’ Levels of Service Assessment is provided on both side of Mottingham Road is provided which confirmed the proposal would not have an adverse impact on the level of service for pedestrians. Glanville has raised no further query on this issue.
- 9.80. A “Keep Clear” road marking at the site entrance is proposed ensuring the permeability of the site entrance. This measure was originally indicated in the Stage 1 Road Safety report and the designer’s response. This is also in line with the Glanville’s recommendation (f) that “Keep Clear” markings should be provided to minimise the potential for queueing traffic to block the site access.
- 9.81. The Council’s highway officers were consulted and there was no objection to the proposed access, realignment of the footway and improvement of the existing pedestrian island subject to the recommended planning conditions, S106 and S278 agreements. The Council’s highway officers have also advised that the store shall not be occupied until the required works are completed. The development shall be subject to a Stage 2 Road Safety Audit prior to commencement of work and a Stage 3 Road Safety Audit prior to the first occupation. There is no waiting restriction outside the site on Sunday. The waiting restriction in the area should be monitored and reviewed as an amendment of the traffic order to include Sunday may be required. This cost should be met by the applicant and secured by a s106 legal agreement.

### *Servicing and delivery*

9.82. Glanville have provided the following recommendations in their report:

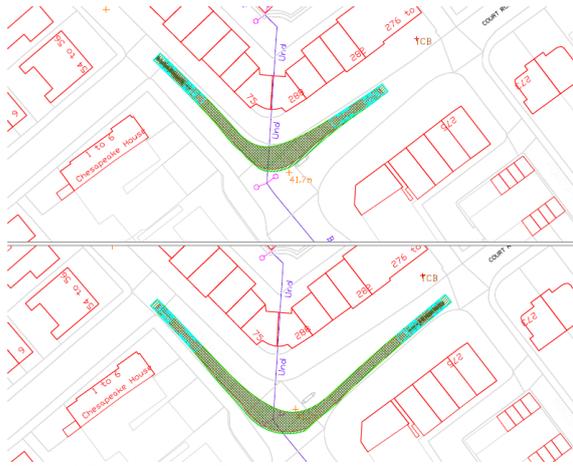
Recommendation (a): the frequency and timings of the store deliveries be clarified, and consideration should be given to setting up a local resident's complaints procedure for deliveries occurring late at night, overnight or in the early morning.

Recommendation (b): If LB of Bromley has continued concerns about the servicing strategy, consideration could be given to undertaking delivery where the number of customers is low or a smaller vehicle is used.

Recommendation (c): Consideration could be given to providing further information to show that HGVs can turn into and out of Court Road.

Recommendation (d): Consideration should be given to restricting delivery times to avoid the weight limit on Court Road, a different routing provided, or smaller vehicles used.

- 9.83. The proposed delivery hours will be between 08:00 and 21:00 Monday to Saturday, between 10:00 and 16:00 on Sunday. It is anticipated that up to 2 deliveries per day using larger delivery vehicles (over 18 tonnes in weight and 10 metres in length) via Court Road (A208) would be required. The deliveries will be undertaken from the regional distribution centre in Belvedere with the most appropriate route being via Eltham along A208 and using Court Road. There is no late night, overnight or early morning deliveries taking place. Swept path analysis are provided confirming delivery vehicles can access and leave the site in a forward gear. It is considered acceptable.
- 9.84. The applicant has advised that smaller sized delivery vehicles 18 tonnes (10 metres in length) can be used for this site, in response to the concerns raised by the residents. However, the number of deliveries will be increased up to 3 to 4 times per day and this is not preferred. The delivery route can be via Court Road (A208) or Mottingham Road (B226) using the existing highway network.
- 9.85. The proposed servicing and delivery hours will not take place outside of unsociable hours and this is considered acceptable. The principle to utilise larger goods vehicles for up to 2 deliveries per day is also considered acceptable minimising the number of daily deliveries and traffic to the site. Given that the applicant has considered to use smaller delivery vehicles, officers considered that the servicing and delivery arrangements including the vehicle sizes should be monitored and reviewed on an annual basis for 24 months. Subject to the planning conditions, it is considered that the servicing, delivery hours and frequency of deliveries up to twice per day would be acceptable and the recommendations (a) and (b) raised by Glanville are addressed.
- 9.86. Swept path analysis confirming delivery vehicles can turn into and out of Court Road are provided and Granville's recommendation (c) is therefore accepted.



**Fig 15 Swept Path Analysis - Court Road**

- 9.87. Goods vehicles are subject to road width and delivery hours restrictions in London. The London Lorry Control Scheme controls the movement of heavy goods vehicles on specific roads in London. The scheme prevents goods vehicles exceeding a specific gross weight travelling on the identified residential roads at night hours and at weekends to minimise noise disturbance to residents. This is an established practice for which a permit will be required for goods vehicles exceeding the prescribed sizes and for delivering during the restricted hours.
- 9.88. The weight restrictions on Court Road are 16.5 tonnes and a permit will be required during the following hours between 9pm and 7am, 9pm to midnight on Monday to Friday; between Midnight and 7am, 1pm to midnight on Saturday; and at any time on Sunday.
- 9.89. The applicant is aware a permit will be required for deliveries at the weekends (between 1pm and 9pm on Saturday, between 10am and 4pm on Sunday). The applicant has agreed that a planning condition be attached which limits the delivery hours and any deliveries on Saturday PM (1pm to 9pm) and on Sundays would require a permit.
- 9.90. Based on the information submitted to date, it is considered that the recommendations (c) and (d) are addressed.
- 9.91. Recommendation (i) relates to the travel plan and an updated travel plan incorporating the Mayor's Transport Strategy setting out an initial target are provided. The Travel plan reviews the travel pattern associated to the development and sets out objectives to reduce reliance on the car, improve awareness and usage of alternative modes, promotes walking, cycling and car sharing. It is considered that the updated travel plan is prepared in line with the Mayor's Transport Strategy and is considered acceptable.

*Trip generations and roundabout capacity*

- 9.92. Glanville considers the trip generation has only been provided for the weekday PM peak hour and the Saturday peak hour. The assessment of

AM peak hours or a Sunday peak hour should ideally be included.

- 9.93. The applicant has advised that the speed survey record show that the weekday AM peak two-way flow along Mottingham Road is lower than the weekday PM peak two-way flow. This result is consistent with the 2018 speed survey. As such AM peak flows have not been modelled as the PM peak flows would indicates the worst case.
- 9.94. The trip generation analysis on Sunday is provided which show the junction performs at a similar level to the Saturday peak. The trip generations associated to this proposal would represent a stable and acceptable operating condition within the junction practical capacity and a free flow traffic pattern across all arms of the junctions can be maintained.
- 9.95. Glanville has undertaken their traffic surveys which includes turning count, queue length, speed surveys and parking surveys covering weekday AM peak hour and Sundays. Whilst the 2020 turning count survey indicates that the weekday PM peak has experienced an increase in northbound flow passing the site and the flows are slightly higher at the War memorial roundabout, the weekdays PM junction modelling remains acceptable.
- 9.96. The Saturday peak hours has a similar volume of traffic as observed in 2018 on both Mottingham road and at the War memorial roundabout. As such the Saturday modelling remains acceptable.
- 9.97. The additional weekday AM Peak and Sunday traffic surveys were undertaken by Glanville and has confirmed the proposal would have a greater impact on the operation of the roundabout during the PM peak hour than during the AM peak hour. Consequently, Glanville has confirmed that the original assessment submitted by the applicant remains appropriate which reflects a worst-case scenario.
- 9.98. Queue length surveys carried out by Glanville shows the longest average queue length is observed during the AM peak hours with 8 vehicles in length travelling northbound past the site. It should be noted that the roundabout is 5 two-way trips and the observed length is not considered to have a significant impact. A "Keep Clear" road marking is recommended to ensure the accessibility to the site can be kept open. The impact of the proposal is considered acceptable.
- 9.99. Based on the information submitted in the original transport assessment, the finding from Glanville and highway officers, it is considered that the proposal would not have a significant or adverse impact of the traffic and roundabout capacity. This assessment received to date has confirmed that the junction would operate within its capacity with an acceptable queue length in during the peak hours.

#### *PICADY models*

- 9.100. Glanville's report states that the site access PICADY models has been reviewed and reflects a worst-case scenario (15 metres minor road visibility). Glanville's recommend that a 20 metres minor road visibility

setting should be checked. The PICADY modelling has been rerun with 20 metres visibility. This result shows there is a negligible difference or improvement to the delay. Glanville has raised no further query.

*War Memorial roundabout swept path analysis – west bound West Park exit and south bound entry via Mottingham Road*

- 9.101. Glanville's report states that a swept paths analysis has been provided to show vehicles can enter and depart the site via the War Memorial roundabout. Further information to confirm products vehicle should be provided.
- 9.102. Swept Path analysis covering the unlikely routes are provided which confirm the west bound exit on West Park Road from Mottingham Road and south bound entry from Mottingham Road are adequate. The applicant has advised that the deliveries would be via Court Road.

### **Trees – Acceptable**

- 9.103. A Hawthorn tree (Category U) and an Oak tree (Category B/C) located to the rear of the building are the subject of a Tree Preservation Order (TPO), which has been in place since November 2013.
- 9.104. The site and the TPO trees were inspected by an arboricultural consultant prior to the submission of this application. The Hawthorn tree has been subject to decay since 2013 and this was documented in the previous appeal decision (Paragraph 12) which states *"it was evident from my site inspection that the part of the tree close to the ground where its two main limbs divided is decaying, which could limit how long it could be retained, particularly as part of its limbs overhang the boundary fence of the adjoining residential property"*.
- 9.105. The oak tree is located close to the boundary with the motorcycle showroom building and with the branches overhanging the neighbouring properties it has been lopped in an unprofessional manner resulting in splits and decay. The condition of the oak tree was also documented in the previous appeal decision (Paragraph 13) which states *"It is located close to the boundary with the motorcycle showroom property, and it appears that the adjoining occupier has in the past removed limbs that overhang the boundary. This has not been done sensitively, which has damaged some branches, and give the tree a misshapen crown"*.
- 9.106. The principle to remove the TPO trees and the provision of adequate replacement planting along the frontage of the site was established since the previous scheme was dismissed. Paragraph 14 of the previous appeal decision states *"the loss of protected trees is a consideration which at least to some degree, weighs against the appeal. But this would not be sufficient to bring the proposal into significant conflict with the UPD policy NE7 or London Plan 7.21 which seeks to retain existing trees of value, but also provides for replacement following the principle of right place, right tree."*
- 9.107. Paragraph 15 of the previous appeal decision also states *"the loss of*

*protected trees and open space to the rear of the existing building would, to some extent, have an adverse effect on the character, appearance and amenity of the area. However, this would not be sufficient to bring the proposal into any conflict with the aim of the London Plan policies 7.4 and 7.5 and UDP policies BE (i) (ii) or (iii). I do not consider that any harm to the character and appearance of the area resulting from the appeal scheme would weigh much against the proposal”.*

- 9.108. The proposed landscaping plan indicates that 4 replacement trees (*Crataegus monogyna stricta*) and new shrub (*Viburnum tinus*, *Choisyya ternate*, *Ilex aquifolium*, *Symphoricarpus albus*, *Laurus nobilis* and *Mahonia aquifolium*) would be provided within the site. It is considered that adequate replacement planting can be provided and biodiversity can be maintained within the site.
- 9.109. The Council’s tree officer has advised that 10 replacement trees were provided in the previous appeal scheme. It is recommended that a minimum of 12 replacement trees should be provided and at least 50 percent of the replacement trees should be planted at a location visible from the road. It is considered that the details of the replacement trees of sufficient quantity and quality can be provided within the site and these details can be secured by a planning condition.

## **Sustainability – Acceptable**

### *Carbon emission*

- 9.110. An Energy Assessment is submitted which indicate the proposal would achieve a 36 percent on-site carbon reduction and would comply with the current requirements set out in London Plan Policy 5.2.
- 9.111. Draft London Plan Policy SI-2 Minimising Greenhouse Gas Emissions states that major development should be net zero-carbon and follows the energy hierarchy below:
- Be lean; Use less energy and manage demand during operation
  - Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - Be green: Maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - Be seen: Monitor verify and report on energy performance.
- 9.112. Paragraph 9.2.4 of the draft London Plan (Policy SI-2) also states that “A zero-carbon target for major residential developments has been in place for London since October 2016 and applies to major non-residential developments on final publication of this Plan”. The draft London Plan remains unadopted at the time this report is being preparing. As such, the proposal would comply with the current policy requirement including the status of the draft London Plan.
- 9.113. The Energy Assessment indicates that the anticipated on-site regulated carbon dioxide emission (Building Regs 2013 Compliant Development) is 59.27tCO<sub>2</sub> per annum. A range of renewable technologies have been

investigated and the use of solar photovoltaic (PV) array would be the most appropriate option for this site which will achieve a 36 percent on-site carbon reduction. The Council's energy officers are consulted and considered the proposal acceptable.

#### *Drainage and surface water*

- 9.114. Mottingham Road and the surrounding highway network are subject to low to high risk surface water flooding. In line with the National Planning Policy Framework and relevant policies, new development should utilise sustainable urban drainage systems unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off managed as close to its source as possible.
- 9.115. A Drainage Assessment and Surface Water Drainage Strategy has been submitted and this demonstrates that the surface runoff from the development will be controlled during the lifetime of the development without any increased flood risk in the area.
- 9.116. The current surface water discharge for the development ranges from 11.3 litres per second for the 2 year event to 28.9 litres per second for the 100 year event. The proposed sustainable urban drainage strategy for the site will include the provision of a modular storage and a permeable paving system to be located within the car park with a peak flow restricted to 5.6 litres per second. Permeable paving will provide approximately 17sq.m storage. The proposed attenuation tank will provide approximately a further 101sq.m of storage required to retain the 1 in 100 plus 20% climate change event. This represents a reduction of surface water flow of more than 50% when compared to the existing surface water discharge for the 2 year event and significantly less when compared to the existing 30 year and 100 year events. A by-pass petrol interceptor is proposed to treat pollutants which arise from car park run-off prior to discharge.
- 9.117. The Council's Sustainable Drainage officer has reviewed the proposed measures set out in the submitted drainage assessment and surface water drainage strategy. It is recommended that the detailed designs should be secured by a planning condition, prior to any work commencing on site. Thames Water has advised that the site is located within 15 metres from their waste water assets and there are public sewers crossing or close to the site. An informative should be attached advising the presence of their assets. Development would be expected to demonstrate what measures will be undertaken to minimise ground water discharges in the public sewer. Any discharge of groundwater into a public sewer will require consent from Thames water and an informative should be attached. It is recommended that a petrol /oil interceptor be fitted in the car park

#### **Design Out Crime – Acceptable**

- 9.118. Bromley Council Policy 37 and London Plan Policy 7.3 are relevant with

regards to secure by design. The policy notes that the Council will require developments to demonstrate that they have incorporated design principals which contribute to community safety and security, particularly in an area with a relatively high level of crime.

- 9.119. A car park security gate will be installed in the car park and attached on the flank wall of the proposed building. The security gate will be used outside the opening hours. The car park gate will be open and locked by an employee before and after the operating hours. The Metropolitan Police were consulted in respect of the current application and recommended that a planning condition requiring the development to achieve Secured by Design accreditation be attached.
- 9.120. It should be noted that this part of the proposal is identical to the pervious appeal scheme which was endorsed by the Metropolitan Police's Design Out Crime Officer and did not form a planning reason for refusal at appeal stage in 2014. Paragraph 2 of the planning appeal decision states "*LBB advised by email dated 1<sup>st</sup> August 2014 that its Plans Sub Committee agreed not to contest the appeal on its third reason for refusal, which concerned crime prevention. This was on the basis of revised drawings showing a proposed gate and potential security measures agreed between the appellant and the Metropolitan Police's Design Out Crime Officer*".
- 9.121. Subject to the secured by design planning condition, it is considered that this part of the proposal would be acceptable.

### **CIL**

- 9.122. The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). Based on the Mayor's CIL charging schedule and the information provided as part of the application, the Mayoral CIL is based at £60 per square metres at the present time.

### **Head of Terms**

- 9.123. S106 Legal Agreement: - £5,000 financial contribution to review and amend traffic waiting restriction in the area.
- 9.124. S278 Highway works: - (1) Improvement to the pedestrian crossing; and (2) Realignment of footway.

### **Conclusion**

- 9.125. The principle to introduce a retail use within Mottingham Local Centre is considered acceptable and would comply with the NPPF, London Plan and Local Plan which seeks to promote town centre uses within town centres. the proposal would provide a wider range of convenience and comparison goods and choices in Mottingham Local Centre and would in turn improve the quality and availability of products in the local area, providing job opportunities and bringing a derelict site back into active use.

- 9.126. The ACV listing has expired in July 2018 and there were no further applications for its ACV to be renewed. The property has also been marketed by a leisure sector specialist for freehold and leasehold establishments to attract the relevant audience and there were no offers to revert the site to its former uses, the only offers involved use of the site for housing, a care home and other commercial uses. The viability assessment has been assessed by an independent viability consultant and concludes the site is not viable.
- 9.127. The 2014 appeal was dismissed as the site had not been placed on the open market and lacked details confirming the required highways visibility could be achieved at appeal stage. These details are now provided and have all been assessed by officers, including an independent highway consultant and it is considered that an adequate level of parking provision, servicing and deliveries is provided without any adverse impact on highways and road safety.
- 9.128. The footway reduction on the southern side of Mottingham Road when assessing this in isolation could be in temporary conflict with the objectives of new government guidance in response to Covid 19. It should be noted that the new government guidance is under a 3 month rolling review. It is important to note that the footway on the southern side would be increased as a result of this proposal and the proposal would provide an overall improvement in the area and would comply with the new guidance. A replacement pedestrian refuge island with tactile paving and of a larger size is also provided to ensure a safe crossing environment can be provided.
- 9.129. On balance and subject to the planning, highway obligations and planning conditions, it is considered that the proposal would remain acceptable and would not impact detrimentally on the character of the area, retail function, highway safety or residential amenities. As such, it is considered that the proposal would be acceptable and planning permission be granted.

**RECOMMENDATION: PERMISSION subject to a S106 Legal Agreement, S278 highway works and the following planning conditions**

**Standard condition**

1. Time limit of 3 years for commencement
2. List of drawing numbers
3. Use as a retail store

**Pre- commencement**

4. Construction management plan
5. Details of materials
6. Stage 2 Road Safety Audit
7. Existing and proposed slab level

### **Prior to occupation**

8. Installation of security gate
9. Stage 3 Road Safety Audit
10. Replacement planting and trees
11. Car park management plan
12. Servicing and delivery plan (pre-occupation)
13. Servicing and delivery plan  
(monitoring and review for 24 months)
14. Sustainable water drainage
15. Details of replacement trees
16. Carbon emission measures
17. Boundary treatment including acoustic barrier
18. External lighting strategy
19. Details of commemorative information board
20. Electric charging points

### **Within six months of occupation**

21. Review of waiting restrictions in the area and amendment of traffic order

### **Compliance conditions**

22. Opening hours: - 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 on Sunday
23. Delivery hours: - 08:00 to 21:00 Monday to Saturday and 10:00 to 16:00 on Sunday
24. Parking to be provided as approved

Any other planning condition(s) considered necessary by the Assistant Director of Planning

### **Informatives:**

1. Road safety Audit prepared and in agreement with the Council's Highway.
2. Code of Practice for Construction Sites
3. Fire Brigade
4. Thames Water