

Committee Date	5 th October 2023	
Address	UNIT 2A FARNBOROUGH WAY (Frankie & Benny's) FARNBOROUGH ORPINGTON BR6 7DH	
Application number	23/00848/FULL1	Officer Agnieszka Nowak-John
Ward	Farnborough and Crofton	
Proposal (Summary)	Demolition of the existing buildings on the site and the construction of a foodstore (Use Class E), alongside the provision of a surface level car park, associated access and landscaping works.	
Applicant	Agent	
ALDI Stores Ltd.	Miss Katia Clarke Planning Potential Ltd.	
Reason for referral to committee	Strategic/Major Development	Councillor call in Yes (Due to local interest)

RECOMMENDATION	Refuse Planning Permission
KEY DESIGNATIONS	
<ul style="list-style-type: none"> • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Smoke Control 	

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Former A3 Use Class (Restaurant)	379

Proposed	E Use Class (Food store)	1,725	
Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces (Disabled car spaces)	25 (NA)	47 (3)	+22 (+3)
Cycle	NA	33	+33

Electric car charging points	2 active
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Representation summary	<p>Consultation on the original proposal took place in March 2023. Subsequent consultation on the revised scheme (14-day consultation) was carried out in September 2023.</p> <p>Neighbour letters were sent on 9th of March and 11th September 2023. The press adverts were published in News Shopper on the 22nd of March and 20th of September 2023.</p> <p>183 individual objections, 162 letters of support and 2 representations and were received, alongside representations made by the Farnborough Village Society.</p> <p>The latest amendments have been subject to a 14-day consultation which ended on 25th September 2023.</p> <p>As a result of the latest consultation, further 35 objections, 71 support responses and 2 representations were received, alongside representations made by the Farnborough Village Society.</p>	
Total number of responses	453	
Number in support	233	
Number of objections	218	
Number of Neutral comments	2	

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon Offset	£3,196	YES
S278 works	TBC	YES
Monitoring Fee	£500	YES
Bus Stop re-location fee	£15,000	YES
Financial contribution for speed reduction feasibility study	TBC	YES
Air Quality Offset	TBC	YES
Cost of Legal undertaking	TBC	YES
Total	TBC	TBC

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The changes to the footprint and the reduction in height of the proposed retail unit are acknowledged, and officers are of the view that previously raised concerns in relation to the design and amenity impact of the proposal have been satisfactorily addressed.
- However, the proposal would continue to promote a retail development that is excessively dependent on the private motor car and there has been little attempt made by the current submission to address the issue of poor connectivity and accessibility of the site through the potential improvements to the local pedestrian and cycle routes.
- Whilst the proposed development would deliver some economic benefits in the form of employment generation, these benefits are not considered to outweigh the environmental harm. This is exemplified by virtue of the fact that the total development trip rate exceeds the air quality neutral benchmark for transport emissions.

1. LOCATION

- 1.1 The application site measures 0.43ha and is located on the southern side of Farnborough Way. The western part of the site comprises a single storey building occupied previously by Little Chef Restaurant and most recently Frankie and Benny's. The eastern part of the site has a historic use as Darwin Petrol Filling Station (Fig 1.1).
- 1.2 The site is approximately 200m in length and approximately 33m at its widest point. Along its length, the boundary of the site is consistent with the alignment of Farnborough Road (to the north) but more irregular in shape to the south, where it abuts several residential properties and gardens of Palmerston Road, Pitt Road and Cobden Road.

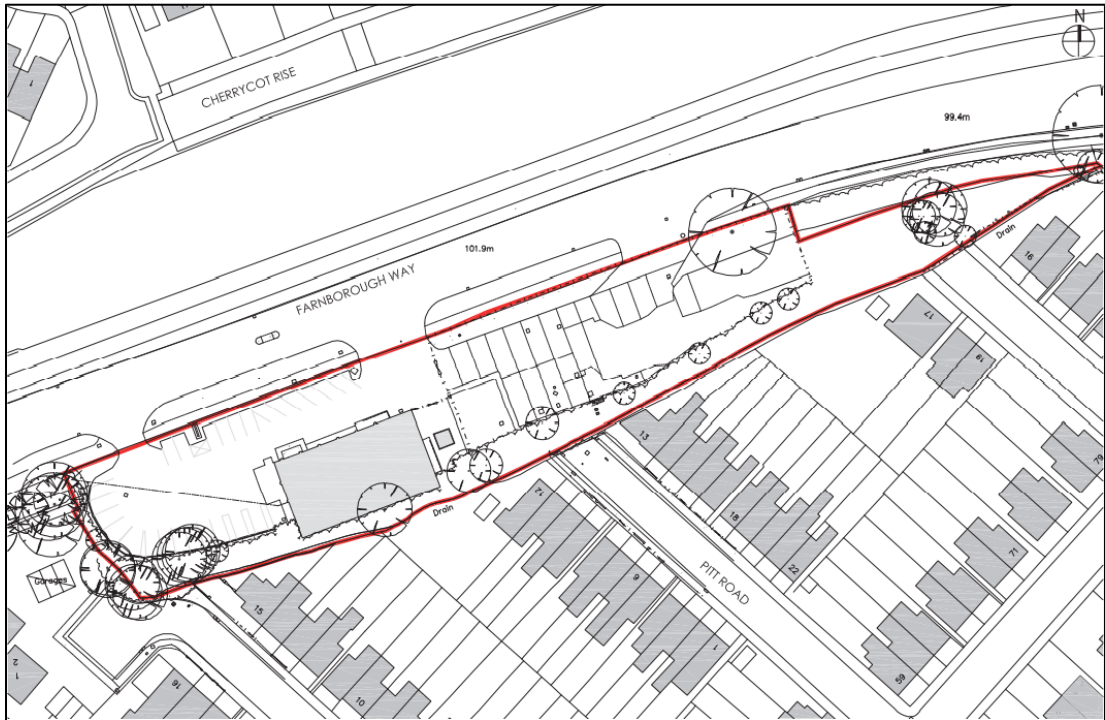


Fig 1.1 Site location plan

- 1.3 There is an approximate 3m level change between the site and the neighbouring residential area to the south (maximum being 3.5m alongside Pitt Road). The steep bank which forms this boundary contains a variety of mature trees and shrubs. A mature London Plane tree situated to the north-west of the site fronting Farnborough Way on the A21 frontage is covered by a TPO.
- 1.4 The site lies within Flood Zone 1.
- 1.5 The site has a PTAL rating of 1a/1b (very low public transport accessibility) and currently has two dedicated vehicular accesses of the highway. Farnborough Way (A21) forms part of the TFL network and the speed limit is 40mph.

2. PROPOSAL

- 2.1 Permission is sought for the demolition of the existing Frankie and Benny's building and the redevelopment of the site to include as follows (Fig 2.1):
 - An Aldi food store of 1725m², offering 933m² of net retail sales area;
 - A level car park with 47 spaces, of which three will be reserved for disabled users, two would be reserved for parents with young children and two would be active electric vehicle charging spaces;
 - 11 long term cycle storage spaces would be provided for staff within the proposed store, with 22 short stay spaces available for customers within the car park.



Fig 2.1 Proposed site plan

- 2.2 The ground floor of the food store would comprise of 933m² retail space, 109m² amenity space and 75m² warehouse. The lower ground floor would incorporate 163m² amenity space and 382m² warehouse. There would also be a staircase providing access to the roof plant.
- 2.3 The proposed building would be approximately 54.2m long at its longest point and 24.5m wide at its widest point. The majority of the building would be 8.6m in height on the south-eastern boundary (Fig 2.3).



Fig.2.2 CGI view of the proposed store as seen from Farnborough Way

(North Elevation)



(South Elevation)



(East Elevation)



(West Elevation)

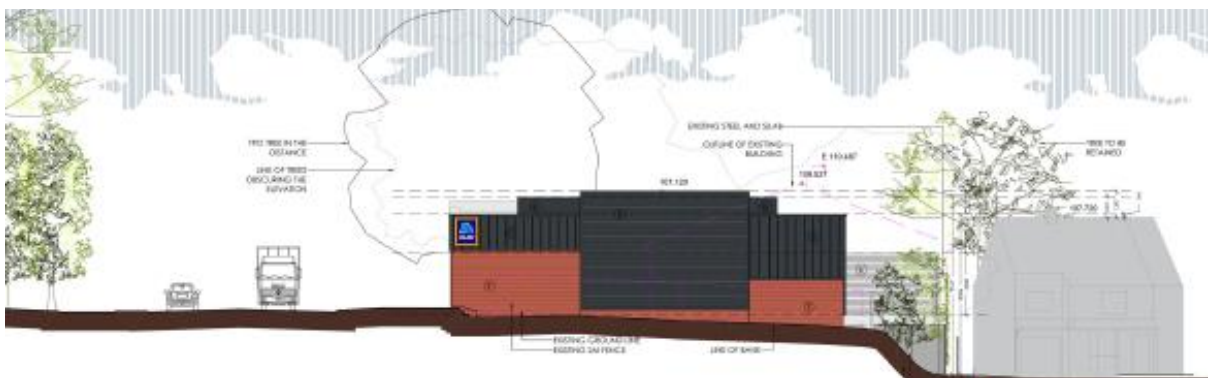


Fig.2.3 Proposed elevations

2.4 The store would be open between 08:00 to 22:00 Monday to Saturday and a six hour operating period on Sunday (i.e. 10:00 to 16:00 or similar), with delivery

times not specified in the application form. It is anticipated that the store would employ 10 full time and 30 part time members of staff.

2.5 A similar planning application (20/04838/FULL1) was refused in March 2022 (see Planning History). The amendments made in the revised scheme are summarised below and Table 2.1 provides a comparison between the previous application and the current proposal:

- Reduction in the width of the majority of the building by 2.8m;
- Re-siting of the building further into north east part of the site;
- Incorporation of part of the existing Frankie and Benny's structure into the scheme;
- Reduction of two car parking spaces;
- Introduction of more continuous planting including additional trees along Farnborough Way;
- Reduction of the lower ground floor area which would be fully enclosed from view;
- Relocation of the fire exit to the east elevation;
- Introduction of further brickwork to elevations.

	Previous Refusal scheme	Proposal	Differences
Site area	0.42	0.42	-
GIA (m2)	1790	1725	- 65m2 (3.6%)
Proposed Aldi footprint (m2)	1239	1227	- 12m2 (1%)
Retail sales area (m2)	1056	933	- 123m2 (11.6%)
Car parking spaces	49	47	-2
Parking - parents with young children	3	2	-1

Table 2.1 Comparison between the previous scheme (planning ref: 20/04838/FULL1) and the current proposal

Amendments (July 2023) – transport issues

2.6 In response to various concerns raised by Transport for London, the access layout of the scheme has been amended and publicly reconsulted. The key transport changes (as stated in the applicant's letter on 14 July 2023) are listed as follows:

- The previously proposed left in/ left out site access arrangement has been amended to an all-movements junction. This includes a relocated crossing point to the narrowest point across the access with no refuge island.
- A parallel tiger crossing for pedestrians and cyclists is now proposed on the western arm of the Farnborough Way/ Tubbenden Lane roundabout to the east of the site. This would improve the existing pedestrian/ cycle infrastructure at this location.

- Staff Cycle spaces – the previously proposed wall hooks for staff cycle parking have been replaced with a double deck cycle rack. Also, the staff would be able to use the goods lift to transport cycles to and from the basement.

2.7 Two additional transport Technical Notes (TN), No. 13 (TN13) and No. 15 (TN15), have been submitted and they are attached in Appendix A.

3. RELEVANT PLANNING HISTORY

Little Chef/ Frankie and Benny's (western part of the site)

- 3.1 05/02444/FULL1 – Single storey side extension and elevational alterations. Approved on 01.09.2005.
- 3.2 08/01025/FULL1 – Creation of outside seating area including erection of decking/screening and parasols and relocation of 2 parking spaces. Refused on 13.05.2008 for the following reasons:
- 1 The proposal would result in a seriously detrimental impact on the amenities of nearby residential properties by reason of the likely increase in general noise and disturbance, thereby contrary to Policies BE1 and ER8 of the Unitary Development Plan.
 - 2 In the absence of sufficient information to indicate the proposed on-site car parking arrangements, the proposal is considered to be prejudicial to the free flow of traffic and conditions of general safety within the development, contrary to Policy T18 of the Unitary Development Plan.
- 3.3 15/00586/FULL1 - Elevational alterations to external walks to incorporate cream render finish. Approved on 09.04.2015.

Darwin Filling Station (eastern part of the site)

- 3.4 08/00930/OUT – Erection of 2 detached single storey buildings (450m²) for retail use (Class A1) with associated car parking (28 car parking) and alterations to vehicular access (OUTLINE). Refused on 15.09.2008 for the following reason:
- 1 The application site is not within any shopping centre and as such Policy S6 of the Unitary Development Plan does not apply to the proposal. The proposed development for 2 retail units and associated car parking would be contrary to Objective 4 of Chapter 11 'Town Centres and Shopping' and Policy S7 of the Unitary Development Plan, and no convincing case has been made that the proposal would not prejudice the vitality or viability of existing shopping centres in the Borough.

- 3.5 09/00625/OUT – Detached single storey building for retail use (Class A1) (372m2) with associated car parking (22 car parking) and alterations to vehicular access (OUTLINE). Approved on 30.04.2009, but not implemented.
- 3.6 20/04838/FULL1 - Planning permission for a similar proposal was refused at the Development Control Committee on the 9th March 2022 and the reasons for refusal were:
1. The proposed development would, by reason of its design, scale, siting and elevated position, appear out of scale and would introduce a discordant feature into an established townscape and residential view. As such, the proposal would be harmful to the character and appearance of the surrounding area, thereby contrary to advice contained in Local Plan Policy 37, London Plan Policy D3 and the NPPF.
 2. The proposed development would, by reason of its design, scale, siting and elevated position, appear unneighbourly and overbearing and would result in an undue sense of enclosure to the occupiers of No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road. As such, the proposal would be materially harmful to the amenities of these residents, thereby contrary to Local Plan Policy 37.
 3. The proposal would introduce a large food store on the site with a PTAL rating of 1a/1b, thereby resulting in a retail development that is excessively dependent on the use of private car and adds to the traffic in the locality. The proposed development is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policy 31 of the Bromley Local Plan, Policy T1 of the London Plan and the NPPF.

4. CONSULTATION SUMMARY

4.1 Statutory

4.1.1 **Transport for London (TfL) – Comments on TN13**

Further comments on the applicant's TN 15 have been requested from TfL but it has not been received at the time of writing. Officers will update the latest comments at the committee meeting.

Junction capacity and Road Safety Audits (RSA)

The RSA did not suggest reducing the speed limit on the A21. This is still something that we consider to be an appropriate response to the inevitable increase in road safety risk arising from the proposed development.

The final design of the access junction is not yet settled. I suggest it is left for the Section 278 process to close in on a preferred design. The Section 278

should be sufficiently flexible to allow for all elements considered appropriate by TfL as highway authority, which will include works to improve access for pedestrians, cyclists and bus passengers as well as the actual junction arrangements.

“Farnborough Way” bus stops upgrade

The proposed store can be expected to significantly increase the level of use of the nearby bus stops. It is noted that the proposal includes widening of the footway by “Farnborough Way” bus stop T, the westbound stop on the A21, but that stop does not meet our standards for accessible bus stops. Compliance with those standards will become increasingly important with the proposed store as a higher proportion of passengers will be encumbered with shopping.

Our preference is for the bus stop layby to be filled in, an action which has been taken at many bus stop laybys across London. I have discussed this matter with TfL bus service colleagues who feel that the position of the westbound bus stop, albeit against a new kerb line, would be appropriate in relation to the crossing to the west and proposed access junction to the east. However, this would place the two bus stops alongside each other, something which is avoided for traffic management and safety reasons. It will therefore be appropriate to move the eastbound stop to the west, closer to the end of the zig-zag markings from the pedestrian crossing. We don't need to have this drawn up just now, but would expect it to be included in the Section 278 agreement with TfL associated with the planning permission if the application is granted, and it should be identified in any associated Section 106 agreement.

Parking management plan and Electric Vehicle Charing Point

TfL recommends the “parking eye” system from day one supplemented with a couple of manual surveys at identified peaks (noting occupancy of each different type of parking – i.e. separating disabled, parent-and-child, electric charging, and also cycle parking) with reporting, in one, two, three, six and nine months, and one, two, three, four and five years after opening, to the Council to fulfil a condition to be considered “in consultation with TfL”.

Any instance of car occupancy of 90% (or even 85%) within the site or over should trigger the implementation, for instance within two months, of measures to be agreed with the Council in consultation with TfL, to seek to ensure it doesn't happen again, and another report one and three months after implementation of measures. Any further exceedance of 90% would trigger another round of measures. Any instance of occupancy of 90% of individual type of parking (disabled, etc) should lead to a reallocation of space, again within two months, including installing more electric vehicle charging points if necessary.

The site needs more than two electric vehicle charging points from day one – 20% is the absolute minimum we would seek in most developments. They need to be rapid chargers (Policy T6.3 part F), so shoppers can gain a full charge while they are shopping, and need to cover all the disabled and parent-and-child spaces.

Cycle parking and Cycle network improvements

TfL disagreed with the applicants about parking for shoppers' cycles. Many people with mobility difficulties use conventional cycles to get close to their destination, and that's before we get to the issue of people who are disabled to the extent of needing a non-conventional cycle (e.g. tricycle). The shoppers' cycle parking must be as close as possible to the entrance despite the loss of the landscaping that had been proposed for that area. It should be covered, have Sheffield stands at 1.2m spacing (for two cycles, i.e. 600mm each), and at least 5% of spaces wide enough to accommodate a wider cycle (900mm minimum per cycle).

Provision of cycle trailers or cargo cycles for loan should be considered as a travel plan/parking management plan measure. The proposed staff cycle parking - 100% two-tier racks is not acceptable.

TfL disagrees with the applicants about the cycling improvements. It was mentioned that the applicants cannot assume all cyclists can dismount while crossing the road. Ultimately, the widening of the shared footway/cycle track and provision for cyclists at the existing signal-controlled crossing should be considered essential.

Walking connections

The London Plan requires developments to be permeable and provide new walking and cycling connections where appropriate which includes the links to the south.

Delivery and Servicing Management Plan (DSMP)

It appears that there is no changes in the revised DSMP. TfL would recommend a revised DSMP is secured by condition seeing to ensure no HGVs are travelling to or from the site during peak travel periods (probably 7-9am and 5-7pm on weekdays in this area and on the M25, and at least two hours around Saturday and Sunday lunchtimes) and the top 10% of busy periods in the car park as identified in the car park monitoring (if not already covered by the proscribed hours). Compliance should be demonstrated by identifying Aldi's fleet vehicles and other suppliers in the "parking eye" system and reporting in the parking management plan. Fleet Operator Recognition Scheme (FORS) membership at Silver level is considered essential.

Travel plan and construction logistics

TfL would like to include conditions requiring a revised travel plan (covering staff and shoppers) and a construction logistics plan, to be approved “in consultation with TfL”.

4.1.2 **Thames Water – No Objection**

Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer should follow the sequential approach to the disposal of surface water. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to the development. If there is any planning significant work near the sewers, it's important that the risk of damage should be minimised. It is required that the development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.

Should the Local Planning Authority be minded approving the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer."

The proposed development is located within 15 metres of our underground wastewater assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken."

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular

risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. "Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development."

There are water mains crossing or close to your development. Thames Water do not permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

4.1.3 London Fire Brigade – No Objection

4.1.4 Environment Agency – No objection

It is advised that the following conditions to groundwater and land contamination should be imposed if planning permission is granted.

The site is located over a Principal Aquifer and within a groundwater Source Protection Zone (SPZ2). Also, the previous use of the site as a fuel filling station presents a risk of residual contamination that could be mobilised during construction to pollute controlled waters.

The submitted information will be possible to suitably manage the risk posed to controlled waters by these development proposals. However, it is considered that further detailed information will be required before development is undertaken.

It is noted that the submitted geo-environmental assessment report by Brownfield Solutions Ltd (dated 13 February 2023 with reference TM/M3686/9141, Revision C) states that, during demolition and enabling works, a series of confirmatory trial pits should be undertaken in the vicinity of the former fuel filling station and tank farm to ensure these features have been appropriately remediated by source removal (Section 9). It is suggested that further investigative works should be undertaken in the vicinity of the former tank farm and any areas not adequately characterised by the intrusive investigations owing to obstructions or existing structures on site. Further information should be submitted to demonstrate further intrusive investigation results and further work as outline within the submitted geo-environmental assessment report (Section 9.2).

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Accordingly, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a piling risk assessment must be submitted, written in accordance with the Environment Agency's guidance 'Piling and penetrative ground improvement methods on land affected by contamination: guidance on pollution prevention' (National Groundwater & Contaminated Land Centre (NGWCL) report NC/99/73).

The design of infiltration sustainable drainage systems (SuDS) may be difficult or inappropriate in this location.

Only clean, uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system, entering after any pollution prevention methods. Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

4.1.5 Drainage Officer – No objection

4.2 Local groups

4.2.1 Orpington Field Club & Bromley Biodiversity Partnership Sub-group

Bromley Biodiversity Partnership and Orpington Field club members were please pleased to see that existing vegetation is to be retained at the eastern end of the Planning Application site together with some of the more mature trees along the woodland strip to the south. This would help retain some continuity for the existing biodiversity whilst the new hedgerow and trees are growing. The Green corridor provided by the existing mixed scrub is particularly important since it was noted that Noctule bats, (which are declining significantly in London as outlined in Bromley's Species Action Plan for bats, P.1), were recorded commuting and foraging around the existing building and adjacent wooded belt (see Ecological Assessment Paragraph 4.3). If possible the existing trees should be felled, and the new trees planted over the winter so that the disturbance to the bats commuting and foraging is minimised.

As outlined in our comments for the previous application, the native species rich hedgerow as proposed is a very good option for this area, together with the new trees proposed to be planted along the southern boundary. We would expect to see native species of trees being planted, as recommended in paragraph 1.6 of the Arboricultural Impact Appraisal, rather than the mixture of native and non-native trees. Whilst *Corylus colurna* and *Pinus nigra austriaca* proposed in the previous Landscape Plan have now been removed, the *Pyrus*

calleryana, and Thuja Occidentalis remain, and should be replaced with native alternatives. Native shrubs should be utilised as much as possible for the ornamental shrubs to be planted to the north of the site.

It is noted that the EA suggests the existing Cherry Laurel (*Prunus laurocerasus*) is removed as it is considered an invasive species. We are pleased to see this species has been removed from the Ornamental Shrub Planting list outlined in the updated Landscape Plan. The plan allows for some substitutions, but it is essential that does not include *Prunus laurocerasus*. As well as outcompeting native plants, birds take and excrete the seeds when roosting, often in trees in other green spaces such as wildlife sites. The seeds then germinate and if not removed soon after germinating shade out native species and are difficult and expensive to remove. There is therefore a likelihood of this species being introduced by birds to the nearby SINC's outlined above and other important nearby wildlife habitats such as Darrick & Newstead Woods, a SINC and Local Nature Reserve (0.1kms).

Any artificial lighting must be directed away from native planting as it disturbs the diurnal rhythm of animals including bats and their prey. As indicated in the EA paragraph 5.3.23, a sensitive lighting scheme will be required to minimise excessive light spill on the new features of interest for bats. We are pleased to see some of the lighting behind the building has now been removed from the lighting plan.

Bromley Biodiversity Partnership and Orpington Field Club members therefore recommend that planning permission should be conditional on the following: planning permission should be conditional on the following:

- As many of the existing trees as possible in the mixed scrub belt to the south of the site to be retained with tree felling and planting taking place at a time to minimise the disruption to commuting and foraging bats.
- No invasive non-native species (e.g.cherry laurel) to be incorporated in the landscaping. It is considered that its design, scale, siting, and elevated position, appear to be unneighbourly and overbearing. It would result in an undue sense of enclosure to the occupiers of No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road
- Artificial lighting both during and after construction, to be directed away from native habitat and planting, at least to the south and east of the site as recommended in the Ecological Assessment (para 5.3.23).
- Given the number of nearby hedgehog records and the fact that these animals may travel up to 2kms /night, all scrub/ground cover clearance to be done with care and not during the hibernation period (October to April inclusively). Any Hedgehogs found must be relocated to the margins of the site. Any clearance of log piles or areas of dense vegetation cover must be checked before clearance work to ensure that Hedgehogs are absent.
- Any suitable bird nesting habitat is to be cleared outside the nesting season (typically March to July inclusive). Before any scrub clearance (including removal of long grass) the area should be checked for hedgehogs, reptiles

and nesting birds by an ecologist, with any birds nests in use left in situ until the young have fledged.

- A bat box and at least 2 swift bricks to be incorporated into the new building (away from the lit areas) as a contribution to biodiversity net gain. Swifts have been recorded in the area, including Farnborough Village in 2021, and are known to nest within c.2km of the site, eg Repton Road, Warren Road (both 2018) and The Ridge (2022) (RSPB SwiftMapper). Other bird boxes could be included on the site as mentioned in the EA.
- As indicated in the EA installation of invertebrate boxes on retained trees and within the proposed native species planting, in addition to the establishment of log piles. Given the very local records of stag beetles some standing dead wood should be retained. Stag Beetles are a UK, London & Bromley Priority species listed in Section 41 of the NERC Act 2006, and the Bromley Biodiversity Plan.
- Although no badger setts have been identified to date, as indicated by the EA, care must be taken when clearing the scrub to ensure any currently hidden badger setts are not illegally disturbed. If any setts are found when clearing scrub under the supervision of a qualified ecologist, work should cease and further advice should be obtained as to how to mitigate the discovery of the sett.

5. COMMENTS FROM LOCAL RESIDENTS AND GROUPS

5.1 Farnborough Village Society (FVS)

5.1.1 Objections (dated 12.03.2023) – The summary of the objections is highlighted as follows:

- It is considered that its design, scale, siting, and elevated position, appear to be unneighbourly and overbearing. It would result in an undue sense of enclosure to the occupiers of No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road
- The proposal would introduce a large food store on the small site with a PTAL rating of 1a/1b, thereby creating a “destination” store. This retail development would be excessively dependent on the use of private cars adding substantially to the traffic in the locality.
- The deficient road layout of the A21 would force drivers exiting the store to turn left, pushing excessive amounts of store-generated traffic through Farnborough Village. It could have result in a lengthy 3km diversion.
- The proposal would have a negative impact on the free flow of traffic on the A21, impacting the accessibility of the Princess Royal University Hospital to the west and the free flow of traffic both to and from the A21 to the M25 to the east.
- The additional cars will obviously be concentrated in the most popular parts of the day significantly increasing the conservative estimate of 30 cars per hour at peak times.

- The proposal would result in more congestions in Farnborough village as numerous pinch points along Farnborough High Street and Farnborough Hill are numerous.
- The excessive and dangerous increase in greenhouse gas emissions for the Farnborough Village Community generated by ALDI's proposal is totally unacceptable and, crucially, is inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions.

5.1.2 Further objections (dated 26.05.2023) – key objections are:

- TfL's suggested walking connections at Pit Road, Hartington Close.
- Deliveries and Servicing Outside Peak Hours.
- Cycle parking.

5.1.3 Further objections (dated 11.09.2023) – Following the revised scheme submitted in July 2023, FVS raised further objections as follows:

- Proposed All-Movements Junction – This junction fails to provide a suitable solution to the poor location and accessibility of the site. The proposed exit of the site would have severe negative impacts on the free-flow of traffic on the A21, Farnborough Village (due to the unsuitable use of the B2158), and the wider road network. Far from providing a solution, the all-movements Junction is potentially more damaging than the already rejected LILO Junction.
- Proposed Tiger Crossing at Tubbenden Roundabout – This crossing will have a negative factor, encouraging traffic to divert through Farnborough Village on the B2158, where TFL have already deemed unsuitable for diversions. Traffic would be held at the tiger crossing and a queue would build. When drivers approach the large roundabout at the bottom of Farnborough Hill, they would be able to see the queueing traffic and take the diversionary route through Farnborough Village, bypassing Farnborough Way, and re-joining the A21. Having travelled all the way through the Village, it would increase road safety concerns, pollution concerns and loss of amenity for all the residents of Farnborough Village.
- Proposed Cycle Parking – The proposed visitors' cycle parking would not be able to accommodate cyclists, and particularly those with disabilities, in accordance with London Cycling Design Standards (LCDS) Standards. It is further demonstrated that the site is too small for the proposed use and any re-location of the cycle racks could result in a loss of car parking spaces and/or landscaping.
- Updated Delivery and Deliveries and Servicing Plan (Submitted 18 July 2023) – the plan shows that in the worst scenario, the delivery would involve up to 6 lorries per day (4 HGV deliveries, 1 HGV collection, plus 1 milk delivery) for almost up to 1 hour several times a week. The delivery process would normally take a minimum of 6 hours a day incorporating 12 movements by large lorries in and out of the site. Due to the small size of the site, it is not possible for two HGVs to be presented at the same time, therefore the amount of time between deliveries would also have to be

factored in. The plan did not mention what would happen when an HGV is arriving the site whilst another one is still unloading.

ALDI have stated that it will use its “best endeavours” to manage the timing of deliveries to “avoid peak traffic times” but goes on to say delivery times will be Monday to Saturday 6am to 11 pm and Sundays 7am to 10pm.

TfL (e-mail TG/28.8.23) have requested a revised DSMP is secured by condition ensuring no HGVs are travelling to and from the site during peak periods in this area and on the M25 and also at busy times in the car park. Connect, on behalf of ALDI have not agreed to TFL’s request (TN15/5.9.23/2.26/7)

- Walking connection – To date, as far as FVS is aware, ALDI have not submitted any evidence to suggest they are interested in pursuing walking connections.

Notwithstanding ALDI’s current lack of interest in Walking Connections, FVS feel that the theoretical concept must be explored in order to gain a complete rejection of these suggestions which would have a substantial, negative, and enduring impact on the Residents of Farnborough Village. It is commented that the suggestions from TFL’s “Walking Connections” to the south of the application site are totally unacceptable.

- A FVS residents Ballot has been carried out, there were a total of 150 residents objected to TFL’s suggestion of Walking Connections. Crucially, the suggestion did not receive one single support indicating that the very residents the scheme was supposed to attract would not use this method of accessing the isolated store, even if it was imposed upon them.
- The A21 – speed limit reduction from 40mph to 30mph – There is no assessment on the speed limit reduction on the A21 either from TfL or the applicant. When assessing the proposal, it is commented that the existing speed limit (40mph) of the A21 could increase the risk to road safety while the proposed speed limit (30mph) could negate the purpose of an urban distributor link. It is considered that this suggestion cannot solve the problem generated from the proposal.

5.1.4 Further objections “Response to HGVs Right turn on Exit” (dated 21.09.2023)

- Lack of information on the intention for delivery HGVs to turn right on exit to head east has come to light through the applicant’s letter dated 21 September 2023. Whilst other discussions may have been held regarding this point there has been no official documentation uploaded to this effect - the amended and most recent.09.23.
- No revised Delivery and Servicing Plan related to the changes of all-movements junction does not state this - in fact it details quite the opposite. FVS, on behalf of residents, feel this is an extremely important point and a material planning consideration - not something that can be "firmed up later" as per Planning Potential's letter.

5.2 Objections – Local residents

5.2.1 Design (see section 7.3)

- Overdevelopment.
- Building will be intrusive.
- It will dominate the end of the road.
- Overbearing - too big for the site, designed to maximise.
- Out of keeping with the area.
- Size and height of the building being incongruous to the local landscape. Not in keeping with the Victorian-era character/charm of the nearby houses/roads backing onto the proposed site, i.e. Palmerston Road, Pitt Road, Cobden Road, Gladstone Road, and the village as a whole, ruining the look and feel of the street.
- Obvious eyesore within the village.
- having reduced sunlight due to the site, especially living in a terraced house
- Materials - store still has a grey roof and the red brick façade do not blend in with the Victorian houses which are predominantly rendered to their front elevation with brick returns as shown in the proposals streetscapes.

5.2.2 Neighbouring amenity (see section 7.4)

- Loss of light.
- Loss of privacy and overlooking of the back gardens.
- The proposed building is too close to the houses directly behind it in Palmerston Road, especially No 15.
- Littering from the car park.
- Noise of customers talking and door slamming.
- Opening hours too long.
- Impact on the security of the gardens.
- Added pollution, including air, dust, traffic, light and noise, increased exhaust fumes from an increase in traffic.
- Health and safety: the demolition and the construction will take many months and at one point there will be an open sewer. Discharge of sewage to the surface this could be hazardous there could be a potential for spread of the disease.
- The amount of waste produced by a supermarket will have considerable impact on the environment around the building, bringing in more loud vehicles i.e. bin lorries.
- Construction noise.
- Attraction of vermin and increase in rodent activity and other pests such as rats and foxes.
- more greenery, shrubs and trees are to be cut back and concreted over, and the neighbouring privacy would be invaded more.
- major concerns on the potential damage to the retaining wall and the slope during the proposed building process.
- no plans for proposed plant and equipment at roof level or ground level and what levels of noise they will emit. These needs to be addressed along with a suitable acoustic report.

- major concerns about potential damage to the retaining wall and the slope during construction.
- It is not wise to build such a large structure and concrete on areas which are already highly prone to surface water flooding.
- Concerns over the culvert/stream that runs from the northern end of Orchard Road adjacent to the neighbouring property at St Fillans, Orchard Road.

5.2.3 Transport and Highways (see section 7.5)

(Original proposed junction – Left in/ left out)

General comments

- The proposal would lead to more traffic congestion and road traffic accidents as the access is just after a bend and the movements onto and off the site at peak times would be significantly more than the existing use as a restaurant.
- The left-in, left-out access/egress arrangement dictated by the site would adversely impact the weight of traffic through Farnborough Village.
- Traffic accidents will be increased as cars try to turn right when exiting the site.
- Become a major accident blackspot.
- Attract more passing customers that lead to more traffic.
- The proposed barriers on the A21 to prevent traffic turning right from the site would restrict the emergency services and emergency vehicles on the A21 to overtake. Also, cars queuing to access the site would block the road causing further delay.
- The A21 could be a gridlock in both directions as it is only one lane in each direction.
- At peak times, two roundabouts at the intersections of Tubbenden Lane and Farnborough Way and Farnborough Hill and Farnborough Way have already at 100% capacity.
- The Shire Lane junction with Farnborough Hill is extremely dangerous.

Impact on Farnborough Village

- Aldi have stated that the development would cause 140,400 cars per year passing through our village as an estimate.
- The village would be used as "rat run".
- Farnborough High Street, being a bus route and with parking on both sides of the road, is frequently difficult to navigate.
- The junction of Church Road/ High Street/Gladstone Road is already dangerous.
- The existing infrastructure in Farnborough Village is just not suitable for that quantity of traffic.
- Farnborough High Street needs to be a 20 mph speed limit.
- Strain on parking at Gladstone Road and Palmerston Road – people parking and walking up the bridle way at the end of Palmerston Road
- Future customers would use local residential roads to park when the proposed car park is full.

Car Parking

- 47 car parking spaces would soon be filled up especially around the Christmas and other holiday periods.
- Parking spaces required at the store are based on estimates and the proposed spaces seem to be extremely limited.
- The proposed 6 car parking bays are far too close to the boundary.
- Aldi staff are supposed to park within the site and the total numbers are not enough for both staff and customers.
- The applicant is encouraging their potential staff to use alternative means to travel to work. However, there is no mandatory requirement and it is expected that staff would drive to work.
- Revised Fire document suggests that there could be 60 people in the store at any time and wonder where they would park.

Walking

- The A21 is dangerous for pedestrians.
- The location of the shop would not help the elderly or people without a car.
- There is a fairway walk to the site from Farnborough Village.
- The old Frankie & Benny's site is not within walking distance for the Farnborough Village residents as the exit and entrance of the site is located the opposite side of the village.
- Objections to TFL's suggestions regarding the opening up the pathway between Ladycroft gardens and the ally way.
- Increasing walkways to the village would spoil the village feel and they would provide those intent on crime additional with easier entry and exit points to the vulnerable areas of the Village.
- It is extremely dangerous as lot of school children are crossing the road at various points.
- Some of the roads in the Farnborough Village do not even have pavements .

Cycling

- There are no safe bicycle lanes near the proposed site to keep cyclists safe either on the A21 or the Tubbenden Lane roundabout.
- The site is at the top of the hill from Green Street Green so cycling to the site is difficult.

Bus network

- The site has very poor public transport connections and inevitably people would drive to get to the store.
- Bus R4 route is slow.
- The submitted travel assessment is not accurate as Bus R4 bus is not frequent on Sundays and on the other days, the frequency is very limited.
- Bus 684 is a school bus and Bus R4 is a small single door bus.

(Revised proposed junction – All movement junction and Tiger Crossing at Tubbenden Lane Roundabout) – submitted in July 2023

- Frankie and Benny's has/had a separate entrance and exit in order to limit the problem of traffic entering and leaving the site in the same location.
- The revised junction does not improve the traffic situation for Farnborough Village.
- The proposal could have more cars waiting in the 'ghost' junction (rather than just 4) to turn either right into the proposed site.
- The area has a high volume of accidents in the past. The right-hand turn that used to be operational from the A21 to go past Knockholt Station has now been closed.
- There is a bus lane and a pedestrian crossing near the site and the proposal would cause significant traffic congestions on the A21.
- A speed limit reduction to 30 mph on the "21 would, of course, be far safer, but this would cause unnecessary delays of people's journeys.
- The revised junction would worsen the situation and it would increase the probability of accidents. The right-turning vehicles from the site would need to assess the traffic in both directions of the A21 and also the proposed waiting area in the centre of the A21.
- The proposed "All Movements" Junction and the proposed Tiger crossing adjacent to Tubbenden Lane South would add significantly to traffic congestion on the A21.

Delivery and Service

- Potential noise impact - object to the HGV delivery hours as this really destroys any potential quiet time as vehicles would add additional unwelcome noise pollution, such as using reversing alarms during early mornings and late evenings.
- The proposed HGVs route from the site to their depot through Locksbottom and Orpington is not feasible.

5.2.4 Ecology (see section 7.7)

- Negative impact on wildlife, including badgers.

5.2.5 Other concerns

- Aldi isn't the cut-price store.
- Significant impact on the local shops/ businesses leading to a permanent change to the character of the Village.
- No need for another supermarket - The area is already well provided for with supermarkets, with a Waitrose, Lidl, Sainsbury's, Co-op and Tesco in the vicinity, many of which are now offering ALDI price matching. Within Farnborough Village itself there is a small but very useful convenience store.
- A 'Needs Test' should be carried out to ensure careful thoughts and considerations are being assessed rationally.
- The Frankie and Benny's site would be far better suited as a community centre or for a business with a niche market/audience or even become a petrol station once again.
- The original Frankie and Benny's restaurant faced objections from concerned neighbours, one of the responses justifying it was that this was a small family restaurant which would not attract unduly worrying amounts of traffic onto the A21 or unduly worrying numbers of customers into the

carparks. It was also a reassurance to the concerned residents that the height on the building be limited to only one storey.

- It would affect the house prices in the area.

5.3 Support – Local residents

- Convenient for walking, within easy walking distance for elderly customers.
- It would help some of the elderly be able to gain some independence once again whilst not paying extortionate prices.
- People are mentioning available supermarkets in the area. Some people are not able to walk to any of these and definitely not able to walk back carrying shopping. There is only one bus route through the village and it does get really busy.
- The addition of a tiger crossing at Tubbenden Lane Roundabout would directly benefit families nearby and provide a safer access to Farnborough village shops.
- Very convenient and walking distance.
- Provision of good quality affordable food for people who do not drive and the only existing affordable option in walking distance is Lidl.
- It would bring more choices for local residents as the parking for the other budget supermarket, Lidl, is at a premium now.
- Rather than having disused wasteland, Aldi would offer local jobs to residents and more choice when it comes to local shopping.
- Good for the local economy and local residents.
- The applicant listened to comments and tried to adapt, addressed a lot of people's concerns, changes made are more appealing to local residents.
- It would not bring extra traffic as people will still need to travel towards Bromley/ Locksbottom for shopping and the same towards Green St Green. It would be within walking distance for a lot of people, saving on car usage.
- Pollution would be negligible (parked cars have no emissions).
- Better use of the site, half of which is derelict since the garage closed.
- It would tidy-up of area. The site could be left empty for years encouraging young people up to no good to congregate or the travellers community to pitch up again leaving a mess and noisy nuisance to the local area.

6. POLICIES AND GUIDANCE

Planning and Compulsory Purchase Act (2004)

- 6.1 Section 38(5) states that if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan].
- 6.2 Section 38(6) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

National Planning Policy Framework (2023) – (NPPF)

- 6.3 In accordance with Paragraph 47 of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Policy Guidance (NPPG)

- 6.4 Relevant paragraphs are referred to in the main assessment

6.5 National Design Guidance 2019

6.6 The London Plan (2021)

The relevant policies are:

Policy GG1 Building strong and inclusive communities

Policy GG3 Creating a healthy city

Policy GG5 Growing a good economy

Policy SD1 Opportunity Areas

Policy SD7 Town centres: development principles and Development Plan Documents

Policy D3 Inclusive design

Policy D4 Delivering Good Design

Policy D10 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of change

Policy D14 Noise

Policy E9 Retail, markets and hot food takeaways

Policy HC1 Heritage conservation and growth

Policy G1 Green infrastructure

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI12 Flood risk management

Policy SI13 Sustainable drainage

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T6 Car parking

Policy T6.3 Retail parking

Policy T6.5 Non-residential disabled persons parking

Policy T7 Deliveries, servicing and construction

Policy T9 Funding transport infrastructure through planning
Policy DF1 Delivery of the plan and planning obligations
Policy M1 Monitoring

6.7 **London Plan Supplementary Guidance**

- Accessible London: Achieving an Inclusive Environment (2014)
- Air Quality Neutral LPG (2023)
- Cargo bike action plan (2023)
- Energy Assessment Guidance (2022)
- Fire Safety LPG (Draft 2022)
- Sustainable Transport, Walking and Cycling London Plan Guidance (2021)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Urban Greening Factor LPG (Feb 2023)

6.8 **Bromley Local Plan (2019)**

The relevant policies are:

Policy 30 Parking

Policy 31 Relieving Congestion

Policy 32 Road Safety

Policy 33 Access for All

Policy 37 General Design of Development

Policy 73 Development and Trees

Policy 77 Landscape Quality and Character

Policy 79 Biodiversity and Access to Nature

Policy 91 Proposals for Main Town Centre Uses

Policy 113 Waste Management in New Development

Policy 116 Sustainable Urban Drainage Systems (SUDS)

Policy 119 Noise Pollution

Policy 120 Air Quality

Policy 123 Sustainable Design and Construction

Policy 124 Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy

Policy 125 Delivery and Implementation of the Local Plan

6.9 **Bromley Supplementary Guidance**

- Planning Obligations SPD (2022)
- Urban Design Guide SPD (2023)

7. ASSESSMENT

7.1 Principle of sustainable development – Unacceptable

7.1.1 Paragraph 8 of the NPPF mentions that sustainable development should have 3 overarching objectives. They are a) an economic objective, b) a social objective; and c) an environmental objective. Also plans and decisions should apply a presumption in favour of sustainable development (Paragraph 11) but where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 12).

7.1.2 Paragraph 105 of the NPPF requires that any significant development has to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

7.1.3 Paragraph 110 of the NPPF states that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

7.1.4 Also, Paragraph 112 of NPPF further states that development should:

“(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid

unnecessary street clutter, and respond to local character and design standards;

(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

7.1.5 With regards to the established land use of the site, it is noted that the site has previously been used as a restaurant (formerly A3 use, now Class E) and a petrol filling station (Sui Generis). In 2009, planning permission was granted for a detached single storey building for retail use (formerly A1 use, now Class E) (372m²) with associated car parking (22 car parking) at the petrol filling station site although this planning permission was not implemented. It is noted that the total permitted Class E floorspace on site, including the existing restaurant use (379m²), is a total of 751m².

7.1.6 This proposal would provide a total of 1,725m² retail space and it is considered that it would deliver a medium food store in an unsustainable location. Given the site's low PTAL, with little scope to increase, and a limited cycling and walking catchment in a low-density part of London with high car ownership, the proposed development is unlikely to deliver a mode share that meets the London Plan target for outer London of 75 per cent share for walking, cycling and public transport by 2041. The detailed transport considerations are discussed in section 7.5 of this report.

7.2 Retail use outside town centres - Sequential Test – Acceptable

7.2.1 Proposals for new main town centre uses outside of existing centres are required to meet the sequential test as set out in the NPPF. Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. This requirement is also reflected in Local Plan Policy 91 Proposals for Main Town Centre Uses.

7.2.2 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

7.2.3 The applicants outlined their sequential approach in their Planning and Retail Statement (PRS). The submitted information is very similar to the previous refusal application. The report identifies the designated centres within proposed

store's catchment area to be Farnborough Village Parade and Locksbottom Local Centre. The assessment considered any suitable and available sites within these centres. However, in addition the sequential assessment also considered potential sites within and to the edge of Orpington Town Centre.

7.2.4 The PRS lists the applicants' flexibility including reduced sales area, warehousing on lower ground floor rather than at grade, and a reduction in the standard number of parking spaces. It is argued that even with these deviations from Aldi's core requirements, no sites were identified to be available or suitable. This study is still applicable to this scheme.

Summary

7.2.5 Whilst officers are generally satisfied that the sequential assessment was carried out adequately, the application site has a PTAL 1a/1b score indicating 'very poor' and 'poor' accessibility to public transport. Therefore, the site cannot, despite applicants' assertions, be described as accessible and well connected to town centres (by sustainable transport options).

7.2.6 Although officers acknowledge that currently there might not be other available sites with higher PTAL, the acceptability of the proposal still needs to be assessed in accordance with the development plan as a whole. In this instance, officers remain of the view that the proposed development is inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policy 31 of the Bromley Local Plan, Policy T1 and T6.3 of the London Plan and the NPPF.

7.3 Design – Acceptable

7.3.1 Policies D1 to D4 of the London Plan place great emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure. Policy 37 of the Bromley Local Plan states that all development proposals will be expected to be of a high standard of design and layout.

7.3.2 Officers have previously raised concerns in regard to the design, scale, siting and elevated position of the building and how it would appear out of scale and introducing a discordant feature into an established townscape and residential view.

7.3.3 The current revised scheme the following design changes are proposed:

- The built form was reduced in width and pulled back off the southern boundary and shifted north;
- Incorporation of part of the existing Frankie and Benny's structure into the scheme with a reduced height;
- Reduction of the lower ground floor area and revised arrangement so this is now a basement;

- Greater retention of the existing bank and enhancement of landscaping along the southern boundary;
- Re-design of the southern elevation;
- Introduction of further brickwork to elevations.

7.3.4 The revised scheme demonstrates a good understanding of the site characteristics and the surrounding context. The applicant's design approach focuses on reinforcing the local character. The elevated position, domestic setting, and residential scale to the south of the application site as well as the street facing conditions along Farnborough Way are highlighted as important design considerations.

7.3.5 The applicant has made changes to the building's footprint and height and provided space for an improved landscape planting scheme along the southern boundary. Whilst changes to the layout and building height are relatively modest, when combined with the revised massing and arrangement of roof plant equipment, those minor changes have reduced the overall bulk of the building, and to a certain extent, lessened the visual impact of an elevated unit within a domestic setting.

7.3.6 The applicants have provided a full material schedule in this application. Officers welcome changes made to the building's appearance and the rearrangement of built form and massing. Overall, it is considered that previous refusal ground on design has been adequately addressed (Fig 7.1).



Source: Vector Design Concepts (2022)



Source: Vector Design Concepts (2023)

Fig. 7.1 Previously proposed and revised scheme CGIs - view from Palmerston Road.

Fire Safety

7.3.7 In line with Policy D12 of the London Plan the applicant has submitted a fire safety statement, prepared by a suitably qualified third-party assessor, which addresses the criteria of Policy D12, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

7.3.8 The London Fire Brigade has been consulted and raised no objections. LBB Building Control Team noted that no evacuation lift has been specified to the basement. Policy D5B(5) of the London Plan requires that in all developments

where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The requirement for a lift under the Building Regulations would be determined at the Building Control stage.

7.4 Residential Amenity – Acceptable

- 7.4.1 Officers have previously raised concerns in regard to the resulting spatial relationship, which was considered to be unneighbourly, enclosing and overbearing to the to the occupiers of No. 15 Palmerston Road and, to a lesser degree, No.14 Palmerston Road.
- 7.4.2 In the revised scheme, the main building has been reduced in width by 2.8m and set in further from the shared boundary with No. 15 Palmerston Road so almost all of the bank would be maintained as existing. The incorporation of the former Frankie and Benny's structure into the scheme with a reduced height. The closest part of the building has been reduced by 0.5m in height (8.1m).
- 7.4.3 The Cover Letter provided with the revised submission concludes that as the proposal would retain the existing separation distance and landscape bank between the site and residential properties to the south, there would be minimal change to the existing situation when viewed from the south and that the outlook of residents from neighbouring sites would barely change. It is further stated that the landscaping scheme incorporates vines growing up on a mesh system which would act as a vegetative screen.
- 7.4.4 In officers' view the proximity and elevated position of the proposed retail unit remain a concern. However, the revisions to the scheme are acknowledged and these have significantly improved the relationship with the residential properties to the south. Reducing the building footprint provided further separation which allows for an improved landscape planting scheme along the southern boundary (which includes the retention of existing mature trees and shrubs).
- 7.4.5 Therefore, on balance, the resulting amenity impacts are not considered to be adverse enough to justify the refusal of a planning consent. To this end, officers are satisfied that the second reason for refusal has been satisfactorily addressed (Fig. 7.1 to Fig 7.4).



Fig 7.2 - Image 1: Existing view of No.15 Palmerston Road from the application site.



Fig 7.3: Front and rear gardens of No.15 Palmerston Road (top) and the rear garden of No.12 Pitt Road (bottom).



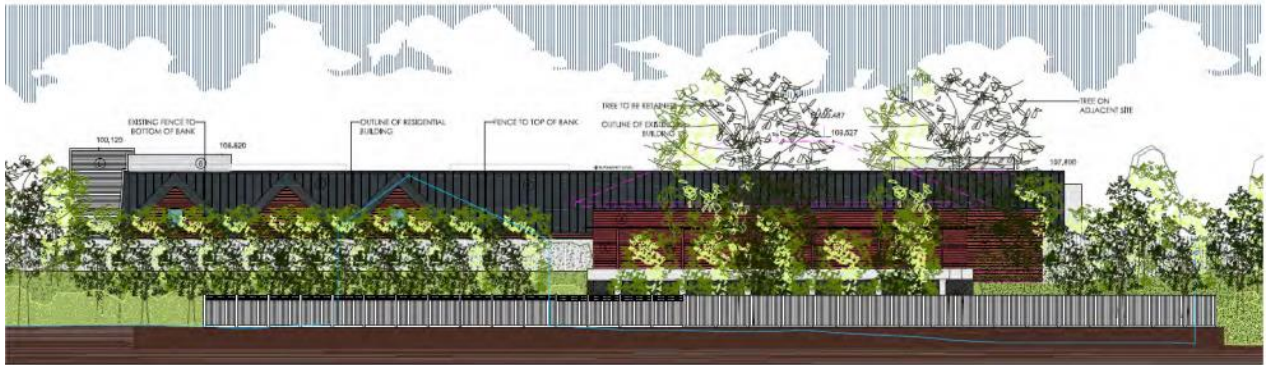


Fig.7.4 Southern Elevation - previously refused scheme (top) and revised (bottom).

7.5 Transport and Highways

Accessibility of the Site by Sustainable Modes – Unacceptable

7.5.1 As discussed in Section 7.2.2 above, paragraph 105 of the NPPF requires “Significant development” to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy T1 of the London Plan requires that development proposals should facilitate the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

7.5.2 Policy T2 of the London Plan also states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. In particular, Policy T2 (D) states that:

“Development proposals should:

- 1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance;
- 2) reduce the dominance of vehicles on London’s streets whether stationary or moving;
- 3) be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.”

7.5.3 Policy 31 of the Bromley Local Plan states that any new development likely to be a significant generator of travel should be “a) located in positions accessible or capable of being made accessible by a range of transport modes, including public transport, walking and cycling;” and “c) will need to incorporate or contribute to improvements to the highway network including traffic management measures that limit the significant impacts of the development and are designed to be sensitive to the surroundings; and e - encourages walking and cycling through the provision of suitable facilities (see Policy 33 Access for All).”

7.5.4 The TfL WebCat Connectivity Assessment Tool is used to assess the connectivity of a site to public transport and determine the site’s public transport

accessibility level (PTAL). The possible PTAL values range from 0 to 6, with 0 being the worst and 6 the best.

7.5.5 The site lies on the border of areas that have a public transport accessibility level of 1a/1b. These PTALs are at the lower end of the range and are classified as 'Very Poor' and 'Poor' respectively. Members will note from Fig. 7.5 below that the area of 0 PTAL rating ('Worst') abuts the application site to the north. This would indicate that in such a poor-connected location, future visitors to the site (shoppers) would be more likely to need to travel by private car due to the lack of alternative public transport options. This appears to be validated by the resultant trip attraction of the proposed development set out in Table 7.3 (para. 7.5.16).

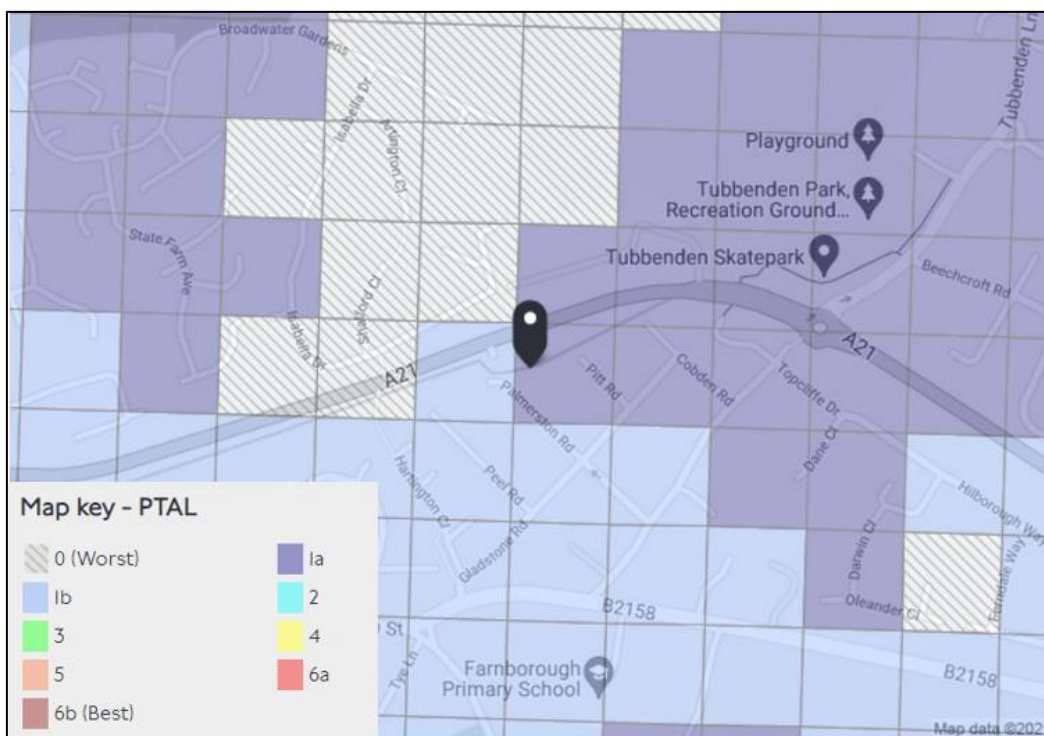


Fig 7.5 Map of public transport accessibility level (PTAL) of the site.

7.5.6 In the Transport Assessment (TA) the applicants state that "PTAL values are based on the frequency of services during the morning weekday peak". The TA argues that while useful in indicating the overall level of service, this is not a period typically associated with undertaking food shopping. In this regard, PTAL is not tailored for specific uses, but rather provides an indication of overall accessibility. As such, TfL's document goes on to note that some caution should be applied when using PTAL, stating it is "important to use professional judgement when analysing PTAL outputs and to interpret any result in the relevant context".

7.5.7 This comment is noted. Officers agree that the PTAL model does not appear to include the footpath alongside Hartington Close which provides access to the nearest bus stops served by the 345 bus route. Consequently, a manual calculation may provide a marginally higher PTAL, although the distance from

the stops would limit the potential improvement. In this instance, however, it is considered that the PTAL score would provide a representative overall indication on how accessible the site is, compared to the rest of the borough. In this case, it is clear that the site is not easily accessible by public transport.

7.5.8 Also, in the applicant's supporting document, it states that the table "Development Type and PTAL matrix" attached in Policy 30 of the Bromley Local Plan shows that the proposed development would be considered acceptable in principle at this location. However, members should note that Policy 30 of the Bromley Local Plan where this Table is referenced and the parking standards have been superseded by the transport policies in the more recently up-to-date adopted London Plan (2021). The London Plan transport and parking policies therefore take precedence over those set out in the Local Plan. In any case, Policy 31 of the BLP is consistent with Policy T2 of the London Plan in respect of where particular land uses should be located so as to promote sustainable transport modes.

Bus service

7.5.9 The principal mode of public transport which connects the site to the surrounding area is the bus service.

7.5.10 The nearest bus stops to the site are the 'Farnborough Way' bus stops, located 100m and 250m walking distance southwest of the proposal site on both sides of the A21. These stops are served by route R4 (Pauls Cray Hill – Orpington – Locksbottom) and 684 (Charles Darwin School – Locksbottom – Orpington). As demonstrated in Table 1, which lists the bus service details, both bus routes are classified as low frequency (timetabled) routes¹. Route R4 has three buses per hour during peak periods Monday – Friday and Saturday, but only one service per hour on Sunday. Route 684 has a single morning service to Charles Darwin School and a single afternoon service to Orpington, with no service on Saturdays, Sundays or school or Public Holidays.

7.5.11 It is noted that these 'Farnborough Way' bus stops outside the application site do not meet the standards for accessible bus stops.

7.5.12 Further bus stops, known as the 'Farnborough High Street Church Road' stops are located on Farnborough Hill, approximately 420m and 510m walking distance to the south west of the application site. Although it is noted that the 358 route (Orpington – Bromley – Crystal Palace) operates a high frequency bus service (see Table 7.1), the walking distances are considered as sufficient to deter shoppers from walking to these bus stops, due to the fact that they would be carrying bags on their return journey.

¹ A low frequency bus route generally runs four or fewer buses an hour (Source: www.tfl.gov.uk)

Service	Bus Stop	Route	Approximate Peak Frequency/Period		
			Monday-Friday	Saturday	Sunday
R4	Farnborough Way	Pauls Cray Hill – Orpington – Locksbottom	Three per Hour	Three per Hour	One per Hour
684	Farnborough Way	Charles Darwin School – Locksbottom – Orpington	One per Day	No Service	No Service
358	Farnborough High Street Church Road	Orpington – Bromley – Crystal Palace	Six per Hour	Five per Hour	Three per Hour

Table 7.1 Bus Services available at the application site.

Rail service

7.5.13 The nearest rail station to the application site is Orpington which is some 1500m (0.9miles) from the site, equivalent to a 25-minute walk.

7.5.14 The TA submitted with the application concludes that *'the site is accessible by all relevant transport modes.'* However, the level of the public transport accessibility is not commented on, despite the reference made to the PTAL map and the site's rating of 1b.

Trip Generation (Revised from the previous refusal scheme)

7.5.15 The resultant trip attractions, during the surveyed peak hours set out within Table 3 below confirm that the majority of trips would be undertaken via car. It is noted that the trips during AM and PM peaks have changed slightly since the last refusal scheme as the applicants have obtained more up-to-date data. In summary, the weekdays AM trip attraction has been increased by 10 cars and weekdays PM trip attraction has been increased by 35 cars.

7.5.16 Further breakdowns of predicted arrival and departure trips, including other modes of transport (walking/ cycling/ bus), are shown in Table 4.

Peak Hour	Discount Foodstore Trip Rate per 100 sq.m. of GFA			Discount Foodstore Trip Attraction (1,725 sq.m.)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
September 2021 TA						
AM 07:30-08:30	1.429	0.900	2.328	25	16	40
PM 16:15-17:15	3.844	3.913	7.757	66	67	134
SAT 12:45-13:45	5.477	5.556	11.033	94	96	190
This Assessment						
AM 07:30-08:30	1.821	1.084	2.905	31	19	50
PM 16:15-17:15	4.878	4.943	9.821	84	85	169
SAT 12:45-13:45	5.477	5.556	11.033	94	96	190

Table 7.2 TRIC summary – Proposed trip attraction to Discount Food Store

Peak	Vehicular Trip Rates per 100 sq.m.			Vehicular Attraction (based on 1,725 sq.m.)		
	Arr	Dep	Tot	Arr	Dep	Tot
Vehicle						
AM 07:30-08:30	1.821	1.084	2.905	31	19	50
PM 16:15-17:15	4.878	4.943	9.821	84	85	169
SAT 12:45-13:45	5.477	5.556	11.033	94	96	190
Cyclists						
AM 07:30-08:30	0.040	0.025	0.065	1	0	1
PM 16:15-17:15	0.066	0.064	0.130	1	1	2
SAT 12:45-13:45	0.106	0.097	0.203	2	2	4
Pedestrians						
AM 07:30-08:30	0.537	0.416	0.953	9	7	16
PM 16:15-17:15	1.248	1.321	2.568	22	23	44
SAT 12:45-13:45	1.354	1.375	2.728	23	24	47
Bus						
AM 07:30-08:30	0.100	0.052	0.152	2	1	3
PM 16:15-17:15	0.240	0.254	0.494	4	4	9
SAT 12:45-13:45	0.164	0.158	0.322	3	3	6

Table 7.3 TRIC summary – Proposed multi-modal trips to Discount Food Store

7.5.17 In the TA, it also shows the breakdown of the types of traffic attracted to the proposed food store: primary trips (60%), passing trade trips (40%). This analysis is similar to the previous refusal scheme.

7.5.18 It is clear that the site has poor accessibility by transport modes other than private car. Furthermore, being on a busy strategic route with no dedicated cycle lanes or crossing facilities, such an environment would not be conducive to safe travel to the proposed development by means of walking or cycling.

7.5.19 Turning to Policy 31 and whether or not the development is “capable of being made accessible by a range of transport modes, including public transport, walking and cycling”, various options are discussed below:

Proposed walking and cycling highways improvements on the A21

Footway/ cycleway widening to the north of the site

7.5.20 Following the previous scheme being refused and in order to address 1 of the reasons for refusal, the applicants have now proposed that part of the footway/ cycleway fronting the site (north of the site) along the A21 would be widened to 3m. The proposed work, as shown on the plan below, would be the section between the west part of the proposed vehicular access to the eastbound “Farnborough Way” bus stop (Fig. 7.6). The applicants also proposed that this bus shelter would be moved slightly closer to the edge of the pavement, on the grass verge area, so as to remove the existing pinch point on the footway/cycleway. Also, the uncontrolled pedestrian crossing west of the bus stop will be improved with dropped kerbs and tactile paving.

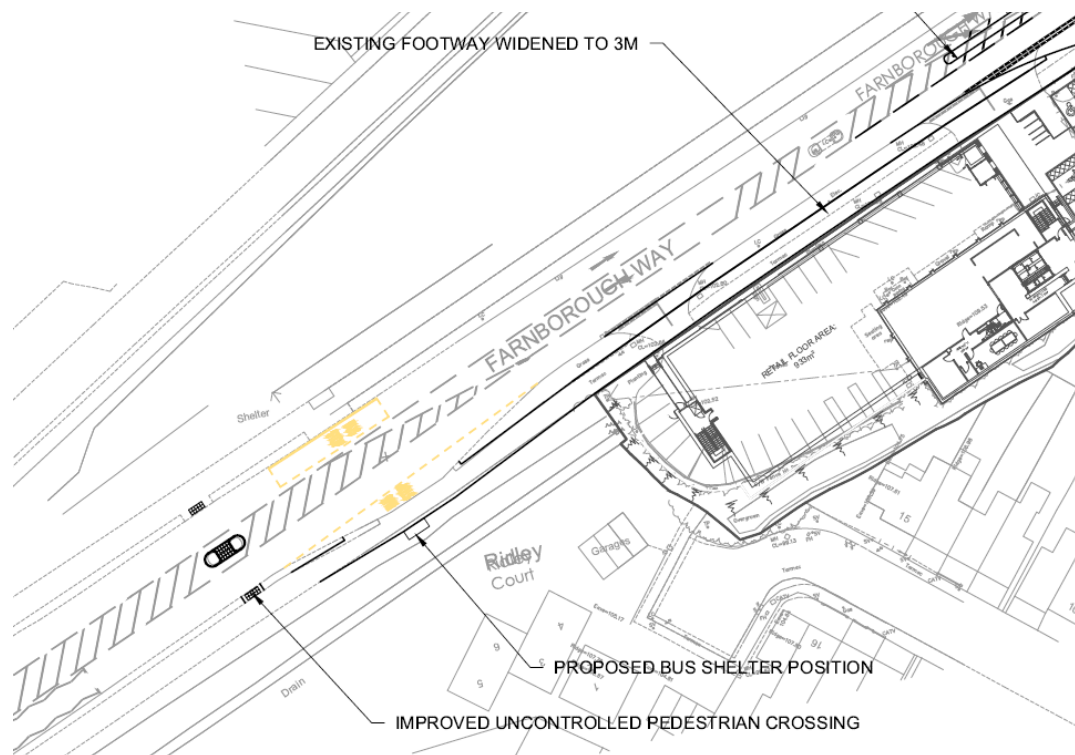


Fig 7.6 - Footway/ cycleway widening to the part north of the application site

7.5.21 The proposed improvements are considered acceptable. The highway works would be subject to S278 agreement and a financial contribution would be payable by the developer to TfL in order to move the bus stop.

Tubbenden Lane Roundabout pedestrian/ cycling improvements

7.5.22 As part of the walking and cycling link to the north of the A21 and the potential increase in pedestrians and cyclists generated by the food store development

the “Davis Estate” (the area centred around St Leonards Rise) and wider area, a parallel tiger crossing has been proposed for pedestrians and cyclists on the western arm of the Farnborough Way/ Tubbenden Lane roundabout to the east of the site (Fig 7.7). A Road Safety Audit has been carried out and TfL welcome to this improvement.



Fig. 7.7 _Tubbenden Lane Roundabout pedestrian/ cycling crossing

Other walking/ cycling network improvements suggested by TfL

7.5.23 During the consultation period, TfL has recommended the following walking and cycling improvements around the application site; however, these highways improvement works have not been accepted by the applicant as they do not consider that the works are necessary or cost-effective.

i) 'Farnborough Way' accessible bus stops upgrade

7.5.24 TfL has commented that the westbound “Farnborough Way” bus stop (south of the A21) as mentioned in para 7.5.20 above does not meet the standards for accessibility. Compliance with these standards is important as a higher proportion of passengers will be encumbered with shopping.

7.5.25 TfL has proposed highways works to upgrade this bus stop, such as to fill in the existing busy layby and to relocate the eastbound stop to the west, closer to the existing signal-controlled pedestrian crossing. These works would require a financial contribution from the developer.

7.5.26 The applicants commented that “The existing bus stops referred to in the above comments can be used by future customers and staff of the proposed Aldi store; they provide safe and suitable access. The suggestion/preference for modifications to the existing bus stops does not meet the NPPF policy of providing cost effective mitigation, as the adjustments proposed by TfL are unlikely to influence the use of bus travel to the proposed development, and do not resolve an issue which makes the development unacceptable.”

ii) Cycling network improvement

7.5.27 TfL has identified that some part of the existing cycle routes from Tubbenden Lane to the pedestrian crossing at the Starts Hill Road junction and crossings near the application site does not meet the cycling standards set out in the London Cycling Design Standards and therefore, as part of the S278 works, TfL suggested some shared footway/ cycle track widening improvement around the site and also to upgrade the existing signal-controlled crossing to the west of the site to include provision for cyclists.

7.5.28 The applicants have responded that the shared routes that TfL consider need upgrading are classified as having “very low/ low cycle flows”. They also say that the signal-controlled crossing widening is not feasible. Also, given that there are already safe and suitable access options available to cyclists travelling from the west of the site, and that the proposal now includes a new tiger crossing at the Tubbenden Lane roundabout, this suggested upgrade of the crossing is not considered to be necessary, reasonable, or cost-effective.

iii) Walking network to the south of the site

7.5.29 In order to comply with Policy T2 of London Plan, TfL has asked the applicants to explore the pedestrian/ cycling connections to the south of site. They suggested the applicants should carry out some public consultations or make a commitment to ballot residents of Pitt Road, Hartington Close and the Ladycroft Way estate.

7.5.30 The applicants have confirmed that these potential walking linkages suggested by TfL have not been pursued due to objections received from local residents and the Farnborough Village Society.

7.5.31 Whilst the contents of the letter from the Farnborough Village Society (FVS) dated 21.09.23 is acknowledged, the applicants provided no evidence or detail of any consultation being carried out with the local residents to discuss such matters.

Feasibility study to change the speed limit from 40mph to 30mph

7.5.32 As part of the Road Safety Audit assessment, TfL has also asked the applicants to investigate the possible speed limit reduction from 40mph to 30mph. Though the applicants did not include this reduction in their Road Safety Audit and consider it unnecessary, they have offered to fund this feasibility study, should TfL think this is appropriate.

7.5.33 Given that there is no confirmation from TfL that this speed reduction is feasible on this stretch of the A21 and also given it is not on the existing TfL delivery programme, the proposal should be considered with the existing speed limit in place on the A21. However, should permission be granted a S106 financial contribution should be secured to fund TfLs feasibility study.

Summary of Accessibility of the Site by Sustainable Modes

7.5.34 Paragraph 105 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

7.5.35 With regards to the promotion of other sustainable transport modes, it is acknowledged that the proposal would include some measurements to improve part of the pavement widening to the north of the application and the walking/ cycling link to the north of the A21 near Tubbenden Lane roundabout. However, given that this site has a low PTAL level, it is considered that the applicants have failed to fully demonstrate how the walking, cycling and use of public transport would be improved. The proposal is not fully permeable by foot and cycle, and there is very limited connectivity to the residential areas to the south. Therefore, the proposal does not comply with NPPF, Policy T1 and T2 of London Plan and Policy 31 of the Bromley Local Plan and therefore, it cannot be supported.

7.5.36 Whilst the submitted information shows that the proposal could be unlikely to have any significant detrimental highways impacts on the A21 (see below), it is considered that the application would still attract a high level of car trips due to the size and location of the food store and limited public transport services to/from the site. For these reasons, the location is not considered to be sustainable as it is not easily accessible by public transport, walking and/or cycling.

7.5.37 It is concluded that the proposed size of the food store is likely to be a destination in its own right for the significant majority of its users and would largely attract private car trips. The proposal's reliance on the use of cars would undermine the strategic aims of the Mayoral modal shift targets (London Plan Policy T1), as well as the overarching transport objectives of the NPPF that encourage walking, cycling and public transport use.

Proposed Site Vehicular Access – all-movement give-way junction - Acceptable

7.5.38 A new vehicular access would be provided from Farnborough Way, the A21. Currently, the speed limit on the A21 is operating 40mph. The proposed site access would be a non-signalised "all movements give-way" junction.

7.5.39 In response to comments from TfL, the applicant arranged for three separate Road Safety Audits to be carried out and explore other possible site access designs:

- Option 1 – One access/ egress point without centre pedestrian/ cyclist refuge (Proposed access layout)
- Option 2 – One access/ egress point with pedestrian/ cyclist refuge separating the entrance and exit routes

- Option 3 - Separate In - Out arrangement

7.5.40 The Road Safety Audit shows that the access/ egress point without a centre refuge (Option 1) would be the optimal option. The proposed width of the access, at the narrowest point, would be some 7.8m wide. The audit report identifies that the proposed right turn lane on the A21 has sufficient capacity to accommodate 4 vehicles seeking to undertake the right turn. Whilst the report has identified an issue that during busy times this right turn lane may cause queues to develop back onto the A21, it identifies that forward visibility of any queue for approaching drivers is excellent and any queue is therefore unlikely to result in collisions. The report further suggested that it could be beneficial to relocate the existing refuge island (on the A21) to allow for the right turn lane to be extended (Fig. 7.8).

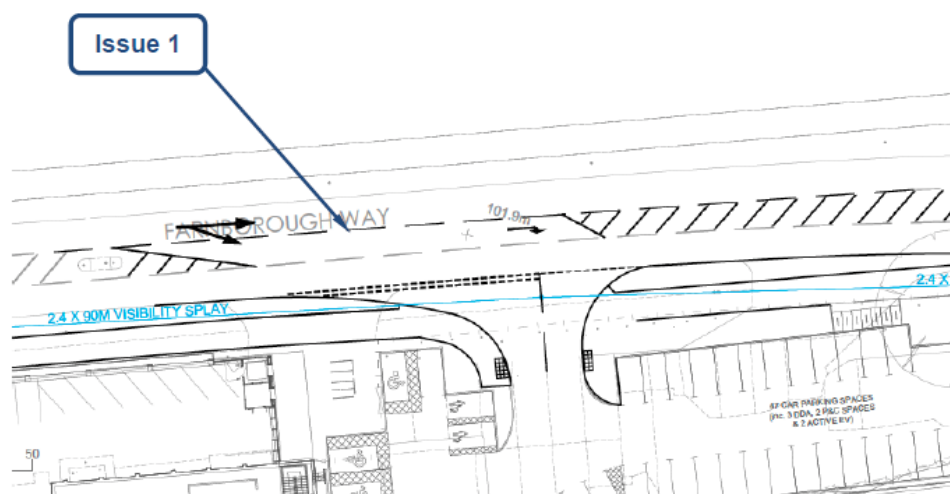


Fig 7.8: Proposed all-movement give-way junction (Option 1)

7.5.41 The transport assessment has demonstrated that during peak hours there would be no car queuing on the A21. However, the modelling shows that during PM peak hours (14:15 to 17:15) and Saturday (12:45 – 13:45) a potential 2.4 cars would be queuing within the application site waiting for the right turn onto the A21 with a waiting time of 150 seconds during the busiest 15-minute time segment as shown in the model. (Table 7.4)

7.5.42 TfL has reviewed these three site access options and commented that their preferred junction access option would be option 2 – a single access entrance/ egress point with a pedestrian/ cyclist refuge located in the middle (Fig 7.9). This arrangement could potentially improve the comfort of pedestrian and cyclists crossing. However, this option would have impacts on the application layout design and some parking spaces could need to be removed to accommodate it. The applicant has therefore opted to progress with option 1 – all-movement junction (Fig 7.8).

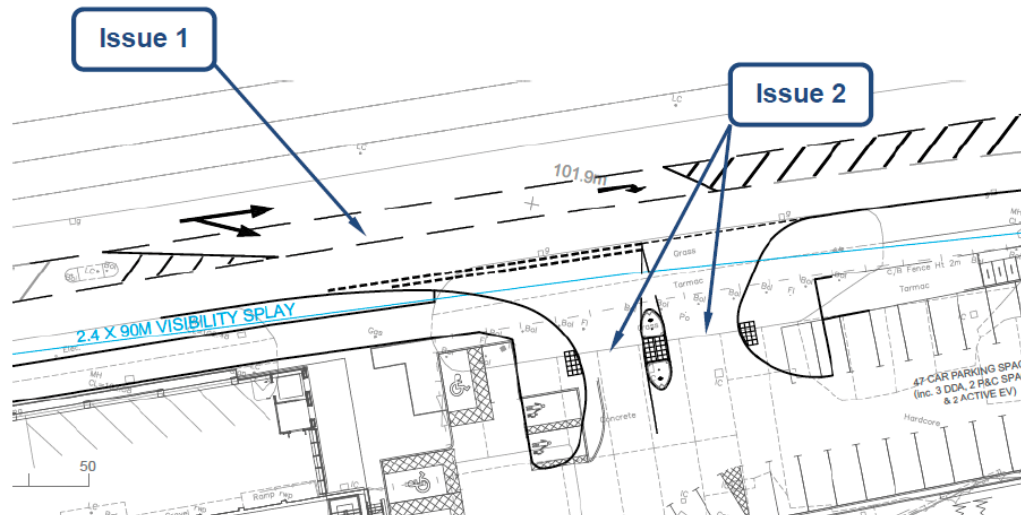


Fig 7.9 – TfL’s preferred option (junction with central refuge)

	AM			PM			SAT		
	Queue (Veh)	Delay (s)	RFC	Queue (Veh)	Delay (s)	RFC	Queue (Veh)	Delay (s)	RFC
2028 Base + Proposed Development									
Site Access to A21 (West)	0.0	11.71	0.02	0.2	28.24	0.19	0.3	31.87	0.23
Site Access to A21 (East)	0.3	117.59	0.29	2.0	145.59	0.74	2.4	149.93	0.81
From A21 (West)	0.0	11.34	0.03	0.1	11.27	0.08	0.1	10.73	0.09

Values shown are the highest values encountered over all time segments. Delay is the maximum value of average delay per arriving vehicle.

Table 7.4 from Technical Note No. 10

7.5.43 With regards to the long queueing time within the site, the agents commented as follows:

“If a driver wishing to turn right at the site exit is delayed because they are unable to find a suitable gap in which to pull out, they have three options; continue to wait, push forward into the main-road traffic so as to create a gap, or change the first part of their route by turning left instead of right.

..... it is more likely that when their delay reaches a certain point, a driver would choose the lower risk option of turning left and changing the initial route of their journey, rather than choosing to risk an unsuitably small gap, or to push out into the A21 traffic to create a gap.

Indeed, customers who regularly shop at these busiest times would become aware of the potential for long delays turning right out of the site, so they would either change their visiting times, or they would routinely turn left out of the site to avoid being delayed.”

7.5.44 The applicant further mentions that:

“It must also be borne in mind that the capacity assessment tests the peak-hour traffic conditions; at other times, the delays at the site exit will be shorter. The store will be open for 90 hours per week, so the peak hours, and busiest 15-minute segment within them, make up only a very small proportion of the store’s opening period.”

7.5.45 The comments from the applicant are noted. The modelling prediction shows that there could be queuing within the car park area while cars are turning right from the site. However, no mitigation measures have been included in this proposal. The applicant commented that this situation will be closely monitored and would be addressed in the car parking management plan. However, it is not clear how that plan could mitigate the queuing issue.

Delivery/ Servicing - Acceptable

7.5.46 A Delivery and Service Plan has been submitted in this application. To compare with the previous refusal scheme, the proposed delivery hours have been extended as follows (Table 7.5):

	Previous Refusal scheme	Proposal
Mondays - Saturdays	07:00 – 21:00	06:00 - 23:00
Sundays	09:00 – 17:00	07:00 – 22:00

Table 7.5: Proposed Delivery/ Servicing Time

7.5.47 TfL has requested that HGVs should not travel to or from the site during peak travel periods (e.g. 07:00-09:00 and 17:00-19:00 on weekdays in this area and on the M25, and at least two hours around Saturday and Sunday lunchtimes). The applicants commented that in the revised Delivery and Servicing Management Plan, Aldi would use “its best endeavours” to manage the timing of delivers to avoid peak traffic periods as this is standard practice for Aldi, since undertaking deliveries during the peak times would be inefficient and not cost-effective.

7.5.48 Also, concerns were raised by the officers regarding the extended delivery service hours and the potential noise impacts on nearby residents. Following these discussions, the applicants have agreed that the delivery times can be restricted to 07:00 to 21:00 Mondays to Saturday and 09:00 to 17:00 Sundays, as in the previous proposal. This is further commented on in the Noise section of this report.

Car Parking – Not Acceptable

7.5.49 The proposed food store would have a GIA of 1,725m² and a total of 47 parking spaces would be provided, including 3 disabled spaces, compared to the existing 25 parking spaces on site. Parent child parking spaces have been reduced from 3 to 2 since the last refusal scheme. It is noted that the provision of disabled parking spaces (5% of the total parking spaces) would comply with the London Plan standard.

7.5.50 Table 10.5 of London Plan Policy T6.3 Retail Parking outlines the maximum parking standards that should be applied to new retail development. development and states that:

“New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7 Town centres: development principles and Development Plan Documents”. Paragraph 10.6.19 goes on to state:

Retail developments are significant trip attractors and should be located in places that are well-connected by public transport. Many retail trips are potentially walkable or cyclable, and improving the attractiveness of these modes through improved public realm and the application of the Healthy Streets Approach will support the vitality of London’s many town centres and high streets. As such, **car parking provision should be kept to a minimum** and space should be used for activities that create vibrancy and contribute to the formation of liveable neighbourhoods.

7.5.51 Outer London has an adopted standard of up to 1 space per 50m² (GIA). On this basis, a total of 36 parking spaces would be appropriate and policy compliant. The proposed car parking provision would therefore significantly exceed the recommended maximum (by 31%) further demonstrating the reliance on private car to get to and from the site.

7.5.52 A new two-day car parking occupancy survey has been undertaken at the Aldi store in Faversham, Kent in June 2023 following concerns raised by TfL on whether the proposed number of car parking spaces could accommodate the predicted number of car arrivals during peak hours and whether the overspill would result in unacceptable queuing within the site and also on the A21. The survey results show that the average dwell time (parking time) on both Monday and Saturday (09:00 to 10:00) is 25 minutes and the daily average dwell times are 21 minutes on Monday and 18 minutes on Saturday.

7.5.53 The survey further demonstrates that the car parking occupancy rate is 53% on Monday and 64% on Saturday at the Faversham store. Also, in the applicant’s Technical Note, it states that:

“Even if the provision of further information and analysis is sufficient to demonstrate that the car park is of an appropriate size, we would expect a robust car park management plan to be secured which allows for implementation of measures which would address any problems that may arise over time.”

7.5.54 TfL has been re-consulted and raised no further objections although they did note in their response that the submitted management plan is not sufficiently robust as to give confidence that any problems that may arise can be addressed.

7.5.55 Based on the parking occupancy survey undertaken at the Faversham store is reasonable to surmise that, at peak times, should the customer's visit exceed 25 minutes (on average), there could be inadequate car parking within the site. Furthermore, it has not been demonstrated that this issue could be adequately mitigated by way of a management plan. The fact that the proposal is exceeding the maximum standards for this type of development is a further indication that the site is unsuitable for a large food store on the site. The proposed development is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policy 31 of the Bromley Local Plan, Policies T1 and T6.3 of the London Plan.

7.5.56 It is concluded that the proposed size of the food store is likely to be a destination in its own right for the significant majority of its users and would largely attract private car trips. The proposal's reliance on the use of cars would undermine the strategic aims of the Mayoral modal shift targets (London Plan Policy T1), as well as the overarching transport objectives of the NPPF that encourage walking, cycling and public transport use.

Electric vehicle (EV) charging points

7.5.57 Policy T6.3 of London Plan states that "where car parking is provided at retail development, provision for rapid electric vehicle charging should be made." The proposal includes two active rapid electric vehicle charging points and 6 passive charging points. TfL has commented that the EV charging points would not be located at any disabled person or parent-and-child parking spaces and it is not an inclusive design and there should be more EV rapid charging points within the site. The applicants commented that they would only provide more active charging facilities when the demand increases.

Cycle parking - Acceptable (subject to conditions)

7.5.58 Policy T5 of the London Plan states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should also demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people. The Design Standards state that customer cycle parking needs to be accessible, conveniently located for building entrances and well-overlooked and secure during all opening times. Also, particular attention needs to be paid to accommodating larger models, such as cargo cycles, and how cyclists access parking areas safely, particularly where they must do so through a car park.

Staff cycle parking

7.5.59 A total of 11 long stay cycle parking spaces would be provided for staff within the store. In the original scheme, the staff cycle parking was proposed to be "wall hooks" and located at the basement level. TfL has been consulted on this arrangement and commented that the proposed "wall hooks" for staff cycle parking are considered unacceptable as they are only suitable for retrofitting of

cycle parking to existing buildings where space is constrained. Also, it appears that there is no lift access to the basement level.

7.5.60 The proposed staff cycle parking has been revised so that it would be a double-deck bike rack located in the basement and staff with cycles will be able to use the goods lift to access the basement cycle parking area (Fig 7.10).

7.5.61 TfL remains concerned about the 2-tier rack proposal as this parking arrangement would require the cycle to be lifted. This would exclude a large proportion of staff who should otherwise be able to cycle and whose particular characteristics would be protected under the Equality Act, e.g. pregnant, disabled and older people. TfL consider that Sheffield stands should be provided instead. However, the applicants view is that the lower tier is the equivalent of Sheffield hoops with the higher stands for those who are able to lift their bikes onto the stands. Also, Sheffield stands would be provided within the warehouse for staff use.

7.5.62 In a recent supporting letter dated 21.09.23, the applicant has said that “*For any staff who are less abled and who cycle to work, a secure accessible storeroom is available at the ground floor level within the amenity block and does not need to be accessed via a lift.*” However, to date, officers still have not received any revised drawings to show these changes. It is also noted that the only available lift is designated for moving of goods. Nevertheless, this change can be secured by a condition should permission be granted.

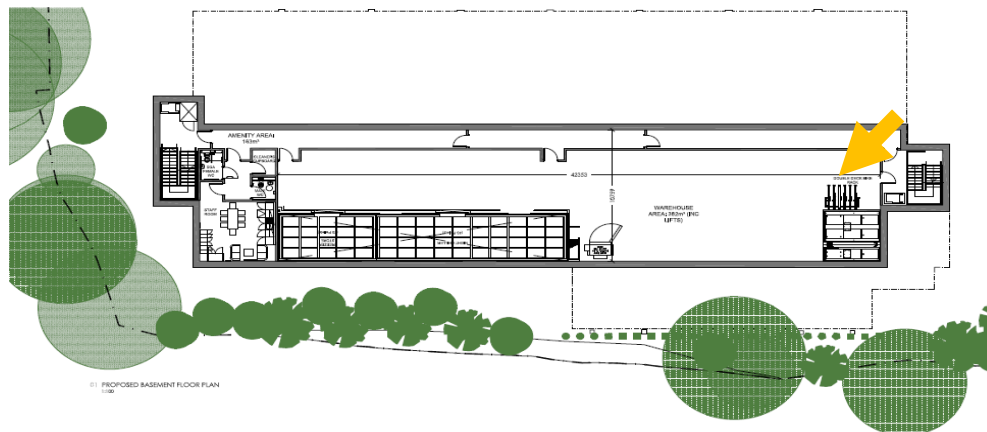


Fig: 7.10 Proposed Staff cycle parking

Visitors and cargo cycle parking

7.5.63 A total of 22 short stay cycle storage spaces would be provided for customers within the car park. This provision is acceptable and compliant with London Plan Policy T5. The proposed cycle parking would be located at the eastern end of the car park, facing the A21. This would be some 60m to 82m away from the food store entrance (Fig 11). TfL and Highways Officers have been consulted and object to the location of the cycle parking as it should be located close to the store entrance/exit for convenience and maximum natural surveillance (Fig 12 - area in red). Also, the bike parking area should accommodate non-

conventional cycle parking spaces (e.g. tricycle) for people who are disabled to comply with Policy T5 (B) of London Plan.

7.5.64 It is further advised by TfL that the proposal should provide Sheffield stands at 1.2m spacing (for two cycles, i.e. 0.6m each), and at least 5% of spaces should be wide enough to accommodate a wider cycle (0.9m minimum per cycle).

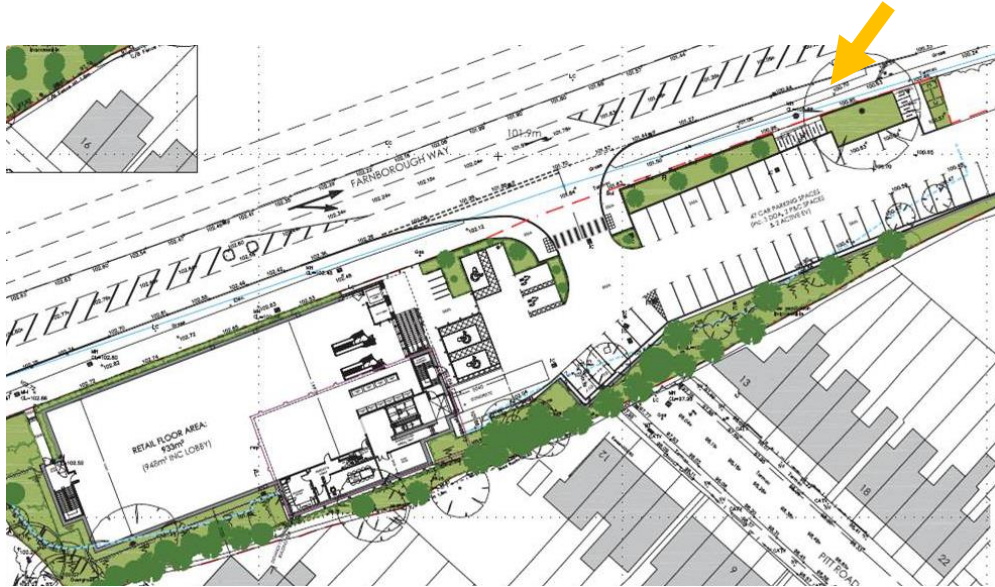


Fig 7.11: Proposed visitor cycle parking



Fig 7.12: Preferred location for visitor cycle parking (area in red)

7.5.65 The applicants view on this proposed arrangement is that placing the cycle parking away from the store entrance would be unlikely to affect cyclists and also it would not change their customer's behaviour from cycling to driving. Also, relocating the proposed cycle parking to be closer to the store would have an impact on the loss of soft landscaping area (TN15).

7.5.66 Policy 5 of the London Plan clearly states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. The cycle parking spaces should be "well-located –

convenient, accessible, as close as possible to the destination, and preferably sheltered.”

7.5.67 With regards to the potential loss of the soft landscaping area, the Council’s design team has commented that the cycle parking could be integrated into the proposed landscaping area. It is commented that the red area near the disabled parking would be suitable for a bike parking location where tree planting can be retained, although shrubs would need to be removed.

7.5.68 TfL has also suggested that spaces for cargo cycle parking as part of the Healthy Street Approach in London Plan should be provided.

7.5.69 The applicant has submitted a further response to officer’s and TfL’s concerns, stating that they would be willing to relocate the cycle spaces closer to the entrance and have agreed to a condition being imposed which would allow the location and design of the cycle stores to be subsequently approved by the LPA should permission be subsequently granted. Furthermore, the applicant is willing to provide spaces wide enough for cargo cycles, cycle trailers, tricycles and cycles constructed or adapted for disabled riders, if the LPA consider it necessary. They note that the current proposals have been designed to provide sufficient space for parking of larger adapted cycles, all cycle hoops are at 1m spacing and fourteen spaces have a possible length of 2.6m. Prescriptive details for these could be controlled by an appropriately worded condition if necessary. This approach is considered acceptable in principle and this aspect of the scheme would not undermine the objectives of the public sector equality duty.

7.6 Environmental Health Considerations

Noise - Acceptable

7.6.1 London Plan Policy D14 requires proposals to avoid significant adverse noise impacts on health and quality of life. Where it is not possible to achieve separation of noise-sensitive development and noise sources, any potential adverse effects should be controlled and mitigated through good acoustic design.

7.6.2 Policy 119 of the Bromley Local Plan requires proposed developments likely to result in noise or vibration to provide Noise Assessment which considers the potential impact on noise sensitive receptors and any mitigation measures required.

7.6.3 It is proposed that the store opening hours would be between 08:00 to 22:00 Monday to Saturday and a six-hour operating period on Sunday (i.e. 10:00 to 16:00 or similar). Although the application form does not specify any particular delivery times, however the Delivery and Servicing Plan submitted advises that *“Aldi delivery time restrictions would be dictated by the relevant planning conditions, but in any event, Aldi would use its best endeavours to manage the timing of deliveries to avoid peak traffic periods. In their absence, the typical*

Aldi delivery times are between 06:00 to 23:00 Monday to Saturday and 07:00 to 22:00 on Sundays.”

- 7.6.4 The application is supported by an Environmental Noise Report (ENR) prepared by Sharps Redmore which has been informed by further noise surveys, given that the previous noise readings for the site were undertaken during the COVID-19 lockdown period in 2020.
- 7.6.5 The ENR states that outside trading hours all deliveries would be carried out in accordance with a delivery management plan (DMP), which includes the following measures:
- No movement of goods pallets or roll cages on open areas of the service yard;
 - No audible reversing beepers;
 - Refrigeration units should be switched off when vehicles enter the service yard;
 - Restricting the number of deliveries received outside trading hours.
- 7.6.6 Officers note that in relation to the previous application, it was recommended (and agreed by the applicant in writing) that deliveries should be restricted to between 0700 and 2100 hours (Monday to Saturday) and 0900 and 1700 hours on Sundays.
- 7.6.7 The ENR submitted with the current application argues that based on the assessment of noise from delivery activity against existing background noise levels, having regard to the contextual considerations and the mitigation measures available it is concluded that noise from delivery activity between 0600 and 2300 hours (Monday to Saturday) and 0700 – 2100 hours on Sunday would not cause significant adverse impact to local residents in line with the policy aims in the NPPF.
- 7.6.8 With regards to the above justification relating to the adverse service yard noise levels, officers do not consider that there is any contextual rationale to permit the delivery hours requested. The Environmental Health officer confirmed that regular delivery noise in the early morning or late evening would be clearly distinguishable and incongruous by comparison to the acoustic environment that would occur in the absence of the specific sound. Therefore, as in the previous application, delivery times should be restricted to be 07:00 – 21:00 Mondays to Saturdays, 09:00 – 17:00 Sundays. The applicant agreed to the imposition of such condition in the event of planning permission being granted.

Contaminated Land - Acceptable

- 7.6.9 Similar to the previous scheme, a Geo-Environmental Assessment Report (GEAR) by Brownfield Solutions (February 2023) was submitted. In summary, the eastern half of the site, shown cleared in aerial photos from 2006, has been

the location of Darwin Filling Station, authorised as a petrol vapour recovery process. The authorisation referred to 3 underground storage tanks (the controls applying to petrol vapour only, not other fuels such as diesel). The intention to remove the underground tanks during the clearance of the site referred to in the GEAR is also reflected in Council records, although no verification of completion of the works appears to be held by the Council. Given that further exploratory/investigation works have been recommended in the report and that both gas protection and remediation schemes need to be confirmed and submitted to the Council for approval, contaminated land condition would have been suggested if the recommendation was for approval.

Lighting - Acceptable

7.6.10 The external lighting drawing includes graphics of the different luminaire types and annotations on the plan regarding their siting/location. The lighting assessment shows a maximum predicted light spill levels of 1 lux at nearby residential properties (including No. 12 and 13 Pitt Road and No.15 Palmerston Road), which are acceptable/satisfactory. However, unlike with the previous application, no External Lighting Notes have been provided confirming general operation, operation during hours of darkness, and lighting arrangements during the curfew period (23:00 - 07:00), as well further mitigation measures to be implemented through luminaire height and siting, and the inclusion of added shielding for the luminaires adjacent to the carriageway.

7.6.11 Whilst Environmental Health Team raised no in principle objection to the details of the lighting assessment, in the event of planning permission being granted, the following condition is recommended: *“Before the external illumination becomes operational it shall be demonstrated to the satisfaction of the LPA to accord with the guidance from the Institute of Lighting Professionals, ‘The reduction of obtrusive light’ Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 1 or 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for an E2 Low or E3 Medium Brightness zone respectively.”*

Air Quality - Unacceptable

7.6.12 The application site is within the Air Quality Management Area. Policies SI 1 of the London Plan and Policy 120 of the Bromley Local Plan refer to the need to tackle poor air quality. It states that for major developments, an Air Quality Assessment should be carried out before designing the development to inform the design process.

7.6.13 Policy SI 1 (B1) of the London Plan states that in order to tackle poor air quality, protect health and meet legal obligations, development proposals should not:

“a) lead to further deterioration of existing poor air quality

- b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
- c) create unacceptable risk of high levels of exposure to poor air quality.”

7.6.14 Policy SI1 (B2) of the London Plan further states that all the proposal, as a minimum, must be at least Air Quality Neutral’.

7.6.15 The revised Air Quality Neutral Assessment Technical Note (AQNATN), dated 22.08.23 by Enzygo, has assessed the development against the revised Greater London Authority Air Quality Neutral guidance which was adopted in February 2023. The application was submitted in March 2023, so is required to meet the revised GLA guidance, in accordance with Policy SI 1 of the London Plan.

7.6.16 In the note, the applicant confirms that “*the total development trip rate is greater than the benchmark therefore the proposed development is not ‘Air Quality Neutral’ for development transport emissions*”. Therefore, the development does not meet the London Plan Policy SI 1 minimum requirement.

7.6.17 The note confirms in point 16 that the ‘*development annual emissions are marginally above the benchmark emissions by 32.5 kg for NOx and 2.6 kg for PM10.*’ It is important to note, however, that to bring the level down to what is reported as ‘marginally above’, the calculation assumes an average distance per trip to be 2 km. With regards to the average distance per trip the GLA guidance states that this should be 5.4km for outer London (Retail). There appears to be no allowance made for adjusting the distance benchmark within the GLA guidance and even if it was permissible the proposed change would need to be justified.

7.6.18 The AQNATN has, in the opinion of officers, incorrectly applied the GLA guidance which with officer’s recalculation would result in annual emissions above the benchmark emissions by 87.73 kg for NOx and 7.02 kg for PM2.5 which are significantly higher than those presented in the report. The onsite EV infrastructure proposed would not bring about the necessary reduction in emissions and the proposal fails to meet the minimum requirement of the London Plan Policy SI 1 and, as such, refusal is recommended on this ground.

7.6.19 Since the on-site measures do not satisfy the AQN requirements, if permission was to be granted, the developer would have to agree to an offsetting payment for off-site measures, which would need to be recalculated using the correct benchmark inputs.

7.7 Green infrastructure and Natural Environment - Acceptable

Trees and Urban Greening

- 7.7.1 Policy G5 of the London Plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 7.7.2 London Plan Policy G7 (Trees and Woodlands) states that development proposals should ensure that, wherever possible, existing trees of value are retained. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.
- 7.7.3 At a local level, Policy 73 (Development and Trees) of the LBB Local Plan states that proposals for new development will be required to take account of existing trees on the site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.7.4 London Plan Policy G5 emphasises the importance of urban greening in development. Acceptable urban greening features include street trees, green roofs, green walls, rain gardens and hedgerows. Predominantly commercial developments should have a score of 0.3.
- 7.7.5 The site consists of an existing building, hardstanding associated with car parking and access, and a small area of grassland alongside amenity planting and a wooded belt upon a narrow but steep embankment. A mature London Plane tree is present in the eastern part of the site and is covered by TPO.
- 7.7.6 An updated Arboricultural Assessment and Method Statement submitted demonstrates that most of the trees to be lost because of the proposal would be of low category (C) because of their poor condition, small size or limited levels of sustainability. Two individual and one group of moderate trees (Category B) would also need to be removed; however, the assessment argues that any perceived short-term impact arising from these losses would be directly mitigated by the proposed new tree planting along the southern boundary of the site. No Category A trees would be removed, and all retained trees would be protected during development by using fencing with special precautions to limit the impact of encroachment applied in respect of two trees: T1 (Plane TPO tree) and T9 (Oak).
- 7.7.7 The Council's Tree Officer confirmed that tree constraints have been addressed adequately and that precautionary measures outlined in the report are sufficient to ensure retained trees would be protected. He also agreed that the proposed planting would satisfactorily mitigate tree removals.

7.7.8 The greening strategy proposed for the development results in an urban greening factor (UGF) score of 0.78, which exceeds the policy requirement, and is therefore supported.

Biodiversity

7.7.9 Policy G6 of the London Plan makes clear that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, informed by the best available ecological information and addressed from the start of the development process.

7.7.10 The Preliminary Ecological Appraisal (PEA) submitted in support of the application confirms that there are no statutory designations of nature conservation value within the site or immediately adjacent to it. The nearest statutory designated site is Darrick and Newstead Woods Local Nature Reserve (LNR) which lies approximately 0.1km north-east of the site. The habitats present on site are of limited intrinsic nature conservation value, including the hardstanding and amenity planting. The trees, wooded belt and shrubs are considered to be of some ecological interest for the foraging and nest-building opportunities they offer faunal species.

7.7.11 The wooded belt at the southern boundary of the site would be removed from the site to facilitate the development. However, an updated Ecological Assessment submitted notes that it is very narrow and only comprises a limited number of semi-mature to mature specimens with the majority of vegetation being understory and ground flora consisting of typically undesirable species and lack a ground flora community. The wooded belt is also degraded by the deposition of garden waste together with other miscellaneous deposited materials (paving slabs, wire mesh etc.).

7.7.12 The initial surveys identified the Frankie and Benny's building as supporting some limited features of low suitability for roosting bats. As such a single emergence survey has been undertaken in June 2020 confirming that no bats were seen emerging from the structure and no bats were roosting, and only a very low level of foraging and commuting activity was recorded around the building. An updated internal inspection of the existing building was undertaken in January 2023 and most recently in September 2023 revealing no signs of bats or roosting evidence. Officers are satisfied that subject to recommendations to provide sympathetic lighting and precautionary method for the removal of roof tiles no further ecological input is required.

7.7.13 The new tree, shrub, species-rich wildflower grassland and native hedgerow planting proposed throughout the site would offer new replacement foraging opportunities for bats, birds and invertebrates, as well as new nesting opportunities for birds. Further enhancements include the establishment of a species-rich wildflower meadow seed mix to be sown in new areas of grassland.

Overall, taking into account the proposed mitigation and enhancement measures set out for bats, birds, Hedgehogs and invertebrates, there are no identified insurmountable constraints to the proposed development from an ecology and nature conservation perspective.

7.7.14 An assessment of the biodiversity impact of the proposed development has been completed against the landscape proposals using Metric 3.0 with a net gain of +37.86%, which exceeds the minimum threshold required.

7.8 Drainage and Flooding – Acceptable

7.8.1 Similar to the previous scheme, a Drainage Strategy and Flood Risk Statement has been submitted proposes to limit the discharge rate to 2l/s for all events including the 1 in 100 year plus climate change. The area of permeable paving has also been increased to include the parking bays outside of the sewer easement zone.

7.8.2 The Council's drainage officer and Thames Water have raised no objection to the proposal, however conditions securing the detailed design of the sustainable drainage measures, together with further details of piling/foundation layout and groundwater protection would have been recommended in the event of granting planning permission.

7.9 Energy and Sustainability – Acceptable

Minimising Greenhouse Gas Emissions

7.9.1 The London Plan Policy SI2 'Minimising greenhouse gas emissions' states that Major development should be net zero-carbon, reducing greenhouse gas emissions in accordance with the energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

7.9.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required – Of the 35% non-residential development should achieve 15 per cent through energy efficiency measures.

7.9.3 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

- 7.9.4 Policies 123 and 124 of the 2019 Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 7.9.5 The Renewable & Low Carbon Energy Statement, prepared by Sol Environmental shows that the proposed energy strategy would rely on the provision of refrigeration heat recovery system ("Freeheat") which feeds into air source heat pumps the energy recovered from the stores refrigerated cases for heating the main sales area, in addition to a 50kWp Photovoltaic (PV) array to achieve additional savings under the "be green" element of the energy hierarchy.
- 7.9.6 The statement concludes that the total on-site carbon saving is proposed to be 85%, with a 16% reduction from energy efficiency alone. To become a nett zero carbon development a cash in-lieu contribution to off-set the carbon for the next 30 years was calculated at £3,196, at a rate of £95 per tonne.
- 7.9.7 The total carbon offsetting payment would need to be secured by a legal agreement in the event of planning permission being granted. Additionally, officers would want to see commitment to the monitoring of carbon emissions, as required in Policy SI2 under the "be seen" element.

Overheating

- 7.9.8 London Plan Policy SI4 sets out expectations for developments to minimise adverse impacts on the urban heat island, reduce internal overheating and reduce the need for air conditioning through their design, layout, orientation, materials and the use of green infrastructure. Major developments should include information in their energy strategy as to how they propose to meet policy requirements in accordance with the cooling hierarchy in Policy SI 4.
- 7.9.9 The Renewable & Low Carbon Energy Statement submitted advises that provision of a large awning over the main entry glazing and the orientation of the building (i.e. entry facing north) would minimise the impact of solar gain and subsequent building overheating thus reducing the reliance on mechanical cooling systems in the summer months. With the exception of the Warehouse and Plant Room, the Foodstore would be serviced by an Air Source Heat Pump supplemented by a refrigeration heat recovery (RHR) system known as the 'Freeheat' system which feeds an underfloor heating system. The same building areas would be cooled via an underfloor cooling system supplied by the ASHP. The office, WCs and other staff facilities would be supported by mechanical extract ventilation system with Part L 2021 compliant efficiencies, flow rates and fan powers. No objections are raised in this regard.

7.10 Designing out Crime – Acceptable

7.10.1 Designing out Crime Officer noted that the southern elevation appears to have a secluded access way which serves the lower ground floor staff area, manager's office, and plant area, and had very little natural surveillance. Similarly, the doors and windows in this south-eastern corner of the building appear particularly vulnerable to attack. The north-eastern corner has a fire escape, small flight of stairs and an enclosed roof access stairway, which also is secluded and screened from view by foliage, so may also be vulnerable, and these areas should feature additional security measures to mitigate.

7.10.2 Given relatively high crime rates in this area, a Secured by Design condition would help to reduce crime and ensure the use of 3rd party tested and accredited doors, windows and shutters to Secured by design standards and requirements, alongside introducing crime prevention measures on parking, boundary treatment, natural surveillance, lighting and site layout, through discussion and consultation and implementation.

8. Other Matters

Planning Obligations

8.1 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.2 Policy 125 of the Local Plan and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

8.3 The development, as proposed, would necessitate the following obligations:

- Carbon offset cash-in-lieu: £3,196;
- Air Quality Neutral offset: TBC (requires recalculation based on the correct benchmark input);

- S278 works;
- Bus shelter relocation: £15,000;
- Financial contribution toward speed reduction feasibility study;
- Monitoring fee: £500 per head of terms; and
- Cost of legal undertaking.

8.4 Officers consider that these obligations meet the statutory tests set out in Government guidance, i.e. they are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development.

Community Infrastructure Levy

8.5 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.6 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021.

8.7 In line with the Community Infrastructure Levy (CIL) Charging Schedule (April 2021), the gross internal area of new supermarkets/food stores over 280m² (3,000 sq ft) is CIL liable and chargeable at £100 per m².

Equalities Impact

8.8 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions.

8.9 In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

8.10 With regards to this application, all planning policies in the London Plan and Bromley Local Plan and National Planning Policy Framework (NPPF) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in the officers' assessment of the application are considered to acknowledge the various needs of protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

- 8.11 It is also necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it.
- 8.12 The protected characteristics to which the Public Sector Equality Duty (PSED) applies include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 8.13 The proposal would deliver a retail unit in a poorly connected and inaccessible location other than by private car. This might have a negative impact on people in the categories of age, disability, pregnancy and maternity, who are less mobile and who may find the lack of accessibility restrictive.
- 8.14 The proposed cycle parking provision for store's visitors has not been designed to take account of the specific needs of people with mobility difficulties who use conventional cycles and those who are disabled to the extent of needing a non-conventional cycle (eg tricycle). This would not ensure a genuinely inclusive development thus not helping to facilitate equality of opportunity between disabled people and non-disabled people and would also have a negative impact on those in the categories of age, pregnancy and maternity. However, provision of cycle trailers or cargo cycles for loan, together with the re-location of cycle spaces closer to the store entrance could be required by condition, had the development been considered acceptable overall.
- 8.15 Similarly, no disabled person or parent-and-child car parking space would have an electric vehicle charging point. This would fail to meet the principles of inclusive design and would be expected to have varying degrees of negative impacts on children, age, disability, pregnancy and maternity.
- 8.16 There are also negative impacts expected in relation to construction, such as increased vehicular movements, noise and air quality which would have the potential to affect the following equality groups; age, disability, pregnancy and maternity. These impacts are however considered short term and would depend on the measures that would be set out in the Construction Management Plan and other relevant conditions aimed to minimise disruption and mitigate the impacts.

9. Conclusion

- 9.1 Considerable amount of work that has been put into the development of the scheme is acknowledged and officers are of the view that previously raised concerns in relation to the design and amenity impact of the proposal have been satisfactorily addressed.

- 9.2 Nonetheless, the location of the application site is fixed and there is no realistic scope to mitigate for this poor accessibility, and to overcome the transport reason for refusal. To this end, the applicant was encouraged to explore the potential improvements to the local pedestrian and cycle routes, particularly in respect of the residential area located to the south, in order to genuinely improve the accessibility of the store; however, the majority of these improvement works have been disregarded by the applicant as they were not considered necessary or cost-effective. To this end, there has been little attempt made by the current submission to address this issue.
- 9.3 The Planning Statement argues that the site benefits from a large walk-in catchment area and that the 'on the ground situation' locally demonstrates that the store will be accessible for those that is designed to serve, i.e. primarily those living within and surrounding Farnborough Village. It can be argued though, that had the applicant's aim to serve a local catchment been genuine, the store would not need to be as large and there would not need to be car parking for other than Blue Badge holders. The site has no direct pedestrian access to/from Farnborough Village and there can be no doubt that the store is intended primarily for car-bourn shoppers, whether local or passing through on the A21.
- 9.4 Whilst the proposed development would deliver some economic benefits in the form of employment generation, these benefits are not considered to outweigh the harm caused by promoting a retail development that would be excessively reliant on the use of private car, thereby resulting in environmental harm. This is exemplified by virtue of the fact that the total development trip rate exceeds the air quality neutral benchmark for transport emissions.
- 9.5 The Air Quality Neutral Technical Note has incorrectly applied the GLA guidance. The proposal appears to result in annual emissions above the benchmark and significantly higher than those presented in the note. The onsite EV infrastructure proposed would not bring about the necessary reduction in emissions and consequently the proposal fails to meet the minimum requirement of the London Plan Policy SI 1 and, as such, refusal is recommended on this ground.
- 9.6 Therefore, although officers acknowledge that currently there might not be other available sites with higher PTAL, the acceptability of the proposal still needs to be assessed in accordance with the development plan as a whole.
- 9.7 To this end, officers' view remains that given the site's low PTAL, with little scope to increase, and a limited cycling and walking catchment in a low-density part of London with high car ownership, the proposed development is unlikely to deliver a mode share that meets the London Plan target for outer London of 75 per cent share for walking, cycling and public transport by 2041.

- 9.8 Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, planning permission should be refused.
- 9.9 An acceptable planning obligation for provision of the Carbon Offset Contribution, Air Quality Neutral Offset Contribution, S278 Works, Bus Shelter Relocation, Financial Contribution toward Speed Reduction Feasibility Study and the payment of monitoring and legal costs has not been entered into. As such, a reason for refusal relating to the lack of acceptable planning obligations is also recommended.
- 9.10 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposal would introduce a large food store on the site with a PTAL rating of 1a/1b, thereby resulting in a retail development that is excessively dependent on the use of private car. The proposed development is therefore inconsistent with the overarching strategy of promoting sustainable transport and minimising greenhouse gas emissions, contrary to Policy 31 of the Bromley Local Plan, Policy T1 and T6.3 of the London Plan and the NPPF.
- 2 The proposed development would not be 'Air Quality Neutral' for development transport emissions and the on-site measures do not satisfy the AQN requirements. On the basis of incorrect application of the Air Quality Neutral LPG (2023) no offsetting payment for off-site measures can be agreed. As such, the proposal would fail to meet the minimum requirement of the London Plan Policy SI 1.
- 3 An acceptable planning obligation for provision of the Carbon Offset Contribution, Air Quality Neutral Offset Contribution, S278 Works, Bus Shelter Relocation, Financial Contribution toward Speed Reduction Feasibility Study and the payment of monitoring and legal costs has not been entered into. The application is thereby contrary to Policy 125 of the Bromley Local Plan (2019), Policy DF1 of the London Plan (2021), and Bromley Planning Obligation Supplementary Planning Document (June 2022).