

Tim Horsman
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Stockwell Close,
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21st January 2013

Dear Tim,

Lidl - The Porcupine PH, Mottingham - Planning Application 13/04160/FULL1

This submission looks in detail at the evidence and policy background referenced by the applicant, Mr Chris Monkman, on behalf of Lidl UK. It demonstrates why the application is flawed and outlines how the impacts of this proposed development would significantly and demonstrably outweigh any perceived benefits. The following paragraphs do not present any evidence that is not already available to officers or members. It does, however, by referring to national policy and the council's own evidence base, draw attention to flaws in the applicant's Design and Access Statement (DAS) and supporting documentation.

Policy Considerations

1. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan², unless material considerations indicate otherwise. The presumption in favour of sustainable development can be rebutted where proposals are not in line with local plan policies, or where material evidence demonstrates it would cause harm to public interest.
2. UDP Policy S6 demands that retail developments be appropriate to the size of the centre. Pre-application advice given to the applicant specifically requested evidence to demonstrate compliance with this policy. It is disappointing that no evidence was submitted as part of the formal application; many constituents have expressed concern about the greater scale of this building and the impact a large discount store would have on nearby independent retailers.
3. The DAS fails to present an adequate description of the surroundings and context in which this development would be sited. In particular, there is no reference to the War Memorial or the relationship the store would have to the adjacent (listed) Library. I submit that the proposed scale and massing are out of keeping with the character of Mottingham Village and unduly conspicuous within the street scene of Mottingham Road. Little regard is given to the impact this development would have on neighbouring residential properties.
4. The standing Public House has been designated an Asset of Community Value, and this in itself is a material consideration to which decision makers should have regard. The loss of a

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² In this case LB Bromley's Unitary Development Plan (UDP), its emerging Local Plan, and the London Plan

valued community asset is also contrary to UDP Policy C1, the NPPF (Para 70, 126, 152), and London Plan policy 3.16. It is disappointing that the applicant has, yet again, ignored officers' advice to provide evidence of compliance with local plan policies.

5. The DAS confirms that Lidl's business model centres on cost minimisation. This is reflected in the low number of potential employees (only 7 permanent positions) at this proposed unit. As such, the scheme's potential to "provide employment opportunities" is grossly overstated. Indeed, the potential loss of livelihood to local retail units is likely to exceed the numbers Lidl intend to employ.

Highway Considerations

6. There is no question that the proposed development would result in a material increase in the volume and character of traffic entering and leaving the site.
7. As suggested in the pre-application advice, I believe the proposed 35 parking spaces to be insufficient. The supporting evidence provided by the applicant does not provide adequate justification as to why this application can depart from recommended parking provision standards (UDP Policy T3).
8. On the assumption that 7 employees are on site at any one time, and given the relative deficiency of public transport in this area, a further 4 parking spaces (minimum) are likely to be taken up by staff. In effect, there will be periods in the day when only 24 general-use spaces will be free.
9. The applicant acknowledges that peak demand on a Saturday is likely to exceed proposed parking supply, with an estimated 7 cars waiting for a space at any one time. I question the assumption that these cars can be accommodated on site, with sufficient space to manoeuvre. The end result will be spill-out onto the main highway or customers finding nearby on-street parking which is, as you are aware, significantly restricted. This is an unacceptable risk that will impact local residents and businesses.
10. It is disappointing that the applicant has not submitted a full appraisal of car park manoeuvrability, including vehicular turning circles. Amongst other things, this would have given a clear indication of whether sufficient allowance had been made for front and rear overhang of commercial HGVs and larger family cars.
11. Para 3.17 of the SCP Transport Assessment should be discounted in its entirety. It is not appropriate to defend the provision of parking below maximum standards on the speculative and unquantified assumption that users will use alternative modes of transport.
12. I find it strange that the Transport Assessment references recent appeal decisions against LB Bromley on the grounds of parking provision disputes. These relate to different uses, for example a church car park, and cannot be applied to this case.
13. I welcome the proposed decision to close the northern access point (Road Safety Audit Response Form). But, as vehicles attempt to enter and exit the site using a single access point, there remains a strong possibility of tailbacks on the approaches to and from the roundabout.

14. It is concerning that the main Transport Assessment was undertaken outside of the main school term period. This would have had a significant impact on the accuracy of the results and the weight that can be afforded to these data.
15. Para 2.16 of the Transport Assessment is particularly alarming; it is nonsensical to predict possible future incident rates by simply referencing the historic safety record around this site. Such reasoning is purely speculative and takes no account of the significant traffic flow alterations that will stem from this development.
16. Para 2.24 of the Transport Assessment also carries little weight. Most people, for safety and convenience reasons, will choose not to cycle to this store and undertake a return journey burdened with shopping. It is also unclear how cyclists will be expected to access one of the 8 lock-up points and embark/disembark safely.
17. Paragraph 3.9 of the Transport Assessment is very concerning. Mottingham Road can get heavily congested and this would make it incredibly difficult for an articulated HGV to enter and exit the site. The applicant's supporting evidence even acknowledged that HGVs would have to "use the full width of the carriageway to perform some of the movements".
18. I am not satisfied with the provisions of para 3.9 (iii). There is no substantive guarantee on the number of days two deliveries will be made and the proposed delivery times are too wide in scope. I am surprised that a detailed servicing plan was not submitted with the full application, as advised by council officers. I would suggest that the use of strong conditions are the only way to guarantee resident amenity is not affected adversely by deliveries that are excessively early or late, or which fall within school/peak traffic times. This later point is important as there are two schools situated very near to this site.
19. The DAS states that parking bays 1 & 2 may need to be coned off to permit daytime deliveries (Para 3). This does, however, conflict with para 3.10 of the Transport Assessment, which states that 'the largest articulated delivery lorry will also require the vehicle to encroach onto 3 of the customer car parking spaces'. Such a basic factual error is deeply alarming.
20. For customers parked in the rear of the site (parking spaces 1-12), they must walk c.70 meters to reach the store entrance, navigating through two directional traffic flows, plus reversing cars from spaces 17-27. This is a significant safety risk for pedestrians. There is also no indication of trolley storage provision for customers using the parking spaces to the rear of the site. There is a very real possibility, therefore, that trolleys will be 'dumped' and left scattered around the site. This would present even further obstacles to an already over-crowded car park.

Design and Appearance

21. Bromley Council's General Design Principles state that proposed developments must respect the character and quality of the surrounding area.
22. The proposed roof design is welcomed and, notwithstanding concerns about the scale and positioning of this building, it would create visual interest and relate well with the character

of the area. The use of ‘Alucobond’ grey fascias and PPC aluminium gutters and downpiping (Part 4) is, however, disappointing. This is standard build material for Lidl stores, and demonstrates limited concern for creating a sensitive development in keeping with the area’s architectural style. Blue-coated aluminium frames and entrance screens are standard Lidl marketing colours, but look unattractive and do not fit with the wider street-scape of Mottingham Village and existing retail frontages.

23. It is not acceptable for Lidl to propose the use of large and unsightly posters to break up the mass of the eastern elevation. Cheap advertising space is no substitute for high-quality architectural design and brickwork with interest.
24. The proposed active frontage would be welcome, but additional natural light in-store would be marginal due to Northern-facing façade.
25. It is disappointing that so little space has been set aside on the site for landscaping. And I am surprised that the applicant has ignored officers’ advice to retain the two TPO trees on-site. This is a tacit admission that the applicant is squeezing as much floorspace as possible into this site, and has little willingness to compromise on landscaping in an effort to maintain the maximum size of store possible.

Impact on Neighbouring Residential Amenity

26. The pre-application advice raises clear concerns regarding ‘the close proximity of vehicle movements to the rear gardens of properties in Devonshire Road’, and recommends that an acoustic assessment of background and expected noise levels be submitted as part of the application. No such report has been submitted with the application, so it is hard to make an objective assessment of the possible disturbance to residents.
27. The proposed layout of the site, with greater access to residential properties via the car park and no obvious night time security plan, will also make neighbouring properties more at risk of crime. Security requirements have not been considered in enough detail during the design process, and this could have particular implications for those residents with rear gardens backing onto the car park. The fencing would need to provide a sufficient level of deterrence and delay against forced entry / intrusion and it is unclear how the applicant propose to do this in a manner that is visually acceptable to neighbouring properties.

Publicity

28. It is not acceptable for the applicant to host a public exhibition and simply ignore the concerns expressed by the overwhelming majority of attendees. It is inconsistent to acknowledge the “predominantly negative” feedback from this event and simultaneously proclaim a “groundswell of local support” (Statement of Community Involvement; 2013; 4.2). This is tokenistic consultation and makes a mockery of pre-application engagement. Over 350 residents turned out for this one meeting which is a significant figure for a proposal of this scale.
29. From the very start, Lidl have treated the local community with disdain. It is little surprise this scheme evoked such a hostile response from residents and this, in part, prompted my Parliamentary Debate of 21st May 2013:
<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130521/debtext/130521-0005.htm>

Next Steps

In conclusion there are substantial grounds upon which this application should be refused. I commend the representation you have received from the Mottingham Residents' Association who have made a number of poignant observations that I trust will carry significant weight.

LB Bromley, as you will know, is not required to determine applications solely on the basis of information provided by the applicant. In this case, I believe that the applicant has undertaken minimal due diligence testing of this site, and failed to provide you with a sufficiently robust evidence base upon which you can make a sensible decision at this stage. By virtue of art.4(2) of the DMP Order 2010, you may require the submission of further details before determining an application. If you are not minded to refuse permission outright, I would recommend, at the very least, the use of such provisions to require a more comprehensive analysis of the highway considerations.

Please note that I am placing the content of this letter in the public domain.

Bob Neill MP

*Hard Copies to: Cllr Stephen Carr, Leader of Bromley Council
Cllr Colin Smith, Deputy Leader of Bromley Council
Brandon Lewis MP, Parliamentary Under Secretary of State for Communities &
Local Government
Jim Kehoe, Chief Planning Officer, Bromley Council
Cllr Charles Rideout; Cllr Roger Charsley, Mottingham and Chislehurst North
Liz Keable, Chair, Mottingham Residents Association*