

87 The Walnuts, Orpington, BR6 0TW

in the London Borough of Bromley

planning application no.DC/14/04452/FULL1

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Change of use, refurbishment and extension of existing building for hotel use (Use Class C1) to include 61 bedrooms and associated facilities, servicing and access.

The applicant

The applicant is **Garden Property Investment Ltd**. The agent is **GVA** and the architect is **Dobson Architecture**.

Strategic issues

The proposed development is supported in principle. Outstanding issues with regards to the **principle of development, energy** and **transport** should, nevertheless, be addressed before the application is referred back to the Mayor.

Recommendation

That Bromley Council be advised that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan, for the reasons set out in paragraph 46 of this report; but that the possible remedies set out in this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context

1 On 6 January 2015 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 16 February 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3E of the Schedule to the Order 2008:

“1. Development

(a) which does not accord with one or more provision of the development plan in force in the area in which the application site is situated; an

(b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within the following class in the Use Classes Order:

(ix) Class C1 (hotels).”

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 0.09 hectare application site is located at The Walnuts in Orpington Town Centre in a pedestrianised area off the High Street. The High Street with its retail and town centre uses lies west of the site. To the north of the site is the former Crown House site which is also within the applicant’s ownership and was granted permission for a mixed-use development for retail, restaurants and cinema use. To the south and east of the site is Walnuts Leisure Centre, Orpington College, Orpington Library and a Sainsbury’s foodstore.

6 Orpington is classified in the London Plan as a Major centre and the site is identified in the Council’s UDP Proposals Map as being within the town centre’s primary retail frontage.

7 The site comprises a 1970’s three-storey brick building, known as Walnut House consisting of seven small retail units (currently in Class A1, A1/A3 or A3 Use) at ground floor, of which two are vacant, and vacant office accommodation (Class B1) above.

8 The site is located adjacent to Orpington High Street with the closest part of the Strategic Network (SRN) being the A224 Court Road 600m away. The closest part of the Transport for London Road Network (TLRN) is the A21 Farnborough Way, 2.5 kilometres from the site. Orpington train station is just under 1 kilometre from the site offering services to central London and Kent. 12 bus services are within reasonable walking distance of the site. Consequently, the site has a Public Transport Accessibility Level (PTAL) rating of 4, meaning it is considered to have good public transport accessibility.

Details of the proposal

9 The proposal is for the change of use, refurbishment and extension to the existing building for hotel use (Class C1) to allow the occupation of the national hotel operator Premier Inn in part of the ground floor, first, second and third floors of the single building. It is proposed that the building retains its mixed use with retail and active frontages at ground floor. The main hotel accommodation will occupy the upper floors.

10 The proposed hotel will include 61 bedrooms, lobby, reception, restaurant and bar, kitchen and associated storage and servicing. The proposed building will be four-storey high.

11 Planning consent is therefore sought for:

- Change of use of part of the ground floor from retail (Class A1) to hotel (Class C1)
- Change of use of part ground, first and second floors from office (Class Ba) to hotel (Class C1)
- Erection of third floor for hotel use (Class C1)
- Works to the exterior of the building and associated internal refurbishment works.

Case history

12 The case has no strategic planning history.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan*
- Retail/town centre uses *London Plan; Town Centres SPG*
- Tourism/leisure *London Plan; Town Centres SPG*
- Regeneration *London Plan*
- Sustainable development *London Plan; Sustainable Design and Construction SPG*
- Transport and parking *London Plan; the Mayor's Transport Strategy*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Bromley Council's adopted Unitary Development Plan (UDP) Written Statement and the UDP Proposals Map (2006) and the 2011 London Plan.

15 The following are also relevant material considerations:

- The National Planning Policy Framework and National Planning Policy Guidance;
- The draft Further Alterations to the London Plan - 'intend to publish' version as submitted to the Secretary of State (December 2014)
- The Council's Local Plan Draft Policies and Designations document (2014).

Principle of development

16 As set out in paragraph 6, the site is located in the primary frontage of Orpington Town Centre which is identified as a Major centre in the London Plan.

17 The applicant proposes to deliver a mixed use development with a hotel element in part of the ground floor, first, second and third floors, and some commercial floorspace in part of the ground floor. The breakdown of existing and proposed floorspace is as follows:

Use	Existing floorspace (sq. m)	Proposed floorspace (sq. m)	Change
A1	470	172	-298
A1/A3	91	91	0
A3	145	145	0
Total A1 – A3	706	408	-298
B1	1,428		-1,428
C1		2,510	+2,510

Table 1: Existing and Proposed Floorspace (source: Dobson Architecture)

Loss of office space

18 The proposal would result in the loss of 1,428 sq.m. of existing office space. The application documents indicate that the space has been vacant since 2011.

19 Whilst the Further Alterations to the London Plan Policy 4.2 (and annex 2) no longer considers Orpington Town Centre as a viable location for mixed use redevelopment with a significant office element, it recognises that locally orientated, town centre based office provision can, however, support the vitality of the centre.

20 Subject to local policies, the loss of office space would not raise any strategic issues.

Loss of retail use

21 The proposal would result in the loss of three of the seven retail units, which equates to a loss of 298 sq.m of Class A1 use, in order to facilitate an entrance, reception, lobby and restaurant associated with the hotel use above. The application documents and table 1 above indicate that the amount of floorspace for the four remaining units (A1/A3 and A3) will be unaffected by the change of use. The proposed restaurant and retail units at ground floor will maintain the active frontage on the square and is supported.

22 London Plan Policy 2.15 seeks to ensure a mix of uses within town centres as long as it retains the vitality and viability of the centre. As noted in London Plan Policy 4.7 the scale of any retail and town centre development should be related to the size, role and function of the existing town centre and its catchment.

23 Subject to local policies, the loss of the retail floorspace would not raise any strategic issues.

Hotel

24 A hotel is an appropriate town centre use in accordance with London Plan Policy 4.5.

25 The application documents confirm that 10% of the bedrooms (6 rooms) will be wheelchair accessible, which is supported and in line with London Plan Policy 4.5.

Climate change adaptation

26 London Plan Policies 5.10 and 5.11 promotes urban greening through the incorporation of green roofs to contribute to the adaptation to and reduction of the effects of climate change. Opportunities for green roofs should therefore be explored.

27 The site is in flood zone 1 and the applicant is proposing to re-use the existing building's current drainage system and connections to public sewer. Whilst this drainage solution is at the bottom of the London Plan sustainable urban drainage system hierarchy, in the present case, this is acceptable.

Climate change mitigation - Energy

Energy efficiency standards

28 A range of passive design features and demand reduction measures are proposed to reduce the CO2 emissions of the proposed development. Heat loss parameters will be improved

beyond the minimum backstop values required by building regulations. Other features include energy efficient lighting, occupancy sensors, daylight controls and heat recovery. The demand for cooling will be minimised through solar shading, e.g. fixed external louvres, on windows and roof lights.

29 However, the applicant should confirm that the new build element of the development will reduce its regulated CO2 emissions below those of a Part L 2013 design through energy efficiency measures alone.

District heating

30 The applicant should investigate whether there are any existing or planned district heating networks in the vicinity of the development and provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

31 The applicant should provide further information on how the heat for space heating will be provided to the rooms and communal areas. It should be confirmed that both space heating and domestic hot water systems will be compatible (e.g. wet central heating) for future connection to a district heating network. For the avoidance of doubt, the use of variable refrigerant flow (VRF) systems to supply the space heating requirements is not considered to be a compatible system for future connection to a district heating network.

32 Further information on the floor area and location of the energy centre should be provided.

Combined Heat and Power

33 The applicant has investigated the feasibility of CHP. However, the installation of CHP has been rejected due to space requirements and high costs. These are not acceptable reasons to reject the installation of CHP in the hotel which, due to the high year round domestic hot water requirements, is one of the most common applications for CHP. The applicant should provide monthly heat load profiles, the CHP engine capacity that could be justified by the demand profiles and further investigate the potential for this technology.

Renewable energy technologies

34 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 100 sq.m. of roof mounted PV array. A reduction in regulated CO2 emissions of 10 tonnes per annum is suggested to be achieved through the use of PV. However, the applicant should revisit this estimate as it implies an unusually high annual electricity output from the panels.

35 The energy statement implies that the applicant is also planning to install air source heat pumps to provide heating and cooling to the commercial space. This is to be achieved using a VRF system throughout the hotel. The applicant should reconsider the plans for this technology in light of the comments regarding district heating and CHP above.

Summary

36 The applicant states that the redeveloped building will achieve a CO2 reduction of 34% compared to a 2010 Building Regulations compliant development. The 35% reduction over Part L 2013 target only applies to the new build elements of development. Taking into the comments

above, the applicant should provide estimates of the reduction in regulated CO2 emissions over Part L 2013 for the new build elements.

Transport

37 It is not expected that this development will require enhanced bus services to mitigate its impacts. However, assessment of local bus stops should be undertaken and a S106 contribution made to their improvement if they do not comply with TfL's Accessible Bus Stop design guidance (available at: <http://www.tfl.gov.uk/cdn/static/cms/documents/accessible-bus-stop-design-guidance.pdf>)

38 TfL welcomes the car free proposal. However, the disabled parking is not in accordance with London Plan standards and access arrangements to the entrance of the hotel should be made easier for disabled users from the disabled parking. To comply with the London Plan, one of the disabled parking bays should be equipped with an electrical vehicle charging point (EVCP). This EVCP and the disabled parking should be secured through condition.

39 It is noted that on site provision for coaches is not proposed. It is therefore suggested that suitable arrangements for on street drop off/pick up by coach and also by taxi and private car are secured through condition.

40 Clarification should be provided that cycle parking for both guests/visitors and staff together with secure facilities for staff cyclists will be made to accord with the standards in Further Alterations to the London Plan (FALP). The London Plan does set minimum requirements for hotel guests and this should be provided for.

41 The delivery and service plan (DSP), and travel plan should be secured by condition. The s106 should ensure that the approved travel plan is enforced, monitored and reviewed.

Community Infrastructure Levy

42 The Mayor has introduced a London wide Community Infrastructure Levy (CIL) which came into effect on 1st April 2012, and it will be paid on the commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Bromley is £35 per square metre (gross internal area). The required CIL should be confirmed by the applicant and council once the components of the development have been finalised. More details are available via the GLA website <http://london.gov.uk/>.

Local planning authority's position

43 The local planning authority's position on the application is unknown at this stage.

Legal considerations

44 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the

application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

45 There are no financial considerations at this stage.

Conclusion

46 London Plan policies on the principle of development, climate change and transport are relevant to this application. Whilst the application is broadly acceptable in strategic planning terms, there are outstanding strategic planning issues. Further discussion is therefore required regarding the following issues:

- **Principle of development:** The principle of the development is supported in strategic planning terms, subject to local policies.
- **Energy:** Further revisions and information is required before the proposals can be considered acceptable and the CO2 savings verified.
- **Transport:** To ensure that this application is acceptable in transport terms clarification should be provided to confirm that cycle facilities accord with FALP and that suitable arrangements will be made for on street pick up and drop off of guests. In addition contributions should be secured to improve bus stops and pedestrian routes in the vicinity of the site. Disabled parking, EVCP's, the Travel Plan and the DSP should also be secured.

For further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Hermine Sanson, Senior Strategic Planner

020 7983 4290 email hermine.sanson@london.gov.uk
