

Development Management  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Our Reference: 784-B021564 S73-ASHP

FAO Ms. Laura Dorbeck

Planning Portal Submission

16 March 2022

Dear Ms Dorbeck

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – APPLICATION UNDER S73: MINOR MATERIAL AMENDMENT(S)  
156 WEST END LANE, WEST HAMPSTEAD, LONDON NW6 1SD  
PLANNING PORTAL REFERENCE: PP-11124084**

On behalf of our client, Astir Living Ltd, we submit the following application under S73 of the Town and Country Planning Act 1990:

Variation and approval of Conditions 21, 22 and 38 of planning permission dated 14th July 2021 (RN. 2019/4140/P) which itself varied conditions 2 (approved plans), 9 (wheelchair units), 33 (obscure glazing), 44 (cycling spaces) and 46 (unit numbers) of planning permission dated 23rd June 2017 (2015/6455/P) for: Comprehensive redevelopment following demolition of all existing buildings to provide self-contained residential dwellings Class C3), flexible non-residential use (Class A-A3, D1, D2), employment floorspace (Class B1) and community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping, namely, to vary the wording of those conditions to allow the use Air Source Heat Pump (ASHP) instead of the approved Combined Heat and Power (CHP) unit and to accordingly discharge those conditions.

The following application documentation has been submitted via the Planning Portal:

- Completed application form.
- Cover Letter.
- Energy Strategy (and appendices) prepared by FHP.
- Energy Efficiency and Sustainability Proforma prepared by FHP and GWP Project Services.
- BREEAM Progress Report prepared by GWP Project Services.
- Mechanical Services Drawing Reference no. 0001-M-FHP-DRG-56-XX-5502-P07 prepared by FHP.
- Report to discharge Conditions 21 and 22 prepared by FHP.
- Acoustic Report to discharge Condition 38 prepared by Ian Sharland Limited.
- The appropriate application fee of £234.00 (plus Planning Portal service charge) has been paid via credit card.

**Background to the application**

The regeneration site at 156 West End Lane will play an integral role in supporting the future of West Hampstead as well as the wider borough. The high quality scheme, delivering 180 new homes and supporting the retail and employment opportunities centred on West End Lane (2019/4140/P) is now progressing.

A detailed technical design review of the approved schemes has been undertaken by the applicant, Astir Living, focussing on the approved energy scheme and the changes in both policy and direction that have taken place in energy and sustainability practices since the application was first approved in 2017.

The new London Plan (2021) recognises that the carbon savings from gas engine CHP are now declining as a result of national grid electricity decarbonising, and there is increasing evidence of adverse air quality impacts (paragraph 9.3.3). The applicant's energy and sustainability consultants have therefore been working on improvements to the approved Energy Strategy and now propose the use of more efficient Air Source Heat Pumps (ASHP) with a supplementary gas boiler to be located within the approved plant room of the lower ground floor in the East building.

In order to discharge the conditions during the process of the S73, the accompanying reports as outlined on Page 1 of this Cover Letter will be consulted upon and will be referenced within any forthcoming decision notice.

### Planning history

The original parent permission (2015/6455/P) was approved on 23<sup>rd</sup> June 2017 for the following:

*"Comprehensive redevelopment following demolition of all existing buildings to provide 164 self-contained residential dwellings (Class C3), 763sqm of flexible non-residential use (Class A-A3, D1, D2), 1093sqm of employment floorspace (Class B1) and 63sq.m of community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of 08 accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping".*

Two pre-commencement planning conditions (Conditions 21 and 22), dealing with the details of CHP plant, emission standards and the air inlets were discharged in March 2020 (2019/6364/P).

Planning permission (2019/4140/P) dated 14<sup>th</sup> July 2021 was originally submitted in August 2019 for minor material amendments to the original parent permission. As a result of the *Finney* Court decision being issued shortly after its submission, the description of development was amended on 4 March 2020 to read:

*"Comprehensive redevelopment following demolition of all existing buildings to provide self-contained residential dwellings (Class C3), flexible non-residential use (Class A-A3, D1, D2), employment floorspace (Class B1) and community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping".*

The wording of Condition 38 was varied and approved on 15<sup>th</sup> March 2022 via a non-material amendment (2022/0741/NMA), which amended the timeframe for submission of details until "Prior to installation".

### The proposed changes to the wording of Conditions 21, 22 and 38

The table below presents the existing and proposed wording of the three conditions:

Condition No.	Existing wording	Proposed Wording
21	The development shall be completed in accordance with the details of the combined heat and power unit (CHP) plant and emission standards approved on 20th March 2020 (ref: 2019/6364/P) or other such details submitted to and	The development shall be completed in accordance with the relevant details approved on {insert date and reference} or other such details submitted to and approved in writing by the Local Planning Authority and confirmation that it will comply with the Mayor's emission

	approved in writing by the Local Planning Authority of the proposed combined heat and power unit (CHP) plant and confirmation that the plant will comply with the Mayor's emission standards as set out in the Mayor's Sustainable Design and Construction SPG, and details of any necessary NO2 abatement mechanisms shall be submitted and approved in writing by the Local Planning Authority.	standards as set out in the Mayor's Sustainable Design and Construction SPG, and details of any necessary NO2 abatement mechanisms.
<b>22</b>	The development shall be completed in accordance with the details of the combined heat and power unit (CHP) stack and air inlet locations approved on 20 <sup>th</sup> March 2020 (ref:2019/6364/P) or other such details submitted to and approved in writing by the Local Planning Authority of the proposed combined heat and power unit (CHP) stack and its height relative to the mechanical ventilation air inlet locations. Air inlet locations should be located away from roads and the CHP stack to protect internal air quality.	The development shall be completed in accordance with the relevant details approved on <i>{insert date and reference}</i> or other such details submitted to and approved in writing by the Local Planning Authority of any emission sources and their height relative to the mechanical ventilation and air inlet locations.  Any air inlet locations should be located away from busy roads and the boiler stack or any other emission sources and as close to roof level as possible, to protect internal air quality.
<b>38</b>	Prior to the installation of the Combined Heat and Power plant, a noise impact assessment of the plant to be installed, including any necessary mitigation measures, shall be submitted to and approved by the Local Planning Authority. No occupation of the development shall be permitted until the mitigation measures recommended by the report have been implemented.	The development shall be completed in accordance with the acoustic plant details approved on <i>{insert date and reference number}</i> or other such details submitted to and approved by the Local Planning Authority. No occupation of the development shall be permitted until the mitigation measures recommended by the report have been implemented.

The reasons for all three conditions remain as per the planning permission and will be met.

#### **Information submitted in support of the application**

The Energy Strategy prepared by FHP explains that the introduction of SAP10 carbon factors has resulted in CHP no longer providing a signification reduction in emissions and therefore it is not considered to be feasible. The only technology considered feasible, which will reduce emissions in accordance with required targets is Air Source Heat Pumps (ASHP). These will be integrated into both building-level heating systems, providing 70% of the annual heat demand. In addition, PV arrays will be installed on the roof space to both the East and West blocks and will maximise on-site renewable energy generation in accordance with the Greater London Authority's requirements. The total on-site PV is estimated to be 128 kWp. When compared to the regulatory baseline scenario as set out in the GLA Guidance and Part L 2013, the use of ASHP and the increased PV array reduce carbon emissions by 59% in the case of residential dwellings, and 43% in the case of non-residential areas.

The details of the ASHP and supplementary gas boiler are covered within a further report prepared by FHP (to discharge Conditions 21 and 22). It is proposed to instal five ASHP units (Mitsubishi Electric CAHV-P500YB-HPB) and one gas boiler (Hoval Ultragas 600D). The emissions produced from the plant are less than that stated in Mayor's Sustainable Design and Construction SPG. The plant will be located within the approved plant room at lower ground floor level within the east building. The flue associated with the gas boiler will discharge at roof level of the third floor in the east building (link building). The flue will discharge between 1.5m and 2.5m above roof level (depending on a detailed flue design by a flue specialist) There are no air inlets located on the roof, eliminating the risk of the flue gasses contaminating any ventilation intakes.

The noise impact assessment prepared by Ian Sharland Ltd (to discharge condition 38) considers how the future occupiers of the new building will be safeguarded from plant noise; and how noise levels affecting neighbouring properties will meet the limits defined in Condition 42. Acoustic mitigation measures have been confirmed as follows:

- (i) ASHPs to be fitted with exhaust attenuators.
- (ii) ASHPs to be operated at night on a moderated 'night mode' setting.

The assessment concludes that with these mitigation measures in place, the proposed plant will be compliant with the requirements of Conditions 38 and 42 and accordingly will safeguard the amenities of the future occupiers and that of adjoining premises and the area generally.

The Energy and Sustainability Proforma has been prepared by FHP and GWP Project Services in order to discharge Clauses 2.28 (the Energy Efficiency and Renewable Plan) and 2.64 (Sustainability Plan) of the S106 Agreement. The proforma contains the relevant information in respect of the use of ASHP and the supplementary gas boiler.

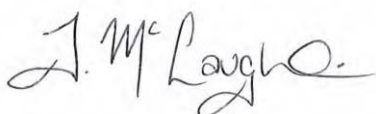
## **Conclusion**

The proposed minor material amendments to the three planning conditions will allow the development to be built with a more efficient heat and power system, one that is in accordance with up-to-date national, strategic, and local planning policy. The submitted documents, which detail the overall Energy Strategy alongside the necessary detail on the ASHP and gas boiler, including emission standards and the noise impact assessment, all show that the proposed system is more efficient than the approved CHP unit and in accordance with the reasons for the conditions, will safeguard the amenities of adjoining premises and the area generally; and will safeguard the amenities of future occupiers.

We trust that we have provided you with sufficient information to validate and determine the application at the earliest opportunity. Should you require any additional information or have any questions, please do not hesitate to contact me.

We look forward to hearing from you in due course.

Yours sincerely,



**Julie Mc Laughlin**

Associate Director

Tetra Tech Environment Planning Transport Limited.