<table>
<thead>
<tr>
<th>Case Number</th>
<th>10/02579/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Address</td>
<td>131-143 Clapham Road</td>
</tr>
<tr>
<td></td>
<td>London</td>
</tr>
</tbody>
</table>
Section 2 – Application Summary

Location 131-143 Clapham Road London

Ward Vassall

Proposal Application Variation of condition 35 (details of passive design measures, centralised heating system and solar thermal panels) of planning permission ref: 06/02044/FUL (Demolition of the existing buildings around the Victorian printworks T-block building, retention of and alterations to the listed building at 135 Clapham Road, retention of the Victorian printworks building and erection of new buildings varying in height (maximum six storeys) containing 260 residential units, retail (Class A1), financial and professional services (Class A2), restaurants and cafe's (Class A3), drinking establishments (Class A4), and business (Class B1), with provision of 140 car parking spaces, cycle parking and associated landscaping. DEPARTURE FROM DEVELOPMENT PLAN) granted on: 12.01.2007.

Original Wording:

Prior to the commencement of the development the applicant shall submit details to be approved in writing by the local planning authority of the passive design measures, centralised heating system and solar thermal panels, which shall be in accordance with the Max Fordham LLP energy statement dated June 2006. The solar thermal panels shall meet 12.5% of the developments energy demand. The approved renewable energy technology shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.

Reason: To ensure consistency with London Plan Policies 4A.7-4A.

Proposed Wording:

The development hereby approved shall incorporate the passive design measures, centralised heating system and renewable energy technology as specified in the Mendick Waring "Sustainable Energy Strategy Report" dated July 2010 (incorporating the January 2010 Energy and Heating Strategy Report). The renewable energy technology shall be implemented and retained for so long as the development shall exist except approved in writing by the Local planning authority.

Applicant Galliard Homes Ltd

Agent Mrs Philippa Dalton: Galliard Homes Ltd
23 Monck Street
London
SW1P 2AE

Date valid 13 September 2010

Case Officer Mrs Ruth Smithson

Application Reference 10/02579/FUL

Recommendation(s) Grant Permission subject to condition.
Constraints

Amenity Group Albert Square
Conservation Area
Cross River Transit
Tunnel Safeguarding line

Advert Publication Date
1st October 2010

Site Notice posted on
11th October 2010

Approved Drawings
OS Site Plan, "Sustainable Energy Strategy Report" authored by Mendick Waring dated July 2010
1. **Summary Of Main Issues**

1.1. Whether the proposed alteration to the condition would unacceptably undermine the reasons for imposing the conditions in the first place or conflict with the planning principles upon which planning permission was initially granted; and

1.2. Whether the proposed alterations to the conditions would remain in compliance with the condition tests set out in circular 11/95 – namely would the condition remain necessary, relevant to planning, relevant to the development be permitted, enforceable, precise and reasonable in all other respects.

1.3. Whether the details submitted within the application regarding passive design measures and a centralised heating system is acceptable.

2. **Site Description**

2.1. The site comprises a 1.6 hectare former commercial site situated on the east side of Clapham Road, just north of its junction with Durand Gardens. The site comprised of approximately 33,000 sq.m of B1 (light industrial/business) floor space and was occupied by the catalogue company, Freemans. The site frontage is on Clapham Road with vehicular access points on Clapham Road and an access point on Liberty Street.

2.2. The development consisted of the alteration and erection of 11 blocks and the site would have a mixed use of commercial and residential units including 260 residential units, retail (Class A1), financial and professional services (Class A2), restaurants and café’s (Class A3), drinking establishments (Class A4), and business (Class B1), with provision of 140 car parking spaces, cycle parking and associated landscaping.

2.3. The site lies within an area of very good public transport access, with the site having a PTAL rating of 5. There are a number of bus routes which run along Clapham Road, and Stockwell and Oval tube stations are within 5 and 10 minutes walk respectively. Clapham Road is a Red Route under the jurisdiction of TfL, to the rear of the site is the Kennington 'K' Controlled Parking Zone.

2.4. The surrounding area is predominantly residential in nature while being within close proximity to Durand Primary School. The site contains one Listed Building (135 Clapham Road) and is within the Stockwell Park Conservation Area.

3. **Planning History**

3.1. On the 12th January 2007 Planning Permission and Listed Building Consent was granted for the demolition of the existing buildings around the Victorian Printworks T-block building, the retention of and alterations to the listed building at 135 Clapham Road, the retention of the Victorian printworks building and the erection of new buildings varying in height (maximum six storeys) containing 260 residential units, retail (Class A1), financial and professional services (Class A2), Restaurants and cafés (Class A3), drinking establishments (Class A4), and business (Class B1),
with provision of 140 car parking spaces, cycle parking and associated landscaping. (Ref. 06/02044/FUL and 06/02045/LB). Conservation Area consent was also granted for the Demolition of the extension buildings to the former printworks, and the 1930s building fronting Clapham Road, in connection with the re-development of the site for mixed-use purposes. (06/02046/CON)

3.2. The following conditions imposed on application 06/02044/FUL have been discharged:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Date Discharged</th>
<th>Application Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition 35 (passive design measures, centralised heating system and solar thermal panels)</td>
<td>11/12/2007</td>
<td>07/04602/DET</td>
</tr>
<tr>
<td>Condition 32 (Method of Construction Statement)</td>
<td>11/03/2008</td>
<td>08/00210/DET</td>
</tr>
<tr>
<td>Condition 6 (Waste Management)</td>
<td>17.03.2008</td>
<td>08/00441/DET</td>
</tr>
<tr>
<td>Condition 21 (Ramp gradients)</td>
<td>15.04.2008</td>
<td>08/00654/DET</td>
</tr>
<tr>
<td>Condition 11 (Detailed site investigation)</td>
<td>08.08.2008</td>
<td>08/00717/DET</td>
</tr>
<tr>
<td>Condition 34 (Deposits of mud)</td>
<td>18.04.2008</td>
<td>08/00776/DET</td>
</tr>
<tr>
<td>Condition 36 (Details and Locations of wheelchair accessible units)</td>
<td>28.04.2008</td>
<td>08/01010/DET</td>
</tr>
<tr>
<td>Condition 24 (Details of barriers)</td>
<td>31.07.2008</td>
<td>08/01523/DET</td>
</tr>
<tr>
<td>Condition 33 (Cycle Parking)</td>
<td>21.08.2008</td>
<td>08/02755/DET</td>
</tr>
<tr>
<td>Condition 17 (Boundary treatments)</td>
<td>22.09.2008</td>
<td>08/02959/DET</td>
</tr>
<tr>
<td>Condition 3 (sound proofing and insulation)</td>
<td>12.09.2008</td>
<td>08/03046/DET</td>
</tr>
<tr>
<td>Condition 25 (traffic management plan)</td>
<td>12.09.2008</td>
<td>08/03048/DET</td>
</tr>
<tr>
<td>Condition 23 (parking management plan)</td>
<td>27.10.2008</td>
<td>08/03177/DET</td>
</tr>
<tr>
<td>Condition 29 (full details of highway works to Clapham Road including improvements to the Clapham Road/Caldwell Street junction to improve capacity and cycle facilities, improvements to bus stops in the</td>
<td>30.10.2008</td>
<td>08/03675/DET</td>
</tr>
</tbody>
</table>
vicinity of the site, and pedestrian crossing facilities in the vicinity of the site) |  
| Condition 12 (Samples and detailed drawings (1:20 scale) of all new external materials) | 30.10.2008 | 08/03905/DET  
| Condition 19 (Landscaping) | 30.10.2008 | 08/03910/DET  
| Condition 14 (Detailed drawings and samples materials of fenestration to the Victorian printworks building) | 11.11.2008 | 08/04058/DET  
| Condition 2 (Schedule of works to all existing windows indicating retention and repair where practicable and new joinery to match existing in respect of materials, dimensions and profiles, unless shown otherwise on the drawings or other documentation) of planning permission ref 06/02045LB. | 29/04/2010 | 10/00863/DET  
| Condition 3 (Samples and a schedule of all materials) of Listed Building Consent ref 06/02045/LB (Demolition of the existing extension and internal and external works to the listed building at 135 Clapham Road in connection with the redevelopment of 131-143 Clapham Road for mixed-use purposes) granted on 12/1/2007. | 08/07/2010 | 10/01710/DET  

3.3 On the 27th January 2010 planning permission was granted for the installation of new entrance doors to front and rear elevations. (09/04086/FUL).

3.4 On the 9th February 2010 advertising consent was granted for the display of one internally illuminated fascia sign to the front elevation, one internally illuminated fascia sign to the rear elevation, and one externally illuminated
free standing totem sign to the front forecourt. (09/04087/ADV).

3.5 On the 29th April 2010 an application was permitted for the approval of relevant requirements set out in Schedule 7 of the Section 106 Agreement (S106) relating to Green Travel Plans, in association with planning application reference 06/02044/FUL. (10/00369/S106).

3.6 On the 21st May 2010 an application was refused for the variation of condition 35 (details of passive design measures, centralised heating system and solar thermal panels) of planning permission ref: 06/02044/FUL to remove the pre-commencement element of the condition and the reference to solar panels and the Max Fordham energy statement to allow the use of a biomass boiler. (10/00375/FUL)

The application was refused for the following reason:

Insufficient information by virtue of a failure to provide information has been submitted to enable the LPA to assess the impact of the proposed variation of condition to allow the provision of a biomass boiler.

3.7 Pending consideration- Application for the use of existing 4th floor level from office floor space to provide two new plant enclosures and installation of associated louvered screen, installation of one refrigeration condenser and three air conditioning units. (10/01282/FUL)

3.8 On the 5th July 2010 details were approved pursuant to condition 3 (Detailed drawings demonstrating that adequate lighting and CCTV cover for the areas outside the front and rear entrances) of planning permission ref: 09/04086/FUL (Installation of new entrance doors to front and rear elevations) granted on: 27.01.2010. (10/01638/DET)

3.9 On the 2nd November 2010 planning permission was granted for the demolition and rebuilding of two stair enclosures (conning towers) involving alterations to the existing boundary wall along the Clapham Road frontage, and landscaping works. (10/02605/FUL)

4. Scheme Details

4.1. Planning permission is sought to vary condition 35 of planning permission 06/02044/FUL from:

Prior to the commencement of the development the applicant shall submit details to be approved in writing by the local planning authority of the passive design measures, centralised heating system and solar thermal panels, which shall be in accordance with the Max Fordham LLP energy statement dated June 2006. The solar thermal panels shall meet 12.5% of the developments energy demand. The approved renewable energy technology shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.

Reason: To ensure consistency with London Plan Policies 4A.7-4A.
To:

The development hereby approved shall incorporate the passive design measurers and centralised heating system as specified in the Mendick Waring “Sustainable Energy Strategy Report” dated July 2010 (incorporating the January 2010 Energy and Heating Strategy Report). The renewable energy technology shall be implemented and retained for so long as the development shall exist except approved in writing by the Local Planning Authority.

5. Consultation Responses

5.1. The Council has undertaken a comprehensive consultation exercise, issuing approximately 491 letters to local occupiers.

5.2. Two letters of support were received as a result of the public consultation.

5.3. Summary of adjoining occupier consultation carried out:

<table>
<thead>
<tr>
<th>Number of letters sent</th>
<th>491</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of objections received</td>
<td>1</td>
</tr>
<tr>
<td>Number of letters of support received</td>
<td>2</td>
</tr>
</tbody>
</table>

5.4. The issues raised by neighbouring residents are summarised in the table below, with the Officer’s response.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Officers Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed changes plainly allow the applicants to avoid their obligations. The two elements - that they must submit their plans regarding the heating etc. prior to the development, and that this must include provision of 12% via solar power - must be retained.</td>
<td>Firstly, with regard to the removal of the pre-commencement element of the condition; this is considered to be acceptable as the applicant has submitted the requisite information within the subject application to vary the condition; and due to the alteration in the wording would be bound to comply with the information submitted should the application be approved. With regard to the provision of 12% through renewables, it was originally proposed (and conditioned) that the solar panels would provide 12.5% of the developments energy demands; the applicant has demonstrated within the information submitted that the proposed biomass boiler would provide approximately 17.4% savings on the estimated baseline figures after considering renewable energy contributions; this is higher than the previous estimations within the Max Fordham Report and higher than the conditioned 12.5%.</td>
</tr>
</tbody>
</table>
5.5. Consultation letters were also sent to the following local amenity and residents groups:

Stockwell Partnership- No response received to date.
Brixton Society- No response received to date.
Clapham Society- No response received to date.
Albert Square Residents Association- No response received to date.
Albert Square And St Stephens Association- No response received to date.
Fentiman Road, Richborne Terrace & Dorset Road Resident’s Association- No response received to date.
Durand Gardens Residents Association- No response received to date.
Stockwell Park Residents Association- No response received to date.

5.6. The application was also advertised by way of a site notice and a press advert.

5.7. The following statutory consultees were consulted on the proposal and their responses are summarised as follows;

☐ English Heritage- No comment. The application should be determined in accordance with national and local policy guidance, and on the basis of the LPAs specialist conservation advice.

5.8. The following consultees within the Council were consulted and their responses are summarised as follows:

☐ Regulatory Services: Noise Pollution- No comment.

☐ Performance Strategy and Regeneration (Environmental Projects Officer)- No objection.

☐ Urban Design and Conservation- No objection.

6. Planning Considerations

6.1. Relevant Policies

National Guidance

6.1.1. Central Government advice is contained in a range of Government Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPS). These are essentially general policies which aim to guide the local planning authority to securing good policies based on real and sound objectives and the need to provide high quality, well thought out developments which make a positive contribution to the locality and which help to protect or enhance the environment.

Planning Policy Statement 1 – Delivering Sustainable Development

6.1.2. PPS1 Delivering Sustainable Development aims to ensure high
quality development through good and inclusive design and the
efficient use of resources. Design which fails to take the
opportunities available for improving the character and quality of
an area should not be accepted.

Planning Policy Statement 3 – Housing

6.1.3. PPS 3 Housing underpins the delivery of the Government’s
strategic housing policy objectives and aims to ensure that
everyone has the opportunity to live in a decent home, which they
can afford, in a community where they want to live.

6.2. London Plan

6.2.1. The London Plan was consolidated in February 2008 and now
includes alterations that have been made since it was adopted in
February 2004. The London Plan is the Mayor’s development
strategy for Greater London and provides strategic planning
guidance for development and use of land and buildings within
the London region.

6.2.2. It seeks to accommodate significant growth in ways that respect
and improve London’s diverse heritage while delivering a
sustainable world city and, proposes to achieve this through
sensitive intensification of development in locations well served by
public transport.

6.2.3. All Borough plan policies are required to be in general conformity
with the London Plan policies.

6.2.4. The following policies of the London Plan are relevant:

4A.3 Sustainable Design and Construction
4A.6 Decentralised Energy: Heating, Cooling and Power
4A.7 Renewable Energy


6.3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004
requires planning decisions to be made in accordance with the
development plan unless material considerations indicate
otherwise. The development plan in Lambeth is the London Plan
(‘consolidated with Alterations since 2004’ published in February
2008) and the London Borough of Lambeth Unitary Development
Plan (UDP): Policies saved beyond 5th August 2010, with material
considerations including planning policy statements and planning
policy guidance

6.3.2. It should also be noted that the Lambeth Local Development
Framework Core Strategy was submitted to the Secretary of State
for examination on 26th March 2010. The Core Strategy is still
subject to change and has little weight until it has been through
the examination process. As such the UDP: Policies saved
beyond 5th August 2010 is still the principal document for
determining planning applications
6.3.3. The following policies of the adopted Unitary Development Plan (2007) are considered relevant to this application:

☐ Policy 34: Renewable Energy in Major Development

7. Planning Considerations

7.1. Planning permission is sought to vary condition 35 (details of passive design measures, centralised heating system and solar thermal panels) of planning permission 06/02044/FUL from:

Original condition wording:

Prior to the commencement of the development the applicant shall submit details to be approved in writing by the local planning authority of the passive design measures, centralised heating system and solar thermal panels, which shall be in accordance with the Max Fordham LLP energy statement dated June 2006. The solar thermal panels shall meet 12.5% of the developments energy demand. The approved renewable energy technology shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.

Proposed wording:

The development hereby approved shall incorporate the passive design measures and centralised heating system as specified in the Mendick Waring “Sustainable Energy Strategy Report” dated July 2010 (incorporating the January 2010 Energy and Heating Strategy Report). The renewable energy technology shall be implemented and retained for so long as the development shall exist except approved in writing by the Local Planning Authority.

7.2. The variation in the condition removes the ‘pre-commencement’ element of the condition and also removes the reference to solar thermal panels within the condition. The application proposes that a difference report, formulated by Mendick Waring is conditioned to be complied with, this report proposes to use a biomass boiler as the primary renewable energy source which would result in the same level of carbon savings and environmental benefits achieved as the approved energy package within the Max Fordham report conditioned in the original wording of the condition. It is proposed that solar panels are no longer utilised on the residential units and that all residential units are to be served by a biomass boiler located in the basement of the T-block building. It is noted that this variation has already been constructed on site, and the applicant is applying to regularise and retain the works.

7.3. Furthermore through the submission of an Energy and Heating Strategy at this stage the applicant aims for the condition to become compliance only.

7.4. Paragraph 14 of the Circular 11/95: Use of Conditions in Planning Permission asserts that conditions should be imposed where they satisfy all of the following tests:
necessary;
-required to planning;
-required to the development to be permitted;
-enforceable
-precise; and
-reasonable in all other respects.

7.5. Officers consider that the amendment to the wording of the condition in the manner proposed would satisfy the above.

7.6. However as the applicant also seeks to alter the condition from one which requires details to be submitted and approved to a compliance only condition. As such a key issue within the assessment of this application is the acceptability of the detailing submitted by the applicant as to whether it achieves the aim of the original condition 35 which was to ensure that the development was consistent with the London Plan which requires that require developments of this nature to demonstrate that they have incorporated technologies that are feasible and the proportion of energy demand that will be met by renewables.

7.7. The condition was imposed in relation to London Plan policies 4A.7-9, due to the date of assessment and approval of the scheme, this related to the London Plan 2004 which required that a proportion of the site’s electricity or heat needs were from renewables wherever feasible. Lambeth’s Unitary Development Plan at the time (the Revised Deposit UDP) required that equipment for renewable power generation should provide at least 10% of the predicted energy requirements. As such the approved scheme was considered acceptable as it met these policies and the condition was imposed to secure the renewable energy provision.

7.8. It is noted that both the Lambeth UDP and the London Plan has altered since the approval of the original permission (06/02044/FUL). The current Unitary Development Plan is the UDP (2007): Policies Saved beyond 5th August 2010, which requires that 10% of energy requirements are met through renewable power generation. The London Plan is has now been consolidated with alterations since 2004 (published in 2008) and now requires that development will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation. Whilst the London Plan requirements have changed, it is considered that the approved energy strategy is considered the baseline within this application together with the requirement within the condition of 12.5% of the energy demands of the site are met through renewable energy as this has been approved and could be implemented with no alteration.

7.9. It is noted that previously an application had been submitted to vary condition 35 to allow a different energy package focussed on the biomass boiler. This application was refused as insufficient information had been submitted regarding the proposal. The Environmental Project Officer was concerned regarding the extent of assessment of the detailing of the energy demand for the site, a lack of information regarding the air source heat pump (ASHP) proposed for the office space, concern regarding the alteration to the air tightness figures, the lack of information regarding the impact of the biomass boiler on the consumption of varying fuel types and information on when the gas boilers would be required to top-up the biomass boiler for peak demands. There was also a lack of practical
information regarding the biomass boiler submitted such as detail regarding where biomass fuel will be sourced; detailing regarding the location of the boiler and storage of the fuel; how many deliveries are expected in relation to the biomass boiler and how much biomass fuel the boiler will need.

7.10. The Environmental Projects Officer raised no objection to the current application.

7.11. Within the current submission the applicant has justified as to why the refurbished floors have not been included in the energy demand assessment; an area of concern previously for the Environmental Projects Officer. It is noted that these floors were not included within the original Max Fordham Energy Statement (which as this was assessed to be acceptable is a starting point for assessing any variation to the condition) and as condition 35 relates to the Max Fordham statement, subsequent reports have been based on the same assessment.

7.12. The Mendick Waring report also utilises a higher estimation of the total energy consumption of the development however this is due to the report taking into account a previous anomaly where the Max Fordham report utilises floor areas which differed from that shown on the planning drawings. The Mendick Waring report utilises the areas from within the approved planning drawings. It is noted that within the submitted Mendick Waring report the percentage reduction in energy demand and CO2 emissions after the energy efficiency measures proposed is shown as a smaller figure than that within original Max Fordham report. This is due to differences calculated in the estimations of the efficiency of the buildings rather than large fundamental changes in the building construction and energy efficiency measures; including a revised estimate of the air tightness of the building, revised estimations of dwelling energy demands, and the inclusion of energy use of communal areas which were previously omitted from the Max Fordham Statement. A further anomaly was noted with regard to the windows used within the development; the Max Fordham statement proposed high performance windows which achieved a ‘U’ value of 1.5, whilst stating that double glazed windows would be used. Further research has been carried out into the feasibility of achieving this ‘U’ value and it has been found that a value of 1.6 can be achieved with double glazing, however to achieve the extra improvement to 1.5 is likely to require triple glazing with significant cost; as such the window ‘U’ value has been altered within the calculations for energy efficiency. As such it is considered whilst the Mendick Waring statement proposes a smaller percentage reduction in the energy demand than the Max Fordham study these small changes (1% and 0.4%) are minimal and are not due to large changes in the construction of the building but to revisions in the estimations utilised.

7.13. The applicant has also provided further clarification regarding the air tightness of the building, stating that the original Max Fordham figure (1m³/hr/m³) was unreasonably low and very unlikely to be achieved. The previously submitted Mendick Waring statement was misleading in that it was not proposed to amend the target to 7m³/hr/m³; the building is being constructed to be as air tight as possible and it is envisaged that a figure significantly less than 7m³/hr/m³ would be achieved; but for the purpose of the design stage calculations in terms of the energy demand assessment, heat losses and SAPs this higher figure was utilised as a more realistic
7.14. The applicant has stated that the ASHP would be a VRF type system which would use air source heat pumps with heat recovery. These would be used for the office space within the new-build top floor of the T Block building with the units located at roof level.

7.15. Further information has also been provided regarding the biomass boiler. It is estimated that the total annual heating load to the flats from the communal boiler plant for space heating and hot water heating is 1,522.00 kWh/yr. The peak winter heating load to the flats from the communal boiler plan is 1,165 kW. The communal boiler plant would contain a 250kW biomass boiler linked to a 3000 buffer tank and 1000 kW gas boilers. The biomass boiler would act as lead boiler, with the gas boilers providing top up when the load exceeds the capacity of the biomass boiler. It is assumed that the biomass boiler would operate at its full load output for the equivalent of 1675 hours per year, or 4.6 hours per day. The calculated daily hot water heating demand is approximately 2912 kWh/day; the biomass boiler operating for 4.6 hours per day would provide 1150kWh/day; with the remaining demand met by gas boilers. The biomass boiler would be combined with a thermal store to ensure that it can operate at its full output during quieter periods with the heat stored in the thermal store for use in peak demand periods.

7.16. With regard to the fuel deliveries for the biomass boiler, whilst the applicant is still negotiating with fuel suppliers, it is considered likely that wood pellets would be used from Balcas Brites, with a depot in Brentwood, Essex. The fuel usage for the 250kW biomass boiler is estimated at 417kg/day, fuel storage on site is suitable to receive a full load from the tanker; typically around 16 tonnes and therefore deliveries are expected to be at approximately 38 day intervals (every 5 to 6 weeks). The applicant has submitted a plan showing that the biomass boiler and the fuel store would be located within the basement of Block K; a parking bay would be constructed in close proximity to the fuel store. The submitted plan also demonstrates the route of the fuel delivery lorry.

7.17. The applicants have demonstrated within the submitted Mendick Waring report that the proposed biomass boiler would result in larger energy demand reductions and carbon emission reductions than those previously proposed within the approved Max Fordham energy statement. Whilst not complying with the current London Plan policy, it is noted that the proposal complies with the policies in place at the time of the original assessment of the scheme and represents an improvement on the existing, approved, energy strategy and the 12.5% figure required by the condition. As such it is considered that the variation is acceptable and the application is recommended for approval.

**Conservation and Design**

7.18. Policy 36 requires alterations to be subordinate to the original building and that building services equipment should be designed into the development and where this is not possible they should be located in visually inconspicuous positions on the least important elevations. Policy 45 states that developments which adversely affect the setting of a listed building or significant views of a listed building will be refused. Policy 47 requires that
development proposals in a conservation area should preserve or enhance the character or appearance of the conservation area.

7.19. There was previously concern regarding any physical interventions that would result from the proposed biomass boiler. The applicant has submitted a roof plan and elevation demonstrating the flues of the biomass and gas boilers terminating at roof level. It is considered that the proposed alteration is minimal and would not adversely impact upon the character of the building. It is noted that whilst the flue is not shown on the approved plans, as gas boilers have always been proposed a flue would always have been necessary. As such it is considered that the application complies with policies 36, 45, 47 of the Unitary Development Plan (2007) Policies Saved Beyond 5th August 2010.

**Transport and Highways**

7.20. It is noted that previously there were concerns as insufficient information had been submitted with regard to the transport impact of the biomass deliveries.

7.21. Policy 9 states that planning applications will be assessed for their transport impact including cumulative impacts on highway safety, the environment and road network and on all transport modes.

7.22. The applicant has now confirmed the frequency of the biomass deliveries; once every 5-6 weeks and the route of the biomass delivery vehicle has been shown. When the biomass delivery is considered in the context of the wider development including the deliveries required by the commercial uses it is considered that the delivery of the biomass fuel would have a minimal impact upon the safety and operation of the highway network. As such it is considered that the application complies with policy 9 of the UDP (2007) Policies saved beyond 5th August 2010.

**Amenity**

7.23. The previous application considered that insufficient information had been submitted to assess the impact of the biomass boiler on the local residents.

7.24. It is considered that the impact of the delivery, which would only occur once every 5/6 weeks would be minimal, especially when considered in the wider context of the development. It is noted that the delivery route passes in proximity to residential development; as such it is considered pertinent to condition the hours of delivery to ensure that it does not result in undue noise and disturbance to residential occupiers.

8. Conclusion

8.1. The current application seeks variation of the condition 35 of planning permission 06/02044/FUL. It is considered that the application overcomes the previous concerns with regard to the information submitted regarding the proposed biomass boiler. The Environmental Projects Officer has raised no objection to the proposed alteration in energy strategy for the development, and it is considered that the use of the biomass boiler would not result in any undue impact upon the amenities of local residents, nor upon highway safety.
9. Recommendation

9.1. It is recommended to **VARY** condition 35 of the planning permission 06/02044/FUL so that its revised wording reads as follows:

The development hereby approved shall incorporate the passive design measures, centralised heating system and renewable energy technology as specified in the Mendick Waring "Sustainable Energy Strategy Report" dated July 2010 (incorporating the January 2010 Energy and Heating Strategy Report). The renewable energy technology shall be implemented and retained for so long as the development shall exist except approved in writing by the Local Planning Authority.

Conditions

The development hereby approved shall incorporate the passive design measures, centralised heating system and renewable energy technology as specified in the Mendick Waring "Sustainable Energy Strategy Report" dated July 2010 (incorporating the January 2010 Energy and Heating Strategy Report). The renewable energy technology shall be implemented and retained for so long as the development shall exist except approved in writing by the Local Planning Authority.


Informative

You are advised that all undischarged conditions imposed on Planning Permission (06/02044/FUL) apply to this permitted varied condition.