

Development Control Committee A – 30 July 2014**Application No. 14/02762/X, 14/02763/X, 14/02764/X: Paintworks (Phase III) Bath Road Bristol**

SITE DESCRIPTION

The applications relate to the proposed redevelopment of the remaining part of the Central Trading Estate in Brislington as the third and largest phase of the Paintworks scheme. All buildings on the site are vacant industrial buildings. The site falls within the Temple Quarter Enterprise Zone.

The application site is situated immediately to the east of phases one and two of the successful Paintworks development on the south side of the Bath Road, a short distance east of the Totterdown Bridge. To the north, the site is bounded by the River Avon and to the east it adjoins the rear gardens of terraced houses on the west side of Edward Road and a public footpath (PROW 409) that connects Edward Road with a pedestrian / cycle bridge over the river to Sparke Evans Park.

RELEVANT HISTORY

The most recent history of this site is the granting of Reserved Matters approval (13/04275/M) on 19th May 2014, for the following at the site:

Layout, scale, appearance and landscaping following outline approval 09/04693/P, which approved the retention of Endemol buildings, demolition of other existing buildings and erection of new buildings of 2-7 storeys built on top of new undercroft car park to provide employment floor space (B1); Retail floorspace (A1, A3 & A4); up to 11 live/work units; and up to 210 residential units (C3); with revised vehicular access off Bath Road.

The granting of Reserved Matters approval followed the consideration of the application at the 14th May meeting of the Development Control (Central) Committee. The Committee also resolved:

That further negotiations be held between officers and the Applicants to finalise matters relating to the outline permission conditions covering the BREEAM standard and the Energy Strategy, including an assessment of the level of Solar PV that could be secured for the suggested capped cost of £225,000 and bring a report back to the Committee with this information.

In addition, the Committee resolved that the Head of Legal Services be authorised to conclude, at the applicants expense, an agreement or deed to vary the s106 agreement.

APPLICATIONS

The applications are all for separate variations of conditions that were attached to the Outline Planning Permission. These applications act as the vehicle for consideration of the issues that Members wanted brought before them.

14/02762/X Variation of Condition 8 – Site wide energy statement

This condition says:

A site-wide energy statement setting out (in the manner prescribed in the Climate Change and Sustainability Practice Note which accompanies the Core Strategy) how the development will reduce Carbon Dioxide emissions from its projected residual energy use by no less than 20% through renewable energy generation (or through an alternative scheme for reduction of Carbon Dioxide emissions including renewable energy generation) unless otherwise agreed in writing by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning

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Authority with the first Reserved Matters application. The first Reserved Matter application (for each phase if submitted on a phased basis) shall be accompanied by a detailed proposal for the incorporation of the approved measures in the development of that phase for approval in writing by the Local Planning Authority. The details thereby approved shall be provided in accordance with that approval prior to the occupation of the relevant phase.

This application seeks to establish that the on-site renewables (solar pv) that can be provided for the agreed capped cost of £225,000 is acceptable, and that this condition is varied in order to reflect that.

14/02763/X Variation of Condition 9 – Code for Sustainable Homes

This condition says:

No development shall take place until evidence that the development is registered with a CSH certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final CSH level. No dwelling shall be occupied until a final Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) Certificate has been issued certifying that Code Level 4 has been achieved for this dwelling unless the Local Planning Authority agrees in writing to an alternative CSH level and/or an extension of the period by which a Certificate is issued.

This application seeks to vary the condition to allow the development to be built at Code Level 3.

14/02764/X Variation of Condition 10 – BREEAM for commercial and retail floorspace

This condition says:

No development shall take place until evidence that the commercial and retail (A1/A3/A4) elements of the development are registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. The relevant commercial/retail floorspace shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'Excellent'; has been achieved for this development unless the Local Planning Authority agrees in writing to an alternative BREEAM level and/or an extension of the period by which a Certificate is issued.

This application seeks to establish that BREEAM “Very Good” is acceptable at the site, having regard to the Committee’s previous acceptance that the monitoring elements of “Excellent” would be onerous for small businesses.

PUBLICITY AND CONSULTATION

The applications have been publicised by way of a press advertisement and three site notices (both with closing date for comments 23rd July 2014).

No responses have been received, probably due to the technical nature of these applications.

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RELEVANT POLICIES

National Planning Policy Framework – March 2012**Bristol Core Strategy (Adopted June 2011)**

BCS1	South Bristol
BCS5	Housing Provision
BCS8	Delivering a Thriving Economy
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS17	Affordable Housing Provision

KEY ISSUES

- (A) DOES THE PROPOSED SCHEME OF ON-SITE RENEWABLES CONFORM TO THE REQUIREMENTS OF CORE STRATEGY POLICY BCS14?

The applicants have submitted calculations of a solar pv scheme (provided for the agreed capped cost of £225,000) that demonstrates a saving of 22.79% on CO2 emissions. The policy requirement is for 20%, therefore a scheme of this nature would comply with policy BCS14. Condition 8 can therefore be varied.

- (B) ARE THE PROPOSALS FOR BREEAM “VERY GOOD” (WITH AS MANY OF THE ELEMENTS OF “EXCELLENT” MINUS MONITORING) POLICY COMPLIANT?

In strict policy terms, setting a specific energy rating for a development goes beyond policy BCS14, which requires developments to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. However, BCS14 expects that on-site renewables will meet this 20% target by following the “energy hierarchy”, by minimising energy requirements first. The method of demonstrating energy requirements of new development is through the Code for Sustainable Homes (housing) and BREEAM (commercial). The incentive for developers is to follow the energy hierarchy and firstly minimise the energy requirements of development, in order that the 20% saving is of a lower overall number. Conditions are usually applied to set the CSH or BREEAM level submitted by the applicants in their Sustainability Statement, to reinforce the importance of the energy hierarchy and to “raise the bar” of energy efficient developments in Bristol.

At the Development Control (Central) Committee meeting on 14th May, Members were content to accept a BREEAM rating below “Excellent” due to the requirements of ongoing monitoring on small businesses. An advice note attached to the approval of Reserved Matters set out that the Council would consider revised proposals reflecting this. The applicants have suggested a rating of “Very Good” but with a minimum percentage score of 63%. Officers are content that this would demonstrate a scheme that is close as practicable to “Excellent” but minus the monitoring elements, as Very Good ranges from 55% to 69%. It is therefore recommended that Condition 9 can be varied to reflect this.

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As explained under issue (B) above, policy BCS14 doesn't require specific energy ratings for developments. Officers had sought to ensure that the development achieved CSH Level 4 in order to "raise the bar" in terms of energy performance within the Enterprise Zone which has aspirations for "green" credentials. However, it should not be forgotten that a primary objective of the Enterprise Zone is to promote economic activity, to create employment opportunities, and provide employment space. A key element of the approved development is the provision of employment space that can be occupied by small businesses and, therefore, anything that genuinely prejudices the delivery of this beneficial development should be carefully considered.

In the report to DC Central committee in May officers advised that the additional cost to the project of developing at CSH Level 4 (as opposed to CSH Level 3) was approximately £750,000. Officers went on to advise that this additional cost was a relatively small amount when the gross development value is considered. Officers have discussed the viability of the proposed development with the applicants since this advice was given and are now of the view that this additional cost is prejudicial to the delivery of the development. This view is supported by the viability consultants appointed by the Council. Given that this is a good scheme, promoted by developers (Crest Nicholson and Verve) who have a proven track record of delivering high quality residential and employment development in the city, and that this would be a welcome commencement of development in the Enterprise Zone, officers advise committee that the negative impact that building to CSH Level 4 would have on delivery should be given significant weight.

In addition to this, the applicants have set out a number of practical, physical constraints that would make the achievement of enough credits to reach CSH Level 4 extremely challenging.

In conclusion, having regard to the genuine implications for delivery of the development, the practical considerations, and the acknowledgement that BCS14 does not require a specific level of energy efficiency (instead it seeks 20% on site renewables, which is now being exceeded), officers support the development being built at CSH Level 3.

(D) AMENDMENTS TO THE LEGAL AGREEMENT

The applicants have also requested the removal of the provision for a "Meet the Buyer" event, which was imposed in order to ensure local suppliers benefit from the development. The applicants have advised officers that such a provision does not accord with their procurement regime. As an alternative, a suitable condition will be added to the planning permission to be granted through this process.

The applicants have also requested that employment monitoring for the purpose of review is carried out twice a year, as opposed to four times a year, due to the length of the build programme. Officers consider this request to be reasonable.

CONCLUSION

Following the consideration of technical information and after further discussions over scheme viability and deliverability, officers consider that the proposals (BREEAM Very Good of at least 63%; on site renewables achieving 22.79%; Code for Sustainable Homes Level 3) are acceptable and, importantly, policy compliant. Approval of these variations will greatly assist the delivery of this important development within the Enterprise Zone. Approval has the effect of granting a fresh planning permission with the new conditions.

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(A) That the variations applied for in relation to conditions 8, 9 and 10 of outline permission 09/04693/P, be granted, as below. All other relevant conditions and advices in respect of this decision will be reported in a supplemental report at committee.

(i) Condition (8)

Site Wide Energy Statement

A site-wide energy statement setting out (in the manner prescribed in the Climate Change and Sustainability Practice Note which accompanies the Core Strategy) how the development will reduce Carbon Dioxide emissions from its projected residual energy use by no less than 20% through renewable energy generation (in accordance with the Allocation of PV document dated 15th July 2014) unless otherwise agreed in writing by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority with the first Reserved Matters application. The first Reserved Matter application (for each phase if submitted on a phased basis) shall be accompanied by a detailed proposal for the incorporation of the approved measures in the development of that phase for approval in writing by the Local Planning Authority. The details thereby approved shall be provided in accordance with that approval prior to the occupation of the relevant phase.

Reason: In order to ensure that a site wide energy statement can be assessed against the requirements of Core Strategy policy BCS14 and is delivered in accordance with the scheme once agreed.

(ii) Condition (9)

Code for sustainable homes (CSH)

No development shall take place until evidence that the development is registered with a CSH certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final CSH level. No dwelling shall be occupied until a final Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) Certificate has been issued certifying that Code Level 3 has been achieved for this dwelling unless the Local Planning Authority agrees in writing to an alternative CSH level and/or an extension of the period by which a Certificate is issued.

Reason: To ensure that the dwelling(s) achieve Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme), such that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

(iii) Condition (10)

BREEAM (for Commercial and Retail Floorspace)

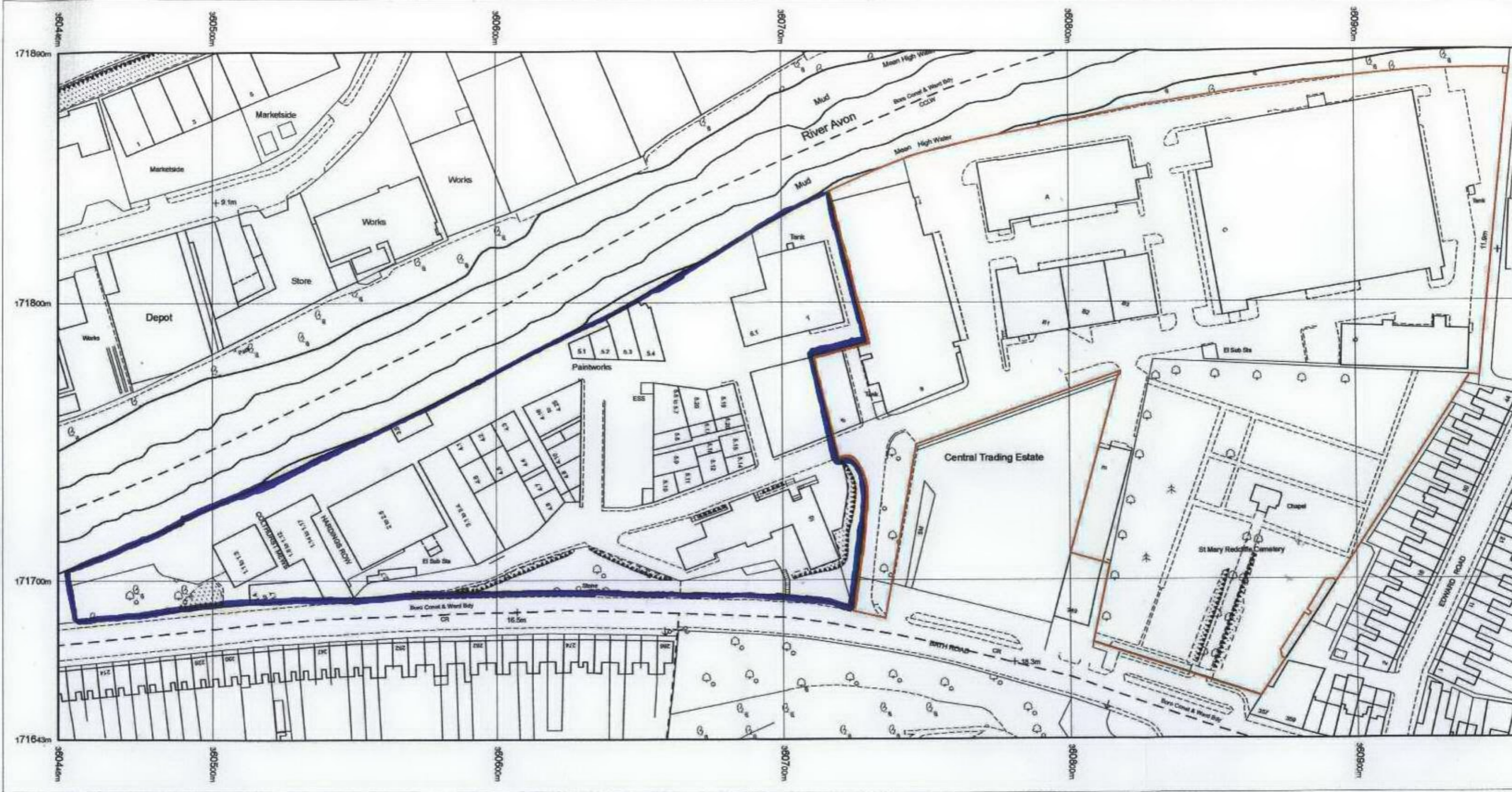
Within 6 months of occupation of the relevant commercial / retail floorspace a final certificate is to be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'Very Good' with a minimum score of 63%; has been achieved for this development unless the Local Planning Authority agrees in writing to an alternative BREEAM level and/or an extension of the period by which a Certificate is issued.

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Reason: To ensure that the development achieves BREEAM rating level 'Very Good' (or any such equivalent national measure of sustainability for building design which replaces that scheme) and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

- (B) That the Head of Legal Services be authorised to conclude the variation of the associated S106 Planning Agreement to:
 - (i) Exclude the requirement for a “Meet the Buyer” event.
 - (ii) Require employment monitoring twice every calendar year.



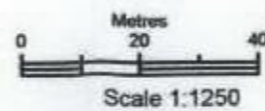
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