

Update Report

This report provides updates on three issues:

- A. Bristol Civic Society Comments**
- B. Additional Public Representations**
- C. Update on Sustainability Issue**

A. The Bristol Civic Society commented on the application. This was omitted from the Officer's report to Committee in error. The comment made is as follows:

'We have read the Old Market Community Association's representation of 23 January 2024. It is pleasing to see such glowing feedback about the engagement process and what is cast as genuine listening by the developer and their team. Sadly, this sort of engagement has not been the norm in recent years in Bristol where schemes are presented to the general public and community groups with, it seems, little intention of reflecting the feedback. In this context, we do not want to second-guess the development principles supported locally. We have therefore limited our comments to matters of detail which we believe if addressed would improve the proposals and their impact.

Facades and roof articulation - currently, other than the town houses, much of the scheme is blocky in appearance. Some articulation of the roofscape would bring interest and relief.

Building height - there are parts of the courtyard and New Henry Street that will have no sunlight at any part of the year. In the winter, these areas will be substantial. A reduction in the height of the buildings fronting New Henry Street could facilitate a better outcome and help mitigate the impact on the proposed accommodation that currently would not meet sunlight / daylight standards (37% of student rooms would have levels of sunlight that do not meet the recommended level). In designing the purpose-built student accommodation (PBSA), the characterisation of student occupation of accommodation as transient should not be an excuse for taking risks with wellbeing. It is also essential for long term adaptability to be built in to take account of possible changes to the demand for PBSA. In our comments on the now withdrawn 23/01469/F, we expressed concerns about building heights, in particular on the Kingsland Road elevation. These have been addressed to a degree, but we note there will be still be an impact on the living amenity of the terraced houses opposite.

Mixed use - the range of activity proposed is welcomed locally, and something we would echo. However, the reality is that the non-PBSA uses largely fall within Use Class E. So, unless a planning restriction is imposed or landlord control is envisaged, there can be chopping and changing between the uses at any time without consultation and without the consent of the local authority.

Additionally, the permitted development rights (PDRs) set out in Class MA allow for a change from Use Class E to residential (subject to certain limitations).

Proximity of nightclub - we assume the Agent of Change principle will be applied consistently and with this assumption in mind we note this in the noise report "Due to existing noise levels at the site, compliance with 'Approved Document O: Overheating' cannot be achieved with ventilation panels open. Consequently, the detailed design of the proposed development will need to take into consideration measures to prevent overheating with closed windows, which can be provided pursuant to a planning condition." In our view, the council will want to reassure itself at this stage that the principle can be implemented without adverse consequences on liveability and the wellbeing of occupants.

Carbon emissions - we note the aspirations with regard to operational energy and embodied carbon. Overall, the council will want to be reassured that the proposals are consistent with the city's ambition to be carbon neutral by 2030. As submitted, we could see little reassurance on the actual approach to be taken to embodied carbon.'

B. Additional Public Representations Received

Since the publication of the Officer's Report to Committee, four further representations have been received, one in support and two objecting to the development and one neutral.

The reason for support is:

- The development would improve safety, reduce crime and bring life to the area.

The reasons for objection are:

- The application has still not dealt with the right to light relating to residential properties on Kingsland Road
- The additional students would only stay in halls for a year and would then move out, putting further pressure on the housing market.
- There are already enough new student developments in the St Philips area.

It is noted that following the publication of the officer's report the applicant issued a rebuttal, which it is understood was sent to Committee Members. A further comment from a local resident has been received, responding to the rebuttal, stating that Hibaq Jama is no longer a Cllr and Cllr Mohamud has not consulted widely with residents and his comments do not represent the views of all residents.

C. Update on Sustainability

Following the publication of the Officer's Report, a revised Sustainability Report (dated 18th June 2024) and was submitted to Officers on 20th June. This includes details about the BREEAM pre-assessment.

The Sustainability Officer has reviewed the document and commented as follows:

'This removes my concern relating to BCS15 BREEAM; providing a BREEAM condition was attached to any consent.

However as per my previous email I am still unconvinced that the energy statement demonstrates compliance with BCS14 – you state that this could be achieved through condition BUT what if the DH connection requires X amount of PV and they can't achieve this on site? It's not fleshed out and therefore I can't confidently say that it is compliant.

In my view, the energy strategy needs to be revised to include all the relevant tables in the Climate Change Addendum document, and specifically to show DH connection (and any other renewables needed to meet the 20% reduction) in the energy table.

I think there is a failure at present to demonstrate compliance with both BCS13 and BCS14'.

Your Officers set out in the Report to Committee that issues relating to policy compliance with BCS14 could be secured by condition. The additional information satisfies concerns relating to Policy BCS15 subject to conditions to secure BREEAM 'Excellent'. Concerns relating to overheating remain.

As such, the recommended refusal reason relating to sustainability has been amended to:

The application provides contradictory evidence and fails to demonstrate that development will be in accordance with climate change and sustainability policies with regard to overheating and ventilation and therefore would have a harmful impact on the delivery of reducing carbon emissions, contrary to Policies BCS13 of the Bristol Local Plan, Core Strategy 2011.

Further additional/revised documents were submitted by email on Saturday 22nd June, however this has not been reviewed in time for the completion of the amendment sheet for committee (deadline Monday 24th June, 11:30am).

The documents submitted included:

- A further revised Energy Strategy Report
- A 'Part O Overheating Report'
- An updated BRUKL Output Document

Due to the late submission of these documents, it has not been possible for the Sustainability Officer to review them in advance this amendment sheet and Update Report. Officers will seek comments from the Sustainability Officer in advance of Committee and provide a verbal update if possible.