

OBJECTION to planning application Section 62A Planning Application: S62A/2024/0070 David Lloyd, Greystoke Avenue, Southmead, Bristol City, BS10 6AZ

From: Friends of Badock's Wood

The Friends of Badock's Wood is a group of local residents and other interested people who help to keep Badock's Wood a haven for wildlife. Badock's Wood is a designated Local Nature Reserve and is a lovely place to walk and experience the local nature of a riverside, woodland and wildflower meadows.

The work of the group during the past 25 years has been instrumental in making Badock's Wood a safe and welcoming place to visit. We have improved access and enhanced Badock's Wood, in partnership with Bristol City Council, other local community groups and local schools, using grant funding and volunteers.

Friends of Badock's Wood **OBJECTS** to the planning application listed above. Badock's Wood is the immediate neighbour of David Lloyd, Greystoke Avenue, and lies to the South. The David Lloyd site is already the major source of pervasive industrial type noise and light pollution to nature on the Badock's Wood site; the proposed development will make that worse and lead to unacceptable impacts on wildlife and people.

Friends of Badock's Wood wishes to attend and speak at a hearing to consider this application, as we would have done were had this application not been withdrawn from Bristol City Council's planning process and resubmitted to the Planning Inspectorate instead.

Determination Process

Friends of Badock's Wood wishes to COMPLAIN about this application being determined by the Planning Inspectorate rather than the Local Planning Authority. This application was originally made to Bristol City Council and was being considered, the public were making comments, objections, etc. The applicant had also erected without permission Floodlit padel courts and following initial enforcement action was pursuing a Retrospective planning application for their development.

Earlier in 2024, as part of the Council's consideration of these two planning applications we, and others including local ward councillors, called for the applications to be:

- a) decided by Planning Committee rather than delegated to an Officer and
- b) considered together due to their anticipated cumulative impact of two new external developments.

David Lloyd subsequently withdrew the Spa Extension application and the Floodlit padel court application continued its progress through the system and was considered by the Council's Planning Committee.

We consider that the applicant withdrew the application to prevent the Planning Committee considering it alongside the floodlit padel court application and also to circumvent proper public and elected representative scrutiny, as Bristol had been subject to a Section 62a designation. Had they not done so their application would have been determined by now, and the people of Bristol would have had proper engagement and involvement in the process in their community.

We consider that this application should still be considered by our elected representatives at a Bristol City Council Planning Committee and ask that the Planning Inspectorate to take the necessary action for this to happen, e.g. to refuse it (so it can be resubmitted to the council) or if possible pass it back to the local planning authority for determination.

We note that this proposal should be subject to the Community Infrastructure Levy and that Bristol City Council has calculated the amount to be c£31,000. We there ask that you refuse this application and the applicant be advised to resubmit it to the Bristol City Council Planning Department should they still wish to proceed with the development.

Practical issues associated with the submission to the Planning Inspectorate

As a consequence of this being a resubmitted application, with some changes, there are references to documents that were part of the previous application submission and responses e.g. from the Pollution Control Team on noise pollution. This application differs sufficiently from the previous one that this should require a new noise response, for example. In addition, none of the previous planning documents for the Spa Extension are available due to the documents having been removed from the Bristol Planning Portal when the application withdrew.

Another consequence of this is that local members of the community are unable to access their original objections which were made online to assist them with their current objections, which have to be provided to you in an unacceptably short period.

Some of the documents and reports are not directly related to the current version of their proposal as submitted to the Planning Inspectorate. For example, the Planning Statement references reports and Council officer responses to a previous planning application, and not to this one. We consider this is deliberately misleading as, for example, the Pollution Control officer's responses relating to noise from the development cannot be used as supporting documents for this application because there are too many difference between the development that was being commented upon, and the one now submitted. The layout is different, there are more plant rooms proposed in this application – therefore more noise sources, and the building will not be contained as this application includes the proposal to have a “swim out” pool – i.e. a pool that is partly indoors and partly outdoors and therefore will mean there is a hole in the wall to enable that along with the issues that will bring.

The Design and Planning Statement includes misleading information including photos described as “typical spa garden as built”. These photos have been used in all of their spa garden applications across the UK. However the photos do not reflect the proposed layout or specific facilities, boundaries etc.

The application should not be considered by either the Planning Inspectorate or the Bristol City Council Planning Authority, until and unless the reports are updated to reflect the current proposal. For example the noise assessments were for a different building (without for example an indoor/outdoor pool), a different external layout and fewer plant rooms, as this now incorporates three additional plant rooms compared with two that were in the proposal to which the noise reports and correspondence with the city council refer.

The statutory BNG calculations are not for the proposed development as amended and submitted to the Planning Inspectorate, including failing to assess the impact of the loss of trees, shrub and grassland to provide additional car park spaces on land currently occupied by vegetation.

Summary of our OBJECTIONS

1. Community Infrastructure Levy is being circumvented by the applicant's use of the Section 62A process to the detriment of the local community, particularly as the club is situated in Southmead which is in the bottom 10% of the most deprived areas. We there ask that you refuse this application and the applicant be advised to resubmit it to the Bristol City Council Planning Department should they still wish to proceed with the development.
2. Impact on Wildlife: the application will adversely affect wildlife in the adjoining areas in this wildlife corridor, including Badock's Wood. We conclude that the assessment has inadequately assessed the wildlife context of the site and therefore the impacts on protected wildlife – particularly the nocturnal species of Badgers and Bats which are afforded special protection under UK planning law. On the basis of these impacts we ask that the application is refused.

3. Impact of Noise - The Noise Impact assessment submitted to the Planning Inspectorate as part of this planning application is for a different layout, different number and siting of plant rooms, and additional indoor/outdoor pool, which effectively means that there will be a hole punched into the spa extension such that any noise such as amplified music (which is currently used in their existing indoor spa area) will be audible outside. The application should be REFUSED because the Noise Impact Assessment relates to a previous planning application for a spa garden, which the applicant withdrew earlier this year.
4. Climate Change - Friends of Badock's Wood, as a nature conservation organisation, is very concerned about climate change. The application has failed to provide information on how this energy intensive sauna, heated in/outdoor pool etc. is compliant with the extant and emerging Bristol Local Plan policies on energy use.
5. The Biodiversity Net Gain Report is not an accurate assessment of the development as described in the Planning Statement and the Design and Access Statement. Specifically, it does not address the habitat loss caused by the creation of 9 new parking spaces on land that is currently grassland, shrub and trees. This report is therefore inaccurate and the calculations on which the statutory BNG metrics have been based are incorrect. Either the application should be refused as not compliant with the BNG requirements or it should be redone prior to the determination of the application as there may not be a an achievable solution on site
6. The Tree Report fails to address the removal of trees to create new parking spaces and the creation of two parking spaces under the canopy of one of the largest trees on site. The Tree Report therefore fails to fully accurately assess the impact of the development nor put in place measures to protect mature trees from damage.
7. We are also concerned about the use of Artificial Grass contrary to the emerging local plan and the provision of incorrect information regarding parking on site.

If the Planning Inspectorate is minded to grant planning permission CONDITIONS need to be added to avoid reduce in some way the impacts:

Proposed CONDITIONS

1. **Wildlife:** We note that the Council's ecologist has recommended a condition which ensures *"the production and implementation of a robust Lighting Plan, which adheres to Guidance Note 8: Bats and Artificial Lighting (Institute of Lighting Professionals, 2023), by way of a condition. The Lighting Plan would be required to demonstrate that lux levels along the treeline to the south remain unchanged as a result of the development."* We support that proposal.
2. **Noise Plant:** Conditions should be applied on the siting of the plant rooms as far from the boundary as possible, on installing the highest specification, quietest plant, soundproofing the plant room to prevent noise escape and constructing the external site walls from noise reducing materials, and other matters addressed in the Pollution Control Officers comments need to be added to prevent unacceptable noise impacts.
3. **Amplified Sound** - The City Council has imposed the following condition on the adjacent retrospective Padel Courts application: *"There must be no playing of amplified sound within the boundary of the site, as defined by the redline boundary shown on the approved Site Location Plan. Reason: To protect the amenity of neighbours and to mitigate impacts on wildlife."* We ask that this same condition be applied to this development

4. **Climate** – We ask that a condition be applied requiring that prior to commencement of development the applicant submit a Sustainability Statement as required by the local plan, which should set out measures to reduce CO2 emissions from energy use in accordance with the energy hierarchy. This should propose the use of Heat Pump technology, in line with their own sustainability policy, or demonstrate why such a technology would be technically feasible in this development. It should also demonstrate how it will achieve the new local plan requirements for BREEAM excellent status.
5. **Trees** - We ask that a condition is applied to update the Tree Assessment to address the car park parts of the development and that a plan for the protection of trees be submitted and approved prior to the commencement of any works on site.
6. Any construction of walls, fences or similar on the boundary with Badock’s Wood should not affect any of the trees and hedgerow adjacent to the boundary of the spa garden area. These should be constructed sufficiently inside the boundary to protect the roots fully.
7. **Artificial grass** - We ask that a condition to prohibit the use of artificial grass be applied.

1. Community Infrastructure Levy

Community Infrastructure Levy is circumvented by the applicant’s use of the Section 62A process to the detriment of the local community, particularly as the club is situated in Southmead which is in the bottom 10% of the most deprived areas. Club members do not live in Southmead. Southmead residents rely upon the public open space / nature reserve of Badock’s Wood for their exercise and activities for their health and well-being.

Section 8.3 Appendix 3 of the Section 62A Guidance is clear that the application should be sent to the LPA not PINS as it recommends “in circumstances where an LPA has an adopted CIL in place, and the development would fall with the definition of a ‘chargeable development’ under CIL legislation, that planning applications are made to the relevant LPA rather than the Planning Inspectorate. “ The applicant was already in discussions with the LPA and the withdrawal and subsequent resubmission of their application to PINS leads us to consider they are trying to avoid paying the CIL which the City Council has calculated as being valued at £31,185.87. The applicant, David Lloyd Leisure Limited is the largest health and fitness operator in Europe with a UK revenue of in excess of £380 million in 2023 (up 16% on its 2022 figure). David Lloyd Club “Westbury” is actually in Southmead, one of the most deprived wards in the country. It offers no benefits to the local community, no community events, no free local kids sports, nothing. By deliberately withdrawing their application from BCC LPA and resubmitting it to PINS they are also taking over £31,000 from the people of Bristol and the local community in particular.

David Lloyd’s are well aware of their CIL obligations as they have submitted a CIL Form to that effect: https://assets.publishing.service.gov.uk/media/6735d43d37aabe56c4161121/DLL_Bristol_Westbury_-_CIL_Form_33052368.1_checked.pdf and therefore PINS should not have validated their application but instructed them to follow the proper route for CIL eligible applications, of going through the local Council’s planning process.

2. Impact on Wildlife

We conclude that the assessment has inadequately assessed the wildlife context of the site and therefore the impacts on protected wildlife – particularly the nocturnal species of Badgers and Bats which are afforded special protection under UK planning law. On the basis of these impacts we ask that the application is refused.

2.1 The wildlife setting of the site

The adjacent Badock's Wood is a designated Site of Nature Conservation Interest (SNCI), a designated Local Nature Reserve (LNR) and listed in the extant Local Plan as a site of Important Open Space and in the emerging Local Plan as Local Green Space. The whole of the site, including the grassland and woodland adjacent to the site, is Local Green Space of the highest quality because it meets all 5 criteria for this designation in the National Planning Policy Framework (NPPF). The criteria are: beauty, tranquillity, richness of wildlife, historic significance and recreational value.

Badock's Wood is just one of 11 sites across the whole of Bristol that scored on all of these criteria. Bristol has hundreds of Green Open Spaces listed for protection in the Local Plan so to be one of only 11 to meet all 5 criteria is an indication of just how special this site is. Local Plan Policy G11 – Local Green Space refers.

Badock's Wood and the green spaces around it all form part of a designated Wildlife Corridor and these are there to provide protection and a buffer for the wildlife in the SNCI. Hedgerows are key natural features that provide important habitat, nesting and foraging sites and are particularly important in wildlife corridors. The club is immediately adjacent to the Wildlife Corridor (with only netting fence separating their hedges) from the hedges of the public footpath and open space, so in essence forms part of that corridor, particularly its trees, shrubs, etc.

2.2 Wildlife Policy Context

The Bristol Local Plan Policy BG2 : Nature Conservation and Recovery States:

"Policy text

Development in Bristol will be expected to take all available opportunities to connect to or enhance the integrity of the Nature Recovery Network and wider ecological networks and promote the restoration of priority habitats and the recovery of priority species, including through the provision of new and the enhancement of existing green and blue infrastructure.

Development which would be likely to have an impact upon habitats, species or features which contribute to nature conservation and recovery in Bristol, including on previously developed land, will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and*
- ii. Be designed and sited to avoid any harm to identified habitats, species and features of importance.*

Where loss of nature conservation value is unavoidable to enable development which is in accordance with the local plan, proposals will be expected to provide mitigation on-site, and where this is not possible, provide mitigation off-site. For protected sites and species, this is in addition to policy requirements for Biodiversity Net Gain.

Development which would fail to take the opportunities available to enhance ecological networks or result in significant harm to biodiversity which cannot be appropriately mitigated will not be permitted."

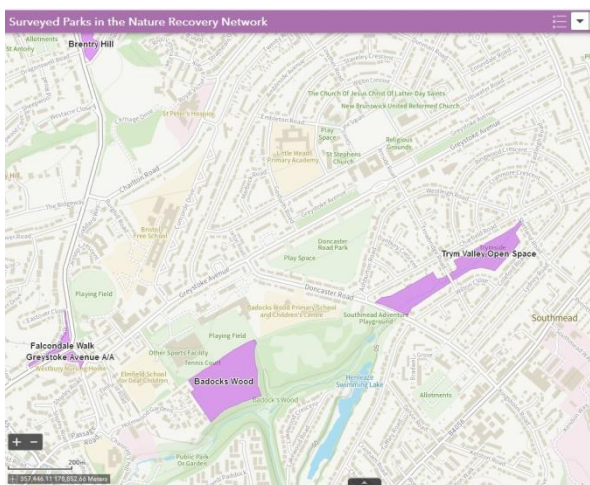
2.3 Ecological Assessment - Weaknesses

The ecological assessment has failed to adequately assess the ecological context of the site and the impacts of the development. The ecological assessment has failed to undertake proper surveys for the nocturnal protected species, bats, tawny owls and badgers. Clearly a dusk / night-time assessment was needed and the applicant should have undertaken this before they first submitted any application for their site and before they erected floodlighting without planning permission. Friends of Badock's Wood has worked with professional bat ecologists and professional bat detectors for years, and have produced evidence and recordings to prove the presence of 7 species of bat in Badock's Wood in total and 5 of these species using the hedgerow along the back of the David Lloyd site, adjacent to the Spa Garden site as a commuting and foraging route. Something which any ecologist could and should have done. They have dismissed our evidence despite us having records and having submitted them to the Council both in the past and during the process of the retrospective planning application for the floodlit padel courts.

The two badger setts on the adjacent sites to the David Lloyd club are unmissable, which makes it hard to understand how the assessment dismisses the impact on badgers.

The applicant's ecologist relies solely on records held by BRERC (Bristol Regional Environmental Records Centre). However, they are primarily staffed by volunteers and have a very long backlog of data to be uploaded. Several years running, for example, groups across Bristol, including ours, have taken part in the Natural History Consortium annual City Nature Challenge, a form of bioblitz. We had understood the data that we had submitted to iNaturalist was being recorded in the city, but BRERC has yet to access and upload the majority of this information. Local naturalists record their bird records, for example, on iBird or eBird. Bat data is recorded on another site, so that whilst over a succession of years bat ecologists have led bat walks in Badock's Wood the records are not held by BRERC.

The field adjacent to the site is managed for wildlife and is not in use as a playing field, so the description in the Design and Planning Statement is wrong. The field has not been used for sports since at least 2017 when it was formally taken out of sports use and confirmed to us in an email from Parks Department in July 2017.



Since then it has been managed for wildlife and identified by the City Council in 2022 as a site for greater management for wildlife under their Managing for Nature project. See Bristol City Council's leaflet.

<https://www.bristol.gov.uk/files/documents/796-nature-recovery-leaflet/file>

This map is an extract from the Bristol City Council 2022 Network Recovery Map clearly showing the field behind David Lloyd's club as having been surveyed and earmarked for this purpose. The leaflet clearly explains that the sites that were highlighted were ones where the intention was "to create new wildlife spaces and improve

what is existing". The sites were chosen because they were already wildlife sites without designation and therefore the potential to improve existing habitats was high. The field behind the David Lloyd site is exactly that.

The Council's Nature Conservation response flags up the latest West of England Nature Recovery plans published in 2024 and notes that no reference is made to the Local Nature Recovery Strategy, but, as stated above, for the avoidance of doubt, Bristol City Council published its works on this in April 2022 so long before David Lloyd's planning applications were submitted.

An update of the Badock's Wood Management Plan is being finalised as part of this nature recovery work, and should include the nature management regime. However, a casual visitor to the site can immediately see that this is clearly not a playing field and would not be suitable for sports use. See photo – which also clearly shows a nest site in a tree adjacent to the proposed spa garden site.

An ancient double hedgerow bounds the site on either side of the Public Right of Way running behind the proposed location of the spa garden, has been a documented field boundary for centuries and is adjacent to the Badock's Wood Ancient Woodland site.

The path running behind the proposed site of the Spa Garden, is not only a public footpath used by humans, but also a route for badgers who live in both Elmfield School Grounds and Badock's Wood. There are setts close by where badgers live and breed, and badgers are regularly seen here. Badgers are protected species under the Wildlife and Countryside Act and no proper assessment has been made of the impact on any of the wildlife on the adjacent site. Badger entry holes in the fence to the site are clearly visible.

2.4 Impact of Lighting on Wildlife

Moths are an important food source for bats and night time lighting is a problem. Badock's Wood has recorded 7 species of bat in the wood and the hedgerow that runs along the boundary of the David Lloyd site is of particular note as a foraging site for 5 of those bat species. Bats recorded in Badock's Wood on one night alone include Common pipistrelle (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*), Noctule (*Nyctalus noctula*), Serotine (*Eptesicus serotinus*), and a Mypotis bat species, possibly Daubenton's (*Myotis daubentonii*) and Brown Long Eared Bat (*Plecotus auritus*). Badock's Wood is an important site for bats in Bristol.

Artificial lighting poses a threat to bats' ability to forage [REDACTED] and the hedgerows immediately adjacent to David Lloyd Club are bat foraging routes.

The proposed external lighting will have an adverse impact not only on bats and moths but also on the other important nocturnal and twilight species. Badock's Wood is the home of a wide variety of animal, bird and plant life, including breeding apex predators - fox, badger, tawny owl and sparrowhawk. The first three of these are nocturnal and will be adversely affected by industrial noise and light pollution from the David Lloyd site. This will only get worse with the cumulative effects of the Spa Garden and the Padel Court applications.

Whilst floodlighting is not explicitly proposed, even adding low level LED lighting can impact on the native wildlife that live there. LED lighting needs to be carefully selected in a spectrum that is suitable for wildlife whereas the standard LED lights used do not.

See [REDACTED]

We note that the Council's ecologist has recommended a condition which ensures *"the production and implementation of a robust Lighting Plan, which adheres to Guidance Note 8: Bats and Artificial Lighting (Institute of Lighting Professionals, 2023), by way of a condition. The Lighting Plan would be required to demonstrate that lux levels along the treeline to the south remain unchanged as a result of the development."*

If the Planning Inspectorate is minded to approve the application we would ask for the above condition to be applied.

3. Impact of Noise

The David Lloyd site is already the major source of pervasive industrial like noise from plant on the Badock's Wood site and these developments will increase that adverse impact.

The noise documents submitted by the applicant do not relate to the proposed development have submitted to PINS but rather to a different proposal that they submitted previously to Bristol City Council. (The Council's Pollution Control Officer has also noted this in his submission)

The design and layout of the revised application is noticeably different, in particular the addition of a THIRD plant room, and the "indoor / outdoor" pool which would make it harder to contain noise indoors which are likely to cause greater noise intrusion in the wider wildlife areas. .

We are concerned that the noise impact assessment notes that there will be uncertainty about the impact and levels of noise, and also seems only to factor in whether it might be audible at the nearest homes, whilst completely ignoring the impact on the human and wildlife users of Badock's Wood whose well-being will be impacted upon. David Lloyd's submission refers to the need for this spa garden for their private members health and well-being, meanwhile thousands of local residents use Badock's Wood for their health and well-being and this proposal will impact on those users.

3.1 Noise Impacts - Plant Noise

The Noise Impact assessment submitted to the Planning Inspectorate as part of this planning application is for a different layout, different number and siting of plant rooms, and additional indoor/outdoor pool, which effectively means that there will be a hole punched into the spa extension such that any noise such as amplified music (which is currently used in their existing indoor spa area) will be audible outside.

The application should be REFUSED because the Noise Impact Assessment relates to a previous planning application for a spa garden, which the applicant withdrew earlier this year.

The layout is so different in the new scheme that none of the discussion in their report is valid – e.g. Table 5 and Figure 5 refer to locations for activities and plant rooms that are completely different from those in the application submitted to the Planning Inspectorate.

It is impossible to comment properly on the Noise impacts because the report is simply for the wrong proposal.

The previous proposal had 2 additional plant rooms

The Noise Impact Assessment is for a different layout with a different number of plant rooms so is flawed. The current plant noise is very noisy and can be heard in Badock's Wood and is already causing nuisance to nearby homes such that complaints are being investigated by the Council's Neighbourhood Enforcement Team. Adding additional plant will increase this intrusion and impact for humans and wildlife in Badock's Wood.

It is also of great concern that this plant is anticipated to operate at any time during the day or night. The existing intrusive plant runs constantly, i.e. 24 hours a day, seven days a week, 365 days a year.

The plant machinery / rooms should be the quietest available and baffled to prevent any noise being audible outside the plant rooms. In 2024, technology exists for modern plant and plant rooms to not emanate noise, it just requires the will to do so.

Walls are planned for the site between the Spa Garden and Badock's Wood. These should be constructed of such materials as to provide a sound barrier to prevent noise emanating from the site and intruding on the adjacent sites. There are many noise reduction products such as acoustic fencing that can and should be used.

We note that the Council's Pollution Control Officer has recommended that a Noise Management Plan be conditioned we consider that the applicant has had a long time to present such details for the application already and that it should be refused.

If the Planning Inspectorate is minded to approve this application then **CONDITIONS** on the siting of the plant rooms as far from the boundary as possible, on installing the highest specification, quietest plant, soundproofing the plant room to prevent noise escape and constructing the external site walls from noise reducing materials, and other matters addressed in the Pollution Control Officers comments need to be added to prevent unacceptable noise impacts.

3.2 Noise Impacts – Amplified sound

The noise of amplified music/sound will be very intrusive for anyone in Badock's Wood and should not be permitted. The issue of amplified music and other amplified sounds externally at this Club site was considered by Bristol City Council Planning Committee B when it considered the Retrospective planning application for Floodlit padel courts and social area in November 2024. Bristol's Planning Committee decided that it was not appropriate to have amplified sound outside because of the impact on the surrounding neighbours and outdoor areas and this should apply here too. It would be an unacceptable anomaly, and an insult to the members of the Planning Committee and the Council's Planning Officers to permit amplification for this area in the knowledge that the Council has ruled against it already on the site.

If the Inspectorate is minded to approve this application please **CONDITION** it to prevent amplified music or other amplified sounds, in line with the conditions for the padel court application ref https://pa.bristol.gov.uk/online-applications/files/A1C4955F071953A8660E9A9643BC5862/pdf/24_00137_F-GRANTED-3809389.pdf as this will impinge on Badock's Wood as a nature and recreation space.

The City Council has imposed the following condition on the adjacent retrospective Padel Courts application: *"There must be no playing of amplified sound within the boundary of the site, as defined by the redline boundary shown on the approved Site Location Plan.*

Reason: To protect the amenity of neighbours and to mitigate impacts on wildlife."

There are few places in the City where anyone can find peace and quiet and notwithstanding the drone of the existing plant at David Lloyd's site, there is at least no music or other noises to affect people's quiet enjoyment of the site. It is bad enough having the plant noise, and we are always hopeful that when it is eventually replaced it will be upgraded to something much quieter.

4. Climate impacts

Friends of Badock's Wood, as a nature conservation organisation, is very concerned about climate change. The application has failed to provide information on how this energy intensive sauna, heated in/outdoor pool etc is compliant with the extant and emerging Bristol Local Plan policies on energy use.

4.1 Non-compliance with Local Plan Policies BCS14 and BCS15

The applicant is well aware not only of the existing Local Plan policies but also of the details of the emerging Local Plan because they referred to both in their Planning Statement and stated that the emerging Local Plan was a material consideration when preparing this application. Saunas and open-air heated pools will consume significant amounts of energy and this has not been addressed in this application.

Policy BCS14 states that: *"Development in Bristol should include measures to reduce carbon dioxide emissions from energy use in accordance with the following energy hierarchy:*

- 1. Minimising energy requirements;*
- 2. Incorporating renewable energy sources;*
- 3. Incorporating low-carbon energy sources."*

No information is provided on energy efficiency measures and no renewable or low carbon energy sources have been proposed nor any rationale for why they have not been included.

Whilst we understand that the club has "deemed approval" from the Planning authority for solar photovoltaic panels, none have been installed. It is not clear that there are even any plans to do so in the near future. Even if they are they will not power any of the buildings' space or swimming pool heating nor sauna, steam room, hydro pool etc. which all rely upon the use of fossil fuelled gas fired boilers.

Despite assertions by David Lloyd on their website that in order to become Net Zero by 2030 they will be installing heat pumps this proposal is to install a Stratton Mk2 gas fired boiler not an Air or Ground Source Heat Pump. The gas fired boiler is highly unlikely to contribute either to the applicant's or the City's net zero plans. Such a boiler will be in place and burning fossil fuels for possibly decades.

Similarly their fireplace would be constructed from imported Brazilian Slate and intends to burn fuel in an open fireplace. This is not sustainable and will also contribute to increased climate impacts

The failure to provide any assessment of compliance with BCS14 for such an energy intensive development is sufficient to refuse the application. However if the Planning Inspectorate is minded to approve the application we ask that a **CONDITION** be applied seeking prior to commencement of development the applicant submit a Sustainability Statement as required by the local plan, which should set out measures to reduce CO2 emissions from energy use in accordance with the energy hierarchy. This should propose the use of Heat Pump technology, in line with their own sustainability policy, or demonstrate why such a technology would be technically feasible in this development. It should also demonstrate how it will achieve the new local plan requirements for BREEAM excellent status.

5. Failure to comply with Biodiversity Net Gain requirements

The Biodiversity Net Gain Report is not an accurate assessment of the development as described in the Planning Statement and the Design and Access Statement. Specifically, it does not address the habitat loss caused by the creation of 9 new parking spaces on land that is currently grassland, shrub and trees. This report is therefore inaccurate and the calculations on which the statutory BNG metrics have been based are incorrect. Either the application should be refused as not compliant with the BNG requirements or it should be redone prior to the determination of the application as there may not be an achievable solution on site

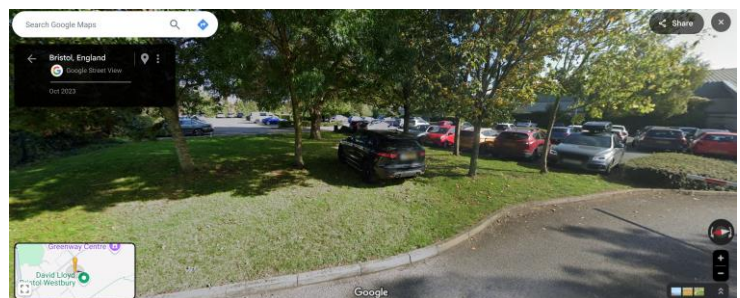
The Planning Statement, para.4.5, states: *“12 car parking spaces are to be created as part of these resubmitted proposals within the main car parking area of the Club”* These are shown on in the Design and Access Statement Version G, Fig.12 Proposed Site Plan. The plan does not have a key but there are 12 parking spaces shown in grey shading that have been added to those shown in Fig.11 Existing Site Plan. Of these 9 are located in areas of the site where there are currently trees (2), shrub (5) and grassland (2).

Plan BNG2 Post-Development Habitats is incorrect and not consistent with the Planning Statement and the Design and Access Statement because:

- a) It does not accurately reflect the current situation – an area of shrub/trees is incorrectly shown as developed land, adjacent to the roadway which runs to the rear of the building. This is proposed to be converted to 3 parking spaces of 35-40m². If this is the basis of the calculations for BNG then the existing shrub area is higher than reported and there is a loss of that area of shrub.
- b) It does not show the creation of 9 new parking spaces on land that is currently grassland, shrub and trees.
 - Para 4.3 states that the grassland area near the site entrance is to be retained and enhanced. However, as described below part of that area is to be converted to two parking spaces.
 - It shows retained trees in the section of car park landscaping near to the main building entrance. However, the Design and Access Statement shows removal of two “medium” trees with a canopy of approximately 40m² as measured from google maps. This reduction in tree canopy has not been accounted for in the BNG calculation which show all trees as being retained.

We also have concerns about the deliverability of the biodiversity improvements proposed:

- It is proposed that 4 small trees are planted in the car park as part of the BNG. At one of these locations there is a lighting column in the Shrub bed.
- The location of the additional nature hedgerow is not shown and there are no areas of the site where one could imagine this being deployed.
- The suggested enhancement of the grassland by the entrance is to create a meadow and suggests seed mix Emorsgate EM2. The area is almost entirely below the canopy of trees and yet the ecology consultants have suggested species that are actually suited for an open meadow not beneath tree canopies.
- The area of grassland earmarked for enhancement is regularly used as overflow car parking. This image from Google Maps from October 2023 shows a car parked on it and the signs of regular use adjacent. What measures will be put in place to ensure that this use does not continue on the “enhanced” grassland.



6. Impact on Trees

The Tree Report (Arboricultural Survey Impact Assessment and Arboricultural Method Statement) includes a Site Plan (Image 1) which shows the location of the Spa Garden in Red, and the whole site ownership boundary in blue (although the caption refers to an “indicative yellow line” which is not shown on the plan). Para 2.5 notes that the assessor has “annotated the trees and groups T1-T7”. These are only those trees adjacent to the spa garden and does not include work planned for the car park, namely the removal of trees to create new parking spaces and the creation of two parking spaces under the canopy of one of the largest trees on site. The Tree Report therefore fails to fully accurately assess the impact of the development nor put in place measures to protect mature trees from damage.

The image below from Google Maps from October 2023 shows the area where two parking spaces are proposed. This area is clearly below the canopy of the “Retained Mature Tree” shown on the map. Because the Tree Report did not consider the trees in the car park no tree protection measures are proposed for this substantial willow noted in the ecological report.



We ask that a **CONDITION** is applied to update the Tree Assessment to address the car park parts of the development and that a plan for the protection of trees be submitted and approved prior to the commencement of any works on site.

7. Artificial Grass

The use of Artificial Grass which is proposed in this application is contrary to the Local Plan policies and is not permitted.

Policy BG1: Green infrastructure and biodiversity in new development refers.
The policy text states:

“Artificial grass

Developments should not include artificial grass within their landscape schemes or as part of the provision of private or communal open space.”

This proposal does not have anything within it that makes a positive contribution to biodiversity nor nature conservation. There are none of the suggested additions listed in the policy. No green roofs or green walls, it is unclear if the non artificial grass areas would be sustainable drainage and if so how this would be achieved.

We ask that a condition to prohibit the use of artificial grass be applied.

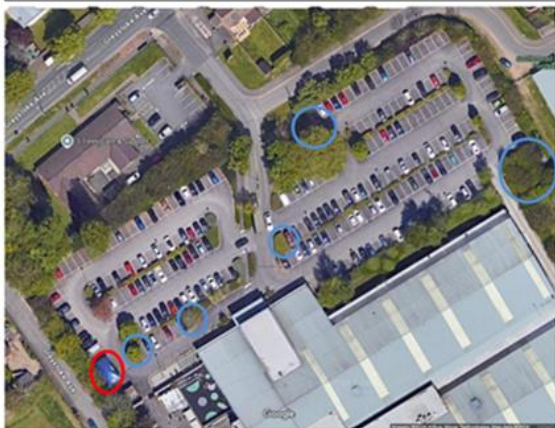
8. Traffic and Parking issues

The Transport Technical Note incorrectly describes the numbers of car parking spaces, completely ignoring the fact that several car parking spaces are taken up with a commercial car wash which has been operating there, to our certain knowledge, since at least 2011 and is continuing to operate today. See diagram below.

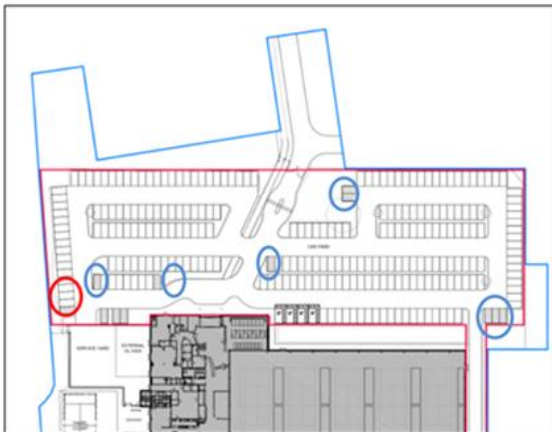
This is yet another example of the applicant submitting erroneous information in their planning application.

David Lloyd's proposals to increase parking spaces in their car park will lead to loss of green areas, trees and shrubs as outlined in the graphics below. In addition their existing and proposed parking drawings have consistently misrepresented the numbers of existing available spaces as they have failed to show the Car Wash which has been operating out of their car park for over 10 years.

Current car parking arrangements at David Lloyd Club from Google Maps aerial photo



Proposed Car Parking arrangements in DL submitted plan 379323



Existing car wash which is not shown in either existing or proposed site layout. Existing car wash takes up about 3-4 car parking spaces at the moment and the site includes one of the proposed additional spaces. So the plan would be 4 – 5 spaces less than shown.



Sites ringed in blue which are proposed as additional car parking spaces are all currently green. Most have mature trees and shrubs and some are grassed – as can be clearly seen in the aerial photo from Google Maps.