



**PINS ref: S62A/2024/0070**

**Bristol City Council ref: 24/04400/PINS**

**Application for planning permission for erection of extension to the existing club to extend internal spa facilities and the installation of a spa garden which includes a sauna, plant room and store, the creation of additional parking spaces and associated works.**

**David Lloyd, Greystoke Avenue, Southmead, Bristol City, BS10 6AZ**

**Local Planning Authority assessment and statement**

**17.12.2024**

#### DETERMINATION MANNER

The Local Planning Authority (LPA) considers that the application could be determined via written representations.

#### SITE DESCRIPTION

The application site is an existing gym and leisure centre, located to the southeast of Greystoke Avenue, in the Southmead ward of Bristol. The site is currently used for vehicle parking. Three trees subject to Tree Preservation Orders (TPOs) lie immediately to the west of the redline boundary.

#### PROPOSED DEVELOPMENT

The proposed development is as per the description of development. No trees are to be lost. Additional planting is proposed within the redline boundary. Additional parking spaces are proposed to compensate for those lost. The applicant also proposes a turntable to facilitate servicing and deliveries, as shown on the plans.

#### RELEVANT PLANNING HISTORY

24/00137/F      Retrospective application for two padel courts, social area, and associated flood lighting.

Approved 22.11.2024

23/03541/F Erection of extension to the existing club to extend internal spa facilities and the installation of spa garden which includes a hydro pool, sauna and plant room.

Withdrawn 29.05.2024. The current application is a resubmission of this previously-withdrawn application.

06/01273/X Variation of condition 17 of planning permission ref. 99/00597 to allow hours of operation of the club from 06.30 - 0.00 Sundays to Thursdays and from 06.30 - 01.00 Fridays and Saturdays with the use of outdoor facilities continuing to cease at 22.00 daily and the use of indoor sporting activities to cease at 23.00.

Refused 23.05.2006

99/00597/F Erection of a building to house tennis courts, gym, pool, aerobics studio, squash courts, restaurant and pro shop. Formation of 6 outdoor courts, outdoor pool and car park. Access from Greystoke Avenue.

Approved 14.04.2000

#### RESPONSE TO PUBLICITY AND CONSULTATION

The application was publicised via neighbour letters with a deadline date of 17.12.2024. This is also the date of the deadline for submitting this statement. At the time of writing no comments were received from neighbours. If any comments are subsequently received, these will be forwarded to PINS with confirmation of whether or not any comments received change the LPA's assessment of the case.

The **Transport Development Management officer** made the following comments:

The Transport Development Management officer made verbal comments which have been incorporated into the relevant key issue on transport below.

The **Nature Conservation officer** made the following comments:

Documents referenced:

Ecological Assessment, David Lloyd, Westbury (Ecology Solutions, October 2024)

Biodiversity Net Gain Report, David Lloyd, Westbury (Ecology Solutions, October 2024)

Detailed Response:

The site is located in a suburban area and is not within any designated wildlife sites, however the southern boundary of the site abuts a Focus Area for Nature Recovery, in the newly published (07/11/2024) Local Nature Recovery Strategy for the West of England. Badocks Wood SNCI is to the southeast of the site (185m at the closest point).

The supporting documents listed above appropriately describe the ecological features of the site and immediately surrounding habitats. The ecological assessment does not make reference to the new Local Nature Recovery Strategy.

Badgers are known to be present within the locality, though no presence of setts has been confirmed within 30m of the site boundary. A precautionary method of working during construction is recommended and this is welcomed, and the measures set out in the Ecological Assessment are considered sufficient.

There are no features suitable for use by roosting bats within or immediately adjacent to the application site; however it is likely, given the surrounding landscape, that bats utilise the linear vegetated feature along the southern boundary of the site, as a foraging and commuting habitat. There is likely to be some local disturbance to bats in the event that artificial external lighting is not designed with bats in mind. Recommendations for lighting to be low-level have been made within the Ecological Assessment report. BCC would welcome 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. The ecological assessment report (5.4.10) makes recommendation for the development to provide new roosting features. As such, the provision of tree mounted bat boxes is recommended for inclusion, by way of condition.

No vegetation suitable for use by nesting birds (ie trees and shrubby vegetation) is due for removal as part of the development. No vegetation shall be removed (including pruning, limb removal, pollarding or other works) as a result of development. Recommendations to provide additional nesting opportunities through the installation of bird boxes are welcomed as ecological enhancement.

No other protected species are likely to be present within the site of immediately adjacent habitats.

The Biodiversity Net Gain (BNG) Assessment and accompanying metric (author, date) calculates a 15.78% gain in habitat units and a 10.72% gain in hedgerow units. The enhancement to existing grassland habitats is welcomed, as it's the creation of new grassland habitats and the provision of 4 small trees. The location of the proposed created hedgerow and introduced shrub has not been made clear in the application documents.

In summary:

1. Recommendations for bat and bird boxes can be secured by way of an Ecological Mitigation and Enhancement Strategy.

2. Impacts upon bat species as a result of artificial lighting at night can be minimised / avoided through the implementation of a Lighting Plan.
3. Recommendations for a precautionary method of working with respect to badgers, nesting birds, and vegetation retention, can be secured by way of a biodiversity focussed Construction Environmental Management Plan and a Tree Protection Plan (which should include the group of trees to the west of the development, and the treeline immediately to the south).
4. Further details of planting schedules and location/extent, including 30-year management prescriptions, shall be included within a Habitat Management and Monitoring Plan in accordance with BNG requirements.

Recommended conditions:

#### 1. Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES).

This shall include details of the provision of bird and bat boxes. The bird boxes must include provision for house sparrow where possible.

The location, specification, height and orientation of these features shall be shown on a site plan. The locations specified should give consideration to artificial lighting provided as part the proposals, ensuring that lighting levels within the vicinity of habitat boxes is aligned with Guidance Note GN08/23 - Bats and Artificial Lighting At Night (Institution of Lighting Professionals 2023).

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (a) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible;

(b) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2024) which states (in paragraph 187) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'.

(c) According to paragraph 198 of the National Planning Policy Framework (2024), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

\* House sparrow is a Priority Species in the Bristol Biodiversity Action Plan

#### 2. Lighting Plan

Prior to the commencement of the development hereby approved, details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority.

The Lighting Plan shall demonstrate consideration of latest best practice guidance 'Bats and Artificial Lighting at Night' ILP Guidance Note GN08/23, and shall seek to ensure no additional light spill outside of the site boundaries, particularly along the tree line to the south of the development site, which is a Focus Area for Nature Recovery in the Local Nature Recovery Strategy.

The Lighting Plan shall include two lux level contour plans, one showing existing levels, and one showing post development lux levels. The contour plans shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The consideration of artificial lighting from both internal and external sources should be considered within the lighting plans, in accordance with the Guidance Note referenced above.

The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g cowls. It should be noted however that the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely (ILP, GN8, paragraph 4.29); rather, good lighting design should seek to avoid the need for cowls.

The lighting on the site will:

- Use narrow spectrum light sources to lower the range of species affected by lighting
- Use light sources that emit minimal ultra-violet light
- Avoid white and blue wavelengths of the light spectrum to reduce insect attraction; where white light sources are required in order to manage the blue short wavelength content they should be of a warm / neutral colour temperature <2,700 kelvin.
- All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources will not be used.
- Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.

Development shall be undertaken in accordance with the approved details.

Reason: a. Bats and otters are legally protected species (under Schedule 5 of The Wildlife and Countryside Act 1981)

b. Paragraph 198 of the National Planning Policy Framework (2024) states that 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

### 3. Biodiversity focussed Construction Environmental Management Plan (CEMP)

Prior to commencement of the development hereby approved, the applicant shall submit a standalone biodiversity-focussed Construction Environmental Management Plan (CEMP) for approval by Bristol City Council.

This shall include measures to comply in full with the recommendations made in the Ecological Assessment (Ecology Solutions, November 2024), i.e to prevent impacts on retained habitats and protected species which may be present on site, during all phases of works, including site clearance activities and demolition.

The CEMP shall outline known risks and implement relevant mitigation, identify (through the inclusion of maps/plans) ecologically sensitive areas, and identify roles and responsibilities, including when and where ecological supervision (or on-site guidance) is required.

Provision shall be made within the CEMP for

1. Personnel responsible for CEMP implementation, communication and the appointment of an Ecological Clerk of Works (ECOW) to undertake site visits and to supervise ecologically sensitive operations
2. Biodiversity Protection Zones
3. Toolbox Talk
4. Method Statements for nesting birds, a bat sensitive lighting strategy, Precautionary Method of Working for badgers (in accordance with recommended measures set out in the Ecological Assessment).

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reasons: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.

#### 4. BNG Condition

The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme;
- i) Details of the persons responsible for the implementation and monitoring;

j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and

k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

l) GIS Shapefiles of pre- and post- development habitat areas, and any hedgerows and watercourses within the red line boundary

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

#### Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bristol City Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

The **Pollution Control officer** made the following comments:

I have looked at the above application and the noise assessment submitted with it and would comment as follows:

The noise assessment, dated 2 August 2024, is based on a previous layout for the spa It being different from the layout shown on the site plan submitted with this application, dated 9 October 2024.

The noise assessment looks at both noise from plant associated with the spa and noise from customers using the outside area of the spa. The assessment of both noises being based on the extrapolation of noise from plant or human speech over distance to the nearest residential property taking into account some boundary screening. As the layouts of both the outside spa area and plant rooms are different in the plans than the noise assessment I do not feel that the predicted noise levels in the assessment will necessarily give an accurate reflection on noise levels the site layout as shown on the plans. Any updated noise assessment may find that different/higher boundary treatments of different layouts for the spa area will be required.

Without prejudice to the above, if the noise assessment can be suitably amended or deemed that it does properly reflect the proposed layout then I would comment as follows:

## Plant noise

Plant noise has been assessed in accordance with BS4142:2014. The assessment is based in on background noise levels at nearby residential properties. Noise levels for the assessment were taken further away from David Lloyd, than the nearest residential property, to avoid any influence on existing noise from David Lloyd including noise from plant at David Lloyd. I understand noise from existing plant is currently the subject of a complaint to the Council's Neighbourhood Enforcement Team.

A number of background readings were taken which are said to vary considerably due to weather conditions. The assessment has been based on the lowest background levels measured of 34 dBA during the day and 32 dBA at night. This could be considered a more stringent choice of background level as the British Standard regarding background levels states that 'the objective is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods'.

Comparison of the predicted noise from the proposed plant of 23 dB, at the nearest residential property, against these background levels show that noise from the plant will be in compliance with Bristol City Council usual requirement that in accordance with BS4142 plant noise will be at least 5 dB below the background noise level both during the day and at night. I also feel that this shows that there will be no perceptible cumulative increase in noise from David Lloyd even at the times when background noise is at its lowest.

## Customers using the spa

An assessment has been made of noise from customers based on a comparison of the predicted noise from customers against the prevailing ambient noise level taken mid-morning on a weekday. The predicted noise of people at 39 dBA being below the prevailing ambient noise level of between 43 dBA and 49 dBA. The report finds that at this level 'Speech noise may, at times, be heard or noticeable, however, with an absolute level of 39 dBA, it is not expected to be intrusive or cause changes in behaviour'. I would agree with this.

Under the previous application it was confirmed that there would be no consumption of alcohol or party type events at the spa. This appears to be the case for this application too and I feel this restriction of such activities should go a long way to reducing noise from more exuberant behaviour. The applicant also agreed to a condition requiring the provision and compliance with a management plan to cover the use of the outdoor spa. I would ask that such a condition be considered for this application in order to minimise any noise from the spa.

## Noise from music

The assessment also considers noise from any music that would be played in the outdoor spa. Music is said to be gentle and for ambience only as the intention for the area is 'for quiet contemplation and relaxation'. Maximum music noise levels have been calculated which are above what would be considered gentle or ambient. I therefore feel that music can be played without causing any harm to nearby residents. Control of music levels can also be covered by the management plan detailed above.



Finally the application is for the spa to operate until 22.00 during the week and 21.00 at weekends. The noise assessment finds that noise from the speech from customers using the spa Speech noise may, at times, be heard or noticeable. As the potential for any noise disturbance is likely to increase as time progresses through the evening I feel that a 21.00 finish time for the use of the spa during the week would be more appropriate. This would be in line with the finish time at weekend and the finish time for the padel courts recently granted permission under 24/00137/F.

If the application is to be granted then I would ask that the following conditions be added to any approval:

#### 1. Noise from development

No commencement of use shall take place until an updated assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and approved in writing by the Council.

The assessment shall include noise plant & equipment and customers using the spa.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

#### 2. Outdoor Spa Management Plan

No commencement of use shall take place until there has been submitted to and approved in writing, by the Council, an Spa Garden Management Plan, setting out details of times the areas will be used, numbers of customers that will use specific areas at any one time, how areas will be used and supervised, how music levels will be controlled and how any noise issues or complaints will be dealt with. The approved outdoor management plan shall be complied with throughout the duration of the use.

#### 3. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background noise level as determined by BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

#### 4. Artificial Lighting (external)

Any light created by reason of the development shall not exceed the maximum values of vertical illuminance on premises as detailed in table 3 of the Institute of Light Engineers Guidance Note 01/21 The Reduction of Obtrusive Lighting [REDACTED]

The **Arboricultural officer** made the following comments.

The footprint of the spa close to the protected trees onsite has not expanded since I saw and agreed to the previously submitted arboricultural method statement and Tree Protection Plan for the site from RMT Tree Consultancy, re-submitted here. I do not believe any of the other changes to the scheme impact on trees. I am therefore content for the proposal to go ahead with conditions, as below, that ensure the tree protection details are adhered to, and a suitable landscape condition.

#### Protection of Retained Trees during the Construction Period

No work of any kind shall take place on the site until the protective barriers and/or ground protection have been erected around the retained trees, in the position and to the specification shown on Drawing No. TPP RMT908 from RMT consultancy. Once installed photos should be electronically sent to the Local Authority Case Officer, to be verified in writing by the Tree Officer. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Under no circumstances should the tree protection be moved during the period of the development and until all works are completed and all materials and machinery are removed. Landscaping works within protected areas is to be agreed with the Local Planning Authority and carried out when all other construction and landscaping works are complete.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

#### Arboricultural method statement ' During construction

The applicant/developer shall ensure that all works within the root protection area of retained trees must follow the detailed methodology with the RMT Tree Consultancy arboricultural method

statement. In the instance that major roots are found then further consultation with an arboriculturist will be required, any changes to the specified methodology must be agreed in writing by the local planning authority.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

The **Flood Risk officer** made the following initial comments:

“There are no surface water drainage details accompanying this application. In accordance with the Planning Application Requirements Local List September 2024, we would expect to see this within a Sustainability Statement for this type of application. This would include sustainable drainage under policy driver, BCS16 Flood Risk and Water Management. On those grounds I would recommend for a refusal.”

Following a question from the case officer as to whether these concerns could be covered by a condition, the Flood Risk officer made the following further comments:

“We do like to know that there is a reasonable way to drain the site, at least in principle, in advance of gaining planning consent. This is to avoid any issues down the line, such as Wessex Water refusal for a sewer connection for instance, which has occurred before. That is rare though and usually some kind of drainage alternative is feasible. Though we would rather have more information upfront in the earlier stages of the planning process, the following condition should do enough to enable this.

### **B35A Sustainable Drainage System (SuDS)**

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.”

## **LPA ASSESSMENT OF KEY ISSUES**

### **1. Principle of development**

The proposals are already in use as a private gym and leisure facility and an extension to provide further leisure facilities raises no in-principle concerns.

## **2. Transport and highways**

Policy BCS10 states that developments should ensure the provision of safe streets. Policy DM23 states that development proposals will be expected to:

“Provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the parking standards, the parking management regime and the level of accessibility by walking, cycling and public transport; and provide appropriate servicing and loading facilities”

The previous application was withdrawn, following officer concerns relating to parking. The LPA still has concerns and objects to the application, as it has not been demonstrated that concerns have been overcome.

The LPA has evidence in the form of photographs of the application site being used for the parking of staff vehicles, visitors, and service vehicles. The LPA also has photographs of the current main car park being very heavily used, with unsafe parking on double-yellow lines and grass verges. In addition, Bristol City Council has received comments about cars being parked illegally on the main access road into the site (off Greystoke Avenue). Whilst this is an unadopted road, it is still relevant, as it shows that there are pressures on parking (the main access to the site). It therefore needs to be considered where displaced vehicles (that would previously have used the site of the proposed spa) would park and how the site would be serviced.

The application is supported by a Parking Survey, which demonstrates that there would be capacity within the car park. Whilst the LPA has no reason to doubt the results of the survey, it does appear to contradict the photographic evidence that we have. The applicant states that the proposed spa will not increase the demand for car parking spaces, as the facilities are provided for existing members (Planning Statement para 6.19). However, it is reasonable to expect visitor dwell times to increase, as a result of the facilities. In addition, existing members may potentially make more trips as a result of the enhanced facilities. The parking survey does show times when the existing car park is close (within 10%) of capacity. Some additional parking is proposed by the applicant, as set out in the application. However, overall, given the photographic evidence that the LPA has, and also the expectation that existing members may visit more often and stay longer, the LPA considers that it does not appear that the site has capacity to accommodate any additional visitor parking demand safely. For these reasons the LPA objects to the application, and considers it contrary to policy BCS10 of the Bristol Development Framework Core Strategy (June 2011) and policy DM23 of the Site Allocations and Development Management Policies (July 2014).

In terms of servicing, the proposed turntable is not of a sufficient size to be useable, but the applicant has shown an alternative servicing location, in the form of a service yard to the northwest of the site, and this is considered to be suitable.

Photographs received in connection with the previous application are attached as an appendix to this response.

## **3. Nature conservation**

Policy BCS9 states that national and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. Policy DM19 states that:

"Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network. [officer note: the site does not fall within the defined Wildlife Network, though it is adjacent to it].

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided."

Officers had concerns about nature conservation in relation to the previously-withdrawn application. No ecological appraisal had been undertaken for that application, and so it had not been demonstrated that protected species would not be unacceptably affected. As set out in the comments from the Nature Conservation officer, matters relating to nature conservation have now been resolved. An ecological appraisal accompanies the current application, and this does not raise any issues that cannot be dealt with via the inclusion of conditions.

Since the submission of the previous application, the requirement for development to achieve at least a 10% Biodiversity Net Gain (BNG) has come into force. The application is accompanied by a BNG report, which demonstrates that a minimum 10% BNG can be achieved onsite, and a condition has been added to secure this.

Other conditions as suggested by the Nature Conservation officer are also included in the LPA's draft list of conditions.

#### **4. Noise pollution**

Policy BCS23 states that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity by reason of noise or light (as well as other forms of pollution). Policies DM33 and DM35 state that development which has the potential to cause unacceptable pollution impacts on environment amenity (including noise) should provide an appropriate scheme of mitigation.

As set out in the comments from the Pollution Control officer, the noise assessment submitted in support of the application is based on the layout of the spa extension that was the subject of the previously withdrawn application. The layout of the proposals has now changed, but this is not reflected in the noise assessment. Therefore, the predicted noise levels in the assessment are not necessarily accurate and an updated noise assessment may find that different noise levels are predicted; this may necessitate different noise mitigation.

The Pollution Control officer has made further comments which are set out above, and concludes that in order for the proposals to be made acceptable in terms of noise pollution, a number of conditions would be required. The conditions include the requirement for an updated noise report

which reflects the proposed new spa layout; there may be additional mitigation measures that would arise from the recommendations of a revised noise report.

In terms of hours of operation, the Pollution Control officer has advised that a 21:00 finish time for weekdays would be more appropriate than the proposed 22:00. Previous application 24/00137/F for two padel tennis courts at the same David Lloyd facility was approved at planning committee in November 2024 (decision issued 22.11.2024). This permission included a condition restricting use of the padel tennis courts to 21:00. In terms of a start time, the application form proposes a 06:00 opening time. In noise terms, daytime starts at 07:00 and so it would seem reasonable to limit the hours of operation to an 07:00 start.

## **5. Trees**

Policy BCS9 states that individual green assets should be retained wherever possible, and that appropriate mitigation of the lost green infrastructure assets will be required. Policy DM17 states that all new development should integrate important existing trees.

With reference to the comments from the Arboricultural officer, there are no concerns about trees, subject to the inclusion of conditions. The tree report submitted (including the tree protection plan) show older layouts that have been superseded, but the tree protection measures would still be relevant to the currently-proposed layout.

## **6. Surface water drainage**

With reference to the comment submitted by the Flood Risk officer, no information on drainage has been submitted, apart from the application form, which states that foul and surface water drainage will be disposed of to the main sewer. Policy BCS16 states that all development will be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SuDS). As set out by the Flood Risk officer, the lack of information is not ideal, but could be covered by a condition, if PINS is minded to approve the application. The applicant has stated that surface water drainage would be to mains sewer, but there appears to be space within the site to incorporate some form of SuDS.

**CONCLUSION:** Given the photographic evidence that the LPA has, and also the expectation that existing members may visit more often and stay longer, the LPA considers that it does not appear that the site has capacity to accommodate any additional visitor parking demand safely. For these reasons the LPA objects to the application and considers it to be contrary to policy DM23 and policy BCS10. Other matters are considered resolved or can be dealt with via condition.

## **APPENDIX 1**

The following photographs have previously been sent to us by a neighbour in connection with the previous application (23/03541/F):







## **WITHOUT PREJUDICE CONDITIONS**

Should PINS decide to approve the application, the LPA would advise the following conditions be incorporated:

### **Time limit**

#### ***Full Planning Permission***

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Pre-commencement conditions**

#### ***Sustainable Drainage System (SuDS)***

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.”

#### ***Noise from development***

No commencement of us shall take place until an updated assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and approved in writing by the Council.

The assessment shall include noise plant & equipment and customers using the spa.

If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To protect the amenity of neighbours.

### ***Ecological Mitigation & Enhancement Strategy (EMES)***

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES).

This shall include details of the provision of bird and bat boxes. The bird boxes must include provision for house sparrow where possible.

The location, specification, height and orientation of these features shall be shown on a site plan. The locations specified should give consideration to artificial lighting provided as part the proposals, ensuring that lighting levels within the vicinity of habitat boxes is aligned with Guidance Note GN08/23 - Bats and Artificial Lighting At Night (Institution of Lighting Professionals 2023).

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (a) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible;

(b) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2024) which states (in paragraph 187) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'.

(c) According to paragraph 198 of the National Planning Policy Framework (2023), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

\* House sparrow is a Priority Species in the Bristol Biodiversity Action Plan

### ***Lighting Plan***

Prior to the commencement of the development hereby approved, details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority.

The Lighting Plan shall demonstrate consideration of latest best practice guidance 'Bats and Artificial Lighting at Night' ILP Guidance Note GN08/23, and shall seek to ensure no additional light spill outside of the site boundaries, particularly along the tree line to the south of the development site, which is a Focus Area for Nature Recovery in the Local Nature Recovery Strategy.

The Lighting Plan shall include two lux level contour plans, one showing existing levels, and one showing post development lux levels. The contour plans shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The consideration of artificial lighting from both internal and external sources should be considered within the lighting plans, in accordance with the Guidance Note referenced above.

The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g cowls. It should be noted however that the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely (ILP, GN8, paragraph 4.29); rather, good lighting design should seek to avoid the need for cowls.

The lighting on the site will:

- Use narrow spectrum light sources to lower the range of species affected by lighting
- Use light sources that emit minimal ultra-violet light
- Avoid white and blue wavelengths of the light spectrum to reduce insect attraction; where white light sources are required in order to manage the blue short wavelength content they should be of a warm / neutral colour temperature <2,700 kelvin.
- All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources will not be used.
- Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.

Development shall be undertaken in accordance with the approved details.

Reason: a. Bats and otters are legally protected species (under Schedule 5 of The Wildlife and Countryside Act 1981)

b. Paragraph 198 of the National Planning Policy Framework (2024) states that 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

### ***Biodiversity focussed Construction Environmental Management Plan (CEMP)***

Prior to commencement of the development hereby approved, the applicant shall submit a standalone biodiversity-focussed Construction Environmental Management Plan (CEMP) for approval by Bristol City Council.

This shall include measures to comply in full with the recommendations made in the Ecological Assessment (Ecology Solutions, November 2024), i.e to prevent impacts on retained habitats and protected species which may be present on site, during all phases of works, including site clearance activities and demolition.

The CEMP shall outline known risks and implement relevant mitigation, identify (through the inclusion of maps/plans) ecologically sensitive areas, and identify roles and responsibilities, including when and where ecological supervision (or on-site guidance) is required.

Provision shall be made within the CEMP for

1. Personnel responsible for CEMP implementation, communication and the appointment of an Ecological Clerk of Works (ECOW) to undertake site visits and to supervise ecologically sensitive operations
2. Biodiversity Protection Zones
3. Toolbox Talk
4. Method Statements for nesting birds, a bat sensitive lighting strategy, Precautionary Method of Working for badgers (in accordance with recommended measures set out in the Ecological Assessment).

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reasons: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.

### ***BNG Condition***

The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme;
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation

calculations at each stage.

l) GIS Shapefiles of pre- and post- development habitat areas, and any hedgerows and watercourses within the red line boundary

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

### ***Protection of Retained Trees during the Construction Period***

No work of any kind shall take place on the site until the protective barriers and/or ground protection have been erected around the retained trees, in the position and to the specification shown on Drawing No. TPP RMT908 from RMT consultancy. Once installed photos should be electronically sent to the Local Planning Authority Case Officer, to be verified in writing by the Tree Officer. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Under no circumstances should the tree protection be moved during the period of the development and until all works are completed and all materials and machinery are removed. Landscaping works within protected areas is to be agreed with the Local Planning Authority and carried out when all other construction and landscaping works are complete.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

### **Pre-occupation conditions**

#### ***Outdoor Spa Management Plan***

No commencement of use shall take place until there has been submitted to and approved in writing, by the Council, an Spa Garden Management Plan, setting out details of times the areas will be used, numbers of customers that will use specific areas at any one time, how areas will be used and supervised, how music levels will be controlled and how any noise issues or complaints will be dealt with. The approved outdoor management plan shall be complied with throughout the duration of the use.

Reason: To protect the amenity of neighbours.

## **Post-occupation conditions**

### ***Arboricultural method statement ' During construction***

The applicant/developer shall ensure that all works within the root protection area of retained trees must follow the detailed methodology with the RMT Tree Consultancy arboricultural method statement. In the instance that major roots are found then further consultation with an arboriculturist will be required, any changes to the specified methodology must be agreed in writing by the local planning authority.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

### ***Noise from plant & equipment***

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background noise level as determined by BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of neighbours.

### ***Artificial Lighting (external)***

Any light created by reason of the development shall not exceed the maximum values of vertical illuminance on premises as detailed in table 3 of the Institute of Light Engineers Guidance Note 01/21 The Reduction of Obtrusive Lighting [REDACTED]

Reason: To protect the amenity of neighbours.

### ***Hours of operation***

The development hereby approved shall only be used between the hours of 07:00hrs to 21:00hrs Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of neighbours.

### **Informative relating to BNG**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bristol City Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of

the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.