



## Decision Notice and Statement of Reasons

Site visit made on 17 December 2024

**By Bhupinder Thandi BA (Hons) MA MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 31 January 2025**

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**Application Reference: S62A/2024/0070**

**Site address: David Lloyd, Greystoke Avenue, Southmead, Bristol BS10 6AZ**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Bristol City Council.
  - The application dated 28 October 2024 is made by David Lloyd Leisure Ltd and was validated on 12 November 2024.
  - The development proposed is 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.
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### Decision

1. Planning permission is granted 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 in accordance with the terms of the application, dated 28 October 2024, subject to the conditions set out in the schedule below.

### Statement of Reasons

#### Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 18 November 2024 which allowed for responses by 17 December 2024. BCC submitted a report on 17 December 2024 setting out their objections to the proposed development. A number of interested parties and local residents also submitted responses.

4. Some of the consultation and local resident responses raised issues that required further information. These include responses in respect of nature conservation, noise and highways. Having regard to the Wheatcroft Principles, I accepted additional information dated 9 January 2025 in response to those comments and a targeted re-consultation was carried out. The first of these additional submissions led to the agreement of an extension of time to the determination period to 4 February 2025. I have taken account of all written representations in reaching my decision.
5. I carried out an unaccompanied site visit, on 17 December 2024, which enabled me to view the site and the surrounding area.
6. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

### **Main Issues**

7. Having regard to the application, the consultation responses, comments from interested parties, the Council's report, together with what I saw on site, the main issues for this application are:
  - the effect of the proposed development upon the safe and efficient operation of the local highway network;
  - the effect of the proposal upon the living conditions of nearby occupiers in respect of noise; and
  - the effects upon protected species and biodiversity.

### **Reasons**

#### *Safe and efficient operation of the local highway network*

8. The proposed spa and garden would be located on an area of hardstanding used as an informal overspill parking area for around 20 vehicles. This area would be lost as a result of the proposal with 12 spaces being re-provided in the main car park located in front of the leisure centre. The re-configured car park would provide a total of 259 spaces for vehicles.
9. I have considered the applicant's Parking Beat Survey covering two days during the summer. Whilst existing parking demand fluctuates during the day the survey indicates at peak times that around 10% spare capacity exists. Even accounting for the reduction in the total number of spaces there would be some spare capacity during peak hours.
10. I acknowledge that surveys cannot predict with absolute certainty the availability of parking spaces in an area. Nonetheless the survey indicates capacity exists within the car park to accommodate the proposed development even accounting for a small reduction in the overall number of spaces.

11. Given the length of time patrons would spend using the facilities and the spa garden they are likely to park more considerately in designated areas rather than in an indiscriminate and inconsiderate manner.
12. At the time of my site visit on a weekday lunchtime I observed that spaces were available within the car park. I also observed a reasonable flow of traffic in and out of the car park. Whilst this is a snapshot in time there were no obvious signs of congestion or parking stress within the car park or the surrounding area.
13. I have been provided with photographic evidence demonstrating instances of inconsiderate parking within the car park. However, there is no substantive information before me to suggest that this is a regular occurrence. As it is a private car park it would be at the discretion of the operators of the leisure centre to enforce any perceived parking contraventions.
14. Representations have also been received indicating instances of illegally parked vehicles on the access road. However, this is essentially anecdotal. The access not only serves the leisure centre, but also a number of premises located within the Greenway Centre. I have not been provided with any evidence to indicate that such instances are solely due to the actions of members of the leisure centre. Consequently, I give very limited weight to these matters in coming to my decision.
15. As such, I find that the parking arrangements proposed would adequately serve the leisure centre with no indication that the proposed development would adversely affect the safe and efficient operation of the local highway network. The proposal therefore accords with Policy BCS10 of the Bristol Development Framework Core Strategy (2011) (CS) and Policy DM23 of the Site Allocations and Development Management Policies (2014) (DMP) which, amongst other things, seek to reduce as far as possible the negative impacts of vehicles and to provide an appropriate level of safe, secure, accessible and usable parking provision.

*Effect upon the living conditions of nearby occupiers*

16. The leisure centre is located within an area that comprises a mix of uses including educational, retail and residential. The proposed development would be located behind the main building resulting in the built form extending closer to dwellings in Holmwood Gardens.
17. The proposals include indoor spa facilities and a spa garden with a swim out pool, external seating area, fireplace, sauna and associated plant and machinery. The garden would be enclosed by 2.4m high stone and timber cladding.
18. A spa by its very nature is intended to be a space for relaxation rather than for exuberance or intensive exercise. Therefore, it is unlikely that noise levels generating from people using the external spa facilities would be excessive. Certainly, there is nothing to indicate that conversations would be audible outside of the spa garden area.

19. Whilst music is proposed this would be low level to provide an ambience for patrons. There is nothing to suggest that it would be 'cranked up' giving rise to a party atmosphere. The applicant's Noise Impact Assessment indicates that conversations could take place and background music could be played without resulting in harm.
20. The applicant has provided manufacturers noise data which demonstrates that, subject to mitigation, noise from the plant room and sauna would not be discernable from nearby dwellings.
21. Moreover, conditions have been imposed for details of management of the spa garden including its hours of use and external music levels.
22. Representations refer to noise disturbance from existing plant at the leisure centre. Such matters are not within the scope of a s62a application and thus is not a matter for me in consideration of the proposal before me.
23. As such, the proposed development would not unacceptably harm the living conditions of nearby residents with regard to noise. It would accord with CS Policy BCS23 and DMP Policies DM33 and DM35 which, amongst other things, seek to ensure that developments do not result in an unacceptable impact on environmental amenity including in respect of noise.

#### *Protected species and biodiversity*

24. The site largely comprises hardstanding with a grassed area and a cluster of trees located in the southwest corner. A linear belt of dense vegetation runs along the southern boundary of the site and a public footpath which provides access to open space and Badock's Wood Local Nature Reserve (LNR).
25. The applicant's Ecological Assessment (EA) indicates that the existing hardstanding and amenity grassland is of limited ecological value and is not habitat for protected or notable species. Nor are there records of such species close to the site. Notwithstanding the representations contending otherwise I am satisfied that the EA provides a robust and reliable assessment of the local natural environment. Furthermore, the Council's Nature Conservation Officer has not objected to the application. As such, I am satisfied that the proposal would not unduly affect protected and notable species including owls and badgers.
26. I acknowledge that artificial lighting has the potential to disturb bat activity including their ability to forage and commute. In this context the proposal would not intrude into the vegetation belt to the south and subject to conditions for bat friendly lighting I am satisfied that the proposed development would not adversely affect bat activity or populations locally.
27. The applicant has produced a Biodiversity Net Gain Assessment which indicates that by retaining existing trees on site, enhancement of the grass to species-rich grassland and new hedgerow, shrub and tree planting a gain in habitat of 14.76% and 10.72% in hedgerow can be achieved.

28. These measures could be suitably secured by way of a planning condition including ensuring its long-term management and features to mitigate the impact of the proposed development in respect of biodiversity.
29. For the above reasons, it has been satisfactorily demonstrated that the proposals would not have an unacceptable impact upon protected species and biodiversity. As such, the scheme accords with CS Policy BCS9 and DMP Policy DM19 which, amongst other things, require development to incorporate new or enhanced green infrastructure of an appropriate type, standard and size and avoid harm to identified habitats, species and features of importance.

### **Other Matters**

30. There is no credible evidence to indicate that noise or light spill from the proposed development would unacceptably harm people's enjoyment of Badock's Wood LNR. Nor is there anything to suggest that the proposed fireplace would lead to unsatisfactory emissions. In any event planning conditions would control such matters.
31. Leisure centres provide a range of sporting and ancillary facilities for the benefit and comfort of their members from early morning into the evening. As such, it is not unreasonable to find that they are energy intensive on account of lighting and heating the premises and maintaining facilities including changing rooms, swimming pools, courts and studios. Whilst the proposed development would invariably create a further energy demand there is nothing substantive to indicate that the proposals would not be energy efficient or that the proposals would run counter to the Council's position in respect of climate change.

### **Community Infrastructure Levy**

32. BCC consider that the proposed development is chargeable development under the Community Infrastructure Levy (CIL) Regulations and that if the application had been submitted to them then CIL would have been payable. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration.
33. The Council advise that the CIL payment would be spent on funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
34. A certified copy of a Unilateral Undertaking (UU) under section 106 (s106) of the Town and Country Planning Act 1990 has been submitted whereby the applicant covenants to pay £32,004.40 prior to commencement of the development in lieu of a CIL contribution.
35. The Council contend that the submitted UU fails the tests set out at Regulation 122 of the CIL Regulations as it is not directly related to the development in that it would be used to fund infrastructure anywhere within Bristol.

36. The UU submitted in lieu of CIL does not specify what the contribution is for. Accordingly, there is no certainty as to what the monies would be spent on. As such, it does not constitute a reason for granting planning permission and is a matter of neutral consequence in consideration of the application.

### **Conditions**

37. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the Framework. In the interests of precision and clarity I have amended the wording of the conditions suggested by the Council.
38. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
39. In the interests of sustainability, I have imposed a condition for details of a sustainable surface water drainage scheme.
40. In the interests of protected species and biodiversity conditions for an external lighting scheme; Ecological Mitigation and Enhancement Strategy; a Construction Environmental Management Plan and a Habitat Monitoring and Management Plan have been imposed. The Council has suggested a condition stipulating maximum external light levels, however, as such matters would be submitted as part of the lighting scheme a separate condition is not necessary and has not been imposed.
41. So as to protect existing trees on site conditions for protective fencing and for the development to be carried out in accordance with the submitted Arboricultural Method Statement have been imposed.
42. In order to protect the living conditions of nearby residents conditions for management of the spa garden and noise levels from plant and machinery are necessary.
43. The Council has suggested a condition for an updated noise assessment. The applicant's noise specialist has provided further information which I find to be a robust assessment of the surrounding noise environment and the likely impact from plant and machinery as well as customers. As such, the condition is not necessary.

### **Conclusion**

44. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and planning permission is granted.

*B Thandi*

Inspector and Appointed Person

## Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing Number A-PL-001 – Rev P05; Existing Site Plan Drawing Number A-PL-002 – Rev P06; Proposed Site Plan A-PL-003 – Rev P07; Existing Ground Floor Plan A-PL-004 – Rev P02; Proposed Ground Floor Plan Drawing Number A-PL-005 Rev P04; Existing Roof Plan Drawing Number A-PL-006 – Rev P02; Proposed Roof Plan Drawing Number A-PL-007 – Rev P04; Existing Elevations Drawing Number A-PL-010 – Rev P01; Proposed Elevations Sheet 1 Drawing Number A-PL-011 – Rev P03; Proposed Elevations Sheet 2 Drawing Number A-PL-012 – Rev P03; Proposed Sections Drawing Number A-PL-013 – Rev P03; Proposed Material Site Plan Drawing Number A-PL-020 – P05; Sauna Elevations Drawing Number A-PL-021 – Rev P03 and Spa Garden Fireplace Details Drawing Number A-PL-023 – Rev P03.

Reason: To provide certainty.

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the development being brought in to use. The sustainable drainage system shall be managed and maintained thereafter in accordance with an approved management and maintenance plan.

Reason: To prevent increased risk of flooding.

4. No development shall take place until an Ecological Mitigation and Enhancement Strategy including details of bird and bat boxes, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development.

Reason: To safeguard protected species.

5. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority including measures to comply with the recommendations set out in the submitted Ecological Assessment. The development shall be carried out in accordance with the approved details.

Reason: To safeguard protected species.

6. No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.

Reason: To safeguard protected species.

7. No development shall take place until a 30 year Habitat Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a net gain in biodiversity.

8. All the trees shown on the drawing number TPP RMT908 to be retained shall be protected by strong fencing in the location and of type shown on the drawing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect retained trees during construction works.

9. All work within the root protection area of the retained trees shall be carried out in accordance with the methodology set out in the RMT Tree Consultancy Arboricultural Method Statement.

Reason: To protect retained trees during construction works.

10. The development shall not be brought into use until a Spa Garden Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason: To safeguard the living conditions of nearby residents.

11. The rating level of any noise emitted by plant and machinery as part of the development shall be at least 5dB below the background noise level as determined by British Standard BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason: To safeguard the living conditions of nearby residents.

12. Customers shall only be permitted in the spa garden between the following hours: 0700 – 2100 daily.

Reason: To safeguard the living conditions of nearby residents.



## **Informatives:**

- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any changes.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council, any applications related to the compliance with the conditions must be submitted to the Council.
- v. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition 11 (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. Based on the information available this permission is considered to be one which

will require the approval of a biodiversity net gain plan before development is begun.