



Decision Notice and Statement of Reasons

Site visit made on 4 December 2025

By C Shearing BA(Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 15 December 2025

Application Reference: S62A/2025/0132

Site Address: Cotham School, Cotham Lawn Road, Bristol BS6 6DT

- 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 15 October 2025 is made by Cotham School and was validated on 3 November 2025.
 - The development proposed is described as 'works to install 9 no. floodlight columns around the MUGA and AW pitches at Cotham School with associated planting and works'.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) In the absence of evidence to the contrary, the proposal would cause harm to bat species using the site, contrary to Policy BCS23 of the Bristol Core Strategy 2011 and Policy DM19 of the Bristol Site Allocations and Development Management Policies 2014.

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 (the Council) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken from 7 November 2025 which allowed for responses by 4 December. A number of interested parties and local residents have submitted responses and comments have been received from the Council which set out its objections to the proposal. I have taken account of all written representations in reaching my decision.

4. I carried out a site visit on 4 December 2025 which enabled me to view the site and the surrounding area.

Main Issues

5. Having regard to the application, comments from interested parties, together with what I saw on site, the main issues for this application are the effects of the proposal on:
 - bat species;
 - the character and appearance of the area including designated heritage assets and effects on trees;
 - the living conditions of occupants of nearby properties, and;
 - the local highway.

Reasons

Effects on Bats

6. The application is accompanied by an Ecological Appraisal (EA) which considers the effects of the proposal on bats, informed by survey work undertaken in 2024. In summary, the EA found that no roosting behaviour was confirmed within the school buildings or facing trees, but that the trees to the east of the sports pitches could act as a flight line for bats. This was confirmed by a bat activity survey of that area, which found bat calls from three to four species over a five night period. Those species included those described as being relatively tolerant to light. However, the EA also describes that this can make those species more vulnerable to predation and reduce the diversity of prey consumed.
7. That group of mature trees is positioned close to the locations of two of the proposed lighting columns. While there is existing external lighting on the school buildings and some occasional street lights on Hartfield Avenue, it is not apparent that this stretches to the group of mature trees and levels of illuminance in the trees are likely to be significantly increased as a result of the proposal. There is therefore scope for the proposal to have adverse impacts on bats and their prey. The EA finds the effects would not be significant. However, given the heavy likelihood of effects, it is not apparent that Standing Advice for bats¹ has been followed insofar as it requires a sequential approach of avoidance, mitigation and compensation. The age of the activity survey from the time of this decision also adds to these concerns.
8. For this reason it cannot be established that the effects on bats would be acceptable and the proposal would conflict with CS Policy BCS23 and SADMP Policy DM19 which require development to avoid harmful impacts on biodiversity and species of importance.

Heritage Assets

¹ Bats: advice for making planning decisions, Natural England

9. The application site lies within the Cotham and Redland Conservation Area (the CA) and close to a number of listed buildings. Accordingly, I have had regard to the statutory duties in relation to designated heritage assets². The relevant Character Appraisal and Management Proposals 2011 (the CAMP) describes the special interest of the area and the attributes which contribute positively to its character. It describes the CA as principally residential, comprising a leafy suburb characterised by individually developed urban streets and a high-quality Victorian townscape.
10. The CAMP identifies the school's main building, which addresses Cotham Lawn Road, as a landmark building, being a largely intact inter-War composition in limestone with brick details. I understand that building to be locally listed. The majority of the buildings behind it are, however, more modern buildings and structures associated with the operation of the school.
11. The proposal relates to the existing games pitches which lie centrally on the site and are enclosed on three sides by existing school buildings of varying design and height. The pitches themselves are contained by tall metal fencing and existing trees are peppered around its northeastern side. A number of CCTV poles have also recently been installed around the northeastern side of the site.
12. While no drawings have been provided to compare the height of the proposed poles to the surrounding buildings, given the findings of my site visit it is unlikely that the poles would exceed their height. As such their visibility from the surrounding area would be very limited. Even if the poles and fixtures were visible from beyond the surrounding buildings, this would be limited to glimpses only of the very tops of the poles and these would be seen among the context of the varying roof forms and roof level paraphernalia of the school. As such the physical structures would preserve the character and appearance of the CA.
13. The proposal would be positioned close to other designated heritage assets, including Muller House, no.2 Hartfield Avenue and a number of grade II listed buildings on Cotham Road, as well as grade II* listed Western House and Cotham Church. The setting in which those assets are experienced includes the network of predominately early Victorian residential streets, interspersed with occasional modern and more utilitarian buildings including those of the school site. For the reasons above, there would likely be very limited intervisibility between the proposed installations and those designated assets and they would not be appreciated together.
14. However, when in use, the proposal would generate high intensity light over a focused area. Despite the site's suburban setting and proximity to the city centre, lighting of this nature is not characteristic of the area. When glimpsed between or above the surrounding buildings and trees, the lit area would appear stark and surprising in this context. This would particularly be the case in views from Hartfield Avenue. The applicant's Townscape and Visual Impact Assessment (TVIA) accepts a moderate effect on the views

² Planning (Listed Buildings and Conservation Areas) Act 1990- Sections 66(1) and 72(1)

from Hartfield Avenue after a year of completion, with one view reducing to a negligible effect after 10 years, reflecting the proposed additional planting, which would inevitably take time to establish. However, even once established it would be unlikely to screen the effects of the lighting in perpetuity.

15. As such, harmful effects on the character and appearance of the CA and the setting of those nearest grade II listed buildings near the junctions of Hartfield Avenue cannot be ruled out. Given the site's enclosure and proposed planting, and as this harm would be limited to times when the lights were in use, this would be less than substantial harm and the degree of harm would be at the lower end of the scale. Nonetheless, the proposal would conflict with CS Policy BCS22 and SADMP Policy DM31 which together require development to conserve or enhance heritage assets.
16. The National Planning Policy Framework (the Framework) requires that this harm be weighed against the public benefits of the proposal and I am required to give that harm considerable importance and weight. In this case the proposal would allow the use of the outdoor pitches during dark hours, allowing their use by both students attending the school and the external users from the local community. This would support outdoor sports and physical activity and, in turn, well-being and good overall health. The value of these benefits is substantiated by some of the letters received in response to the application. Accordingly, I give those benefits substantial weight and find that they sufficiently outweigh the harm arising to the designated heritage assets.

Effects on Trees

17. The proposal would necessitate the removal of one tree at the northern side of the pitches which is one of a number of relatively small, young trees. The applicant proposes to relocate it and this would be an appropriate response which would preserve the verdant character of the site. The proposed lighting columns would cause some conflict with other trees on the site and likely increase pressure for pruning in the future. However given their limited scale and the pressures which already exist from their proximity to the pitches, the proposal would not cause unacceptable harm to the health and longevity of those trees. Tree protection measures could reasonably be secured for the construction process if the proposal were otherwise acceptable. The effects on the site's trees and verdant character would therefore be acceptable.

Living Conditions

18. There are a number of residential properties which directly adjoin the site, including those on Cotham Park and 27 Cotham Lawn Road, which include habitable room windows facing towards the sports pitches. Policy BCS23 of the CS seeks to avoid adverse impacts upon environmental amenity arising from factors including light, and Policy DM30 of the SADMP expects development to safeguard the amenity of neighboring occupiers.
19. In considering the proposal against this policy, the applicant refers to ILP

guidance to reduce obtrusive light³. I have no strong reason to doubt that this is a useful tool in considering the effects of the proposal. The site has been assessed as being in zone E3, being in a suburban setting, and the nearest residential properties have been identified. Based on the inclusion of downward and focused lighting, the applicant's assessment demonstrates the pre-curfew illumination level would be well below the recommended maximum. The intervening trees between the lights and those nearest properties would also serve to provide some screening at certain times of year. Therefore, while the lit areas would be visible from those surrounding properties, its illumination would not cause unacceptable disturbance.

20. The guidance also sets a maximum post-curfew level, but the proposal is not intended to be in use during this time. Based on information provided by the Council, a condition of an earlier planning permission restricts the use of the all-weather pitch to 9pm Monday to Friday, and 5pm on Saturdays, with no use permitted on Sundays and Bank Holidays⁴. If the proposal were otherwise acceptable, the hours of use of the lights could also be restricted to remove the scope for disturbance beyond those hours.
21. Concerns have been raised for additional noise disturbance, however as above, the use of the pitches would continue to be restricted to certain hours. Other concerns have been raised surrounding the security of the site and questioning compliance with conditions of earlier planning permissions. However, those matters lie outside the scope of this application.
22. For these reasons in combination, the proposal would not cause adverse impacts on the living conditions of the occupants of nearby properties. The proposal would comply with Policy BCS23 of the CS and DM30 of the SADMP summarised above.

Highways Impacts

23. It is apparent from the representations received that the school's activities have potential to cause local congestion and difficult parking conditions. However, my considerations are limited to the proposal for which planning permission is sought. Given the sports pitches could already be used into the evening without the floodlights on lighter evenings, there is not substantive evidence to suggest the proposal would cause additional or unacceptable harm to highway safety.

Other Matters

Biodiversity Net Gain (BNG)

24. The applicant considers the proposal to be exempt from the statutory BNG requirement under the de minimis exemption. This states that it would not apply for a development that does not impact a priority habitat and impacts less than 25 sqm of on-site habitat and 5m of on-site linear habitats.

³ The Institute of Lighting Professionals Guidance Note 01: The Reduction of Obtrusive Light

⁴ Condition 32 of permission 17/04367/FB

Planning Practice Guidance (PPG) states a development 'impacts' a habitat if it decreases the biodiversity value.

25. For the reasons set out above, the proposal would likely impact more than the sports pitches, since the effects of the lighting would encompass the nearby mature trees which have been found to include bat activity. The proposal could therefore decrease biodiversity in this area through a change in its condition. This casts doubt on whether the proposal would fall under the de minimis exemption. The PPG states it would generally be inappropriate for decision makers to refuse an application on grounds that the biodiversity gain objective will not be met. However, if the proposal was otherwise acceptable, this would need to be addressed.

Planning Balance

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of the heritage harm identified, for the reasons given, the provisions of the Framework indicate that a decision should be made other than in accordance with the development plan policies, since those local policies do not include provision for a balancing exercise.
27. However, given the statutory protections relating to bats, the uncertainty surrounding the effects of the development on them and as the effects could be significant and long lasting, I give this matter substantial weight. While acknowledging the important benefits which the application would deliver set out above and the support in this regard from other development plan policies, these benefits do not outweigh the harm.

Conclusion

28. The proposal would conflict with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. Having regard to all matters raised, planning permission is refused.

C Shearing

Inspector and Appointed Person

Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. 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.
- 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>