

Application Number	2022/1456/FUL
Agenda Item No.	DM04
Case Officer	Nikki White
Site	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset
Date Validated	29 July 2022
Applicant/ Organisation	c/o C Richardson Millfield Preparatory School
Application Type	Full Application
Proposal	Proposed installation of 4no. floodlights at triple court
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

### **What3Words:**

The application site can be found by entering the following into [www.what3words.com](http://www.what3words.com):

reshaping.hype.remedy

### **Scheme of Delegation:**

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice Chair of the Planning Committee. This is because the case officer recommendation is to refuse, the Town Council supported the application, and the Ward Member did not submit a comment. Following this referral, it has been confirmed that the application should be determined by the Planning Committee.

### **Description of Site, Proposal and Constraints:**

The application relates to erection of floodlights at Millfield Prep School, Edgarley Road, Glastonbury. Three applications have been submitted for floodlights in close proximity to each other at this site including:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
3. 2022/1455/FUL - 4 floodlights at show tennis court

The application proposes to operate the lighting as needed between 7am and 8pm.

The site is outside the development limits of Glastonbury. It is designated as an Open Space (protected under LP1 policy DP16). It is within the Somerset Levels and Moors Ramsar catchment area. The site falls within the Upper Brue Internal Drainage Board Area. Although most of the site is within flood zone 1, there is an area within the hockey pitch that is showing as within zone 2 on the Environment Agency mapping.

Glastonbury Tor is located approximately 1.2km to the north west of the proposed development. This is a Special Landscape Feature, scheduled monument and St Michael's Church Tower is Grade I listed. There are various other heritage assets in proximity to the site, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

PROW WS15/42 runs to the south of the proposed development. There are other PROW's in proximity to the site.

### **Relevant History:**

There is extensive planning history for the site. As well as the parallel applications referred to above, relevant history is outlined below:

2013/0199 - Erection of new floodlights [at equestrian facilities] – approved with conditions (AWC) - 03.04.2013

### **Summary of Ward Councillor comments, Town Council comments, representations and consultee comments:**

Ward Member: no comments received

Glastonbury Town Parish Council:

Recommend approval if the hours of use are restricted to 7am to 7pm.

Environmental Protection: no objections

We have no objections to this proposal, however, the applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 if the floodlights cause any nuisance to the surrounding residential properties.

Historic England:

- No specific comments or advice.

- Suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation: objection/recommend refusal

- Proposals would result in 'less than substantial' harm to the significance of a number of designated heritage assets, including the Grade I listed St Michaels Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area, by having an adverse impact on their settings.
- As indicated in the Heritage Statement, the proposals have the potential to impact the setting of four listed buildings, including the Grade I listed St Michaels Church Tower at the top of Glastonbury Tor, Glastonbury Conservation Area and two Scheduled Monuments, including Glastonbury Tor. As is made clear in the Glastonbury Conservation Area Appraisal, St Michael's Church Tower and The Tor is one of the most important focal points within Glastonbury/the Conservation Area, with views both to and from these features being of particular significance. Glastonbury lies within an area of great natural beauty, with the edges of the town and beyond characterised by its rural qualities and open green spaces. Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset.
- The Heritage Statement has concluded that The Tor and St Michaels Church Tower are of 'High Significance', potentially 'Very High Significance' given its acknowledged international importance. It also notes that views to and from The Tor 'have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.' When the proposed floodlights are in use, they would extend the already illuminated area of the school considerably into a large area of currently dark/unlit space. There is already a relatively large amount of lighting at the school site, particularly from the equestrian centre. Further expanding this would be to detriment of the rural landscape and the setting of the both the Conservation Area and the Tor/St Michael's Church. The Heritage Statement has concluded that the proposals would overall result in 'less than substantial' harm to the significance of The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Havyatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area. The Heritage Statement notes that 'the proposed floodlights will therefore undoubtedly increase the scale of visible light sources on the Millfield Preparatory School campus when they are in use at night as viewed from Glastonbury Tor (and to a lesser degree at Edgarley Farmhouse). In terms of night time views from the Tor - this will stand out more as the surrounding area (to the south, SE, east, and NE) is relatively dark at night with few large light sources' and concludes that the proposals 'will therefore result in a degree of 'less than substantial harm' (as defined by the NPPF paragraph 202) regarding the settings of the heritage assets which contribute to their overall significance. As less than substantial

harm is considered to be determined, public benefit/s must be identified to offset the proposal.'

- Overall, I agree with the above conclusions made by the Heritage Consultant. Therefore, it will be for the case officer to determine whether there is sufficient public benefit to outweigh the level of harm identified to the significance of the relevant designated heritage assets, as required by Paragraph 202 of the NPPF (2021).

#### Ecology: objection (summary of final comments)

- Recommend refusal on applications 2022/1521/FUL, 2022/1456/FUL and 2022/1455/FUL due to lack of further survey information to confirm the likely absence of bats. Suitability within the site has been confirmed for foraging and commuting bats by the submitted ecology reports within the application sites, and the current lighting proposals are at a level that is far beyond suitable for protected nocturnal species such as bats.
- An opportunity to provide further information has been requested as to how light spill can be reduced on those areas likely used by bats using their territories (hedgerow, trees and woodland edge). A lighting level of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines has been advised in the absence of further survey information, so as not to have a negative impact on foraging and bats (or dormice if present). No changes to lighting proposals and/ or further survey information to confirm presence or likely absence has been submitted.
- Therefore, at present there is insufficient information to establish the presence of protected species (including European Protected Species) and the extent to which they may be affected. As per Government circular 2005/06, all relevant material considerations have thus not been addressed prior to making the decision.
- The statutory advice provided by SES in our previous consultation response remains as provided, which is based on the requirements of both legislative and policy mechanisms and best-practice professional guidance.

#### Local Representations:

1 letter of objection has been received raising the following matters:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed
- Object to all 3 parallel applications at this site

1 neutral comment has been received, raising the following matters:

- Existing floodlights at the site have been left on until past midnight previously. No objection subject to turning off at 9pm at the latest.

Full details of all consultation responses can be found on the Council's website [www.mendip.gov.uk](http://www.mendip.gov.uk)

### **Summary of all planning policies and legislation relevant to the proposal:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 (Mendip Spatial Strategy)
- CP7 (Glastonbury Town Strategy)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage Conservation)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP16 (Open Space and Green Infrastructure)
- DP23 (Managing Flood Risk)

### **Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) including Light Pollution
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' (2021)
- ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (2018)
- Information from the Bat Conservation Trust on Bats and artificial lighting in the UK, and Eurobats Guidelines for consideration of bats in lighting projects

- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment
- Conservation Area Assessment of Glastonbury (2010)

### **Assessment of relevant issues:**

### **Principle of the Use:**

Although the site is outside the development limits of Glastonbury, it is within an established school site and the proposal would facilitate existing sports provision associated with the school. As such the principle of development is acceptable in this case.

### **Design and Landscape Impacts:**

The applicant describes the proposals thus:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
  - *“The installation of a total six lighting columns (F1-F6) spaced evenly along the northern and southern boundaries of the pitch outside of the fencing;*
  - *Mast height - 18.29m*
  - *Number of lamps per column - F1,2 &3 - 3no. lamps, F2&5 - 4no. lamps, F6 - 8no. lamps (to also illuminate the adjacent tennis courts).*
  - *Luminaire - TLC-LED-1200 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
  - *Materials - galvanised steel”*
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
  - *“The installation of a total of 4no. lighting columns (T5,7-8 and F6) spaced at the outer corners of the court;*
  - *Mast height - T5,7 & 8: 15m; F6 : 18.29m with lights at 15m*
  - *Number of lamps per column - 3no.*
  - *Luminaire - TLC-LED-900 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
  - *Materials - galvanised steel”*
3. 2022/1455/FUL - 4 floodlights at show tennis court

- *“The installation of a total of 4no. lighting columns (T1-3 and F6) spaced at the outer corners of the court;*
- *Mast height – T1-3: 15m F6 : 18.29m with lights at 15m*
- *Number of lamps per column – 2no.*
- *Luminaire – TLC-LED-600 lux – anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlclcd/>*
- *Materials – galvanised steel”*

*“The floodlights would all be directional and focused towards specific parts of each playing area so as to reduce the beam elevation, and thus minimise lamp intensity projected outside of the site. This also has the advantage of reducing the source intensity of each floodlight when viewed from any surrounding vantage points.”*

Paragraph 185 of the NPPF requires planning policies and decisions to, amongst other things:

*“c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

The NPPG ‘Light Pollution’ sets out guidance for applicants and LPA’s which should include consideration of:

- *“where the light shines;*
- *when the light shines;*
- *how much light shines; and*
- *possible ecological impacts.”*

As confirmed in the Mendip District Landscape Character Assessment (2020), the site is outside but near to a Special Landscape Feature. Glastonbury Tor/St Michael’s Church Tower (GI and scheduled monument) is a significant feature in the landscape and the cultural, historic and spiritual identity of Glastonbury. As summarised in the conservation section of this report below (as well as the applicant’s Heritage Assessment and LVIA), there are various other listed buildings, scheduled monuments and the Glastonbury Conservation Area in proximity to the application site.

The floodlights are proposed within the school recreation area. Although the Sports Pavilion building is near the pitches, the application site is set further east from the built up part of the school and is open and rural in character. The application site is on the rural edge of the site and the town, and is prominent in views including from road network (including the A361 Edgarley Road to the north); the PROW network (including WS15/42 to the south); and surrounding countryside (including Glastonbury Tor to the north west).

The agent has stated the proposal accords with the ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' as follows:

- *“Light source – Lights have cowls and visors with internal reflectors, chosen based on specific site requirement – everything is built to order.*
- *Luminaires – The height of the mast and angle of light, lumens and angle of each lamp has been designed to ensure that sky glow and glare are mitigated to the greatest extent. Asymmetric optics are proposed.*
- *Installation – The highest possible mounting height has been used to enable the use of narrower beam floodlights to reduce spill light and glare. The worst case aim is 66,4 degrees so well within the required 70 degrees”*

At 18.29m in height, in the context of this dark and rural edge to the school site, the structures would be prominent and incongruous in this location.

Following discussion with the agent, a Landscape Visual Impact Assessment (LVIA) has been submitted which includes the following points:

*“6.8 The Pole heights range from 15m to 18.29m. The taller Poles used around the Hockey Pitch are specified to reduce any light spill or glare down to the absolute minimum – whilst providing the desired pitch performance conditions. The location of the Columns and details of predicted light spill are illustrated on Figures 12 and 13. The proposed mounting heights may be considered ‘high’ – but lower alternatives are proven to create higher levels of light spill and require additional lighting points.*

*6.9 The proposed Fixtures are designed to give rise to 0% upward light and limited horizontal spill which would be considered acceptable for a Site that would be judged to exist within the Institute of Lighting Professionals (ILP) Environmental Zone E2 (Rural – Low district brightness (SQM~15 to 20) i.e. a sparsely inhabited rural area, village or relatively dark outer suburban location.*

*6.10 The proposed Floodlights would operate on a ‘curfew’ system – i.e. between the hours of 7am and 8.15am and around 4pm to 8pm. The Lighting would only be used during the periods when activities on the Courts/Pitch are scheduled. The Lighting is only likely to be required during the winter months (for the 16-20 weeks per year when the natural light fades towards the end of the afternoon). Further ‘mitigation’ could be provided during pre-determined special events during winter when large numbers of people may visit the Tor at night-time (such as the Winter Solstice, New Years Eve) where it could be agreed that the Floodlights are switched off.”*

The following mitigation measures are proposed as part of the application:

- *“The enhancement of the sports field boundary to the north of the Sites – through additional specimen tree planting and native species hedge planting;*



- *The enhancement of the field hedge to the south of the Site through specimen tree planting;*
- *The hedgerow to the south-eastern boundary of the Sites to be allowed to grow to a minimum height of 2m to provide screening of the habitats beyond and to increase bird nesting habitat and bat foraging potential (with ref. the supporting PEA)*
- *To allow selected trees within all of the peripheral hedgerows to grow to a standard height to enhance the visual screening towards the Sites and to increase the biodiversity value.”*

The submitted LVIA summarises the landscape character, and refers to the Mendip District Landscape Character Assessment (2020). The LVIA includes a series of photographs taken from key viewpoints and goes on to assess the impact of the proposed development on residents, public right of way (PROW) users, open/common land, visitors of places of interest (focussing on the Tor) and road users.

The LVIA assesses the sensitivity of each of the 10 viewpoints considered, and concludes as to the magnitude of change associated with the proposed lighting (considering all 3 concurrent flood light applications). The LVIA identifies harm to landscape. As an example of the harm identified, when considering the impacts on viewpoint 7 (road users of A361), the LVIA states the following:

*“Predicted View and Magnitude of Change*

*7.55 Within this View the proposed Floodlighting Poles to the periphery of the Hockey Pitch (6no. F1 – F6 with ref. the Pole Location Plan) would be visible – plus Pole T3 (north-eastern corner of the Show Court). The upper sections of Poles F1, F3, F4 and F5 will form new skyline elements – with the remainder sitting against the darker backdrop of Edgarley Copse. During the hours of darkness the surface of the Hockey Pitch would be illuminated – introducing a new ‘linear and horizontal’ focal element into the view. The Pitch lighting would be seen in conjunction with the internal and external lighting of the Sports Pavilion and the headlights/taillights of vehicles using the road corridor. The magnitude of change is assessed as ‘Medium’ during the daylight hours – rising to ‘High’ when the Floodlights are in use.*

*Scale of Visual Effect*

*7.56 A ‘Medium’ sensitivity combined with a ‘Medium’ magnitude of change would result in a ‘Moderate adverse’ scale of effect.”*

The impact on the Tor is considered as part of viewpoint 10. Photographs have been included during daytime, dusk and night time and the conclusions in the LVIA include the following text:

*“Predicted View and Magnitude of Change - Daytime*

7.75 Owing to the elevation and the distance from the Sites – the proposed Floodlights around the Hockey Pitch (F2-F5) would be visible as new vertical elements within the View. The elevation of the Viewpoint would foreshorten the vertical aspect of the Poles and they would be viewed against the backdrop of playing fields and the wider farmed landscape. Regarding the Triple Court Site – none of the Poles would be fully visible owing to the visual screening afforded by the intervening tree planting. The predicted magnitude of change is judged to be ‘Low’. Predicted Magnitude of Change – Night-time

7.76 Photo Viewpoints 10c and 10d illustrate the views at ‘dusk’ and during ‘darkness’. During periods of operation the proposed Floodlights will illuminate the surfaces of the 3no. Sites (depending on the requirements – Courts/Pitches can be illuminated independently or cumulatively). The most visually sensitive is the Hockey Pitch – the surface of which would be visible as a rectilinear ‘illuminated element’ that would contrast with the dark surroundings. Light spill is controlled through the design of the Lighting elements and the height of the Poles. In addition to the Hockey Pitch – the illuminated surface of part of the Triple Courts would be visible. The proposed Lighting would be viewed in conjunction with the existing lighting elements of the Campus and the moving headlights/taillights of vehicles travelling along the A361. The proposed Floodlights would only operate until 8.00pm – thereby only having a temporary effect on the View.

7.77 The predicted magnitude of change will vary – according to how many of the Sites are lit any one time. As a worst-case scenario (all three Sites are lit) the magnitude of change is judged to be ‘Medium’ where the illuminated Pitch/Courts are likely to be clearly visible and likely to affect a good number of visual receptors. This is likely to reduce to ‘Low-Medium’ if the Lighting is limited to the smaller Courts – where it will be filtered by the intervening tree canopies but still giving rise to some change in the View.

#### *Scale of Visual Effect*

7.78 Looking at the worst-case scenario (all the Floodlights in operation) a ‘High’ sensitivity combined with a ‘Medium’ magnitude of effect would result in a ‘Moderate adverse’ scale of effect during the early evening.”

Although the submitted LVIA is not explicit in its breakdown of harm associated with each application, it concludes a worst case scenario would result in a ‘moderate adverse’ impact during the early evening.

During daylight, the introduction of tall lighting structures would appear incongruous in this rural and open setting resulting in an urbanising encroachment into the countryside and harms to local views and views from the Tor. This harm would be present for all of the applications considered individually or all three considered cumulatively.

During dusk and night time this harm would increase. As well as local viewpoints including PROW’s, this is particularly harmful when viewed from the Tor, an important Special Landscape

Feature. As demonstrated via illustrations in the LVIA, the current wider school site has some scattered lighting and concentrated lighting at the equestrian centre further west (closer to the school buildings). The application site itself is dark. The introduction of the lighting as proposed, either individually or cumulatively, would increase the impact of the school and harm this sensitive and important landscape view. Although the lighting associated with the equestrian centre is very prominent from the Tor currently, this harm should not be replicated and exacerbated by the development as proposed, leading further into the countryside.

Whilst the proposed landscape mitigation is noted, it would not be possible to successfully mitigate the harm identified from the height of the lighting columns and their associated lighting.

In conclusion on this matter, the proposal by reason of its form, height, materials and lighting is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area and would be harmful to local views and views from the Tor. The proposal offends policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Conservation:**

The site is near to Glastonbury Tor which is a significant feature within the town historically, culturally and spiritually. 360 degree views to and from the Tor are particularly celebrated and sensitive. The Tor is a significant feature within the landscape, which is green and open in character. There are other heritage assets in proximity to the site including the Glastonbury Conservation Area; scheduled monuments (St Michael's Church on Glastonbury Tor and Ponter's Ball Linear Earthwork); and listed buildings (St Michael's Church (GI), The Homestead (GII), Edgarley Farmhouse (GII) and Havyatt Farmhouse (GII)).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area, having regards to the Conservation Area Assessment of Glastonbury (2010), policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Following discussion with the agent, a Heritage Statement has been submitted which comments on the impact on the nearby heritage assets including the Grade I listed St Michael's Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area. This identifies harm to the significance of heritage assets via impact on their settings. The Conservation Officer agrees the proposal would result in 'less than substantial harm' to these assets by having an adverse impact on their settings.

The Conservation Officer has agreed with the Heritage Assessment in that The Tor and St Michaels Church Tower are of '*High Significance*', potentially '*Very High Significance*' and views to and from The Tor '*have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.*'

The Heritage Assessment and agent have set out conclusions on the different impacts on the different heritage assets, which differ slightly between applications and heritage assets. The Conservation Officer has not made an assessment in this detail but nevertheless identified harms which need to be weighed against public benefits. The Conservation Officer has identified less than substantial harm at The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Hayatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area.

In relation to impacts on the conservation area, the Conservation Officer has concluded that:

*"Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset."*

In relation to impact at night time, harm has been identified by the Heritage Assessment and reiterated by the Conservation Officer. This part of the site is not currently lit and set away from the rest of the school buildings on the rural edge. As above, this part of the school site is open and rural in character. The school's existing lighting is illustrated in the submitted Heritage Statement. The proposal, both individually and cumulatively with the other two planning applications for flood lights nearby, would exacerbate lighting impacts. The site is on the edge of the school development and proposed development would encroach urban elements (lighting) into the countryside.

Although the Heritage Assessment makes some comments on mitigation planting, notwithstanding the scale and time needed, this is in places discounted due to maintenance and potential loss of the rugby pitch. The Heritage Assessment also suggests that lighting is not used during special events (e.g. solstice and New Year's Eve). Notwithstanding this would be insufficient mitigation, this would not pass the 'enforcement' test for conditions. It is concluded that mitigation suggestions set out in the Heritage Assessment or application would inadequately mitigate the impacts on the heritage assets.

This application is one of three similar applications for flood lighting in this part of the school. Although the Conservation Officer has not specified where in the spectrum of less than substantial harm each proposal sits in relation to each of the heritage assets, the harms identified in the Heritage Assessment and comments from the Conservation Officer are clear.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

As such, paragraph 202 of the NPPF requires an assessment of public benefits when harm has been identified. The agent has set out a case for public benefits as follows:

*“The grant of planning permission would facilitate additional use of the site by the wider community. The school is extremely keen to improve integration with the wider community and I have been informed by our client that they have recently restarted parents’ hockey and tennis sessions and there is also interest in offering rugby and football coaching in the evenings if the illumination is provided.*

*There is also ample opportunity to make the facilities available for use to local sports clubs for training and fixtures. The normal daily timetable is that school use of the pitches ceases by 6pm each day, albeit that this timetable could be revised if certain external clubs required an earlier start. If planning permission is granted, opportunities include (but are not limited to):-*

- Hosting Shepton Mallett and/or Mid Somerset Hockey Clubs (hockey pitch and triple courts)*
- Club fixture and/or training use in the evenings or Saturday mornings, allowing sufficient time for 2 fixtures. This may include hosting two adult/junior hockey/netball teams as a ‘neutral’ venue (hockey pitch and triple courts)*
- Use of the tennis courts by local clubs / LTA evening events and competitions and county junior training (triple courts, hockey pitch (additional tennis nets are available to convert the hockey pitch into 6no additional courts), show court)*
- Use of the hockey pitch by Somerset Hockey Association for Junior Development Centre, Academy and Performance Training (which always takes place in the evenings) (hockey pitch for match play and triple courts/show court for training and skills sessions)*
- The re-establishment of Mid-Somerset Football Club by the Football Development Officer (hockey pitch for match play and other courts for training and skills sessions)*

- Use of the netball courts by local clubs for training and as an alternative/additional venue for weekend fixtures for juniors and seniors (triple courts)
- Exeter Rugby Club run training programmes (hockey and triple courts)
- Local football club and satellite club usage (hockey and triple courts)

*The additional benefit is that the use of the facilities by local clubs enables Millfield's own students to have improved access to grassroots sporting opportunities, which in turn provides additional support to these clubs.*

*As a result, the Council can be very confident that the proposal offers a wide range of public benefits, including to physical well-being, mental well-being, social and community development and integration, economic development and the development of the individual. This includes the provision of employment of Millfield Staff and within outside organisations and financial support given to local services, facilities and attractions by visiting members of the public.*

*If there is any doubt about Millfield School's willingness and ability to offer these public benefits, then regard should be had to the following website extract :-*

*<https://www.millfieldschool.com/discover-brilliance/public-benefit>*

*Finally, in environmental terms, the application offers an opportunity to enhance existing playing field facilities which are protected in the Local Plan, ensuring that their use and viability is optimised and maintained in the longer term. Moreover, the ecological report and the landscape consultant recommendations propose a series of mitigation and enhancement measures which include extensive new planting to offer screening and improve biodiversity wherever possible."*

The Millfield Enterprises website confirms the following:

*"Millfield Enterprises is the commercial arm of Millfield Schools, responsible for maximising the use of the extensive facilities throughout the year, particularly in the school holiday periods.*

*Our facilities can be hired for individual bookings or for conferences and events. We have hosted events both at national and international levels, with our wide range of facilities making Millfield the perfect place for a variety of purposes including corporate hospitality functions, exhibitions, concerts, shows and filmmaking.*

*Alongside this, we run a number of courses throughout the year from Multi-Activity to specialised sports courses, as well as an Easter Revision Course for students studying for their GCSEs and A Levels, and an English language course for international students."*

Although these could be considered public, there is some uncertainty as to whether they also act as private benefits to the school as a business. Insufficient detail and solid commitments have been submitted to demonstrate the proposal, individually or cumulatively, would provide such public benefits to outweigh the harms identified to the historic assets.

Following discussion with the agent in relation to public benefits, the agent has suggested a Community Use Agreement be submitted by the applicant for consideration – which could potentially be controlled by condition if the applications were to be supported. Community Use Agreements are sometimes used to confirm community use arrangements – for example they may be suggested by Sport England as part of a proposal for a new playing pitch. Such an agreement would be expected to commit to clearly specified arrangements for community use. The agent has suggested this could be considered as a public benefit to outweigh heritage harm. Agreed timescales have now passed without the submission of any firm commitments by the school. The LPA now needs to determine these applications. Notwithstanding that no details have been submitted on this, any such public benefit would be very unlikely to outweigh the heritage harm identified.

In conclusion on this matter, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case, and after consideration of the Glastonbury Conservation Area Appraisal, it is concluded that, by virtue of the height and form of the lighting structures proposed and the lighting itself, the proposal would fail to at least preserve the character and appearance of the Glastonbury Conservation Area and its setting. This harm is not outweighed by sufficient public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Less than substantial harm has been identified to various listed buildings including The Tor/St Michael's Church Tower, The Homestead, Edgarley Farmhouse and Havyatt Farmhouse. This harm has not been outweighed by public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

### **Impact on Residential Amenity:**

The proposed development would not be in close proximity to neighbouring residential occupants.

The application proposes to operate the lighting as needed between 7am and 8pm. This timescale is considered acceptable in residential amenity terms. Were the application recommended for approval, this could have been controlled via condition.

## Impact on Ecology:

The application has been submitted with a Preliminary Ecological Assessment (PEA) prepared by Richard Green Ecology. This concludes the impacts of the proposals as follows:

*“The proposals would result in the loss of approximately 2,000 sqm of amenity grassland of low ecological value. The increased lighting to the site could have a minor impact upon foraging and commuting bats. However, the population of bats visiting the site is likely to be low, considering that there is little suitable habitat or foraging opportunities.”*

A lighting assessment prepared by Musco Lighting has also been submitted which includes light spill figures. This also shows coloured isolux contour lines. Although this does not include a key, the submitted LVIA includes a key which clarifies the contours refer to +2.0 lux, +5.0 lux and +10.0 lux.

The Somerset Council Ecologist has referred to the ILP Guidance Note 08/18 ‘Bats and artificial lighting in the UK’ (2018) and confirmed that:

- *“The proposals do not demonstrate that bats will not be disturbed or prevent bats using their territory (hedgerow, trees and woodland edge). The proposed lighting does not provide enough buffer between hedgerow, trees and/or woodland edge. In particular no comments have been made on the adverse impacts to the hedgerow directly east of the football pitch and suggested mitigation for this. The proposals at present show clear adverse effects through artificial lighting on wildlife including bats.*
- *Lighting levels of 3 Lux or less where feasible and ideally 0.5 lux are recommended where directly adjacent to woodland, hedgerow and tree lines, so as not to have a negative impact on foraging bats (or other light adverse wildlife).”*

There is a hedgerow running along the eastern boundary of the site. The Lighting Assessment shows light spill lux levels significantly higher than levels set out in the guidance (with a maximum of 402 adjacent to the eastern hedgerow). The lighting assessment shows lux levels at 0.0 on the hedgerow to the south of the site, although the Somerset Council Ecologist has outlined concern at the limited buffer. As such, the application has not demonstrated that bats would not be disturbed or prevented from using their habitat.

Overall, the Somerset Council Ecologist has recommended refusal due to insufficient information being submitted to demonstrate impacts on protected species (namely bats as well as dormice) and the Mells Valley Special Area of Conservation.

As such, it is concluded that the proposal is contrary to the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species



(Amendment) (EU Exit) Regulations 2019), Local Plan Part 1 policies DP5 and DP6 and Part 15 of the National Planning Policy Framework 2021.

The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, it is concluded that given that there is no overnight accommodation proposed, no additional pupil numbers associated with the development, and employees and visitors would likely originate from within the Ramsar catchment, the proposal would not result in an increase in net phosphate outputs in the area. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and a Habitats Regulations Assessment in this instance is not required in relation to phosphates and demonstrating nutrient neutrality.

### **Open Space:**

The site is designated as an open space which is protected under Local Plan Part 1 policy DP16. The proposal would not undermine the site's use as an open space and is considered acceptable in this regard.

### **Assessment of Highway Issues:**

There are no proposed changes to access or parking, and no concerns in this regard.

The proposal is concluded to accord with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

### **Public Rights of Way (PROW):**

There are various PROW near the application site. The proposals would not obstruct or impact on the PROW's, other than landscape impact (see Landscape section above).

### **Land Drainage:**

Most of the site is within flood zone 1, and part of the site falls within flood zone 2. Table 2 of the NPPG 'Flood risk and coastal change' sets out when a sequential and exception test is required. Footnote 56 of the NPPF sets out exclusions to this as "small non-residential extensions (with a footprint of less than 250m<sup>2</sup>)". The proposed floodlighting application falls within this definition of "small non-residential extensions (with a footprint of less than 250m<sup>2</sup>)" and therefore the

need for a flood risk assessment, sequential test and exception test is avoided. The proposed development has a small footprint and is not associated with a vulnerable use.

In conclusion on this matter, the proposed development, being the erection of floodlights of low impact construction is not considered to have an adverse impact on flood risk. The proposal accords with policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

### **Environmental Impact Assessment:**

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Equalities Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Conclusion:**

The benefits of this proposal include enhanced facilities and increased use of sports pitches at this independent school. This may result in some increased sports provision to the local area. However, it is recommended that planning permission is REFUSED due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

### **Recommendation**

Refusal

1. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species (namely bats as well as dormouse) and the Mells Valley Special Area of Conservation, and therefore whether the proposal is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.
2. The proposed development by reason the lighting and tall structures, would have a harmful visual impact on the character of the heritage assets including The Tor/St Michael's Church Tower and the Glastonbury Conservation Area failing to preserve or enhance the Heritage Asset. The harm to the significance of the designated heritage assets is not outweighed by the public benefits identified and therefore the proposal is contrary to Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 202 of the National Planning Policy Framework.
3. The development would be highly prominent and visual, representing an unacceptably obtrusive and incongruous feature in the countryside which would have a harmful impact on the street scene and wider surrounding landscape. The proposal would significantly degrade the quality of the local landscape and harm landscape views including local views and views from Glastonbury Tor. The development would therefore be contrary to policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan 2006 - 2029 Part I (adopted December 2014) and the National Planning Policy Framework, particularly parts 12 and 15.

## **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings/documents:  
LOCATION PLAN - received 29.07.2022  
EXISTING SITE PLAN - received 18.07.2022  
PROPOSED BLOCK PLAN - received 29.07.2022  
176876P1 FLOODLIGHTS ELEVATIONS F6 - received 29.07.2022

176876P1 FLOODLIGHTS ELEVATIONS T5, T7, T8 - received 29.07.2022

PRELIMINARY ECOLOGICAL ASSESSMENT - received 18.07.2022

LIGHTING ASSESSMENT - received 18.07.2022

PLANNING STATEMENT - received 18.07.2022