



Appeal Decision

Site visit made on 13 March 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/W0530/W/24/3352777

Network House, St Neots Road, Caldecote, Cambridge CB23 8AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended)
 - against a grant of planning permission subject to conditions.
 - The appeal is made by Harriet Gray Stephens, Ashlea Network Ltd against South Cambridgeshire District Council.
 - The application Ref 24/01434/FUL was approved on 18 September 2024 and planning permission was granted subject to conditions.
 - The development permitted is erection of 2 No. dwellinghouses with associated garages on site of former office building.
 - The condition in dispute is No 7 which states that: *"Prior to the installation of any artificial lighting in any phase, an ecologically sensitive artificial lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the baseline condition of lighting, any existing and proposed internal and external artificial lighting of the site in that phase and an artificial lighting impact assessment with predicted lighting levels. The scheme shall:*
 - a) include details (including luminaires, fittings and any shrouds) of any artificial lighting on the site and an artificial lighting impact assessment with predicted lighting levels at the site boundaries;*
 - b) unless otherwise agreed, not exceed 0.4 lux level (against an agreed baseline) on the vertical plane at agreed locations;*
 - c) detail all building design measures to minimise light spillage;*
 - d) set out a monitoring and reporting regime for the lighting scheme.**The approved lighting scheme shall be fully installed, maintained and operated in accordance with the approved details. The scheme shall be retained as such thereafter."*
 - The reason given for the condition is *"To fully conserve and enhance ecological interests (South Cambridgeshire Local Plan 2018 policies HQ/1 and NH/4)."*
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Decision

1. The appeal is allowed and planning permission Ref 24/01434/FUL for the erection of 2 No. dwellinghouses with associated garages on site of former office building at Network House, St Neots Road, Caldecote, Cambridge CB23 8AY granted on 18 September 2024 by South Cambridgeshire District Council is varied by deleting condition 7 and substituting it with the following condition:
 - 7) Prior to occupation a "lighting design strategy for biodiversity" for features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification)

so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Main Issue

2. The main issue is the effect that removing the condition would have on the habitat of protected species, with particular regard to bats.

Reasons

3. The appeal site is a brownfield site located outside the Caldecote Development Framework. At the time of my site visit construction of the development had commenced.
4. The submitted evidence indicates that the appeal site is within the Impact Risk Zone of nearby protected sites at Caldecote Meadows Site of Special Scientific Interest (SSSI), Hardwick Wood SSSI, and within an Amber Risk Zone of Natural England's Great Crested Newt District Level Licensing Scheme. A full bat survey revealed no bat roosts within the now demolished building on site, however, there was minor evidence of bat foraging within the site boundaries.
5. Paragraph 193 of the Framework requires that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity. Artificial lighting associated with the proposal could have a significant effect on the behaviour of bats. Accordingly, Condition 7 requires additional detail to demonstrate that the installation of lighting will not disturb or prevent the bat species using their territory. I have no reason to disagree with the principle of this precautionary approach, especially as there is evidence of bat foraging within the site boundaries.
6. The main parties agree that a condition to control future lighting is necessary. However, given the extensive additional information required by Condition 7, the parties are in agreement that, in its current form, the condition is not reasonable in respect of conserving and enhancing ecological interests. The Council has confirmed that the wording of Condition 7 was included erroneously, and that it is more onerous than the lighting design strategy condition which was suggested by the Council's Ecology Officer during the determination of the planning application. In particular, the Ecology Officer's suggested condition does not require details such as lux calculations or a monitoring and reporting regime for the lighting scheme, which is currently required by Condition 7.
7. The main parties agree that Condition 7 should be removed and replaced with a condition which is less onerous but still focuses on the importance of features on site that are sensitive to bats and likely to impact on their activities.
8. Both parties have each put forward a suggested replacement condition to be used in the event that the appeal is allowed. Of the two, I prefer the Council's condition, as the appellant's suggested condition is less precise with regard to the

information to be provided to discharge the condition. Furthermore, the Council's proposed replacement condition is necessary to ensure lighting in line with current best practice guidance on bats and artificial lighting at night (Bat Conservation Trust Guidance Note 08/23). This would ensure that artificial lighting on the appeal site would not adversely affect bats.

9. Reference has been made to the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". However, I note that the Council's suggested condition wording is based upon the model condition which is provided at 3.7 within the Bat Conservation Trust Guidance Note 08/23. Overall, I am satisfied that the Council's suggested condition meets the tests as required by paragraph 57 of the National Planning Policy Framework (2024).
10. Taking all relevant matters into account, I conclude that the Council's suggested condition would conserve and enhance ecological interests. With this condition in place the proposal would accord with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan (2018) (SCLP) which require that development maintains, provides opportunity for, or enhances biodiversity.

Other Matters

11. My attention has been drawn to large scale planning permissions within the local area which the appellant indicates have been required to provide artificial lighting assessments, but where requirements for lux calculations have not been included in the relevant planning conditions. In this instance, I am substituting Condition 7 with a new condition which will also not require the provision of lux calculations.
12. I acknowledge that the appellant has not found examples of smaller scale developments in the local area which have been subject to conditions related to external lighting. Regardless, as the appeal site is located close to SSSIs and foraging bats have been recorded on site, a condition related to lighting is necessary and reasonable to conserve and enhance ecological interests.
13. I have been referred to Policy SC/9 of the SCLP. However, I note that this policy does not form part of the Council's reasoning for imposing Condition 7.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

B Pattison

INSPECTOR