

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Town and Country Planning (Inquiry Procedure) (England) Rules 2000

PLANNING PROOF OF EVIDENCE
SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

EVIDENCE OF: FIONA BRADLEY BRP, MRTPI

APPEAL BY BROOKGATE LAND LTD

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SUMMARY OF PROOF OF EVIDENCE

- 1.1 I am Fiona Bradley. I hold a Bachelor of Resource and Environmental Planning from Massey University in New Zealand. I have been a Chartered Member of the Royal Town Planning Institute since 2005.
- 1.2 I have been employed by Greater Cambridge Planning Service since November 2019 as an Interim Team Leader Support on a contract basis. I work in the Strategic Sites Team.
- 1.3 My evidence covers the planning issues raised in the consideration of the application and reasons for refusal agreed by the Joint Development Control Committee on 22 March 2023. This includes consideration of the development plan, the National Planning Policy Framework (NPPF) and other material considerations. My evidence relies on and refers to evidence provided by: Mr Kinghan on economic benefits; Mr Wakefield in respect to landscape impact and landscape design matters; Mr Brady on heritage matters; and Ms de Boom on design matters.
- 1.4 My evidence concludes that the appeal should be dismissed for the reasons set out in my evidence, summarised as follows:
- 1.5 In terms of the impact on the character and appearance on the surrounding landscape Mr Wakefield concludes that there is a significant level of harm/adverse effect arising from the development in landscape and visual terms. This does not accord with Development Plan Policy NH2: Protecting and Enhancing Landscape Character, nor does it accord with paragraph 130 of the NPPF.
- 1.6 The heritage impact of the proposals has been assessed by Mr Brady who concludes that the proposal would result in less than substantial harm to the setting of two designated heritage assets: the Riverside and Stourbridge and Fen Ditton Conservation Areas, contrary to Development Plan Policy NH/14: Heritage Assets.
- 1.7 Ms de Boom's and Mr Wakefield's evidence consider the design and landscape design of the proposed development respectively and their evidence finds that the proposals: fail to deliver a high quality, cohesive sense of place; will not result in a high quality living environment for all future residents; and result in an inferior approach to landscape design. This is contrary to Development Plan Policy HQ/1: Design Principles which establishes a set of fundamental design principles that should be applied to all development to ensure it contributes to social, economic and environmental sustainability. The proposal also fails to accord with paragraph 130 of the NPPF.

- 1.8 In my assessment of the Development Plan policies, I have concluded that the proposal does not accord with a number of relevant policies and it is my view that the proposal does not accord with the Development Plan as a whole.
- 1.9 I have undertaken an assessment of the benefits and harms of the proposal. Whilst I recognise the importance of providing additional jobs and housing within the district, which would meet the Council's objectively assessed need, this needs to be balanced against the harms caused by the proposals.
- 1.10 The economic benefits of the proposal are important, and I recognise the weight paragraph 81 assigns to them. Mr Kinghan's evidence demonstrates that the benefit of economic need for the proposed commercial floorspace has been overstated and that the medium-term supply is likely to be greater than current rate of supply and therefore this speculative proposal is not essential in meeting the objectively identified economic needs. Mr Kinghan's evidence also concludes that the net benefits of operational jobs is less than the number of gross jobs stated by the Appellant. The proposal would result in a number of social and environmental benefits which I have assessed. Overall, I attach considerable weight to the benefits.
- 1.11 The proposal results in landscape and visual impacts which result in harm; impacts to heritage assets, an irreplaceable resource which should be conserved in a manner appropriate to its significance; and overall, the proposal fails to achieve high quality design which is fundamental to what the NPPF says the planning and development process should achieve. I attach great weight overall to the harm identified. On the merits of this appeal proposal, the harm clearly outweighs the benefits.
- 1.12 It is common ground that the proposal results in "less than substantial" harm to heritage assets; two conservation areas. Accordingly, the NPPF paragraph 202 requires that for the identified harm to be acceptable that public benefits must outweigh it. It is my view that the public benefits do not outweigh the resultant harm which indicates that there is clear reason for refusing the proposed development.
- 1.13 In my opinion, the proposal is not in accordance with the Development Plan. My assessment of material considerations demonstrates that, given the significance of the harm resulting from the proposal, the benefits of the proposal are not outweighed by the resultant harm. Furthermore, I have concluded that the public benefits of the proposal do not outweigh the less than substantial harm to heritage assets caused by the proposal. Therefore, planning permission should be refused.

1.0 AUTHOR BACKGROUND

Qualifications and experience

- 1.1 I am Fiona Bradley. I hold a Bachelor of Resource and Environmental Planning from Massey University in New Zealand (conferred in 1994) and a Post Graduate Certificate in UK Planning Law and Practice from Leeds Beckett University (2005).
- 1.2 I am a Chartered Town Planner; obtaining full Chartered Membership of the Royal Town Planning Institute in 2005.
- 1.3 I worked as a planning officer for a local authority in New Zealand for four years before moving to the UK in 2001 and I have worked in the planning field here since then, predominantly in the public sector.
- 1.4 I am currently employed by Greater Cambridge Planning Service as an Interim Team Leader Support on a contract basis and I have been with the planning service since November 2019. I was a Team Leader in the Development Management Team for approximately 9 months which include managing a team of planning officers as well as my own case load of applications. I then moved into the Strategic Sites Team in the summer of 2020 where I have worked on a number of strategic sites within Greater Cambridge.
- 1.5 During my professional career I have worked on a wide range of planning work within Development Management which has included:
 - Planning and Enforcement Manager at Linda Russell Solicitors and Planning Consultants and Solicitors where I led the planning and enforcement team. My work included submitting planning applications and planning appeals on behalf of private clients and defending planning and enforcement appeals on behalf of local planning authorities
 - Managing an area-based Development Management team in a local authority for 10 years.
 - Working for local authorities as a planning officer working on a range of planning applications.

Statement of Truth

- 1.6 My evidence for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute, of which I am a Member. The opinions expressed are my true and professional opinions.

2.0 INTRODUCTION AND CONTEXT

- 2.1 This Proof of Evidence on Planning has been prepared on behalf of South Cambridgeshire District Council (“the Council” and “the LPA”) following an appeal against non-determination by Brookgate Land Limited on behalf of The Chesterton Partnership (“the Appellant”) in relation to an application for mixed use redevelopment on land off Cowley Road Cambridge, referred to as Land to the north of Cambridge North Station (“the Site”).
- 2.2 My involvement with the Site commenced in October 2020, as the planning case officer for managing both the pre-application process and the subsequent planning application, which was submitted June 2022. At the time the application was submitted the pre-application was unresolved and the LPA had advised the Appellant that it was not in a position to support the proposals. I have visited the Site and surrounding areas on numerous occasions.
- 2.3 The main Statement of Common Ground (SOCG) was agreed with the Appellant on 25 April (**CD 6.06**) and I rely on this in respect of matters which are not disputed between the parties.

The appeal application

- 2.4 The Site is wholly within the administrative area of the Council however it is immediately adjacent to the administrative area of Cambridge City Council.
- 2.5 The application (LPA ref: 22/02771/OUT) which was submitted to the Council on 15 June 2022 was valid on receipt and sought planning permission for:

“A hybrid planning application for:

- a) An outline application (all matters reserved apart from access and landscaping) for the construction of: three new residential blocks providing for up to 425 residential units and providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)); and two commercial buildings for Use Classes E(g) i(offices), ii (research and development) providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)), together with the construction of basements for parking and building services, car and cycle parking and infrastructure works.*
- b) A full application for the construction of three commercial buildings for Use Classes E(g) i (offices) ii (research and development), providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)) with associated car and cycle parking, the construction of a multi storey car and cycle park*

building, together with the construction of basements for parking and building services, car and cycle parking and associated landscaping, infrastructure works and demolition of existing structures”

- 2.6 A full list of the plans and documents submitted with the application and in the amendment pack (submitted October 2022) is included in section 5 of the main SoCG (**CD 6.06**).

Reasons for Refusal

- 2.7 The application was considered at the Councils’ Joint Development Control Committee on 22 March 2023 where Members considered a ‘minded to’ refuse recommendation. The recommendation and eight reasons for refusal in the Officer Report were endorsed unanimously by JDCC on 22 March 2023, as confirmed in the committee minutes (**CD 4.01**). The eight reasons for refusal are as set out in section 2.0 of the Council’s Statement of Case (**CD 9.00**).
- 2.8 Reasons for Refusal 6 (flood risk), 7 (ecology) and 8 (safeguarded sites) were related to the need for the provision of additional information. This was largely a consequence of the appeal for non-determination being progressed very soon after the second consultation period ended, without an opportunity to address the issues that arose from that round of consultation.
- 2.9 In **CD 6.06** it is confirmed that further technical information in regard to reasons for refusal 6 (flood risk) and 8 (safeguarded site) was submitted in April 2023. The technical notes prepared and submitted by the Appellant are appended to the main SoCG. The Council, and relevant consultees were satisfied that the information submitted sufficiently addressed reasons for refusal 6 and 8 and on that basis the Council does not defend those reasons for refusal. Accordingly, the two main issues listed below as identified by the Inspector in the post Case Management Conference (CMC) note, have been resolved:

Whether the proposed development is acceptable, having regard to the need to ensure that the development would be safe from flooding over its lifetime and would not add to the risk of flooding elsewhere, with particular reference to climate change.

Whether the proposed development is compatible with the location of the existing and/or future use of the Transport Infrastructure Area, including the existing Aggregates Railhead.

- 2.10 With regard reason for refusal 7 (Ecology), further information was provided by the Appellant in April and, after discussions with the Council’s Ecology officer, further amendments were made. The Council is now satisfied that the submitted information,

which will be included in an update to the main SoCG, satisfactorily addresses reason for refusal 7 and on that basis, the Council no longer defends that reason.

- 2.11 With regard reason for refusal 4 (comprehensive development), the relevant financial contributions to ensure the comprehensive development required through local plan policy SS/4, have continued to be discussed between the Council, Appellant and Cambridgeshire County Council. The Appellant and County Council have agreed a package of measures which includes strategic highway contributions which are considered to satisfy the provisions of SS/4. It is therefore considered the s106 would address the following main issue identified in the post CMC note:

Whether the proposed development would prejudice the comprehensive development of the Cambridge North allocation SS/4. The parties confirmed that the difference between them in relation to this matter was limited to financial contributions/the equalisation agreement.

Scope of Evidence

- 2.12 My Proof of Evidence addresses the planning issues raised in consideration of the planning application which include the development plan, the National Planning Policy Framework and other material planning considerations. My proof also considers the benefits of the proposals and the harm identified and the weight attached to these.
- 2.13 Throughout this Proof I will refer to the Council's Statement of Case (**CD 9.00**), rather than repeat its contents.
- 2.14 In my Proof I refer to other evidence presented by the Council as follows:
- In respect of economic benefits, which are addressed in the planning balance section of my Proof (section 6), the Proof of Evidence prepared by Matt Kinghan covers employment land need and economic impact evidence.
 - Landscape evidence (reason for refusal 1 and landscape design in reason for refusal 3) is covered in a Proof of Evidence prepared by Nigel Wakefield.
 - Heritage evidence (reason for refusal 2) is covered in a Proof of Evidence prepared by Christian Brady.
 - Design matters (reason for refusal 3) are covered in a separate Proof of Evidence prepared by Annemarie de Boom
- 2.15 My evidence will address the main issues identified in the Inspector's post CMC note dated 12 April 2023 and will be structured as follows:
- Section 3: Legislation and planning policy
 - Section 4: Key issues and case summary

- Section 5: Assessment of planning policies
- Section 6: The overall planning balance, summary and conclusions

Site description, description of the application and planning history

2.16 The main SoCG (**CD 6.06**) describes the site and surrounding area (section 2.0), the site's planning history (section 3.0) and the appeal proposal (section 4.0).

3.0 LEGISLATION AND PLANNING POLICY

- 3.1 This section of my Proof identifies the legislation, planning policies and guidance of most relevance to this appeal. I will also set out the status of the emerging development plan and the emerging North East Cambridge Area Action Plan (NEC AAP) and the current planning position.

Relevant legislation

- 3.2 Town and Country Planning Act 1990
Section 70(2) of the Act states: *“In dealing with an application for planning permission or permission in principle the authority shall have regard to: a) the provisions of the development plan, so far as material to the application... and c) any other material considerations.”*
- 3.3 Planning and Compulsory Purchase Act 2004 (as amended)
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.4 Community Infrastructure Levy Regulations 2010 (as amended)
The Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) generally set out regulations relating to the Community Infrastructure Levy (CIL). Part 11 refers specifically to planning obligations (including those in Section 106 Agreements) and is relevant to the consideration of these applications and will influence the final content of Section 106 Agreement, in the event that planning permission is granted.

The Development Plan

- 3.5 The adopted Development Plan applying in respect of the appeal proposals comprises:
- South Cambridgeshire Local Plan (adopted September 2018) (**CD 5.00**)
 - Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (**CD 5.02**)
- 3.6 Section 6.0 of **CD 6.06** sets out the relevant policies of the Development Plan.
- 3.7 An assessment of the appeal proposal against the relevant policies is provided in section 5 of my Proof.

The National Planning Policy Framework

- 3.8 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) is a “material consideration”, setting out the Government’s policies for England and how these are to be applied. The NPPF should be read as a whole, including its footnotes and Annexes. The paragraphs below refer to those sections of the NPPF which are of particular relevance to the appeal proposal.
- 3.9 Paragraph 7 of the NPPF sets out the purpose of the planning system to contribute to the achievement of sustainable development, which, at a very high level, is to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.10 Paragraph 8 underlines that sustainable development has three overarching objectives, as follows:
- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*
- 3.11 Paragraph 11 states what the presumption in favour of sustainable development means for decision-making. Sub-section c) is relevant to the appeal proposal and states this means “*Approving development proposals that accord with an up-to-date development plan without delay*”.
- 3.12 Paragraph 12 is clear that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted. Local Planning

Authorities may take decisions that depart from an up-to-date Development Plan only if material considerations in a particular case indicate that the Plan should not be followed.

- 3.13 With respect to planning conditions and obligations, paragraph 55 of the NPPF states that Local Planning Authorities should consider whether unacceptable development could be made acceptable through their use. Paragraph 57 goes on to state that:

*“Planning obligations must only be sought where they meet all of the following tests:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.”*

- 3.14 Paragraph 81 of the NPPF states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

- 3.15 Paragraph 83 then seeks to *“recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries...”*.

- 3.16 Part 16 of the NPPF addresses issues related to conserving and enhancing the historic environment. Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including development affecting the setting of a heritage asset, taking account of the available evidence and any necessary expertise. In determining applications, paragraph 197 requires that Local Planning Authorities should take account of:

*“a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 3.17 In considering potential impacts, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to significance (paragraph 199). Where a development proposal will lead to less than substantial harm to the significance of

a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 202).

3.18 Other aspects of the NPPF are addressed in the proofs of evidence which deal directly with those topics such as design and landscape.

National Guidance

3.19 Planning Practice Guidance sets out that “*public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework*” at paragraph 8. It states that “*public benefits should flow from the proposed development*” and “*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*”. (NPPG,18a-020-20190723).

3.20 The National Design Guide (**CD 5.17**) is relevant and is referred to in Ms de Boom’s evidence. The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. The guide forms part of the government’s collection of planning practice guidance.

Supplementary Planning Documents

3.21 The Council has adopted a number of Supplementary Planning Documents (SPDs) which are material considerations when making planning decisions. The following SPDs are relevant to the appeal proposal:

- District Design Guide SPD – Adopted March 2010
- Greater Cambridge Biodiversity SPD – Adopted February 2022
- Sustainable Design and Construction SPD – Adopted January 2020
- Cambridgeshire Flood and Water SPD – Adopted November 2016
- Health Impact Assessment SPD – Adopted March 2011
- Development Affecting Conservation Areas SPD – Adopted 2009
- Landscape in New Developments SPD – Adopted March 2010
- Affordable Housing SPD – Adopted March 2010
- Open Space in New Developments SPD – Adopted January 2009
- Public Art SPD – Adopted January 2009
- Trees and Development Sites SPD – Adopted January 2009

Other relevant guidance

3.22 The following documents provide additional guidance:

- Greater Cambridge Housing Strategy 2019-2023

- Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).
- Cambridge and Milton Surface Water Management Plan (2011)
- Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)
- Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste
- Cycle Parking Guide for New Residential Developments (2010)
- Development Management Guidance issued (revised in May 2021)
- Policy 60 of the Cambridge Local Plan (2018)

The North East Cambridge Area Action Plan

Background

- 3.23 South Cambridgeshire District Council and Cambridge City Council are jointly preparing an Area Action Plan (AAP) for North East Cambridge (NEC). The area proposed to be covered by the AAP is shown in Appendix 4 of the Committee Report (**CD 4.00**).
- 3.24 The area east of Milton Road, within which the site lies, is one of the last remaining significant brownfield sites in Greater Cambridge, extending to almost a square kilometre. It has long been an ambition of the local councils to take advantage of the opportunity this site affords to regenerate this part of the city and to support the continued economic success of the local economy.
- 3.25 Policy 15 of the Cambridge Local Plan 2018 and Policy SS/4 of the South Cambridgeshire Local Plan 2018 allocate the area for high quality mixed-use development, primarily for employment uses such as B1, B2 and B8, as well as a range of supporting commercial, retail, leisure and residential uses (subject to acceptable environmental conditions)
- 3.26 The local plans do not specify the amount of development, site capacities, or timescales for development, deferring such matters to the preparation of the joint AAP. This is because the planning of the area is dependent on the relocation of the Cambridge Water Waste Water Treatment Plant (CWWTP) which has been determined as a Nationally Significant Infrastructure Project (NSIP) which requires Anglian Water to submit a Development Consent Order (DCO) application to the Planning Inspectorate (PINS). A DCO application was submitted to the Planning Inspectorate however it was subsequently withdrawn on 23 February 2023 to allow for further material to be provided with the application. The Planning Inspectorate's website, as of 2 May 2023, states that the application was received by the Planning Inspectorate on 28 April 2023.

- 3.27 Since the local plans were adopted the City Council as landowner, in partnership with Anglian Water as owners of the CWWTP, has sought to secure funding, through the Housing Infrastructure Fund (HIF), to relocate the CWWTP off site. The vacated CWWTP site together with land around the new Cambridge North station, the Cambridge Business Park, St John's Innovation Park, the Cambridge Science Park and other land, will provide the opportunity for the creation of a new urban quarter to the city which can make a significant contribution to the future housing and employment needs of Greater Cambridge.
- 3.28 In recognition of this opportunity, the councils are preparing a joint AAP to guide the type, mix and location of development, ensuring this is coordinated, manages transport requirements, and delivers on a shared future vision of the place.
- 3.29 The AAP has already been the subject of three rounds of public consultation and has been refined at each stage having regard to matters raised by respondents. In addition, a suite of evidence and topic papers has been prepared:
- Issues and Options – 8th December 2014 – 2nd February 2015
 - Issues and Options – 11th February – 25th March 2019
 - Draft Area Action Plan– 27th July – 5th October 2020

Current position and status

- 3.30 A Proposed Submission AAP was prepared and reported to the councils (South Cambridgeshire District Council Cabinet 10 January 2022, Cambridge City Council Planning and Transport Scrutiny Committee 11 January 2022), where the Proposed Submission AAP was considered and agreed for future public consultation. Both councils therefore fully endorse the AAP vision, strategic objectives, spatial strategy, and policies however the next stage of the process is contingent upon the separate DCO being concluded. Until the DCO process is concluded and the relocation project authorised to commence, the AAP process is paused.
- 3.31 The Proposed Submission AAP has not been the subject of publication and consultation. As stated in the main SoCG (para. 8.11), the Appellant considers it attracts very limited weight whilst the LPA considers it attracts "limited" (i.e. little) weight as a material consideration in planning decision making and advice. Notwithstanding these slight differences, my Proof, and the Proofs of the other Council witnesses, have not relied on the Proposed Submission AAP therefore it is my opinion that any disagreement between the parties does not have any bearing on the appeal proposal.

Evidence Base

- 3.32 A full suite of evidence base studies has been prepared for the AAP. These have been reported to the relevant committees of the Councils alongside the Proposed Submission AAP and are published on the councils' shared planning webpages.
- 3.33 The studies are considered to provide evidence of the existing context of NEC and its surrounds. The evidence base provides background information and the Councils' direction of travel as such, they may be a relevant consideration which attracts weight if and to the extent that it is material to the application of adopted development plan policies. Where the evidence base is considered material to the consideration of this application it has been considered and commented on by the Council's witnesses. As set out in the main SoCG (para. 8.10 **CD 6.06**), the appellant has objected to the evidence base.

The Emerging Development Plan

Background

- 3.34 Cambridge City Council and South Cambridgeshire District Council are working together to create a joint Local Plan for the two areas. This is the first time the authorities have produced a joint Local Plan and the aim is to ensure that there is a consistent approach to planning and building across both areas up to 2041. When adopted, the joint local plan will supersede both Local Plans (2018).
- 3.35 In 2019 the Councils held an initial Call for Sites and workshops with a wide range of groups including Residents Associations, Parish Councils, landowners and agents, statutory consultees and others, to understand what they felt the main issues for the Plan might be.
- 3.36 In January and February 2020, the First Conversation was held – a public consultation on the main themes and challenges for the plan. The Call for Sites was extended to invite further development sites, and sites for potential new green infrastructure, to be put forward. The responses to the First Conversation and information received through the call for sites was published in September 2020.
- 3.37 In November 2020, the initial evidence base findings and development strategy options assessments were published.
- 3.38 In January 2021 Parish Councils and Residents Associations were invited to contribute their local knowledge about the sites put forward for development, and this fed into the assessment of their suitability.
- 3.39 In November to December 2021 full public consultation on the First Proposals.
- 3.40 An agreed updated timetable for the Local Plan was adopted in July 2022.

3.41 The councils are currently considering the issues raised in representations to the First Proposals. It will guide the preparation of the draft local plan which will be brought to members in summer 2023 prior to public consultation.

Current position and status

3.42 The NPPF, at para. 48 states that decision makers may give weight to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections; and c) the degree of consistency that the emerging policies have to the NPPF itself.

3.43 In this case, the joint local plan is at an early stage of plan preparation and therefore currently attracts limited weight as a material consideration in planning decision making and advice. This is agreed by the parties in para. 8.12 of the main SoCG.

3.44 A suite of evidence base studies has been prepared for the Joint Local Plan. The evidence based provides background information and the Councils' direction of travel and therefore is a material consideration that should be given weight. Of particular relevance to this appeal is the Greater Cambridge Employment and Housing Evidence Update (January 2023) (**CD 5.10**).

Current planning position

3.45 In the post CMC note, under main issues, the Inspector asked that the parties explain the planning position in the absence of the scheme and then explain any implications for the scheme should approval be forthcoming.

3.46 In the absence of the DCO and an adopted AAP, the parties are agreed that the appeal proposal falls to be assessed in accordance with the development plan unless there are material considerations that indicate otherwise as set out at section 38(6) of the Planning and Compulsory Purchase Act 2004 (main SoCG para. 8.2 **CD 6.06**). The parties are agreed that the development plan is formed of the South Cambridgeshire Local Plan (2018) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

4.0 KEY ISSUES AND CASE SUMMARY

- 4.1 In this section of my Proof I will address the remaining Reasons for Refusal and, by cross-referencing to the evidence of Mr Wakefield, Mr Brady and Ms de Boom called on the Council's behalf relating to landscape, the historic environment, and design respectively), will address the following main issues from the post CMC note:
- *Whether the proposed development would deliver the high-quality sustainable design, and sense of place sought by the Framework and development plan policies.*
 - *The effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourhead Conservation Areas, and the setting of Anglesey Abbey.*
 - *The effect of the proposal on the character and appearance of the surrounding landscape with particular regard to the height and massing of the proposed development and the setting of the City of Cambridge.*

Reason for Refusal 1: Landscape and visual impact

- 4.2 *The effect of the proposal on the character and appearance of the surrounding landscape with particular regard to the height and massing of the proposed development and the setting of the City of Cambridge.*
- 4.3 The Council's landscape evidence, prepared by Mr Wakefield, deals with this substantive issue and the Inspector should refer principally to this evidence in considering this issue.
- 4.4 The Appellant's SoC (**CD 6.04**), states that in terms of landscape and townscape effects, the LVIA concluded that the proposed development does not result in any significant effects, even when assessed against the baseline of the existing site condition and goes on to say that *"the evolution of the master plan considered the sensitivities highlighted in the LVIA process, resulting in a proposal that appropriately responds to its context. Nonetheless, it is noted that the sensitivity of the eastern edge of the Site is sufficient to give rise to moderate adverse effects on the landscape setting of the Fen Ditton CA, aligned with the significant effects on receptors at viewpoint 8. However, these effects should be read in conjunction with the lack of adverse visual effects on viewpoints 5 and 24, indicating that the change in townscape terms is not perceived equally across this landscape receptor. As a result, the effect on the landscape setting of the Fen Ditton Conservation Area is not considered to be significant"*.

4.5 As set out in section 6 of Mr Wakefield's proof, he disagrees with this statement and considered that the proposal will result in significant effect on the following landscape receptors as follows:

- The landscape sensitivity of Landscape character Area 9a River Cam is **high** the magnitude on impacts in **medium / high** and significance of effects are **moderate/ major adverse which is significant**.
- The Landscape setting of Fen Ditton CA has medium/high sensitivity as Bidwell LVIA also states and that the magnitude of change is **medium to high**, and significance of effects are **moderate/ major which is significant**. The Bidwell LVIA refers to viewpoint 5- 20 but it failed to consider worst case scenarios from Fen Ditton meadow within the conservation area and from the Plough Public house beer garden also in the Fen Ditton Conservation Area (see Appendix 5 node viewpoints 1, 2,20, 22 and 23 and appendix 11 -Viewpoint assessment comparison table)
- The impact on Cambridge skyline is much greater than stated with the LVIA which states the effects are **moderate neutral**. Instead, the effects will be **moderate/ major adverse** as both Fen Ditton church and St George's church will be screened by the height and mass of development from a number of locations including from the western part of the site and from Viewpoint 20 in the Fen Ditton Conservation Area. **This is a significant landscape effect.**
- The impact on local residential area is **moderate/ major** adverse due to the scale, mass and height of proposed development on a prevailing low height residential context with development proposed being much higher and dominant within this character type.

4.6 In section 7 of his evidence, Mr Wakefield assesses the visual impact of proposals by considering the following:

- The size, scale, mass and orientation of development
- Impact of development on Cambridge Skyline and landmark buildings
- Impact of development on Greenbelt/ Cam River Valley and South Cambridge Conservation Area and Fen Ditton
- Impact of development on existing residential development
- The approach to and the assessment and findings within the LVIA

4.7 Mr Wakefield's evidence concludes that the Bidwells LVIA identified one **major adverse landscape visual** impact from viewpoint number 6 – Footpath 85/6 Fen Ditton. This view is also highlighted in VU city Viewpoint 8. This **major adverse** residual landscape impact is significant.

- 4.8 His assessment finds that **five** viewpoints have **major adverse** residual visual landscape impacts (Footpath 85/ 6 Fen Ditton – Node Viewpoint 20; Fen Rivers Way – Node Viewpoints 19, 21; and Plough Inn, Fen Ditton Node Viewpoints 22, 23) and that this is significant in landscape terms and demonstrates the Bidwells LVIA has underestimated views from the east.
- 4.9 Two views are **moderate/ major adverse** which is significant and includes viewpoints 16 and 17 from travelers' site and from Fen Road, it is noted that the Bidwells LVIA does not have any moderate/ major adverse impacts.
- 4.10 Bidwell's LVIA also identifies **moderate adverse** impacts for two viewpoints (Viewpoint 2 Bramblefield LNR and Viewpoint E5 - Discovery Way). However, Mr Wakefield's assessment finds that **three** views are **moderate adverse** visual impacts (Node Viewpoints 8/9 – residential Properties – Bourne Road and Node Viewpoint 11 – Discovery Way/ Cambridge Guided Bus Route).
- 4.11 Locations where Mr Wakefield anticipates lower residual visual impacts i.e. **minor adverse/ negligible** in the longer term are from longer distance views, as shown in Node viewpoints 5, 6, 7, 12, 13, 14, 24 and 25. This is generally consistent with the findings of the LVIA.
- 4.12 Mr Wakefield has clearly set out his reasoning for the difference in opinion and I agree with his findings and rely upon this evidence.
- 4.13 In terms of mitigation, Mr Wakefield accepts that the proposed mitigation could have some benefits when close to the site, however it will not screen the proposal particularly from medium distance views to the east and in the winter. The Bidwells LVIA accepts that the proposed mitigation will not change visual impact from year 1 to year 15. He concludes that the only thing that could mitigate landscape visual impacts and reduce the adverse impacts would be to reduce the height and mass of the proposed development significantly, more in line with the parameters of the NEC LVIA which sets out heights of 12-21 m.
- 4.14 Overall, Mr Wakefield is of the view that there will be a significant level of harm/adverse effect arising from the development in landscape and visual terms.
- 4.15 I explain in section 5 of my evidence how Mr Wakefield's evidence informs the assessment against planning policy.

Reason for Refusal 2: Heritage impact

- 4.16 *The effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourhead Conservation Areas, and the setting of Anglesey Abbey.*

- 4.17 The Council's heritage evidence, prepared by Mr Brady, deals with this issue and the Inspector should principally refer to his evidence in considering reason for refusal 2.
- 4.18 Mr Brady's evidence identifies the heritage assets affected by the proposals, the Fen Ditton and the Riverside & Stourbridge Common Conservation Areas, and assesses their significance and the impact of the proposals on them. He finds that:
- The proposals would constitute a permanent change (not reversible) to the visual quality of the heritage assets setting and would have a negative effect on the way in which they are experienced and appreciated.
 - The significance of the heritage assets has not been given sufficient recognition by the Appellant.
 - The appeal scheme fails to conserve or enhance the conservation areas.
 - The proposals do not sustain and enhance nor do they respond to local heritage character.
- 4.19 I agree with Mr Brady's evidence and rely upon his evidence.
- 4.20 I explain in section 5 of my evidence how Mr Brady's evidence informs the assessment against planning policy. In section 6 I consider the harm to the heritage assets when balanced against the benefits of the appeal proposal.
- 4.21 Historic England were consulted on the appeal application and, in both of their response dated 5 September 2022 (**CD 3.20**) advised that the proposed scheme *"would harm the significance of Biggin Abbey, the Stourbridge Common and Fen Ditton Conservation Areas and more generally, compromise the important relationship between Cambridge city and the surrounding countryside"*. The response goes on to say the proposal *"would constitute a permanent change to the essential visual quality of the wider setting of these heritage assets, and would have a negative effect upon the way in which they are experienced and appreciated"* and that *"the proposed development would result in an overall moderate level of less than substantial harm to the significance of Fen Ditton, Baits Bite Lock and Riverside and Stourbridge Common Conservation areas"*.
- 4.22 The Council took account of the advice provided by HE as it is the public body that provides expertise for England's historic environment. HE's advice to the Council was that the appeal proposal will cause harm to the significance of the conservation areas, through the changes in the setting.

4.23 The concern raised regarding the assessment of views from Coronation Avenue at Anglesey Abbey, and included in Reason for Refusal 2, were addressed in the Heritage Statement of Common Ground, April 2023 (**CD 6.09**) where further information was provided by the Appellant to demonstrate no further assessment was required. The Council and HE agree with the appellant that, based on the information provided in **CD 6.09**, no further assessment was required. Accordingly, this part of reason for Refusal 2 is overcome.

Reason for Refusal 3: Design

4.24 *Whether the proposed development would deliver the high-quality sustainable design, and sense of place sought by the Framework and development plan policies.*

4.25 Ms de Boom's evidence addresses the quality of the environment and the sense of place it would create. Mr Wakefield's evidence also considers the design quality of the public realm. The Inspector should principally refer to both proofs of evidence in considering reason for refusal 3.

4.26 Ms de Boom concludes her evidence as follows:

- The proposed design for a mixed use redevelopment on land off Cowley Road, Cambridge fails to create the high quality of place that must be delivered at this highly sustainable and strategic significant location at the edge of the City of Cambridge and gateway to the North East Cambridge district.
- The cumulative impact of the design proposals relating to land use distribution, block structure and urban grain, and the height, massing and scale of design of buildings results in a development that lacks variety and a comfortable human scale, and does not positively contribute to local context.
- The form of the proposed buildings does not consistently deliver strong visual relationships, and at points, fail to reflect movement hierarchy. Thus, the proposals fail to deliver a cohesive sense of place.
- The proposals fail to provide convenient and accessible provision for cycle parking, caused by the poor relationship of some cycle access point in relation to cycleways and the design of the public realm. There is also an over-reliance on two tier cycle parking which is inconvenient to use. This will create barriers to choosing cycling over the use of motorised forms of transport and will not support a modal shift to active travel modes.
- The high proportion of single aspect units resulting from the proposed layout of, and the block typology for the residential quarter will not result in a high quality living environment for all future residents. The scope to address this issue at subsequent planning stages is limited given the constraint imposed on the design by the tightly defined parameter plans.

4.27 I agree with what Ms de Boom says and I reply upon this evidence.

4.28 I explain how this informs the assessment of compliance with planning policy in section 5 of my evidence.

4.29 With respect to landscape design, Mr Wakefield makes the following conclusions:

- No strong conceptual landscape design vision for the site. It feels generic rather than unique.
- It feels very much as a landscape design that is fitted around buildings rather than buildings responding to landscape.
- No specific design principles that respond to this actual site but a generic list of design principles have been provided.
- A disconnect between the LVIA and landscape design process. The landscape design has not sought to create east west view lines or larger buffer along eastern boundary of the site.
- A lack of landscape design influencing the layout of the site.
- Too many character areas.
- Poor location of some formal children's open space in relation to location and access.
- Conflicts between formal children's play space and ecology and biodiversity goals.
- Soft landscaping proposals not being strongly formal or informal giving confused concept.
- Potential management and maintenance issues associated with the swale.
- Potential lack of consideration of microclimate and overshadowing of public spaces by buildings.
- Naming of places feels generic and not appropriate.
- Some spaces like Chesterton Square don't seem to have a clear function.
- Having underground basement under key public spaces limits landscape design options.

4.30 I agree with his findings and rely upon this evidence.

4.31 I explain how this informs the assessment of compliance with planning policy in section 5 of my evidence

Third party representations

4.32 Cambridge Past, Present & Future ("CPPF") is a Rule 6 party. As set out in the SoC (CD 11.00) CPPF has been involved with the proposed development through the pre-application and application process as a consultee.

4.33 Section 21 of the Officer Report (**CD 4.00**) includes a table identifying the third party issues raised.

5.0 ASSESSMENT OF PLANNING POLICIES

The Development Plan

Chapter 2 Spatial Strategy

- 5.1 **Policy S/2: Objectives of the Local Plan** states that the vision for the Local Plan will be secured through 6 key objectives which I have summarised as follows:
- a. Support economic growth
 - b. Protect the character of the district, including its built and natural heritage
 - c. Provide land for housing that meets local needs and aspirations
 - d. Deliver high-quality and well-design developments, reflecting location and responding the climate change
 - e. New developments provide access to or provision of services and facilities.
 - f. Maximise potential for journeys to be undertaken by sustainable modes of transport
- 5.2 It is my view that the proposal does accord with a number of sub-sections of this policy by supporting economic growth, providing housing, providing or being accessible to services and facilities and seeking to maximise journeys to be taken by sustainable transport modes. However, this policy should be considered as a whole i.e. one key objective should not be met at the expense of another, and it is my view that two of the key objectives are not met. As I will detail more fully below, the appeal proposal fails to protect the character of South Cambridgeshire, including its built and natural heritage, and it fails to deliver high-quality, well-designed developments.
- 5.3 **Policy S/3: Presumption in Favour of Sustainable Development** provides that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It is my view that the proposal does not achieve sustainable development due to the landscape and visual harm, heritage harm and the failure to provide (overall) a well-designed development. Accordingly, the proposal should be refused.
- 5.4 It is my view that the appeal provides employment space, thus providing jobs, and homes which is in accordance with **Policy S/5: Provision of New Jobs and Homes** which states that development will meet the objectively assessed needs in the district for 22,000 additional jobs and 19,500 homes, including affordable housing.

Chapter 3 Spatial Strategy

- 5.5 The Site forms part of the Major Development Site allocation within the Local Plan referred to in **Policy SS/4: Cambridge Northern Fringe East and Cambridge North railway station**, as identified under Policy SS/4. The allocation includes the area of land occupied by the Cambridge North Station, the Novotel and the new office buildings (One Cambridge Square) as well as the appeal site in its entirety plus land to the north of the appeal site which includes the land currently occupied by the Cambridge Northern fringe Aggregates Railhead.
- 5.6 Policy SS/4 is split into 4 constituent parts and I will deal with these in turn.
- 1. The Cambridge Northern Fringe East and Cambridge North railway station will enable the creation of a revitalised, employment focussed area centred on a new transport interchange.*
- 5.7 The railway station has been operational since 2017 and, together with the bus services using the guided busway and cycle and car parking provision, provide a transport interchange. The consented office building supports the beginnings of an employment focussed area in this location and it is considered the appeal scheme, being employment led, would be consistent with this principle.
- 2. The area, shown on the Policies Map, and illustrated in Figure 6, is allocated for high quality mixed-use development, primarily for employment within Use Classes B1, B2 and B8 as well as a range of supporting uses, commercial, retail, leisure and residential uses (subject to acceptable environmental conditions).*
- 5.8 It is common grounds the appeal proposal is for employment use in accordance with this policy.
- 5.9 The proposals also provide for flexible uses on the ground floors, within Use Classes E and F, which can provide for a range of supporting uses including retail, community and leisure uses. 425 residential units are also proposed.
- 5.10 The policy states these uses will be supported subject to acceptable environmental conditions and the supporting text states that *“Any development proposals will need to be assessed against the above minerals and waste policies and specifically will need to prove they are compatible to ensure the existing safeguarded aggregates railhead and waste operations can continue without conflict”*.
- 5.11 The site lies within the consultation area (CA) for the Cambridge Northern Fringe Aggregates Railheads (Transport Infrastructure Area) (TIA), the Cambridge Water Recycling Area (WRA) and the Cowley Road Waste Management Area (WMA), as

identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

- 5.12 The Council's reason for refusal 8 raised the issue of insufficient information submitted to fully consider the compatibility of the proposals with the existing aggregates railhead. However, the further information provided during the appeal addressed this and the County Council, as the Minerals and Waste Planning Authority, confirmed that the submitted information sufficiently addressed the concerns and the reason for refusal was withdrawn by the Council. Accordingly, the environmental conditions are considered to be acceptable for the proposed uses and the existing safeguarded aggregates site and waste operations can continue to operate without conflict.
- 5.13 Whilst there are some elements of the proposal which are high quality (as set out in paras 2.4, 2.10, 2.15, 2.16, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.27, 2.28, 2.30, 2.31 and 2.33 of the Design SoCG, **CD 6.07**), for the reasons given in the proof of evidence of Ms de Boom, Mr Wakefield and Mr Brady, taken together it is not considered the proposal to be of high quality design overall. For this reason, the proposal does not comply sub-paragraph 2 of policy SS/4.

3. The amount of development, site capacity, viability, time scales and phasing of development will be established through the preparation of an Area Action Plan (AAP) for the site. The AAP will be developed jointly between South Cambridgeshire District Council and Cambridge City Council, and will involve close collaborative working with Cambridgeshire County Council, Anglian Water and other stakeholders in the area. The final boundaries of land that the joint AAP will consider will be determined by the AAP.

- 5.14 The status of the AAP is discussed in detail in section 3 of my Proof and is therefore not repeated here. It is recognised that these matters have not been set through the AAP at this time.

4. All proposals should:

a. Take into account existing site conditions and environmental and safety constraints;

- 5.15 The technical documents submitted with the application, in the amendment pack (submitted October 2022) and during the course of the appeal consider the existing site conditions and environmental and safety constraints. No objections were raised by the Council's Environmental Health department in respect of odour, noise, ground contamination or air quality subject to suitably worded conditions.

5.16 As set out above, the County Council, as the Minerals and Waste Planning Authority, confirmed that the information in April 2023 sufficiently addressed the concerns and the reason for refusal 8 was withdrawn by the Council.

5.17 As set out in Mr Wakefield's evidence, the Bidwells LVIA identifies one major adverse landscape visual impact from viewpoint 6 whereas Mr Wakefield's assessment concludes that five viewpoints have major adverse residual visual landscape impacts. It is Mr Wakefield's view that this demonstrates the Bidwell LVIA has underestimated views from the east the appeal proposal that there will be a significant level of harm/adverse effect arising from the development in landscape and visual terms. It is my view that the appeal proposal did not fully take into account the environmental constraints.

b. Demonstrate that environmental and health impacts (including odour) from the Cambridge Water Recycling Centre can be acceptably mitigated for occupants;

5.18 I am satisfied, based on the information submitted with the application, that the Site falls outside of the odour contours of the Cambridge Water Recycling Centre.

5.19 An odour statement was submitted in support of the application and confirms there are no predicted significant odour impacts at the Site from the CWRC. The Council's Environmental Health department raised no objections to the proposals. No other environmental or health impacts arising from the Cambridge Water Recycling Centre requiring mitigation for occupants of the Appeal scheme have been identified.

c. Ensure that appropriate access and linkages, including for pedestrians and cyclists, are planned for in a high quality and comprehensive manner;

5.20 It is agreed in the main SoCG that the submitted Movement Parameter Plan includes a network of dedicated footways, footpaths and cycle paths throughout the Site. Linkages from the transport interchange, through the site, ensure connectivity through the development itself and to the surrounding areas.

5.21 The only outstanding issue raised in in relation to the access to some residential blocks, where they are not well located in relation to the proposed cycle ways. This is covered in Ms de Boom's evidence.

d. Recognise the existing local nature reserve at Bramblefields, the protected hedgerow on the east side of Cowley Road which is a City Wildlife Site, the First Public Drain, which is a wildlife corridor, and other ecological features, and where development is proposed provide for appropriate ecological mitigation, compensation, and enhancement measures either on- or off-site; and

5.22 Ecological surveys were submitted as part of the application, with the amendment pack and also during the course of the appeal, identify appropriate mitigation, compensation and enhancement measures. A Biodiversity Net Gain (BNG) Report based upon DEFRA's BNG 3.1 metric has been prepared in support of the application and a BNG gain of 66.79% can be delivered on site (**CD 2.18**). No direct access from the site to Bramblefields LNR is provided and this is supported so as not to result in additional users accessing the Local Nature Reserve.

e. Ensure that the development would not compromise opportunities for the redevelopment of the wider area.

5.23 The illustrative masterplans (**CD 2.87 and CD 2.88**) submitted as part of the amendment pack in October show how the proposed development could relate to the land to the north of the site and the wider NEC AAP area.

5.24 Reason for refusal 5 states that *"The application does not explain, in the absence of a comprehensive and appropriate S106 agreement, how the requirements of the development plan for comprehensive development of the areas would be achieved"*. The parties confirmed that the difference between them in relation to this matter was limited to financial contributions/the equalisation agreement. Verbal agreement has been reached between the Local Highway Authority and the Appellant in terms of a strategic highway contribution to be included in the s106. I am of the view that the development would not compromise opportunities for the wider NEC area.

Chapter 4 Climate Change

5.25 As set out in the Officer Report (**CD 4.00**) the Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy **CC/1: Mitigation and Adaptation to Climate Change**. I am satisfied the appeal proposals include sufficient details to accord with this policy, together with that of **Policy CC/3: Renewable and Low Carbon Energy** and **Policy CC/4: Water Efficiency**.

5.26 With regard to **Policy CC/7: Water Quality**, no objection was raised to the proposal by Anglian Water or Cambridge Water. However, during the course of this appeal the Environment Agency "(the EA)" objected to the appeal proposal. Discussions on this issue continue between the Appellant, the Environment Agency and the Local Planning Authority. The parties are progressing a statement of common ground which will address this issue in further detail. Whether the Appellant is able to overcome the Environment Agency's objection in this regard does not affect my assessment that the appeal should be dismissed.

5.27 Reason for refusal 6 (flood risk) has now been resolved, following the submission of further information during the course of the appeal relating to sustainable drainage and flood risk. I am of the view that the appeal proposal fully accords with **Policy CC/8: Sustainable Drainage Systems** and **Policy CC/9: Managing Flood Risk**.

Chapter 5 Delivering High Quality Places

5.28 **Policy HQ/1: Design Principles** establishes a set of fundamental design principles that should be applied to all development to ensure it contributes to social, economic and environmental sustainability and makes a positive difference to people's lives to help provide homes, jobs and better opportunities for everyone, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are important to everyone.

5.29 Ms de Boom and Mr Wakefield give evidence as to why they consider the appeal scheme does not comply with this policy as a whole. In particular it: fails to create the high quality of place that must be delivered at this highly sustainable and strategic significant location at the edge of the City of Cambridge and gateway to the North East Cambridge district; impact of the design proposals relating to land use distribution, block structure and urban grain, and the height, massing and scale of design of buildings results in a development that lacks variety and a comfortable human scale, and does not positively contribute to local context; does not consistently deliver strong visual relationships, and at points, fail to reflect movement hierarchy. Thus, the proposals fail to deliver a cohesive sense of place; in places provides poor relationship of some cycle access point in relation to cycleways and the design of the public realm; will not result in a high quality living environment for all future residents; and results in an inferior approach to landscape design.

5.30 I acknowledge that some sub-sections of the policy are complied with, such as sub-section h which requires car parking to be integrated into the development in a safe and convenient way. However, compliance with some elements of the policy does not result in compliance overall as the scale and nature of the proposals touch on all elements of the policy. I am therefore of the view that the proposal does not accord with Policy HQ/1.

Chapter 6 Built and Natural Environment

5.31 Chapter 6 of the Local Plan sets out how development should protect and enhance the natural and historic environment. I will discuss the relevant policies in turn.

5.32 **Policy NH/2: Protecting and Enhancing Landscape Character** provides that "*Development will only be permitted where it respects and retains, or enhances the*

local character and distinctiveness of the local landscape and of the individual National Character Area in which is it located” (emphasis added).

- 5.33 Mr Wakefield gives evidence as to why he believes the appeal proposal does not respect, retain or enhance the landscape, indeed he believes the proposal would result in a significant level of harm/adverse effect in landscape and visual terms. It is therefore my view that the proposal does not accord with this policy.
- 5.34 I am of the view that, following the submission of further information during the course of the appeal in relation to ecology, **Policy NH/4: Biodiversity** is complied with.
- 5.35 **Policy NH/6: Green Infrastructure** provides that the Council will aim to conserve and enhance green infrastructure within the district. Proposals that cause loss or harm to this network will not be permitted unless the need for and benefits of the development demonstrably and substantially outweigh any adverse impacts on the district’s green infrastructure network.
- 5.36 There is no evidence to demonstrate harm to the green infrastructure in the district therefore it is my view that the proposal accords with this policy.
- 5.37 **Policy NH/8: Mitigating the Impact of Development In and Adjoining the Green Belt** provides that “Development on the edges of settlements which are surrounded by the Green Belt must include careful landscaping and design measures of a high quality”. Mr Wakefield gives evidence as to why he believes the appeal proposal does not respect, retain or enhance the landscape, indeed he believes the proposal would result in a significant level of harm/adverse effect in landscape and visual terms. The landscaping proposed does not provide sufficient mitigation. It is therefore my view that the proposal does not comply with this policy.
- 5.38 Section 2 of **Policy NH/14: Heritage Assets** states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Policy Framework. It is Mr Brady’s belief that the proposals do not “sustain and enhance” nor “respond to local heritage character” as required by this policy. Mr Brady and Historic England, in its consultation response, are of the view that the proposals result in harm to the heritage assets (conservation areas) at the moderate level of “less than substantial harm”.
- 5.39 Historic England is a statutory consultee and a principal authority on matters relating to the historic environment in England. In the consultation response to the proposals (**CD 3.20**) Historic England advised that the proposed scheme “*would harm the significance of Biggin Abbey, the Stourbridge Common and Fen Ditton Conservation Areas and more generally, compromise the important relationship between*

Cambridge city and the surrounding countryside". The response goes on to say the proposal would result in a permanent change to the visual quality of the wider setting of the assets and that the proposed development would result in an overall moderate level of less than substantial harm to the significance of Fen Ditton, Baits Bite Lock and Riverside and Stourbridge Common Conservation Areas.

5.40 I have considered Mr Brady's expert advice and the clear objection from historic England and conclude that the appeal proposal does not accord with Policy NH/14.

Chapter 7 Housing

5.41 It is my view that the appeal proposal complies with the relevant policies in this chapter of the local plan.

5.42 **Policy H/9: Housing Mix** seeks a wide choice, type and mix of housing to be provided. Although the proposed mix is strongly skewed towards the provision of 1 and 2 bedroom homes, I am of the view that the type of housing proposed, being high density development comprising all flats and a high number of BTR units, this mix is appropriate. All properties are proposed to conform to M4(2) and 5% would be built to M4(3) (para. 6.48 Planning Statement **CD 1.16**). Policy H/9(2) requires the provision of self and custom build plots, however sub paragraph 2f specifically exempts developments of high density, multi-storey flats and apartments from this requirement. Accordingly, I am of the view the proposals accord with this policy.

5.43 **Policy H/10: Affordable Housing** requires that developments of 11 dwellings or more will provide 40% of the homes on site as affordable housing. The NPPF paras 60 – 67 and Annex 2 Glossary are relevant. As set out in the Heads of Terms (**CD 1.16**) the Appellant has agreed that, within the market housing element of the scheme, to provide a minimum of 40% affordable housing in accordance with this policy with the proposed tenure mix of 70% social/affordable rent and 30% Intermediate housing. I am satisfied the proposal accords with this policy.

5.44 Annex 9: Build to Rent policy of the Greater Cambridge Housing Strategy 2019-2023 outlines the approach that the councils will take around the development of new, purpose built homes for rent. The Strategy supports the development of purpose-built private rented housing to help provide additional housing choice and to help accelerate the delivery of new homes. In line with the Greater Cambridge Housing Strategy and National Guidance, it is proposed that 20% of the BTR units will be affordable.

5.45 All dwellings would meet or exceed the Nationally Described Space Standards, as required by **Policy H/12: Residential Space Standards** ensuring compliance with this policy.

Chapter 8 Building a Strong and Competitive Economy

- 5.46 **Policy E/9: Promotion of Clusters** which states that *“Development proposals in suitable locations will be permitted which support the development of employment clusters, drawing on the specialisms of the Cambridge area”*, the R&D sector is included in the list of sectors set out in the policy. The policy goes on to say, in sub-section 2, that employment land allocations, including the new employment provision on the edge of Cambridge within SS/4, *“especially suited for cluster development”*. Sub-section 2 also states that proposals in areas, including within SS/4 *“will be expected to include provision of a range of suitable units, including for start-ups, SMEs, and incubator units”*.
- 5.47 It is common ground that the site’s allocation identifies the site as being especially suited for cluster development in accordance with this policy. The proposed commercial uses, specifically research and development, is identified as a Cambridge specialism suited to a cluster.
- 5.48 The proposed employment provision provides for office and research and development uses and the floor plans allow for a mix of tenants to occupy the buildings. However it does not specifically provide for start-ups, SMEs and incubator units which are listed in the policy. In my view, the policy is not a prescriptive one in terms of the range of units as it includes units which could be required but does not specify that such units must be required. In my view, the range of units provided is limited but the uses provided are acceptable and indeed expected within this site. On this basis, I am of the view that the proposal is compliant with this policy.
- 5.49 **Policy E/10: Shared Social Spaces in Employment Areas** provides for supporting uses within employment areas to meet the needs of area and support its functionality. The flexible uses on the ground floors of the buildings provide for a mix of uses including potentially leisure uses, cafes and retail uses. This is a mixed use scheme, so not solely an employment area as necessarily envisaged by the policy which intends such facilities to provide for workers on site rather than attract visitors. With this in mind, I am of the view the proposal accords with the policy.

Chapter 9 Promoting Successful Communities

- 5.50 The application was supported by a Health Impact Assessment (HIA) as required by **Policy SC/2: Health Impact Assessment**. The outcome of that assessment was that the submitted HIA was assessed as Grade B which meets the required standard of the HIA SPD and Policy SC/2. I am of the view the proposal accords with this policy.

- 5.51 **Policy SC/4: Meeting Community Needs** requires large scale major developments to provide detailed assessments and strategies for community needs, which take account of capacity and accessibility at existing facilities in the locality. Such facilities should be provided in accessible locations with opportunities sought for joint provision or co-location of compatible services and facilities. The timely delivery of services and facilities will be required, including consideration of early phase requirements of the development.
- 5.52 The appeal proposal, through the agreed Heads of Terms (HoTs), includes on site provision of, or contributions towards, a number of community facilities identified in this policy including:
- Early years, secondary schools, and special education all needs (primary school places were not identified as being required)
 - Community facility (which could include meeting places)
 - Libraries
 - Sports facilities
 - Commercial facilities (the flexible Class E/F uses can include childcare nurseries, shops, cafes)
 - Provision for waste and recycling
- 5.53 The location of the services and facilities would be in accessible locations. Overall, I am of the view the appeal proposal accords with this policy.
- 5.54 **Policy SC/6: Indoor Community Facilities** requires housing developments to contribute towards the provision of indoor community facilities. The agreed HoTs includes provision for an on site community facility within the residential quarter in accordance with this policy.
- 5.55 **Policy SC/7: Outdoor Play Space, Informal Open Space and New Developments** provides that all housing developments will contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities), and Informal Open Space to meet the need generated by the development in accordance with a set of minimum standards.
- 5.56 As Mr Wakefield states in his evidence, additional formal children's open space was provided in the wild park so technically proposals do meet the required quantum of open space. The acceptability of the provision is discussed in Mr Wakefield's evidence and in sections 4 and 6 of my evidence. However, for the purposes of this policy, I am of the view the appeal proposal accords with the policy.
- 5.57 For the reasons set out in the Officer Report (pages 119 to 124, **CD 4.00**) I am of the view that, subject to appropriate conditions, the proposal will accord with the following policies:

- SC/9: Lighting Proposals**
- SC/10: Noise Pollution**
- SC/11: Contaminated Land**
- SC/12: Air Quality**
- SC/14: Odour and Other Fugitive Emissions to Air**

Chapter 10: Sustainable Transport and Infrastructure

- 5.58 The proposal accords with **Policy TI/1: Chesterton Rail Station** and Interchange which safeguarded land for the railway station and interchange facility.
- 5.59 **Policy TI/2: Planning for Sustainable Travel** provides that developments must be located and designed to reduce the need to travel, particularly by car, and promote sustainable travel appropriate to its location. The policy also requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan, including a Low Emissions Strategy Statement.
- 5.60 **Policy TI/3: Parking Provision** sets of the car parking requirements for development proposals and refers to minimum standards for car and cycle parking.
- 5.61 Highway safety and transport impacts are discussed in the Officer Report (pages 95-118 **CD 4.00**) and concludes that the proposals accord with the abovementioned policies. National Highways and the Local Highways Authority have not objected to the proposals subject to s106 obligations. I am of the view that, subject to appropriate conditions and the obligations agreed in the HoTs, the proposal complies with these policies.

National Planning Policy Framework

- 5.62 **Para. 81** states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”*. **Para 83** provides *“decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries;...”*. The economic benefits of the proposal are an important issue. The principle of employment led development on the site is fully support (as evidenced in the local plan Policy SS/4) and the importance of the site as a cluster is also supported (as evidenced in Policy E/9). It is my view that the appeal proposal accords with these provisions in the NPPF.

- 5.63 **Para. 130(c)** seeks to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Mr Wakefield gives evidence as to why he believes the appeal proposal does not respect, retain or enhance the landscape, indeed he believes the proposal would result in a significant level of harm/adverse effect in landscape and visual terms. It is therefore my view that the proposal does not accord with this provision in the NPPF.
- 5.64 **Para. 130(d)** seeks to ensure that developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Ms de Boom's and Mr Wakefield's evidence is pertinent, in particular that they find the proposal: fails to create the high quality of place that must be delivered at this highly sustainable and strategic significant location at the edge of the City of Cambridge and gateway to the North East Cambridge district; impact of the design proposals relating to land use distribution, block structure and urban grain, and the height, massing and scale of design of buildings results in a development that lacks variety and a comfortable human scale, and does not positively contribute to local context; does not consistently deliver strong visual relationships, and at points, fail to reflect movement hierarchy. Thus, the proposals fail to deliver a cohesive sense of place; in places provides poor relationship of some cycle access point in relation to cycleways and the design of the public realm; will not result in a high quality living environment for all future residents; and results in an inferior approach to landscape design. It is therefore my opinion that the proposal does not accord with para. 130(d).
- 5.65 **Para. 189** advises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. **Para. 199** sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification. It is Mr Brady's belief that the proposals do not "sustain and enhance" nor "respond to local heritage character". Mr Brady and Historic England, in its consultation response, are of the view that the proposals result in harm to the heritage assets (conservation areas) at the moderate level of "less than substantial harm" to designated heritage assets. **Para. 200** states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting), should require clear and convincing justification". **Para. 202** of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The heritage

balance is undertaken in section 6 of my Proof where I find that the public benefits of the proposal do not outweigh the less than substantial harm resulting from the proposal.

- 5.66 Para. 153 is relevant to the appeal proposal in that it requires plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperature. Policy HQ/1 takes this into account in sub-section (I). Ms de Boom considered the provision of single aspect dwellings in her evidence and concluded that, taking into account the definition of “dual aspect” and the design constraints of the proposed residential blocks, that potentially over 50% of the dwellings could be considered as single aspect. The risk of overheating through the provision of single aspect units is an issue and, in my view, does not accord with the thrust of para. 153.

Other Guidance

- 5.67 The National Design Guide (CD 5.17) is considered by Ms de Boom in her evidence. **Para. 123** states that well-designed homes and buildings need to provide good quality internal and external environments for their users to promote health and well-being; and **para. 125** that states that well designed homes and buildings are efficient and cost effective to run by maximising natural ventilation and avoid overheating; and provide good standards of sunlight and daylight. Ms de boom does not believe the appeal proposal’s high number of single aspect units constitutes “well designed homes” and it is my view that the proposal does not accord with these provisions in the National Design Guide.
- 5.68 The District Design Guide (CD 5.11), at para. 5.54 defines the addition to the outer edge of an existing settlement, of a new neighbourhood, district or township as an urban extension. At para. 5.55 it provides that urban extensions should relate to the existing urban areas with which they share a common boundary, present an urban edge that is sympathetic to the character of Cambridge, and relate to the rural context they abut. Para. 6.15 states that “*edges of new development should blend into the landscape by means of lower density towards the perimeter, with increased planting predominately of native species*”. Para. 6.65 the Guide provides that a 45 degree “rule of thumb” should be applied to prevent buildings significantly overshadow a neighbouring property’s windows or garden, or where possible block their views. Para. 6.67 states that protecting privacy and avoiding overlooking of neighbouring houses should be given high priority in any residential context. In relation to large business premises, para. 6.158 provides that large buildings should be sited to avoid their mass breaking the skyline. Ms de Boom addresses these paragraphs in her evidence and is of the opinion the proposals fail to meet these provisions in the District Design Guide. I concur with her conclusions.

Policy Assessment Conclusion

- 5.69 I have identified policies in the Development Plan which the proposal fails to accord with. Principally, but not exclusively, these are policies relating to: the protection and enhancement of landscape character; sustaining and enhancing the significance of heritage assets; and the requirement for development to provide high quality design and public realm.
- 5.70 It is my opinion that the appeal proposal does not accord with the Development Plan when read as a whole.
- 5.71 I have identified a number of provisions in the NPPF which the appeal proposal does not accord with.
- 5.72 I have also identified relevant provisions in the National Design Guide and the District Design Guide which the appeal proposal fails to accord with.
- 5.73 Overall, it is my view that the proposal does not accord with the Development Plan, the NPPF and the relevant provisions in the National Design Guide and the District Design Guide.

6.0 THE OVERALL PLANNING BALANCE, SUMMARY AND CONCLUSIONS

6.1 In this section of my Proof I set out my views on how a decision on this appeal should be made. I then address the public benefits of the appeal application and other material considerations, cross-referencing Mr Kinghan's evidence where relevant, before addressing the overall planning balance of harm against benefit in accordance with sections 70(2) and 79(4) of the Town and Country Planning Act 1990, and section 38(6) of the Planning and Compulsory Purchase Act 2004. Finally, I will provide my conclusions.

The Decision-Making Framework

6.2 As set out in section 5 of my Proof, planning applications must first and foremost be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.3 In my opinion the Appeal Proposals do not comply with the Development Plan due to conflict with a number of key planning policies and, when read as a whole, indicates the appeal should be dismissed. It is therefore necessary to consider whether the material considerations indicate otherwise.

Weight applied to material considerations

6.4 Planning Practice Guidance sets out that "*public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework*" at paragraph 8. It states that "*public benefits should flow from the proposed development*" and "*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*". (NPPG,18a-020-20190723).

6.5 The Appellant's SoC (**CD 6.04**) sets out what the appellant considers the benefits of the proposal to and summarises them in a table (Table 1 page 29). Envisaging the decision-making process as a balance, like a set of scales, weight may be positive, negative, or neutral in its effect. A scale for weight (in ascending level of benefit) has been used by the Appellant of: Slight, Limited, Moderate, Considerable, and Great. I have no issue with the scale for weight used and will use the same for my assessment of both the benefits and harms identified.

6.6 A separate balancing exercise in respect of heritage matters is required by paragraph 202 of the NPPF.

Material Considerations which are Benefits

6.7 The following are material considerations that are positive:

Economic benefits

Economic need for offices, labs and R&D space

- 6.8 The Appellant applies **great** weight to the economic need for offices, labs and R&D space.
- 6.9 The Council's economic need evidence, prepared by Mr Kinghan, deals with this issue and the Inspector should refer principally to this evidence in considering this issue however I attach weight to the benefit below for the purposes of the planning balance.
- 6.10 In my view, this is an important issue. The Council welcomes and encourages the provision of employment led uses on the site, this is evidenced in policy SS/4 which allocates the land for high quality mixed-use development, primarily for employment use.
- 6.11 Mr Kinghan's evidence considers the content of the 'Cambridge North: Cambridge office & laboratory occupational market update June 2022' (**CD1.59**) submitted by the Appellant in support of the application. **CD1.59** contends that provision of office and laboratory space has consistently not met the demand of both scaling local and large corporates seeking to grow their businesses within the Cambridge Cluster. It asserts that the delivery of new commercial office and laboratory space on the appeal site is required to provide much needed commercial space. The overall emphasis of the document is the current shortage of office and laboratory space in Cambridge.
- 6.12 Mr Kinghan considers that whilst it is relevant to analyse the short-term supply, it is realistic that if the proposed development is permitted it will commence on site in 2024 and would not be available for commercial occupation before 2025 at the earliest. Mr Kinghan considers that the criticality of this proposed development in meeting the market shortfall (at 2022) is overstated by the Appellant. As a result, he considers that limited weight should be given to the near time supply position of 2022-2025 as the proposed development will not meet any near-term shortfall and greater weight should be given to considering the 2025-2030 anticipated supply. I agree with this view.
- 6.13 When looking at the 2025-2030 period, Mr Kinghan confirms there is a considerable additional supply for large schemes already in the pipeline able to accommodate a wider range of commercial occupiers. This includes owner occupier schemes for

AstraZeneca and Peterhouse Technology Park as well as other sites such as at Northstowe. Overall, the 2025+ period is likely to see a greater rate of commercial space available than the recent past / near term future to 2025. Based on this information, it is not to say there is no market for the proposed development, but rather to establish that it is not critical to meeting objectively identified economic needs.

- 6.14 Relying on the evidence provided by Mr Kinghan, it is clear that the evidence provided by the Appellant is correct in identifying the current shortage of provision for office and laboratory supply. However, given the proposed development would not be coming forward, if approved, until after that short term period, consideration of the medium term supply is required and this is lacking from the Appellant's submissions. As Mr Kinghan has identified, provision of space from 2025 is likely to be greater and therefore this speculative proposal is not essential in meeting the objectively identified economic needs. Accordingly, I would attach **considerable** weight to the benefit of economic need for offices, labs and R&D space.

The 'cluster' effect

- 6.15 The 'cluster' effect is given **considerable** weight by the Appellant. Policy S/2 of the Local Plan identifies that one of the key objectives is to support economic growth by supporting South Cambridgeshire's position as a world leader in research and technology based industries, research, and education. Chapter 8 of the Local Plan, Building a Strong and Competitive Economy, includes Policy E/9 Promotion of Clusters which states that "*Development proposals in suitable locations will be permitted which support the development of employment clusters, drawing on the specialisms of the Cambridge area*", the R&D sector is included in the list of sectors set out in the policy. The policy goes on to say, in sub-section 2, that employment land allocations, including the new employment provision on the edge of Cambridge within SS/4, "*especially suited for cluster development*".
- 6.16 It is my view that the proposal is largely in accordance with this policy as it provides R&D floorspace within one of the areas specifically identified in policy E/9. Therefore, I agree with the Appellant that **considerable** weight is attached to this benefit.

Additional employment

- 6.17 The proposal provides additional employment through construction jobs and when the development is operational which is given **considerable** weight by the Appellant.
- 6.18 The Council's economic impact evidence, prepared by Mr Kinghan, deals with the issue of additional employment and the Inspector should refer principally to this evidence in considering this issue.

- 6.19 As set out in Policy S/5 of the Local Plan, development will meet the objectively assessed needs in the district for 22,000 new jobs and 19,500 new homes by 2031. The predicted level of jobs growth is a key part of the continued support for the Council's vision to demonstrate impressive and sustainable economic growth to help maintain the role of the Cambridge area as a world leader in higher education, research and knowledge based industries.
- 6.20 It is common ground that the appeal proposal is forecast to generate approximately 2,000 additional construction roles over the construction period and approximately 4,300 additional on-site jobs once the development is fully operational (main SoCG para. 8.25 **CD 6.06**). The Environmental Statement Vol. 1 (**CD1.17**) at paragraph 15.79 states *"it is estimated that there will be the equivalent of 202 full time construction jobs supported by the Proposed Development"*. This equates to 40 construction jobs supported per year over the 5-year period.
- 6.21 In his evidence Mr Kinghan doesn't dispute these figures however he does highlight that the information provided with the application is limited insofar as it deals with gross jobs accommodated and not the net benefit to the economy. He supports this view by going on to say that government best practice guidance advises that the gross benefits of development do not reflect the true benefit to local economics and that it is necessary to consider the net additional benefit by taking into account the factors of displacement, leakage, multiplier effects and leakage.
- 6.22 Taking additionality into account, Mr Kinghan considers that for Greater Cambridge, the net jobs growth is expected to be closer to 3,438 jobs. This represents 1.6% of the 213,600 workers in 2021. Whilst this is a benefit, it is 20% less than the number of gross jobs set out by the Appellant. For the region, the net jobs growth is expected to be closer to 4,515 jobs. This represents 0.1% of the 3.3m workers in 2022 (ONS workforce jobs by industry). This is 5% higher than the gross jobs, however, 0.1% of net growth jobs across the region whilst a benefit, is not considerable by Mr Kinghan.
- 6.23 Additionality is not applied to the construction jobs. Mr Kinghan is of the opinion that supporting (not creating) 40 jobs per annum in an economy of 9,800 construction workers is less than 1%.
- 6.24 Whilst the net benefits of operational jobs is a benefit of the appeal proposal to Greater Cambridge, it is 20% less than that asserted by the Appellant. For the region, the figure is 5% higher than the gross jobs, however in context that represents 0.1% of the workforce in the East of England. The amount of construction jobs supported is less than 1% of construction workers, and while it is a benefit, it is not a high amount in context.

6.25 Notwithstanding the conclusions of Mr Kinghan relating to the net benefits versus gross benefits for operational jobs, and that he does not consider the number of construction jobs supported by the proposal to be high (in context), the proposal will still result in a significant number of jobs overall. Therefore I believe it is appropriate to attach **considerable** weight to the benefit of additional employment.

Social benefits

Housing need

6.26 Housing need is given **considerable** weight by the appellant.

6.27 It is common ground that South Cambridge District Council and Cambridge City Council together have 6.5 years of housing land supply for the 2022-2027 five-year period (main SoCG para. 8.45 **CD 6.06**). The Council agrees that the provision of up to 425 homes, which includes policy compliant affordable homes would be a social benefit of the proposal as the provision of housing is necessary in meeting the Council's objectively assessed housing needs in the district within the plan period. 270 of the proposed units would be Build to Rent, with the remaining 155 open market and affordable units. The Build to Rent (BtR) Market Report submitted in support of the application confirms the strong demand for a Build to Rent product in Cambridge and this is agreed. I would agree that this benefit should be given **considerable** weight.

Public realm and open spaces

6.28 The appellant gives **considerable** weight to the provision of public realm and open spaces. With the exception of Chesterton Gardens where there is common ground that the design is of high quality (para. 2.10, **CD 6.07**), Mr Wakefield is of the view that the public realm provided by the appeal scheme does not provide a coherent, legible and distinctive sequence of spaces and routes, that fully consider human scale, micro-climate, movement patterns and likely activity generated by the proposed land uses. Therefore, I am of the opinion that the provision of public realm and open space results in a **harm** to which I would attach **considerable** weight. As Chesterton Gardens is of high quality design but other areas of public realm and open space are not, I would attach **limited** weight to this as a benefit of the scheme.

Amenity and meanwhile uses

6.29 Amenity and Meanwhile Uses are afforded **moderate** weight by the appellant. Amenity and meanwhile uses are a social benefit of the proposal. The draft s106 includes provision for an on-site community use within the residential quarter which would be available to residents and other users of the site. It is proposed that

following the completion of the multi-storey car park, the southern area of the triangle site, on which building S8 is proposed, the space “*can be converted into a meanwhile use comprising temporary social space, with seating, food vans and night-time lighting*” (para. 6.55 of the Planning Statement, **CD 1.16**). This is shown on drawing no. 630_01 (MP) 210 Rev. P2 (**CD 1.112**). I agree that this benefit should be given **moderate** weight.

- 6.30 The Appellant gives wellbeing and social inclusion **moderate** weight and at para. 6.58 of the Planning Statement (page 40 **CD 1.16**) states that “*the proposed development has been developed with wellbeing placed at the heart of the brief*”.
- 6.31 The ground floors of buildings S4, S6 and S7 have been laid out so as to allow flexible uses at ground floor level which may include opportunities for interaction and collaboration, as set out in para. 6.59 of the Planning Statement. The outdoor opportunities for outdoor work are limited and are not apparent in the landscape and open space masterplan. Whilst outdoor seating is proposed there is no specific provision for outdoor working areas to encourage working and collaboration outdoors. Nor are there outdoor activities for workers such as outdoor table tennis tables for example to provide opportunities for social interaction.
- 6.32 For the residential element of the proposal, Ms de Boom’s evidence considers the high proportion of single aspect units resulting from the proposed layout of, and block typology for the residential quarter and states that it will not result in a high quality living environment for all future residents. The scope to address this issue at subsequent planning stages is limited given the constraint imposed on the design by the tightly defined parameter plans. It is my view that the appeal proposal does not have the wellbeing of its residents at its heart as claimed and does not promote the wellbeing of all its residents.
- 6.33 Accordingly, I attach **limited** weight to wellbeing and social inclusion as a benefit of the proposal.

High quality architecture

- 6.34 The appellant affords **great** weight to the high-quality architecture.
- 6.35 The NPPF seeks to achieve well-designed places. Para. 126 states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...*”.
- 6.36 Ms de Boom’s evidence demonstrates that high quality architecture, as a whole, has not been achieved. Ms de Boom considers the proposal fails to create the high quality

of place that must be delivered at this highly sustainable and strategic significant location at the edge of the City of Cambridge and gateway to the North East Cambridge district. The cumulative impact of the design proposals relating to land use distribution, block structure and urban grain, and the height, massing and scale of design of buildings results in a development that lacks variety and a comfortable human scale, and does not positively contribute to local context. Ms de boom concludes that in the context of the relevant design policies and urban design guidance, the appeal proposal does not meet the local and national design policy and guidance requirements for a high quality new development.

- 6.37 Based on the evidence of Ms de Boom, I would attach **moderate** weight to this benefit recognising that some elements of the scheme are high quality but that overall the scheme does not achieve a high quality design.

Environmental benefits

Making effective use of land

- 6.38 Making effective use of land is afforded **considerable** weight by the appellant.
- 6.39 The NPPF at para. 119 states that planning “*decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*”. At para. 124 the NPPF states that “*planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) the importance of securing well-designed, attractive and healthy places.”*
- 6.40 A high-density development on the appeal site is supported by the evidence base for the NEC AAP and the emerging local plan. The site well served is served by public transport and its redevelopment is supported through Policy SS4 of the Local Plan.
- 6.41 However, it is clear that the NPPF does not seek to secure the maximum amount of development at all cost, but to ensure the efficient use of land taking into account a number of factors. In this case it is considered that the appeal proposal does not safeguard or improve the environment, with regard to landscape impact, nor does it maintain the area’s prevailing character and setting. Indeed, as set out in Mr

Wakefield's evidence, the appeal proposal harms the character of the area and setting of the City of Cambridge due to its height and scale. Ms de Boom also considers the proposal results in harm due to its height and scale. In Mr Brady's evidence, he is of the view that the proposal results in harm to two conservation areas. Furthermore, as demonstrated in Ms de Boom's evidence, the proposal does not result in a well-designed proposal nor does it, through the provision of single and near single aspect dwellings, ensure healthy living conditions.

6.42 In this case it is my view that making efficient use of land is not actually a benefit of the appeal proposal. As above, para. 119 seeks to make effective use of land while safeguarding and improving the environment. It is therefore about achieving the right balance of development. In this case, the provision of housing and employment space are benefits of the scheme and I have reflected on these as separate benefits above. However, the proposal only achieves those benefits at a cost to the environment and living conditions of future occupants. As I do not consider making effective use of land to be a benefit of the proposal I do not give it a separate weighting.

Sustainable and accessible location

6.43 **Great** weight is afforded to the sustainable and accessible location. The appeal site is located within an area which is sustainable and accessible. The site is very well-connected by public transport and strategic cycling routes including:

- Cambridge North station, which has direct trains to Cambridge, Stansted, London, Waterbeach, Ely, Kings Lynn and Norwich;
- Cambridgeshire Guided Busway, linking to the new town of Northstowe and beyond to St Ives, with two Park & Ride sites at Longstanton and St Ives.
- A strategic cycle route alongside the Cambridgeshire Guided Busway which also links the site to the north west.
- Phase 1 of the Chisholm Trail has been completed, which together with Phase 2, will create a mostly off-road and traffic free route between Cambridge Rail Station and the Cambridge North Rail Station.

6.44 I wholly agree with the Appellant that this benefit be afforded **great** weight.

Climate emergency

6.45 The appellant affords **great** weight to the response to the climate emergency. The Council declared a climate emergency in November 2019. The proposals do exceed the requirements of current policy CC/3 set out in the 2018 South Cambridgeshire Local Plan, however the policy is out of step with the approach needed to respond to net zero carbon. The proposals have taken this into account. The commercial element of the appeal proposal would deliver a scheme with BREEAM 2018

Excellent certification as a minimum. Although there is an aspiration to achieve BREEAM Outstanding, this can't be factored in at this stage. All offices will be designed to target an EPC rating of A. LETI 2025, or LETI 2030 targets for in-use emissions in residential buildings will be targeted. In terms of the WELL standard, a minimum WELL Gold standard would be achieved for all commercial floorspace. I agree with the Appellant that **great** weight be attached to this benefit.

Biodiversity emergency

6.46 The response to biodiversity is given **considerable** weight by the Appellant. The appeal proposal would result in a net gain in biodiversity of 66.79% (although I am aware this figure may have increased but this is not confirmed at this time of writing). This would be provided on-site and I would attach **considerable** weight to it.

Summary of weights attached to benefits

6.47 The table below provides a summary of weights attached to the benefits of the proposal by the Appellant and the weight I attach to them.

Summary of benefit	Appellant's weighting	My weighting
Economic		
Need for Offices, Labs and R&D space	Great	Considerable
The 'cluster' Effect	Considerable	Considerable
Additional Employment	Considerable	Considerable
Social		
Housing Need	Considerable	Considerable
Public Realm and Open Spaces	Considerable	Limited
Amenity and Meanwhile Uses	Moderate	Moderate
Wellbeing and Social Inclusion	Moderate	Limited
High Quality Architecture	Great	Moderate
Environmental		
Making effective use of land	Considerable	Not considered a benefit, no weight attached
Accessible and sustainable location	Great	Great
Response to the climate emergency	Great	Great
Response to the biodiversity emergency	Considerable	Considerable
Cumulative total	Very great	Considerable

Table 1: Summary of weights attached to benefits

6.48 In summary, I have identified the weights attributable to the benefits and overall, I conclude that the benefits of the proposal should be afforded **considerable** weight.

Material Considerations which are Adverse

6.49 The Council considers that the proposal will result in harm which needs to be balanced against the benefits. The Appellant's planning balance concludes at para. 7.102 (**CD 6.04**) "*The development would provide substantial economic and significant social and environmental benefits. These would, by a considerable margin, outweigh any harm*" (my emphasis). However, unlike the exercise undertaken to assess the benefits of the scheme the Appellant did not undertake a similar exercise to assess the harm. I am therefore of the view that the conclusion reached by the Appellant, that the benefits would outweigh any harm, is wholly unsubstantiated.

6.50 The following are material considerations that are negative:

Landscape and visual impact

6.51 The proposal would impact on the character and appearance of the surrounding landscape and the setting of the City of Cambridge. The NPPF seeks to ensure planning decisions contribute to and enhance the local environments (para. 174) and that development proposals should add to the quality of the area, are visually attractive and are sympathetic to local character and history including the surrounding built environment and landscape setting (para. 130). In his evidence, Mr Wakefield concludes that there would be a significant level of harm/adverse effect arising from the development in landscape and visual terms. The harm is permanent. Accordingly, I afford **great** weight to the harmful impact of the appeal proposal on the character and appearance of the landscape and the setting of the City of Cambridge.

Heritage impact

6.52 The impact on heritage assets including the Fen Ditton and Riverside and Stourhead Conservation Areas has been assessed by Mr Brady in his evidence. He concludes that the proposed development would result in 'less than substantial' harm to the setting of the two conservation areas, at the moderate level of harm. Mr Brady is of the view that the significance of the heritage assets has not been given sufficient recognition by the Appellant. He considered that the appeal proposals fails to conserve or enhance the conservation areas and that they do not sustain and enhance nor respond to local heritage character.

- 6.53 Para. 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Para. 199 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 6.54 Policy NH/14 of the local plan recognises the importance of heritage assets and states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Policy Framework policies.
- 6.55 In this case, given the significance of the assets, the level of harm is moderate within “less than substantial” harm and the harm is permanent.
- 6.56 Given the importance the NPPF places on conserving heritage assets and the impacts identified by Mr Brady, I afford **great** weight to the harmful impact of the appeal proposal on the designated heritage assets.

Quality of design

- 6.57 As set out above in the assessment of benefits, the NPPF states in para. 126 that achieving high quality design is fundamental to what the planning and development process should achieve. This is reflected in local plan policy HQ/1 which states that all new development must be of high quality design.
- 6.58 Ms de Boom, in her evidence, identifies numerous areas within the appeal proposal where high quality design is not achieved. She is of the view that the proposed development would fail to deliver the high-quality sustainable design, and sense of place sought by the NPPF and development plan policies.
- 6.59 The NPPF and local plan policies place great importance on high quality design. In this case, based on the evidence of Ms de Boom, I would attach **considerable** weight to this harm recognising that some elements of the scheme are high quality but that overall the scheme does not achieve a high quality design.

Impact on water resources

- 6.60 Following the submission of the appeal, the EA objected to the proposed development. The impact of the development on the water environment through water demand is not currently clear however the Appellant, EA and the LPA are

currently progressing a SoCG on water resources to clarify areas of agreement and disagreement on this issue. A precautionary approach has therefore been taken due to: the EA’s concerns; the fact the Greater Cambridge is in an area of serious water stress; and that current levels of water abstraction are likely to be unsustainable. I therefore would attach **moderate** weight to this harm.

Summary of weights attached to harms

6.61 The table below provides a summary of weights I attach to the harms identified.

Summary of harm	My weighting
Landscape and visual impact	Great
Heritage impact	Great
Quality of design	Considerable
Impact on water resources	Moderate
Cumulative total	Great

Table 2: Summary of harm

6.62 In summary, I have identified the weights attributable to the harms and overall, I conclude that the harms of the proposal should be afforded **great** weight.

Material Considerations which are Neutral

6.63 National Highways and the Local Highway Authority have not raised objections on highway safety grounds, subject to conditions and s106 obligations.

6.64 The Lead Local Flood Authority, following the submission of further information in April 2023 (Appendix 1 of **CD6.06**), has removed its objection to the proposed development. The LLFA has requested conditions be imposed and set these out in their letter of 20 April 2023 (**CD3.21c**).

6.65 The County Council, as Minerals and Waste Planning Authority, following the submission of further information last month (Appendix 2 of **CD6.06**), has removed its objection to the proposed development subject to a condition and informative being imposed.

6.66 The Council’s Ecology Officer considered the further information submitted in the Ecology Technical Note and requested some minor changes be made to the document. These changes were incorporated in the Ecology Technical Note ECO00253 CN Phase 2 dated 25 April 2023. On basis on the further information submitted, the Council considers the impact on ecology can be mitigated with conditions and is therefore a neutral impact.

6.67 The resolution of those reasons for refusal relating to flood risk, ecology and safeguarded sites does not affect my overall assessment of where the balance falls in this case. This is because those matters were largely related to the provision of additional information which was a consequence of the appeal for non-determination being progressed very soon after the second consultation period ended, without an opportunity to address the issues that arose from that round of consultation.

Overall Planning Balance

6.68 I disagree with the Appellant's conclusions of the planning balance in section 7 of their Statement of Case that very great weight should be given to the benefits of the proposal. As I have set out above, it is my view that the Appellant has placed too much weight on economic benefits, particularly economic need and additional jobs, and on high quality architecture. Furthermore, the Appellant has not factored in any adverse impacts of the proposed development into the planning balance resulting in a somewhat unbalanced approach to the assessment

6.69 With regard to the NPPF, the appeal proposal does not represent sustainable development; it fails to address the social and the environmental objectives to support strong, vibrant and healthy communities or to protect the natural and historic environment. In my view, the harm to the landscape and heritage assets, together with the scheme not resulting in a well-designed sense of place, weigh heavily against the appeal proposal. When taking account of the Development Plan, my view the appeal scheme is in conflict with the Development Plan overall.

6.70 The planning balance is not a mathematical exercise whereby an amount of weights of benefits equals an acceptable scheme, but instead provides a rounded view of the proposals overall. In my view it is important to recognise the benefits of the scheme but also the significant harms identified with this particular proposal which are of importance to decision making. On the merits of this particular appeal proposals, the harms outweigh the benefits. However, it is my opinion that these harms could be substantially mitigated or avoided altogether with a different (better) scheme. If such a scheme were to be forthcoming, and in accordance with the development plan, I would anticipate it would achieve full support from LPA.

Heritage balance

6.71 I have read the evidence of Mr Brady and agree that the level of harm to the heritage assets would be less than substantial - 'Moderate' on the spectrum within this category i.e. enough to be described as significant, noticeable or material.

6.72 Even in cases where the heritage harm falls in the 'less than substantial' category, as is the case here, this still requires being given considerable weight and importance in the planning balance, although I acknowledge that "less than 'substantial' harm"

does not need to be given the same weight as “substantial harm”. The weight to be given will depend on the extent of the harm assessed and the heritage value of the asset in question but the NPPF indicates the importance of these considerations in the overall decision making process. This was established recently by *Bramshill v SSHCLG [2021]* EWCA Civ 320 (**CD 7.03**) whereby the judgment gave clear guidance that the “The weight to be given to the conservation of heritage assets in a particular case is a matter of planning judgment, bearing in mind the relevant case law, including Sullivan L.J.’s observations about “considerable importance and weight” in *Barnwell Manor*”.

- 6.73 NPPF para. 202 requires for the identified harm to be acceptable that public benefits must outweigh it. The public benefits of the proposal, when weighed against the less than substantial harm to the designated heritage assets, do not outweigh the resultant harm which indicates in para. 202 of the NPPF that there is clear reason for refusing the development.

Overall conclusion

- 6.74 The appeal proposal is not considered to accord with the development plan and therefore it does not, in my opinion, benefit from the ‘presumption in favour of sustainable development’ as set out in para. 11 of the NPPF. Instead, the weight of material planning considerations must be assessed and whilst the proposal would provide a number of economic, social and environmental benefits, these are outweighed by the social and environmental harm, including the harm to heritage assets, resulting from the proposals. Accordingly, planning permission should be refused.