

LAND TO THE NORTH OF CAMBRIDGE NORTH STATION

In the matter of an appeal against the non-determination of planning permission for a hybrid planning application (Application Reference 22/02771/OUT).

CLOSING SUBMISSIONS **on behalf of South Cambridgeshire District Council**

INTRODUCTION

1. The Council is a pro-active and pro-growth local planning authority. It has been successful in planning for growth within its vibrant and thriving administrative area. This is seen in its delivery of housing and its constructive, plan-led approach to office and lab space. South Cambridgeshire's successful economy is important locally, regionally and on a national stage. The Local Plan seeks to strike the right balance between growth and conservation via a series of strategic and more detailed policies, and in general seeks to provide for appropriate levels of employment so the Cambridge area can continue to develop as the home of one of the largest clusters of research and development activity in Europe, with housing in the right locations to support the local economy and provide for housing needs. The Council supports the principle of development on this site and the mix of uses proposed in the application. The site is previously developed land in a highly sustainable location and forms part of a major allocation within the adopted local plan.
2. However, the Council invites the Inspector to recommend the refusal of planning permission for the proposed scheme. The proposed development does not accord with the development plan. Whilst the scheme would give rise to inevitable and significant social, economic and environmental benefits, the proposed development will also give rise to a range of social and environmental harm, including harm to heritage assets and landscape and visual impacts. Fundamentally, the scale, height and massing of the proposed

development is not an appropriate response to the site and its context and for these reasons the proposed development does not achieve high quality design. The benefits advanced do not outweigh the harms arising in this case. A decision should not be taken otherwise than in accordance with the development plan.

3. Reflecting the detailed consideration of the issues at this inquiry, these submissions are structured in seven parts based around the remaining putative reasons for refusal and associated main issues:
 - (i) Background to the Appeal and summary of the main issues.
 - (ii) The status of the emerging Local Plan, NEC AAP and evidence base.
 - (iii) Design (RfR 3) (including whether the proposed development would deliver the high-quality sustainable design, and sense of place sought by the Framework and development plan policies; and whether the proposed development would provide suitable living conditions for future occupants with reference to the potential number of single aspect dwellings).
 - (iv) Landscape and visual effects (RfR 1) (including 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).
 - (v) Heritage (RfR 2) (including the effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourbridge Conservation Areas).
 - (vi) Planning (including the benefits of the proposal, including the contribution of the proposal to employment, the regeneration of North East Cambridge, and the delivery of new homes; whether a sustainable water supply exists and can meet the planned phasing of growth of this development in combination with wider planned growth in the Cambridge Water supply zone, and / or, once assessed, the risks of deterioration can be prevented or effectively managed through site-specific mitigation measures; and the overall planning balance).
 - (vii) Conclusion.

(I) **Background to the Appeal and summary of the main issues**

4. The Appellant, Brookgate Land Ltd on behalf of The Chesterton Partnership, has submitted a hybrid planning application which was received on 15 June 2022. The procedural background to the planning application and appeal does not require further rehearsal. On 22 March 2023, the Councils' Joint Development Control Committee members unanimously endorsed a 'minded to' refuse recommendation for the eight reasons included in the Officer's Report.

5. As a result of further discussion between the parties and relevant consultees, and the provision of further information by the Appellant, several of those initial reasons for refusal have been addressed.¹ The remaining putative reasons for refusal related to the following areas (and associated main issues identified in the Inspector's post-CMC note) include:
 - a. **Reason for refusal 1:** Landscape and visual impacts (and in particular 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);

 - b. **Reason for refusal 2:** Heritage impacts (and in particular the effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourbridge Conservation Areas);

 - c. **Reason for refusal 3:** Design (and in particular the associated issues of whether the proposed development would deliver the high-quality sustainable design, and

¹ Following the supply of further information by the Appellant and finalisation of a s.106 agreement, the Council and relevant consultees are now satisfied that the information submitted sufficiently addresses Reasons for Refusal 4 (comprehensive development), 5 (s.106), 6 (flood risk and drainage), 7 (ecology) and 8 (safeguarded sites). This is set out in the Updated Statement of Common Ground at paragraphs 8.60 - 8.72.

sense of place sought by the Framework and development plan policies; and whether the proposed development would provide suitable living conditions for future occupants with reference to the potential number of single aspect north-facing apartments).

6. Other matters such as the benefits to be weighed in the planning balance (including the contribution of the proposal to employment, the regeneration of North East Cambridge, and the delivery of new homes) have also been considered.²

(II) The status of the emerging development plan and the emerging North East Cambridge AAP

7. The Appellant and the Council largely agree on the weight to be attached to the emerging NEC AAP (very limited vs limited weight)³, and the emerging Greater Cambridge Local Plan (very limited weight).⁴ As to the evidence base, Mrs Bradley noted that whilst the evidence-based assessments had not been formally tested, there were examples – such as the LCVIA – which both parties’ experts had agreed were “robust” in the methodology they used. Mrs Bradley took the common-sense view that the evidence base was material to the decision-maker’s judgement in this appeal. In cross-examination, whilst giving the evidence base limited weight because of existing unresolved objections to it, Mr Derbyshire accepted that it was a relevant consideration for the inquiry. He accepted that the documents looked at the ways in which harms associated from development on this site and the wider area could be minimised and mitigated and that it was helpful to consider the extent to which this proposal accords with or departs from those recommendations (an exercise which witnesses for both parties have carried out).

(III) Design

² See CD 15.10

³ CD 6.11 §§8.6-8.13

⁴ CD 6.11, §§8.14-8.15

8. Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve...”, and paragraph 130 of the NPPF sets out a list of objectives which proposed developments should meet.
9. Although Mr Ludewig explained that his team had carefully considered these objectives in the design process, whether they are met is a matter of judgement for the decision-maker. The judgement the Council has firmly reached is that the proposed development does not achieve the high-quality design sought by the NPPF. Paragraph 134 of the NPPF sets out in terms that development that is not well designed should be refused. Conversely, significant weight should be given to good design.
10. The National Design Guide, which compliments the NPPF, explains that “the statements in the Guide provide a series of tests for assessing whether a place is well designed or not. If they are not met, then it can be concluded that it is not well designed.”⁵ The National Design Guide further explains that buildings are an important component of places, however good design involves careful attention to other factors including the context for places and buildings, hard and soft landscaping etc. A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Rather, a well-designed place is achieved through making the right choices at all levels and stages of the planning process, including layout and master planning; in relation to the form and scale of buildings; the appearance of buildings; soft and hard landscaping; and materials and detailing.
11. Choices made in the design process contribute to achieving the ten characteristics of place set out in the National Design Guidance. Accordingly, well-designed places are integrated into their surroundings so they relate well to them; and are influenced by and influence their context positively. Here the choices made at high level master planning in terms of responding to context, the layout and form and scale of buildings have led to a scheme which fails to respond appropriately to its context. It is recognised that this is a difficult job

⁵ CD 5.17, §15

and that there are numerous ‘plates to spin’ but the evidence of Ms de Boom illustrated that as a result of some fundamental choices made by the master planners of the scheme, it fails to strike the right balance.

Site and context

12. The context of the proposed development is essential, and here that context is mixed, with competing elements. To the south is the station, the hotel building, and office building on Cambridge Square which is nearing completion. To the east, train tracks, residential areas and the sensitive River Cam corridor. To the north and west, areas likely to undergo further transformation. Ms de Boom emphasised that the scheme needs to be a respectful neighbour and carefully manage the impact it has on these immediate surroundings.⁶ Her evidence contends that the cumulative impact of the design proposals relating to land use distribution, block structure and urban gain, and the height, massing and scale of design of buildings results in a development that lacks variety and comfortable human scale and does not positively contribute to local context.

13. Mr Ludewig notes that careful consideration must be given to “blending in” the proposal⁷; and contends that the proposed development “aims to strike a balance between preserving and showcasing elements of the site’s character, while also delivering a scheme that fully realises the potential of the site”.⁸ Whether the proposed development succeeds in these objectives is a matter of judgement. That need to strike a balance is reflected in the brief provided to ACME.⁹ However, the Council’s case at this appeal is that the balance has been struck in the wrong place. The master planning over-prioritises the delivery of employment floorspace at the expense of responding appropriately to the sensitivities of the site’s context. This is reflected in the significant landscape, visual and heritage impacts which would be caused by the proposed development.

⁶ CD 9.04 §5.3

⁷ CD 8.04e §6.6.3

⁸ CD 8.04e §6.6.4

⁹ CD 8.04c §4.3

14. In drawing up the masterplan, Mr Ludewig confirmed that the quantum of proposed development was not a specific instruction from the client, and that there was no evidence before this inquiry that the proposed development would be unviable if it was considered, as a matter of judgement, that a lesser quantum was necessary. No one suggests that this would be as simple as reducing buildings by a storey here or there, and it is no part of the Council's case to seek to redesign the scheme, but it makes the point that a scheme with lesser quantum of development could come forward.
15. It was accepted by Mr Ludewig that large and bulky commercial buildings may present an issue on the appeal site. He said that architectural design principles have sought to address this risk, by seeking to mitigate "harm that would result from buildings that appear overbearing from street level or long-distance views".¹⁰ The architect of buildings S6 and S7, Mr Willis, also identified the need for care.¹⁰⁴ The Architectural Design Principles illuminate some of the central challenges relating to the design of the commercial buildings.¹¹ ADPC1 seeks to break down massing and avoid long monotonous facades. ADPC4 seeks to avoid the "intrinsically boring and overbearing" design of buildings with long, flat elevations. ADPC9 notes the need for "particular care" to be taken with the application of design principles in relation to the eastern edge to ensure that visual mitigation impacts were maximised, given the low-lying context along the edge.
16. Mr Ludewig says that the design response is successful in meeting these challenges; a view supported by Mr Willis. Ms de Boom disagrees, and suggests that the type, amount and siting of commercial buildings, and the proposed arrangement do not successfully respond to the specific challenges of this particular site.
17. A central question for the decision-maker is whether the design response is successful in overcoming the challenges intrinsic to this type of development, in this particular context. The decision-maker will need to look at the individual buildings and the scheme as a whole and consider whether the application of the architectural design principles and urban design

¹⁰ CD 8.04d §5.5.1

¹¹ CD 8.04d pp. 60-61

principles has led to a successful scheme. The Council says that the application of those principles in this case falls short of the central aims.

Land use and type and distribution

18. It is generally agreed that great cities – and great urban spaces – are mixed in their building use to ensure vitality and occupancy throughout the day and at night.¹² Ms de Boom questions whether the scheme as proposed effectively meets that shared aspiration. Whilst acknowledging that the masterplan, taken as a whole, encompasses a variety of different uses¹³, she noted that the area east of Milton Avenue is primarily commercial, and considered that resultantly, activity generated by people coming and going to these buildings would be relatively limited outside weekday AM and PM peaks and lunchtimes.
19. Ms de Boom identified how the commercial development in the appeal scheme is – with the exception of building S4 – located east of Milton Avenue. These are large floor plate buildings, each of which occupies an entire block. Ms de Boom identified that this approach to land use and distribution gave rise to several issues, particularly associated with delivering the agreed overarching design principles in relation to the scheme.¹⁴ For example:
- (a) She considered that footfall being driven mostly by employment uses would not significantly contribute towards a vibrant and activated public realm.
 - (b) She queried whether the scheme, at least in respect of Station Row, would ensure adequate activation and visibility across public realm spaces (particularly outside working hours).¹⁵
 - (c) She acknowledged that whilst the overall scheme might provide a good mix of uses, the quality of spaces was compromised by concentrating uses in particular areas.

¹² CD 8.04e §6.4.1

¹³ And see CD 8.04e §6.4.1

¹⁴ CD 6.07 §2.2

¹⁵ CD 1.04 p. 53

Accordingly, she did not consider that the scheme was successful in building a thriving community by offering the right distribution of offices, commercial, residential and open space.¹⁶

20. Ms de Boom understood why the Appellant had adopted large floor plate designs with a single central core: the approach was commercially attractive and allowed for sub-division. She considered that the adoption of large floor plates created two significant challenges as a design response:

- (a) The approach provided limited opportunity for stepping, which restricted any capacity to manipulate building form to soften impacts. This was especially problematic given that the commercial buildings were distributed along the sensitive eastern edge of the site. Mr Ludewig disagreed with this point when put to him in cross examination, but a review of the proposed heights of S6 and S7 shows that stepping in overall height is very limited across the length of the two buildings.
- (b) Ms de Boom did not feel that the architectural design principles were consistently well applied and that long lengths of elevations that make buildings appear boring and overbearing is an issue. She noted that the commercial nature of these buildings meant that the design tools to overcome these issues are more limited than in a residential context (for example, via variation in window size or balconies). An improved distribution of uses would, in her view, increase variety in the street scene, as required by Policy HQ1.

21. In a traditional urban setting blocks of 50 x 70 metres would be made up of several linked buildings and often front onto several or all sides of the block. The NEC Townscape Strategy recommended a finer-grained approach to development, with street blocks broken into smaller independent plots.¹⁷ The Appellant's architects have acknowledged the

¹⁶ CD 1.04 p. 53

¹⁷ CD 5.15 §5.2.8

challenges associated with these large commercial blocks and developed a series of design principles intended to overcome those challenges.

22. Amongst those principles, Ms de Boom particularly identified elevation design and use of stepping, kinking and changes in materiality, which aimed to reduce the apparent massing of buildings, or make a building appear as if it consists of different, smaller elements. However, Ms de Boom considered that the scheme is not consistently successful in achieving its objectives. In general terms, she observed that because of choices made as to layout, height, quantum, scale and massing of the proposed development, the masterplan is overly reliant on elevation and architectural design to overcome fundamental and, to a greater extent, inherent issues that relate to land use type, distribution and block structure.

23. The Appellant and the Council share an aspiration to deliver a vibrant, activated public realm.¹⁸ Ms de Boom identified that the Appellant's principal design response to this aspiration in relation to the land use and distribution of the scheme is the animation of the ground floor level sought to introduce class E and F uses along the "main" streets.¹⁹ Ms de Boom's figure 2 illustrates what is proposed (in full) for buildings S4 to S7 and in outline (as per parameter plans) for buildings S8 to S21. She expressed concern that a vibrant and animated streetscape would not be delivered by the Appellant's design response. For the mobility hub in building S5, several smaller retail units on the ground floor would support a more animated section of streetscape along that part of Station Row. However, Ms de Boom questioned whether the proposals for buildings S6 and S7, would provide sufficient density or variety of class E or F uses to effectively achieve the aspired vibrant and animated streetscape.

24. Ms de Boom's view was that the urban character of the place and the vibrant public realm envisaged in the masterplan is not compatible with the extensive and in effect exclusive introduction of large floor plate lab-office uses and the relatively segregated nature of residential uses.

¹⁸ CD 6.07 §2.2

¹⁹ See CD 8.04d §5.51

Block structure and the eastern edge

25. The masterplan introduces Station Row between Milton Avenue and the existing railway line, creating a linear plot approximately 60 metres wide. Ms de Boom noted that the masterplan accommodates some space for landscaping but that the area is largely taken up by large floor plate buildings S5, S6 and S7, which align with the railway. Ms de Boom identified this would create a long, continuous hard building line that creates an abrupt transition between development and the countryside beyond.
26. There is a shared acknowledgment of the sensitivity of the eastern edge to the impact of building, and the need for an appropriate design response.
27. The approach at masterplan level was, in Ms de Boom's view, crucial to the design response contained in the proposal for consideration at this appeal. In particular, the decision to propose lab buildings with large floor plates and a single core with the given size and orientation along the eastern edge results in limited scope for modulation of the building (i.e., through stepping in plan or height) within the block. The creation of a linear strip of buildings combined with the introduction of Station Row (dictating the north-south orientation of the buildings) has resulted in a long, continuous and hard edge along the railway line and an abrupt transition between the development and the countryside beyond the railway line.
28. Ms de Boom identified that the gaps between the buildings along the eastern edge are relatively narrow and would not be perceived.²⁰ She considered that the effect was that the buildings along the eastern edge appeared long, continuous and monotonous. Mr Willis took issue with this assessment and described how materiality and detailing created flanks which broke up the blocks. Mr Ludewig considered that the use of breaks to create long distance permeability would be ineffective as a design tool to mitigate the impact of

²⁰ See figure 3, CD 9.04 p.21

buildings along the eastern edge.²¹ Ms de Boom considered that larger gaps could have created more significant green breaks, creating greater permeability between the structures, or by using larger gaps to accommodate large scale trees to break up what was otherwise perceived as a long, uniform street.

29. These challenges – which give rise to some of the most substantial landscape and heritage objections advanced – are, in Ms de Boom’s view, fundamental to the scheme. Ms de Boom’s clear judgement is that the scheme’s architects have struck the wrong balance in terms of optimising the block structure along the eastern edge, given the sensitive context of those buildings. That judgement is consistent with the views reached in the LCVIA and Townscape Strategy as discussed further below.

Detailed Proposals

30. Mr Willis gave evidence on his detailed designs at One Milton Avenue and 1 & 3 Station Row (buildings S4, S6 & S7), and likewise Ms de Boom’s evidence directly addressed these proposals.

Building S4

31. One Milton Avenue (building S4) is a proposed seven storey (above ground) office building including basement parking for cycles and vehicles and ground floor retail, and has a GEA of 18,575msq and maximum height of 30.85 metres, with terraces stepping down on the eastern, southern and northern elevations.¹²² Mr Willis recognises the need for the building to be of an appropriate scale and not overbearing.¹²³ It is a matter of judgement whether the scale is appropriate. Likewise, it is a question for the decision-maker as to whether the response is appropriate to, for example, Discovery Way. On both these issues, the Council considers that the building is unsuccessful.

²¹ Both in oral evidence and at CD 8.04e §6.7.4

32. Nevertheless, Mr Willis contends that it is of suitably urban scale and sensitively responds to proposed residential building heights north along Milton Avenue.²² He refers to significant design drivers being the importance of the building as the gateway to the next development; the building as a mediator between the office cluster and the residential quarter; and a strong sense of material identity to compliment the masterplan. He notes that the design of One Milton Avenue embraces the masterplan philosophy that juxtaposition between different urban typologies in a city is to be welcomed.²³ Mr Ludewig's proof echoes these intentions behind the design. Both clearly think that the proposal offers a successful design response.
33. Ms de Boom reaches a different conclusion and contends that the design is not a successful juxtaposition, but rather an overbearing proposal. It is notable that the design is contrary to the Townscape Strategy which indicated that no further taller buildings were needed in this part of the site. With the LCVIA modelling development of 21m on this part of the site. In consequence of its height, building S4 is seen rising behind the buildings on the eastern edge in views from the east.²⁴ It also adds to the bulk of development seen from Discovery Way.²⁵
34. Accordingly, the principal issue with building S4 is that the height and massing has an adverse impact in views from the east and from residential areas closer to the site (as seen in Ms de Boom's figures 7, 8, 9 and 10). Mr Wakefield and Mr Brady have separately identified landscape/visual and heritage harms which results from this design choice.
35. In particular, Ms de Boom also considered that the cumulative impact of building S4 and One Cambridge Square on the residential development on Discovery Way feels overbearing as the structures appear as a tall and continuous wall of development rising above the existing homes. Ms de Boom queried whether the height of building S4 is necessary from a design perspective. Whilst Mr Willis justified the height of building S4

²² CD 8.06 §§4.20-4.23

²³ CD 8.06 §10.3

²⁴ CD 9.04 Figure 7 p. 25

²⁵ CD 9.04 Figure 10 p. 26

as a response to matching the height of One Cambridge Square in order to fulfil its role as a mediator to the proposed residential development, Ms de Boom considered that there was no good design reason for a building fulfilling that mediator role to match the height of an adjoining building, and buildings of different heights can sit comfortably next to each other as demonstrated elsewhere in the masterplan (such as the mobility hub, and the stepped residential proposals).

36. Even if matching or referencing height was considered important in design terms, Ms de Boom contended that the most dominant feature of One Cambridge Square's elevation is the height of the brickwork.²⁶ By reference, the brick top floor of S4 extends a full storey above that brickwork (to 27.91m). Moreover, the top of the plant screen is more visually dominant and taller than that of One Cambridge Square. Resultantly, building S4 steps up from One Cambridge Square.²⁷ The Appellant seeks to explain this increase in height by reference to changes in building height requirements for a 7 storey building, but as Ms de Boom noted there is no design justification for building S4 to be 7 storeys. Nor is it commercially necessary for it to be that many storeys.

37. In relation to the massing of building S4, Ms de Boom considers that certain elevations are long and continuous, with very little in the way of stepping or kinking as required by the agreed architectural principles set out in the masterplan. She did not feel that the elevation design is successful in breaking down the massing of the building, especially in relation to the northern and western sides.²⁸

38. Ms de Boom accepted that the building appeared as two more distinctly separate volumes on the eastern side (Milton Avenue). However, her view is that the result was "unbalanced".²⁹ Whilst the front volume appears large and robust, the second volume appears feeble in comparison.

²⁶ Which goes to the top of the 6th floor at 23.27m (see figure 11, CD 9.04, p. 27)

²⁷ See figure 12, CD 9.04, p. 28

²⁸ See figures 13 and 14, CD 9.04 p. 29

²⁹ See figure 17, CD 9.04 p.31

39. Building S4 is a large footprint building occupying the full plot created by the streets introduced by the masterplan. The main parties agree that S4 needs to respond positively to adjacent areas. The main parties differ as to whether building S4 delivers an appropriate response in this regard.
40. In particular, the main parties did not agree on the effectiveness of ground floor activation to create a vibrant streetscape. Ms de Boom considered that the building “turns its back” onto Chesterton Way (as illustrated in her figure 18). The lack of landscaping proposed on Chesterton Way compounds this issue. In addition, the illustrative design for residential blocks S13-S16 introduces a frontage environment on Chesterton Way, with a high density of entrances to dwellings, not only the communal lobbies to the blocks, but also the proposed individual homes on the ground floor. This is supported by the detailed public realm design (see AdB figure 19) which proposes communal gardens in front of the block. Ms de Boom noted that the design response for blocks S13-S16 is supported and aligns with the NEC Townscape Guidance which seeks frontages towards the guided busway. However, the very different responses between S4 and S13-S16 creates what Ms de Boom considers to be an incoherent streetscape. She disagreed that the street would have a local and residential character, as stated by Mr Ludewig,³⁰ given that along S4, the road would be dominated by a service and access function.
41. Ms de Boom and Mr Willis disagree on whether S4 successfully responds to the masterplanning principles. Mr Willis’s reasoning is set out in his proof at §4.20. Ms de Boom considers that stepping is limited to a small number of cut-outs that, whilst welcome, would not sufficiently break down massing. The terraces would have little to no impact on the appearance of the building from further away. Whilst there was ground floor activation on Milton Avenue, the design proposed an inconsiderate response to Chesterton Way.

Buildings S6 & S7

³⁰ See CD 8.04e §6.8.6

42. Buildings S6 and S7 are two mixed-use buildings predominantly intended for research and development commercial laboratory use. The proposed use means that the buildings are designed relatively specialised requirements including: increased floor to ceiling heights; an increased horizontal planning grid; increased services and increased servicing provision.
43. Both buildings S6 and S7 are sited along the sensitive eastern edge of the development. The Council appreciates that the importance of the buildings on the eastern edge of the masterplan was a key design driver for the Appellant, and there is common ground that the approach proposed is successful in breaking down the massing of the buildings when viewed from nearby.³¹ However, the main parties remain apart on several issues.
44. In particular, the heights of buildings S6 and S7 have been the focus of some discussion at this inquiry. Buildings S6 and S7 are taller and more continuous than the recommended heights set out in the Townscape Strategy and the LCVIA.
45. Ms de Boom considered that buildings S6 and S7 create a visually continuous edge along the eastern boundary. She noted that the elevation design introduces four bays in an A-B-A-B arrangement to break down the massing of the building and acknowledged that this is successful on an individual building level. However, Ms de Boom identified three core issues.
46. First, she considered that the articulation would be less visible from longer distances where the outline of the building against the skyline dominates.³² The lack of variation in building height means that there is little articulation visible in the roofline, and in any event is lost by the presence of other buildings in the masterplan rising above it.
47. Second, she noted that the architectural design of buildings S6 and S7 is nearly identical. Whilst the Appellant has referred to the “rhythm” and the sense of a street terrace being

³¹ CD 6.07 §2.22

³² See CD 8.06 Figure 33 p. 29

created, Ms de Boom considered that the design response does not result in a series of individual linked blocks, and rather considers that the continuous repetition of the design across a very long development complex means that there is a loss of distinctive architectural style. Her view was that the continuous frontage of nearly 150m which is nearly 2/3rds of the total length of Station Row and will lack variety and human scale, and the buildings will feel boring and overbearing.¹¹⁸ Also the repeated design of S6 and S7, which makes up 2/3rd of the street, is at odds with the design of the multi-storey car park S5 which makes up the other 1/3rd. The consideration of “rhythm” seems related to the buildings only, with no apparent coherent vision for the street as a whole.

48. Third, and fundamentally, the parties differ over the role of the buildings in transitioning between the urban fringe and the countryside. Mr Willis considers that the building design avoids an abrupt transition with the countryside.³³ Ms de Boom disputes this assessment: in her view, articulation is not perceptible at a distance; changes in height are hardly perceptible along the main buildings on the eastern edge; the landscape terrace is not effective in reducing scale and massing and does not read as part of the landscape; and the set-back is minimal with trees along the edge of the buildings failing to mitigate the impacts of the proposed development. Her view was that the design approach has not been successful in creating a sensitive response to the eastern edge, that the two buildings are read as a single structure, and that this apparent 150m long, 4-storey form would dominate on the skyline and be overbearing on the eastern edge.

Outline Proposals

Buildings S8 – S21

Although buildings S8-S21 are outline proposals, the Appellant has produced relatively detailed illustrative designs, which are followed closely in the parameter plans. The LPA has identified several issues with these proposals. First, the buildings are too tall. Whilst the heights indicated contain a prospective range, the upper limit must be considered

³³ CD 8.06 §13.10

acceptable, and in Ms de Boom’s view, they are not. Building S9 and the residential quarter can be seen rising above S6 and S7, compounding impacts on the sensitive eastern edge, resulting in landscape, visual and heritage harms. The height and massing of blocks S13-S16 also has a negative impact on views from Discovery Way to the west.¹²⁰ Second, Ms de Boom identified an issue with the back of building S9 and its relationship with the Wild Park. The parameter plans would indicate that the northern elevation of S9 (overlooking the Wild Park) is considered the “back” of the building and any attempt to activate that side of the building is likely to struggle until development to the north comes forward as part of the wider masterplan area.³⁴

Suitability of living arrangements

49. There is a shared ambition between the Council and the Appellant to find the optimum use of the site for residential use, and to deliver the highest possible standards of accommodation with a key consideration relating to the quantum of single aspect units.³⁵ The Appellant recognises that, ideally, these should be avoided.³⁶ However, the use of perimeter blocks which is done to keep residential heights lower, and is welcomed, creates a challenge for this ambition. The Appellant has indicated that the proposed illustrative design includes approximately 25% single aspect and 75% dual aspect dwellings (although it is recognized that these are outline proposals).

50. The dispute between the main parties is partly definitional. Ms de Boom considers that in a large proportion of what the Appellant considers to be “dual aspect” homes, the second aspect is created by the stepping of the building to create a second external wall.³⁷ Ms de Boom observed that the benefits of dual aspect dwellings includes to allow cross ventilation; more daylight for longer periods; more extensive views; and access to cooler or quieter sides of a building. A single window or door would not deliver, or substantially

³⁴ CD 9.04, Figure 22

³⁵ CD 8.04h 9.6.1.

³⁶ CD 8.04h 9.6.5.

³⁷ See CD 8.04h, p.137

deliver, many of these benefits. Accordingly, she considered that many of the dwellings as designed are “enhanced single aspect”.

51. Ms de Boom said that stepping of the building form upon which the architect relied to create the second elevation may not be acceptable at reserved matters stage because such stepping could cause issues with overlooking and overshadowing of adjoining buildings.³⁸ Ms de Boom considered that the total amount of single aspect homes likely to come forward may be much higher (c.50%).³⁹ The design of a residential scheme needs to balance requirements to optimise densities, define and delineate attractive streets and create attractive, sustainable homes. In Ms de Boom’s view, the illustrative scheme did not strike the appropriate balance. The detailed parameter plans will impose restrictive constraints on future design solutions particularly when the height parameters are considered. The Appellant has recognised that this may lead to a reduction in the number of units which can be delivered.

Landscape design

52. Mr Myers is the landscape architect in charge of the overall landscape design strategy for the site. An example of his work can be seen around the building we are sitting in. His design response appears to have been constrained by the limitations of his brief.

- a. The lack of planting at the street level of 1 Milton Avenue (S4) is not a deliberate design decision, but rather a consequence of a lack of space for it. The approach is at odds with the approach taken to the soft landscaping at the end of One Cambridge Square. The lack of space is due to the expansive requirements of built development and does not deliver high quality design in this location.
- b. The Wild Park is in the northern part of the proposed development. The 2009 SPD (CD 5.31) sets both quantitative and qualitative guidance for the provision of open space. In qualitative terms it provides that open spaces should not be peripheral to

³⁸ See CD 9.04 figure 25

³⁹ See CD 9.04 figures 26-28, pp. 43-44

the development as a whole but fully integrated into the design (1.4). Children's play areas should be very accessible and visible rather than utilising areas left over after planning. The Council's criticisms are fair ones. The Wild Park feels at the end of the development. It feels like an after thought – this fits with the timing of its inclusion in the scheme. It feels like it is waiting for further development to the north. It is away from the main movement network of the development and is not overlooked by residential properties. Instead, it is overlooked by the rear of an office building which is unlikely to provide any natural surveillance outside of office hours.

- c. Perhaps most significantly, the landscape mitigation does not sufficiently address the central concerns associated with the sensitive eastern edge. The trees proposed would reach 12m after 15 years and continue to grow taller over time. However, the filtering effect does not sufficiently soften the edge. The landscaping on the eastern edge was introduced after the block structure was set. Buildings were moved back slightly to accommodate the landscaping but the introduction of this strip does not overcome the inherent problems with the master planning approach to block structure, height, scale and massing on the site.

Conclusion on Design

53. In summary, Mr Ludewig, Mr Willis and Mr Myers have provided evidence on the rationale behind their proposed design responses to parts of the proposal and the scheme as a whole. Together, they contend that that the scheme and its component parts offer effective design responses to the challenges of the nature of the proposed development in its context. For the Council, Ms de Boom's and Mr Wakefield's evidence consider the design and landscape design of the appeal scheme respectively. Their evidence finds that because of fundamental choices made in the master planning, the scheme overall does not deliver high quality design.

(IV) Landscape character and visual effects

54. From these fundamental design issues flow various social and environmental harms. The first of those harms considered at this inquiry was the impacts of the proposed development on landscape character and visual effects of the site and its surroundings.
55. Landscape judgements are informed by national and local policy, as well as by guidelines for landscape and visual assessment provided by the Landscape Institute (“GLVIA 3”).
56. In terms of national policy, chapter 15 of the National Planning Policy Framework, ‘Conserving and enhancing the natural environment’. In that chapter, paragraph 174 of the NPPF makes provision that planning policies and decisions should contribute to and enhance the local environment. Paragraph 174(a) provides for the protection and enhancement of valued landscapes. Paragraph 130 of the NPPF makes further relevant provision.
57. In terms of local development plan policy, policy HQ/1 of the adopted South Cambridgeshire Local Plan contains several aspects which engage landscape considerations. Policy NH/2 of that plan makes provision for protecting and enhancing landscape character and states 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 it is located. Policy NH/8 includes provision to mitigate the impact of development in and adjoining the Green Belt, and states 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 Derbyshire agreed in cross examination that this part of policy NH/8 would apply to the appeal site. Policy SS/4 (4) materially provides that all proposals should, among other things, take into account existing site conditions and environmental and safety constraints.
58. The purpose of landscape and visual impact assessments is to “identify and assess the significance of and the effects of change resulting from development on both the landscape

as an environmental resource in its own right and on people's views and visual amenity".⁴⁰
The guidelines recognise the importance of professional judgement.⁴¹

59. The process relies on qualitative judgements about the effects of new development on visual amenity, the significance of change in landscape character terms and whether those changes are positive or negative. These are factors on which reasonable people may disagree, and in this case, both Mr Smith and Mr Wakefield have at times reached a different judgement from that set out in the Bidwells LVIA, and from each other. Experienced and knowledgeable experts have formed their own views of the scheme. It is for that reason that ultimately, the best evidence on the landscape and visual impacts of the proposed development is likely to be that experienced on and around the site, and the Inspector in this case has had the benefit of an extensive site visit on the third sitting day of the Inquiry.

60. This is not an appeal where the main parties are fundamentally at odds on matters such as methodology or the relevance of character assessments. There are a series of landscape character assessments and appraisals which are relevant to this appeal,⁴² and there is not substantial disagreement as to the relevance or relative significance of those assessments to the decision-maker in this appeal. All three landscape experts whose evidence has been considered at this appeal – Mr Wakefield, Mr Smith, and the authors of the Bidwells LVIA – consider that harm of varying degrees arises from the height and scale of the buildings proposed on the appeal site.

61. Rather, the central dispute between the Appellant and the Council is over the professional judgements reached as to significance and extent of the effects of the proposed development in landscape character and visual terms.

⁴⁰ GLVIA 3, para. 1.1, p.4

⁴¹ GLVIA 3, para. 1.20, p.10

⁴² Such as the CCC Cambridge Landscape Character Assessment (April 2003, CD 5.26), the NEC Landscape and Visual Impact Appraisal (July 2020, CDs 5.13a and 5.13b); the Chris Blandford Associates Greater Cambridge Landscape Character Assessment (February 2021, CDs 5.28a and 5.28b) and the NEC Townscape Assessment (September 2021, CD 5.30)

62. Accordingly, these closing submissions highlight the key areas of agreement and disagreement between the main parties on landscape and visual matters and identify those aspects of the approach taken in the Bidwells LVIA and by Mr Smith which the Council contends lead to an underestimate of landscape and visual impacts, as set out in Mr Wakefield's evidence. For his part, Mr Wakefield is a qualified planner, landscape architect and urban designer who gave his professional evidence in respect of the landscape aspects of the Council's reasons for refusal 1 and 3, specifically the putative landscape objection alongside the design and open space objection.⁴³

The NEC LVIA evidence base

63. The North East Landscape Character and Visual Impact Appraisal – Development Scenarios document considered three development scenarios on land including the appeal site (as parcel 4 of that study).⁴⁴ Mr Smith (with whom Mr Wakefield agreed) considered that the TEP Report bases its conclusions upon a robust, methodical approach to landscape and visual matters.⁴⁵

64. The TEP Report provides an appraisal of existing landscape character and visual amenity and an appraisal of potential effects of high, medium and low development height scenarios. Mr Wakefield properly identifies that the development scenarios considered in that appraisal were further refined in relation to the relevant area (block 4) with the same heights tested across each of the three scenarios for block 4 because of its identified sensitivities – see para 2.25.⁴⁶ This modelled development of variable heights within block 4 - 12m along the eastern edge and between 18m and 21m on other parts of the appeal site. The design guidance - and diagram 1 - contained in the LCVIA needs to be understood in the context of what was actually modelled and on no sensible analysis does it envisage buildings ranging between 27 meters and 36 meters high on the appeal site as Mr Smith

⁴³ Those aspects are set out at §§1.9-1.26 of Mr Wakefield's proof (CD 9.09)

⁴⁴ CDs 5.13a and 5.13b

⁴⁵ CD 8.08, §51

⁴⁶ CD 9.09, §2.43, and see figures 5.1, 5.2 and 5.3 of the TEP Report (attached as Appendix 4 of Mr Wakefield's proof, CD 9.10, p.10.

contended in his proof of evidence.⁴⁷ The reference to medium and high options need to be read in accordance with what was actually modelled for block 4. This is entirely consistent with 5.11 which appears below diagram 1 which stresses that the height and massing of buildings should avoid dominating views of the skyline from the east, requires careful consideration and should avoid extending development across the skyline.

65. In terms of design guidance on massing and height, the TEP Report sets out that the height and massing of buildings should avoid dominating views of the skyline from the east and should avoid creating an abrupt transition from development to the rural edge. In particular, “further development would need careful consideration to avoid compromising the quality and character of views and landscape in the River Cam Corridor LCA and the western part of the Eastern Fen Edge LCA”.⁴⁸ The guidance on massing also considered that “an irregular edge, interspersed with landscape to all northern and eastern blocks, would be more appropriate in assisting the reduction of development mass and softening the abrupt transition from urban to rural.”⁴⁹

66. The guidance makes clear that “the edges of the site are sensitive to development as they are the interface between the Site and the surrounding areas.”⁵⁰ Explaining that “the eastern edge is particularly sensitive due to the potential effects on views and landscape character”,⁵¹ it recommends a number of principles that could apply to development on the eastern edge including: variable set-back of building plots; variable roofline; permeability of built form and landscape allowing views into the Site along green corridors of adequate space to accommodate forest scale trees and avoiding an abrupt transition between development and countryside.

67. The Council considers that Mr Smith has mis-interpreted the overall conclusions of the TEP Report and the guidance on heights and massing. When read in context, the TEP

⁴⁷ CD 8.08 at §185.

⁴⁸ CD 5.13a, §5.10

⁴⁹ CD 5.13A, p. 56

⁵⁰ 5.17.

⁵¹ *ibid.*

Report did not model development at 21 metres on the eastern edge of the appeal site and was not advocating the higher heights Mr Smith contended that it envisaged.

68. Fundamentally, the Council considers that the heights of the proposed development does not accord with those modelled in the TEP Report. This is material because the LVIA aspects of the AAP evidence base is robust, and the guidance on height and massing underlines the relative sensitivity of the surrounding landscape to development on the appeal site. The proposed development does not avoid extending development across the skyline; insufficient thought has been given to variable setbacks or the creation of a variable roofline; there is an absence of permeable built form; and accordingly the proposed development is not an appropriate response to the sensitive eastern edge because it does not avoid an abrupt transition between the development and the countryside. The appeal proposal has not successfully employed the design recommendations in the LCVIA.

The Townscape Strategy (CD5.15)

69. The Townscape Strategy is built on the evidence base provided in the Townscape Assessment, the Heritage Impact Assessment and the LCVIA. Section 3 (p.24) sets out a series of townscape principles including (1) the need to respond sensitively to and preserve the special character of the River Cam Corridor, meadows and Fen Ditton by stepping down development heights towards the landscape edges to avoid becoming visually prominent and intrusive, and detracting from the pastoral landscape qualities; and (2) respond appropriately to the adjacent residential context by stepping heights and densities towards its interface with existing settlements and avoiding stark contrasts with existing neighbouring buildings.

70. The section on heights sets out that these should be of a medium rise urban scale. It sets out that heights on the appeal site should be up to 15m within a local landmark building of up to 21m (p.51). It provides that the hotel and office building which provide prominence and legibility to the gateway do not make necessary further taller buildings in this area

(p.71). Mr Smith's summary⁵² of the Townscape Strategy did not fairly reflect what it actually says about heights for the appeal site. Again, the consistent theme of these documents is for a lower form of development on the appeal site than that proposed because of the sensitive context.

The context and character of the site

71. It is agreed that the River Cam corridor is a valued landscape (see below).⁵³ Mr Wakefield was keen to recognise the historic context of the landscape. As Mr Wakefield's evidence explains at §6.2, the character of the site is influenced greatly by its surrounding townscape and landscape features, including by the Railway Corridor and infrastructure; the sensitive River Cam corridor to the east; employment uses to the north; and low-rise residential uses to the south and west. In particular, despite being part of an urban area, the site lies adjacent to the River Cam corridor which as Mr Wakefield emphasised forms an important strategic green sinuous space through Cambridge from the northeast through the city to the southwest.⁵⁴ This green corridor forming an approach to Cambridge and contributing to the distinctive landscape of the setting of the city, and pressure for recreation and housing, were two specific landscape sensitives identified by Mr Wakefield.⁵⁵

Baseline appraisal

72. The agreed best practice is to adopt the starting point that increased visibility causes negative landscape and visual effects.

73. There are various character assessments⁵⁶ in this case, as considered by Mr Wakefield, Mr Smith and in the Bidwells LVIA. Whilst there is some difference in emphasis, there is nothing fundamental between the main parties and what those assessments say is a matter

⁵² Para 59 Smith POE.

⁵³ CD 8.08 §191

⁵⁴ CD 9.09 §6.3, and CD 9.10, Appendix 2, p.4 (taken from the 2003 Landscape Character Appraisal)

⁵⁵ CD 9.09 §5.73

⁵⁶ Discussed in detail in section 5 of CD 9.09.

of fact. Ultimately, the Inspector will form her own judgement as to the helpful parts of them.

74. LCA 9a has a rural and pastoral character⁵⁷ and forms a distinctive approach to the city.⁵⁸ Mr Wakefield emphasised to this inquiry that LCA 9a is an aesthetically pleasing area that is well-used by people on and off the water, and this was later echoed by Mr Smith.⁵⁹ Specific landscape sensitivities include that the green corridor forms an approach to Cambridge from the southwest and northeast and contributes to the distinctive landscape setting of the city.⁶⁰ Mr Wakefield's chief concern is that the emphasis on protecting views and character of LCA 9a is not being achieved by the proposed development due to impacts on skyline and the rural nature of this character area with buildings of a scale and mass of up to 30.8 metres in height.⁶¹

Landscape and townscape effects

75. The first of three main aspects of the landscape and visual impact main issue is the potential landscape and townscape effects of the proposed development.

76. Disagreements in professional judgement at each stage of the LVIA process is plainly material to the appropriateness of an overall conclusion. In the LVIA process, landscape value is combined with an assessment of the susceptibility of the landscape to form a view on landscape sensitivity. Sensitivity and magnitude are considered together to reach a view on significance. It follows that these professional judgements at each stage of the LVIA process impact the overall assessment of significance of effects. A lowering of, for example, the susceptibility level acts as a drag on the overall assessment of significance.

⁵⁷ CD 9.09 §5.68

⁵⁸ CD 9.09 §5.70

⁵⁹ CD 9.09, §5.69 (and more widely, at §§5.65-5.76); and CD 8.08 §191

⁶⁰ CD 9.09 §5.73

⁶¹ CD 9.09 §5.75

77. Mr Wakefield agrees with the assessment of landscape sensitivity, magnitude and significance of effects for three of the character areas considered in the Bidwells LVIA, namely (i) the Railway Corridor; (ii) the landscape setting of Fen Ditton CA; and (iii) the townscape setting of Riverside and Stourbridge Common CA.⁶² There is a shared acknowledgment that the effect on LCA 9a – the Cam River Valley – is a key aspect of the landscape and visual effects of the proposed development.

LCA 9a – Cam River Valley

78. The main parties agree that the Cam River Valley is a valued landscape within the meaning of paragraph 174(a) of the NPPF.⁶³ As noted, paragraph 174(a) requires decisions to protect and enhance valued landscapes, and it is agreed that this is an important consideration for the decision-maker.

79. In relation to sensitivity, Mr Wakefield differs from the Bidwells LVIA, and from Mr Smith’s assessment (the former identifies high sensitivity, whereas latter two identify high/medium sensitivity). The reason for this difference is that Mr Wakefield disagreed with the Bidwells LVIA’s treatment of susceptibility, considering it should be high and not medium because the landscape has a strong landscape structure and a low capacity to accept change.⁶⁴ By contrast, Mr Smith sought to classify sensitivity as “medium” based on his assessment that the area has “some capacity” to accommodate the proposed development.⁶⁵

80. The test for high susceptibility in the Bidwells methodology is that the receptor “cannot accommodate the proposed development without notable consequences for the maintenance of the baseline”.⁶⁶ Mr Wakefield contended that the landscape is a strong defining characteristic of Cambridge and of regional importance⁶⁷, and Mr Smith accepted that the river, meadows and structure of hedgerows and types of planting are strong features

⁶² CD 9.09 §§6.15-6.18

⁶³ CD 9.09 §6.27 and CD 8.08 §191

⁶⁴ CD 9.09 §6.27

⁶⁵ CD 8.08 §198

⁶⁶ CD 1.40, p.4

⁶⁷ CD 9.09 §6.27

in the landscape with rural pastoral qualities. As Mr Wakefield identifies, the notable consequences are an increase in urbanisation and impacts on pastoral and rural qualities of the landscape. If the Inspector shares Mr Wakefield's approach that this test is met, then susceptibility should be high. It would follow that taking a high landscape value and a high susceptibility would elevate the overall sensitivity to high rather than medium-high, as contended by Bidwells and by Mr Smith.⁶⁸

81. In relation to magnitude, Mr Wakefield concluded that the landscape effects would be of a medium magnitude rather than a low magnitude (the latter position being adopted in the Bidwells LVIA and by Mr Smith).⁶⁹ The basis for Mr Wakefield's judgement was that the proposals would result in a moderate alteration to key landscape characteristics including the rural and open character of the LCA.⁷⁰ This analysis is persuasive, especially when contrasted against Mr Smith's unconvincing analysis that the proposed development would only "cause a small increase in built form" (in support of a finding of "low" magnitude).⁷¹ However, Mr Wakefield emphasised the inter-visibility between the appeal site and the LCA. He considered the scale, mass and horizontal nature of the development created an elevated impact, beyond the conclusion drawn by Mr Smith and in the Bidwells LVIA. When considering magnitude, it is relevant to consider several factors such as duration, geographical extent and scale. The effects on the receptor will be long term in relation to increased urbanisation and impact on pastoral qualities. The geographical extent would be discernible across a moderate proportion of the character area. The size and scale of effects are also material. In particular Mr Wakefield emphasised the moderate alteration to key landscape characteristics including to a key perceptual quality, namely the rural and open character of the area, via the introduction of a significant quantum of built form extending a horizontal urban edge.⁷² Accordingly, Mr Wakefield's assessment of "medium" magnitude is eminently reasonable.

⁶⁸ CD 9.09 §6.28; cf. CD 8.08 §198

⁶⁹ CD 9.09 §6.29

⁷⁰ CD 9.09 §6.29

⁷¹ CD 8.08 §205

⁷² CD 9.09 §6.29

82. Overall, and in the light of the above differences in professional judgements, Mr Wakefield considered that the LVIA's approach (and in turn Mr Smith's assessment) underestimated the significance of effects in ascribing only a moderate-minor adverse impact rather than a **moderate-major adverse** impact to LCA 9a.

The other receptors

83. A series of different professional judgements are reached in relation to other receptors. The differences which inform those sometime contrasting assessments are set out in Mr Smith's rebuttal at Table JSR 2.⁷³

84. In relation to the Cambridge Skyline, the parties agree that the skyline of Cambridge is highly valued, and both Mr Smith and Mr Wakefield adopt the position in the Bidwells LVIA, that the character area is of high/medium sensitivity. Mr Wakefield emphasised that the appreciation of the skyline of Cambridge is not confined to the city centre but starts on the rural/urban fringe.⁷⁴

85. The parties differ on the magnitude of effects. Mr Wakefield considers that the magnitude of effects is medium/high, whereas the Bidwells LVIA reaches a judgement of medium, and Mr Smith reaches a judgement of medium/low. Mr Wakefield noted that the Cambridge skyline is that of a low-rise city with a few important landmarks.⁷⁵ In his examination-in-chief, whilst acknowledging the Cambridge skyline contains a series of vertical elements within the landscape, he emphasised that the urban fringe context was important in considering the appeal site. In particular, whilst development on the A14 had been referenced as introducing horizontal features around Cambridge's northern fringe, he noted that those features tended to be modern and detrimental introductions to the existing and historic landscape context of the city and its surroundings. Accordingly, he considered that the magnitude of effects was more pronounced than as assessed in the Bidwells LVIA

⁷³ CD 8.38a p.18, Table JSR2

⁷⁴ CD 9.09 §6.38

⁷⁵ CD 9.09 §6.39

(medium/high rather than medium), or by Mr Smith (medium/low).⁷⁶ Mr Smith contended that the “size and scale” of change to the skyline in the vicinity of the Cam Valley and Fen Ditton would be “reduced by the existing Novotel and One Cambridge Square”. Whilst the presence of built form might affect the extent of alteration to key landscape characteristics⁷⁷, it does not follow that the addition of further substantial development of the scale proposed justifies any such reduction from an LVIA assessment that Mr Wakefield credibly considers has already underplayed the likely landscape effects of the proposed development.

86. Due to his judgement on magnitude, Mr Wakefield concluded that the significance of effects had been underplayed and was more pronounced than identified in the Bidwells LVIA (**moderate/major adverse** rather than moderate/neutral).⁷⁸ Even Mr Smith’s assessment concluded that the increased visibility of built form on the skyline in this location is judged to be negative in character, in concluding that the proposed development would cause moderate adverse effects to the Cambridge skyline receptor.⁷⁹

Conclusion on landscape character effects

87. Overall, these points of difference from the series of judgement calls made in the Bidwells LVIA results in Mr Wakefield’s credible overall departure from the conclusion in the Bidwells LVIA that “in terms of landscape and townscape effects, the proposed development does not result in any significant effects”.⁸⁰ Rather, Mr Wakefield considered that significant moderate/major adverse effects on several receptors would be felt.⁸¹ The landscape sensitivity of LCA 9a River Cam Valley Cambridge is **high**; the magnitude on impacts is **medium/high** and the significance of effects are **moderate/major adverse** which is **significant** and impacts on a **valued landscape**. The impact on the Cambridge skyline is more pronounced than stated in the Bidwells LVIA (which refers to moderate

⁷⁶ CD 9.09 §6.41

⁷⁷ As acknowledged in Mr Wakefield’s methodology, CD 9.10, tables 10.6 and 10.7

⁷⁸ CD 9.09 §6.41

⁷⁹ CD 8.08 §216

⁸⁰ Cf. Bidwell LVIA (Section 12 of the Environmental Statement, CD 1.17, p. 345, §12.221)

⁸¹ See CD 9.09 §6.44

neutral effects). In summary, the approach adopted in the Bidwells LVIA (and amplified in Mr Smith's evidence) results in a series of judgement calls which effectively downplay the landscape impacts of the proposed development. Mr Wakefield concludes that the effects will be **moderate/major adverse**. The landscape effect is thus **significant**.

Visual Effects

88. It is right to acknowledge that viewpoints were initially agreed between the Council and Bidwells.⁸² Mr Wakefield subsequently re-examined the position upon his instruction, and it is fair to observe that Mr Smith has not shied away from considering additional viewpoints raised by Mr Wakefield. Indeed, in the case of Node Viewpoint 21, Mr Smith has recognised significant effects in the major/moderate adverse category.

89. There are several core considerations relevant to the proper assessment of visual effects.

90. First, Mr Wakefield noted that the size and scale of development needs to be considered in relation to footprint, height, mass and orientation of buildings.⁸³ It goes without saying that the larger the scale, the greater potential for landscape, visual and cumulative impacts.⁸⁴ Mr Wakefield considered that the considerable size, scale and mass of the proposed development in the context of existing development around the Cambridge North station were all significant in informing assessments of visual effects.⁸⁵ Importantly Mr Wakefield noted that existing development has given rise to adverse visual impacts to the east of the site, and emphasised that the proposed development will not mitigate those impacts but rather will significantly increase landscape visual impacts, particularly to the east.⁸⁶ He emphasised that in a rural-urban context, a more sensitive transition might be expected from the context of the appeal site.⁸⁷ Mr Wakefield's view was that a lack of visual permeability had serious implications for visual effects, and that there were viewpoints

⁸² CD 6.08, Landscape Statement of Common Ground, §28

⁸³ CD 9.09 §§7.2-7.4

⁸⁴ CD 9.09 §7.5

⁸⁵ CD 9.09 §§7.3-7.7.18

⁸⁶ CD 9.09 §7.9

⁸⁷ See CD 9.09 §7.6

where greater visual breaks would provide much more significant visual mitigation in terms of landscape and visual impacts, in particular along the sensitive eastern edge (and the associated visual arc to the east of the site along the River Cam Valley).⁸⁸

91. Second, Mr Wakefield described how the height of the buildings adjacent to the railway line, whilst lower than the highest buildings on the appeal site, remain “substantial”.⁸⁹ The NEC Landscape Character Appraisal was plainly concerned with the potential landscape visual effects on the sensitive eastern edge, hence the refined approach to the relevant block.⁹⁰ The proposals include a decrease in height of buildings adjacent to the railway line as an “attempt to respond to the NEC LVIA”, but the proposed heights are nevertheless in discrepancy with that assessment and harmful on an objective assessment.⁹¹ Mr Wakefield considered the Appellant’s approach to be ineffectual in overcoming visual impacts to the east, given that buildings are seen not individually but as an overall mass.⁹²

92. Third, in considering the impact of the development on the Cambridge skyline and landmark buildings, Mr Wakefield’s evidence invites consideration of local landmarks and views and the transition of the skyline from rural to urban on the edge of Cambridge.⁹³

93. Fourth, Mr Wakefield emphasises the transition of the skyline from rural to urban on the edge of Cambridge is “important”, and that the rural/urban interface demands careful consideration of mass and height of buildings.⁹⁴ His view is that the only real way to reduce or mitigate impacts on skyline is to reduce the height of buildings, reduce the mass, or improve the permeability of views through a site.⁹⁵ Mitigation planting will do little to overcome the impact of this height in the longer term. It makes no difference at the 15Y assessment point as noted in the Bidwells’ LVIA (at §12.203).

⁸⁸ CD 9.10, Appendix 8

⁸⁹ CD 9.09 §7.10

⁹⁰ CD 9.09 §§7.11-7.18

⁹¹ CD 9.09 §7.13-7.14

⁹² CD 9.09 §7.15

⁹³ CD 9.09 §7.20

⁹⁴ CD 9.09 §7.29

⁹⁵ CD 9.09 §7.29

94. Fifth, the largest landscape visual impacts are from sensitive landscape receptors to the east of the site: the River Cam Valley; Fen Ditton Conservation Area; Fen Rivers Way Long Distance Footpath; Harcamlow Way Long Distance Footpath; Ditton Meadows; Fen Ditton Village/The Plough Inn; Fen Road.⁹⁶ All are important with high levels of sensitivity made greater by widespread recreational activity.⁹⁷ Consideration should also be given to the sequence of kinetic views as one travels from north to south along the River Cam, to understand the scale of landscape and visual impacts from these sensitive receptors.⁹⁸

Specific viewpoints

95. Mr Smith's rebuttal Table JSR3 sets out the overall conclusions of the Bidwells LVIA, Mr Smith and Mr Wakefield. There are a number of areas where Mr Smith and Mr Wakefield agree as to the effects, or agree that the effects are not significant, even if there is some disagreement as to the precise quantification of the effects. The Inspector has also had the benefit of attending each viewpoint and will ultimately be able to form her own view on the judgements reached at each point. These closings do not seek to rehearse all differences in professional opinion across the plethora of viewpoints raised. However, there are several which exemplify the Council's general position that there are significant and negative visual effects arising from the proposed development, and that Mr Smith has on occasion underestimated those effects. Turning to specific viewpoints:

- (a) Bidwells viewpoint 5⁹⁹: Bidwells and Mr Wakefield agree that the sensitivity of the view is high, whereas Mr Smith takes the view that the sensitivity is high/medium, based on a value of medium and a recognition that the receptor is of high susceptibility. The issue comes down to value. It is agreed that the area is a well-used public footpath with the Fen Ditton Conservation Area and in the Cam River Valley; and that it is part of a valued landscape with views over the Cam River and high scenic quality. The Bidwells methodology summarises qualities associated with high-value visual

⁹⁶ CD 9.09 §7.34

⁹⁷ CD 9.09 §7.35

⁹⁸ CD 9.09 §7.40

⁹⁹ Mr Smith's CN-001 and CN-025

receptors in table 3.¹⁰⁰ Mr Wakefield and Bidwells both considered that the viewpoint met these qualities.¹⁰¹ In contrast, Mr Smith sought to contend that the value was not high because whilst the landscape is protected in a paragraph 174 sense, it is not within a national landscape designation. This exchange demonstrated that Mr Smith has undervalued the value of certain viewpoints based on too high a threshold for a finding of a high value.¹⁰²

(b) Node viewpoints 1, 2 and 3: Mr Wakefield considered that Bidwells viewpoint 5 was not representative of views on Ditton Meadow and accordingly identified Node viewpoints 1, 2 and 3. Mr Smith addressed these in his rebuttal (§2.4.1) and accorded a high/medium sensitivity, which, for the reasons set out in relation to Bidwells viewpoint 5, Mr Wakefield considers to be too low. In relation to magnitude, Mr Smith ascribes a low magnitude of effects for these views, whereas Mr Wakefield considers medium change. The Bidwells methodology gives a description of low magnitude.¹⁰³ In the light of that description, it is submitted that moderate is a fairer assessment of the magnitude of effects particularly from viewpoint 1. The increase in built form would be readily apparent in this view, resulting in an increased sense of urbanisation and extending the built form across the skyline. This gives rise to **moderate / major adverse effects** from this viewpoint.

(c) On Bidwells / View City model viewpoint 8¹⁰⁴, despite all mitigation and architectural responses, Mr Wakefield and Bidwells both considered there would be **major adverse impacts**. Even Mr Smith agrees that impacts would be significant but assesses these as major/moderate adverse. Mr Smith identified high/medium sensitivity¹⁰⁵, whereas both Bidwells and Mr Wakefield assessed sensitivity as high.¹⁰⁶ The Council considers that

¹⁰⁰ CD 1.40, Table 3

¹⁰¹ See CD 1.42, p. 5

¹⁰² CD 8.08 §236

¹⁰³ CD 1.40, Table B

¹⁰⁴ CD 9.10 Appendix 9

¹⁰⁵ See CD 8.08 §231

¹⁰⁶ See CD 1.42 p. 6

Mr Smith’s judgement on sensitivity is too low. In terms of magnitude, both Bidwells and Mr Wakefield agreed that the magnitude is high. Bidwells’ LVIA explains:

*“... the proposal introduces **a prominent urban feature**, which would alter the current qualities of the view...*

***Notwithstanding the visual distraction caused by the existing built form and the effective use of cladding materials** (including vegetative cover) on S7 and S6 to soften and break the continuous built edge, **the increased urban character will be detriment[all] to the currently open, green landscape, eroding the distinctive rural qualities of the visual amenity of the Cambridge’s peripheral footpath** (sic). Furthermore, **there is not a reassurance that the outline application buildings** (S9 and S11-21) **will result in an equally high-quality design**. Therefore the direction of effects is considered adverse.” (Emphasis added)¹⁰⁷*

- (d) It is submitted that this quote from Bidwells demonstrates that the architectural features employed (it being an assessment of the actual scheme) have not successfully mitigated the impacts from this view. By implication, something more fundamental needs to happen to address these impacts. As Mr Wakefield observed, the architectural responses – such as the colour choices for block S4 – may have been apparent and logical from close quarters, but from longer views, mitigating effects were lost. He considered that a landscape-led response should have included reducing the overall height of the buildings (especially blocks S6 and S7) and taking a more sensitive approach to the colour of the upper parts of the buildings and plant storage. Along the eastern edge, he considered that landscaping was ineffective at disguising the skyline or reducing the overall visual impact. The horizontal mass would rise above the planting, and the limited gaps between blocks S6 and S7 would read as one block. Mr Smith’s position is only of medium magnitude.¹⁰⁸ Considering CN-030 and CN-031, a reasonable judgement would be that the proposed development would result in significant change to the view, with the proposed development a dominant and

¹⁰⁷ CD 1.42 Environmental Statement Appendix 12.3 Viewpoint 8: Footpath 85/6 Fen Ditton, p. 6

¹⁰⁸ CD 8.08 §236.

prominent feature. In any event, three landscape architects have all identified significant adverse effects from this viewpoint in accordance with best practice.

(e) In relation to Bidwells viewpoint 9 Mr Wakefield agreed with Mr Smith's assessment that there would be a **major/moderate adverse** impact.

(f) In relation to the Node viewpoints 22 and 23 (the Plough, Fen Ditton), Mr Wakefield observed that pub gardens are generally accessible to the public for many hours throughout the day and that it is not unusual to consider a view from such a location. There is nothing in GLIVA which restricts consideration of such views. Mr Wakefield and Mr Smith's judgement as to accessibility of the viewpoint resulted in a difference in assessment of viewpoints 22 and 23: Mr Wakefield assessed a **major adverse** impact, whereas Mr Smith assessed a moderate adverse. Given the evident accessibility of the pub garden, Mr Wakefield was right to ascribe a high level of sensitivity, and (for reasons similar to those in relation to Bidwells viewpoint 8) he was also right to say that the proposed development would lead to a high magnitude of change.

(g) Node viewpoint 21 (River Cam Fen Rivers Way): Mr Smith accepts major/moderate adverse impacts. His rebuttal identifies high/medium sensitivity, whereas Mr Wakefield reasonably ascribes a high sensitivity to this well-used public right of way. Mr Smith identifies a medium magnitude of effect. Again, for reasons similar to those in Bidwells viewpoint 8, it is submitted that high magnitude is the appropriate assessment leading to a **major adverse** impact.

96. Another key area of difference relates to impacts on views from residential areas. In particular, Bidwells viewpoint E5 prompted some further discussion at inquiry. In examination-in-chief, Mr Wakefield considered that his view was that the visual effect on E5 was **moderate/major adverse**, based on an assessment of medium sensitivity and a high magnitude of change. This view was formed based upon the site visit, and with the benefit of Mr Smith's photomontage.¹⁰⁹ In Mr Wakefield's reasonable view, whilst there

¹⁰⁹ Drawing CN-051

is an existing visual link between the residential area and existing development, the addition of prominent built form would be overbearing. Drawing CN-051 is illustrative that this is a reasonable judgement. By contrast, in cross-examination, Mr Smith suggested overbearing was something so dominated by built form that it was almost unliveable. Plainly, this sets an unnecessarily high test. The development would be dominant and prominent and in that sense it is reasonable to conclude that it would be overbearing.

Conclusion – landscape character and visual impact

97. The proposed development introduces a new and significant urban edge which extends prominent built development across the skyline – exactly what the NEC LVIA and townscape assessments suggest should be avoided.¹¹⁰ In addition to the eastern edge, the bulk of S9 and some of the residential development behind buildings S6 and S7 would be visible as well as the top of building S4 above block S6. This would be a visually prominent and intrusive proposal that detracts from the pastoral landscape qualities of the surrounding landscape character area, in both landscape and visual terms. When viewed from parts of the nearby residential areas, the proposals would be unacceptably overbearing.

(V) Heritage

98. In addition to the impact on landscape character and visual effects, the proposed development as conceived gives rise to recognised heritage harm.

99. Accordingly, the second reason for refusal relates to the heritage impacts of the proposed development (in particular, the effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourbridge Conservation Areas).

100. The appeal site does not contain any heritage assets. The Fen Ditton Conservation Area (“FDCA”) and the Riverside and Stourbridge Common Conservation Area

¹¹⁰ See CD 5.13a §5.11 and CD 5.15 p.24, principle 1

(“RSCCA”) are the closest heritage assets to the site. It is agreed that the development proposals would cause harm to the significance of these two heritage assets.¹¹¹ There is common ground on the lack of impact on Anglesey Abbey, and whilst Bait Bite Lock was raised by Historic England, impact on that area is not pursued by the Council.

101. It is agreed that the level of harm would be “less than substantial”, for the purposes of the NPPF. The Council considers that the proposed development would cause a **moderate** level of harm within the “less than substantial harm” scale to the FDCA and the RSCCA respectively. The Appellant considers the level of harm would be at “the very lowest end” in each case. The parties’ cases differ as to whether the public benefits of the proposal outweigh the heritage harm for the purposes of the NPPF (although this is properly dealt with when considering the parties’ planning evidence later on in these closing submissions).

Heritage policy

102. National and local policy places great importance on conserving heritage assets. Paragraph 189 of the NPPF makes clear 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. “Conservation” is defined in the glossary as: “the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”. Paragraphs 194 to 198 of the NPPF makes provision in relation to proposals affecting heritage assets. From paragraph 195, it is clear that the focus is to “avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”. Paragraphs 199-208 of the NPPF address the consideration of any potential impacts. Paragraph 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).” Conservation is an important consideration regardless of the importance of the

¹¹¹ See CD 6.09, §6

asset. A finding of less than substantial harm is significant: paragraph 200 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 concerns “less than substantial harm”. 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. The setting of a heritage asset and significance, for heritage policy, are also defined in the glossary to the NPPF. As Mr Brady noted, significance derives not only from a heritage asset’s physical presence, but also from its setting, and elements of a setting may make a positive or negative contribution to significance.

103. Grading of “less than substantial harm” is not found within the NPPF. Rather, the PPG explains that “within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated”.¹¹² Mr Brady’s and Dr Burgess’s evidence at this inquiry has been to assist the decision-maker. Nevertheless, which category of harm any harm falls in, and the extent of that harm within the category, are matters of judgement for the decision-maker.

104. Policy NH/14 of the South Cambridgeshire Local Plan refers to supporting development proposals which sustain and enhance the significance of heritage assets including their settings, and that language of sustaining and enhancing reverts to the idea of conservation in the NPPF.¹¹³ On this, there is no outstanding interpretation point between the parties which is of relevance to the parties. Mr Derbyshire agreed that the proposal neither sustains or enhances the heritage assets because less than substantial harm is caused by it.

Significance of the Conservation Areas

¹¹² PPG 018 Reference ID 18a-018-20190723

¹¹³ CD 5.00, p.126 (NB. para. 6.49 of the supporting text brings in the para. 202 heritage balance).

105. Any assessment of harm should be informed by an understanding of what contributes to the significance of the conservation areas, and for this task, three documents in particular assist: the FDCA heritage appraisal¹¹⁴, the RSCCA appraisal¹¹⁵, and the NEC Heritage Impact Assessment (“HIA”)¹¹⁶. The map of three conservation areas – Baits Bite Lock, Fen Ditton, and Riverside and Stourbridge – shows that each follows the line of the river including land to the east of the river within its boundary. The meadows which border the river are not just part of the setting of the conservation areas, but part of those areas themselves.

106. An overview of FDCA is provided at paragraphs 3.1 and 3.2 of the FDCA appraisal. In particular, the village has an unmistakably rural feel with its grass verges, large trees and its “bucolic riverside setting.”¹¹⁷ The historic connection with the river is also highlighted in the appraisal.¹¹⁸ The riverside setting is a distinctive feature of the village, as acknowledged by Mr Brady.¹¹⁹ Views across the meadows are highlighted as positive features in the FDCA heritage appraisal.¹²⁰

107. The RSCCA is a large conservation area embracing the River Cam corridor from almost the Centre of Cambridge north-east until the city boundary and then adjoins the FDCA. It is accordingly based along the green wedge of the city, and the character of the RSCCA has a more rural feel as one reaches Fen Ditton.¹²¹ The same point is reiterated in the RSCCA heritage appraisal.¹²²

108. The NEC HIA makes clear that whilst the NEC site makes no contribution to the significance of RSCCA, “new development with the NEC site could become visible and form a backdrop and so changes to these views and the significance of the [RSCCA should

¹¹⁴ CD 5.07

¹¹⁵ CD 5.08

¹¹⁶ CD 5.14

¹¹⁷ CD 5.07 §§3.1-3.2

¹¹⁸ CD 5.07 §4.3

¹¹⁹ CD 9.05, §§7.1-7.6

¹²⁰ For e.g., CD 5.07 §7.1

¹²¹ CD 8.11 §4.22

¹²² CD 5.08 §3.2

be assessed”.¹²³ On the FDCA, the NEC HIA notes that “Fen Ditton has a very rural feel to it, surrounded by open space with a tranquil riverside setting”¹²⁴. Noting the “two parts” of Fen Ditton, the NEC HIA goes on to consider that “The NEC Site area is not visible from these areas, but its low-lying nature for the most part enables it to disappear into the backdrop of the fens from locations on the western edges of Fen Ditton. The NEC Site contributes to [FDCA]”¹²⁵ The NEC HIA identifies clear potential sensitivities in respect of both CAs resulting from development on the appeal site.¹²⁶

109. For the Appellant, Dr Burgess’s evidence recognises that views to the river are important contributions of setting to the heritage significance of the FDCA¹²⁷, although he goes on to assert that views of development and urbanising elements have been “a feature” for more than a century and has not previously been considered to undermine the heritage significance of the area.¹²⁸ Dr Burgess considers that the setting of the RSCCA contributes very little to its heritage significance.¹²⁹

110. For the Council, Mr Brady’s assessment of significance of heritage assets placed both FDCA and RSCCA in a wider context of a “continuous chain” running along the River Cam, and he noted that the river, towpaths and meadows are an important component of the historic and landscape character of the city and its environs.¹³⁰ The contextual significance of the designated heritage assets relevant to this appeal is similarly acknowledged in the Local Plan: “*the interface between the urban edge and the countryside is a key component of how the city is appreciated in the landscape and contributes to the quality of life and place*”.¹³¹ Mr Brady emphasised the “important” relationship between the river corridor, open space and views of meadows and fenland and views across these as components of the significance of the conservation areas and their settings in the

¹²³ CD 5.14 §3.5.9

¹²⁴ CD 5.14 §3.5.11

¹²⁵ CD 5.14 §3.5.13

¹²⁶ CD 5.14 §5.2.2 and §5.2.5

¹²⁷ CD 8.11 §4.15

¹²⁸ CD 8.11 §4.15

¹²⁹ CD 8.11 §4.23

¹³⁰ CD 9.05 §7.1

¹³¹ CD 5.00 §7.1

landscape; and emphasises that the conservation areas provide a transition between countryside and the city.¹³² In particular, the river, its landscape setting and its use are “central” to the significance of the conservation areas.¹³³ The experience of walking eastwards through the RSCCA gives a feeling of gradually moving into a more rural landscape.¹³⁴

The North East Cambridgeshire Heritage Impact Assessment

111. The Heritage Impact Assessment was for the whole AAP area but based on the heights in the Townscape Strategy.¹³⁵ For the appeal site, the proposed heights in the Townscape Strategy were significantly lower than what is proposed. The Townscape Strategy makes clear that it had been “developed in an iterative way to take account of the [heritage] sensitivities and outline parameters for development in such a way as to minimise harm to the heritage assets and their significance.”¹³⁶ At 2.1.3 of heritage sensitivities, the Townscape Strategy sets out that “The principal heritage impact concerns would be from tall buildings that rise above the context and the tree line and become dominant or detracting features on the skyline that may affect the setting of heritage assets or impact on views.” The Townscape Strategy goes on to address particular aspects in relation to FDCA and RSCCA.

112. The Recommended Design Parameters of the Townscape Strategy include several material suggestions. The first is the siting taller buildings away from the more sensitive eastern and south-eastern edge of the NEC site to avoid removing the rural character of wider views in, *inter alia*, FDCA and views from RSCCA.¹³⁷ The second is dropping down the heights of buildings where they interface with surrounding existing development, to avoid being an over-dominant presence, including to the east near to the FDCA.¹³⁸

¹³² CD 9.05 §7.2

¹³³ CD 9.05 §7.3, §§7.7-7.10

¹³⁴ CD 8.11 §5.17

¹³⁵ CD 5.14

¹³⁶ CD 5.15 Section 2.1

¹³⁷ CD 5.15 §2.1.14

¹³⁸ CD 5.15 §2.1.14

113. The Council considers that there is a fundamental difference between the proposal assessed in the NEC HIA and the current appeal scheme, and that accordingly the decision-maker cannot read across the conclusions in respect of that scheme to the scheme under consideration at this appeal.

Harm

114. In the case of both conservation areas, it is the increased sense of urbanisation which results in harm.¹³⁹ Dr Burgess summarises the issue as “... the feeling of intensified, more urban development in occasional views out from the [RSCCA] and [FDCA]”.¹⁴⁰ The cause of the harm is not controversial.

115. Mr Brady and Dr Burgess differed in their view as to the extent of harm. The best place to make an assessment of that harm is on a site visit, informed by the appeal documentation and an understanding of what is proposed. Dr Burgess agreed that any judgement as to the extent of harm can be affected by the quantum and scale of development proposed; the urban nature of that development; the extent to which the proposed development would increase the sense of urbanisation; and the extent to which landscaping would be effective in reducing that sense of urbanisation.

Impact

116. The proposed development will add to existing commercial development on the northern fringe of Cambridge (these are, after all, substantial proposals). The proposed development will increase the sense of development on the west bank of the River Cam, and will alter the relationship between the village of Fen Ditton and the river.¹⁴¹ One aspect of heritage harm arising is the increased sense of “urbanisation” on the FDCA and the

¹³⁹ See CD 8.11 §§ 5.10, 5.12, 5.17, and 8.7

¹⁴⁰ CD 8.11 §8.7

¹⁴¹ CD 8.11 §5.1-

consequential negative effect on the significance of the FDCA.¹⁴² In relation to the RSCCA, one aspect of heritage harm arising is the impact of further development on one's appreciation of gradually moving into a more rural landscape.¹⁴³

117. It is agreed that less than substantial harm would be caused to the RSCCA and the FDCA. The central issue is the level of harm within the "less than substantial harm" scale.

118. For the Appellant, Dr Burgess took the approach that the proposed development would add to existing commercial development but would not fundamentally change the relationship between the river setting and the conservation areas. He accepted that increased urbanisation would cause limited harm to the significance of the FDCA.¹⁴⁴ In relation to the RSCCA, he considered that the visibility of buildings, in principle "does not... harm its character if anything it defines it".¹⁴⁵ Nevertheless, Dr Burgess accepted that "the feeling of increased development" would cause "slight" harm to one's appreciation of gradually moving into a more rural landscape.¹⁴⁶

119. For the Council, Mr Brady gave thorough consideration to the impact of the proposed development on the two relevant conservation areas. First, he considered the implications of the eastern side of the appeal site being more openly apparent from distances. His view was that the proposed development – noting its scale, layout and massing – would form a further urbanising element expanding and intensifying the urban backdrop.¹⁴⁷ Second, he considered the overall effect: that a concentration of built form at scale would make a "much greater" intrusion into the skyline and existing tree and hedge backdrops to the conservation areas.¹⁴⁸ He noted that, by way of example, the potential negative presence is clearly illustrated from several viewpoints in the Vu-City Technical Visualisations (such as viewpoints 6, 8 and 15).¹⁴⁹ Third, stepping back, he considered this

¹⁴² CD 8.11 §5.12

¹⁴³ CD 8.11 §5.17

¹⁴⁴ CD 8.11 §5.12

¹⁴⁵ CD 8.11 §5.16

¹⁴⁶ CD 8.11 §5.17

¹⁴⁷ CD 9.06 §8.7

¹⁴⁸ CD 9.06 §8.8

¹⁴⁹ CD 9.06 §8.9

effect to be deeply problematic because “the components affected are of fundamental importance to [the designated assets’] character”.¹⁵⁰ Resultantly, there is potential for a significant impact on the perception of these heritage assets as sitting within a non-urban landscape.¹⁵¹ In sum, Mr Brady considered that the proposals would constitute a permanent change to the visual quality of the heritage assets’ setting and would have a negative effect on the way in which those assets are experienced and appreciated.¹⁵² In particular, in relation to FDCA, the intensification of urban development detracts from the bucolic riverside setting of the village. in relation to RSCCA, the feeling of increased development of more than 2-3 storeys which one might associated with the suburbs will cause harm to one’s appreciation of moving into a more rural landscape, especially given that the proposed development will be a substantial increase on the existing hotel and office which are intended to frame the station.

Conclusion on heritage

120. Mr Brady's evidence supports the following conclusions on heritage harm. The proposed development fails to meet the policy imperatives of the NPPF and the Local Plan (namely policies HQ/1 and NH/14). In particular, the appeal scheme fails to conserve or enhance the conservation areas (contrary to policy HQ/1); and the appeal scheme does not sustain and enhance, or respond to, local heritage character (contrary to policy NH/14 of the Local Plan). The proposed development 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 proposed development is capable of further detracting from the designated assets (and in this case the proposed development does so). The mitigations advanced by the Appellant would not be successful, taking into account the massing and scale of the overall proposed development. Accordingly, Mr Brady’s professional view, which is shared by the statutory consultee Historic England, is that in respect of both RSCCA and the FDCA, there would

¹⁵⁰ CD 9.06 §8.10

¹⁵¹ CD 9.06 §8.10

¹⁵² CD 9.06 §8.16

be a moderate level of “less than substantial harm”. The Council invites the decision-maker, in exercising their own judgement, to reach the same conclusion.

(VI) Planning

121. Section 38(6) of the 2004 Act provides that the decision must be determined in accordance with the development plan unless material considerations indicate otherwise.

122. Mrs Bradley made it clear that absent the AAP, the appeal falls to be assessed in accordance with the extant development plan. Policy SS/4 makes it clear that applications are to be assessed on their own merits.

Planning evidence - landscape

123. On reason for refusal 1 (landscape), Mr Wakefield’s evidence informs Mrs Bradley’s planning evidence, and in particular her analysis of policy, in the following ways:

- (i) Bidwells’ LVIA underestimated views from the east of the appeal proposal informed Mrs Bradley’s conclusion the appeal proposal did not fully take into account the environmental constraints of the site contrary to SS/4(4a).
- (ii) the height, massing and scale of the building design does not positively contribute to local context informed Mrs Bradley’s view that the proposal does not accord with Policy HQ/1 of the Local Plan.
- (iii) the proposed development does not respect, retain or enhance the landscape, and rather results in a significant level of harm or adverse effect in landscape or visual terms, as such the proposed development does not accord with policies NH/2 and NH/8 of the Local Plan and paragraph 130(c) and (d) of the NPPF.

124. In her oral evidence (and picking up on matters raised during the course of this inquiry), Mrs Bradley addressed other examples of development around Cambridge's urban fringe which had arisen during the inquiry. In particular, she responded to development along the A14; at Eddington; at Cambridge Biomedical Campus and at Cambridge West emphasising that each site needed to be considered in its own context. Whilst these latter two sites in particular demonstrate the Council's willingness to grant permission for large scale commercial development including on sensitive visible edges of the city, the developments discussed are generally lower in height than the appeal proposal, and do not provide any form of justification for the heights proposed here.

Planning evidence - heritage

125. On reason for refusal 2 (heritage), as a matter of national policy, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.¹⁵³ Mrs Bradley properly notes the importance that national policy places on conserving heritage assets.¹⁵⁴ The evidence of Mrs Bradley is that applying the balance in paragraph 202 of the NPPF, the public benefits arising from the proposed development do not outweigh the great weight she has afforded to the less than substantial harm resulting from the proposal. In her evidence, Mrs Bradley noted Mr Brady's conclusion that in relation to the two conservation areas, the impact of urbanisation resulting from the proposed development impacts on the sense of a transition between rural and urban areas. A finding of less than substantial harm identified by both parties does not support the conclusion that the proposals "sustain" or "enhance" or "respond to local heritage character". She accepted Mr Brady's judgement that the proposed development would result in a moderate level of harm to FDCA and RSCCA, within the less than substantial harm scale.

Planning evidence - design

¹⁵³ NPPF, §200

¹⁵⁴ CD 9.07 §6.56

126. On reason for refusal 3 (design), Mrs Bradley acknowledged that the Council agreed with the proposed nature of the use of the site, and adopted Ms de Boom's conclusions that whilst there were some high-quality design aspects of the site, the proposal as a whole was not high quality. In particular, 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.

Assessment of planning policies

127. Mrs Bradley noted that the Local Plan is structured in a way that includes strategic policies and onto the more detailed policies (which form the basis for the reasons for refusal). Strategic objectives S/2 sets out the vision for the Local Plan to be secured through the achievement of six key objectives, which is about achieving a balance between supporting the economy, providing for housing needs and protecting the environment.

128. In relation to the key objectives, Mrs Bradley considered that the proposals do not meet two of the key objectives in policy S/2 in that the 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. Further, the proposals do not achieve sustainable development due to the landscape and visual harm, heritage harm, and failure to provide a well-designed overall scheme, contrary to policy S/3.

129. Resultantly, Mrs Bradley considered that the proposal does not strike the right balance in relation to delivering all the objectives of the Local Plan. Mrs Bradley emphasised that such "balance" is important to ensure Cambridge continues to grow in a way that retains Cambridge's defining and distinctive characteristics.

130. In relation to the more detailed policies, Mrs Bradley acknowledged that the proposal accords with many of the policies contained within the local plan, but identified the following conflicts with development plan policy:

- (i) The appeal site forms part of the major development site allocation within the Local Plan as referenced in **policy SS/4**. That policy splits into four constituent parts. Mrs Bradley considered that the proposal conflicted with part 2 by not being “high quality”. She considered that the proposal conflicted with part 4 by failing to take into account existing site conditions and environmental and safety constraints (principally relating to the effects of the proposal in the landscape and visual terms).
- (ii) Policy HQ/1 does not preclude prominent development, but as Mrs Bradley noted the policy clearly sought to preserve or enhance the urban and rural character, respond to context, and respect local distinctiveness. Her view was that the proposed development fails to adhere to **policy HQ/1**.
- (iii) The proposal does not respect, retain or enhance the local character and distinctiveness of the local landscape and of the individual National Character Area in which it is located, contrary to **policy NH/2**.
- (iv) Whilst there is no allegation of harm to the openness of the Green Belt or the purposes including land within the Green Belt, **policy NH/8** 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. It was agreed by Mr Derbyshire in cross-examination that this policy applies to the appeal site but Mrs Bradley considers it to be breached because the design of the scheme overall is not high quality.
- (v) The proposal does not “sustain” or enhance” nor “responds to local heritage character”, contrary to **policy NH/14**.

131. In consequence of these conflicts she concludes that the proposed development does not accord with the development plan read as a whole.

Planning balance

132. In terms of an overall planning balance, Mrs Bradley noted that there was relatively wide-ranging agreement between the Appellant and the Council, and that the areas of disagreement are clearly delineated, as set out in the updated Statement of Common Ground.¹⁵⁵

Economic benefits

The contribution of the proposal to employment and the regeneration of North East Cambridge

133. The Appellant and the Council both produced detailed evidence on the economic need for offices, labs and research and development space. The Inspector also heard evidence on this topic via a round-table session. The parties have subsequently worked on a note setting out their respective positions on various sites within the area.¹⁵⁶ These closings do not seek to rehearse the contents of that document.

134. Counsel for the Appellant fairly observed at the end of the roundtable session that the wider context is one of relatively limited disagreement between the parties on the issue. There is an acknowledged need in Cambridge for offices and laboratories in sustainable locations given the role of the area as an internationally leading Life Sciences and technology cluster. There is no dispute that the proposed development would be likely to let. There was a shared consensus that language is important in defining the scope and nature of the issue. By the end of the round table it was evident that the parties agreed that the language of “criticality” – the extent to which this proposed development was “critical”

¹⁵⁵ CD 6.11, page 45

¹⁵⁶ Inquiry Doc No.

in servicing wider economic demands of the Cambridge Life Sciences cluster – was not the appropriate lens by which to view the issue. No one site or building is critical to meeting the employment needs of the area nor is delivery of a particular quantum of floorspace on this site critical to meeting anticipated employment needs over the plan period or to the success of the local economy.

135. Consequentially, in the light of the round table, Mrs Bradley maintained her assessment that affords the need for employment land and employment benefit “considerable weight”. Mr Derbyshire similarly retained his view that the need should be afforded “great weight”. Without seeking to trivialise the issue, the decision-maker’s judgement on the issue will likely have a marginal rather than transformative impact on the overall planning balance.

136. The Council is a pro-growth, pro-business authority who actively seek to assess development needs and plan for them where it is sustainable to do so. This does not mean that all proposals which deliver economic floorspace will or should obtain planning permission. The Council maintains the need for a quality and place driven approach to sustainable growth in order to support what is special about Cambridge and the Cambridge economy. This reflects the Council’s ambition not only to support the delivery of employment floorspace but also to ensure that what is permitted is high quality, sustainable development.

137. Policy S/5 in the South Cambridgeshire Local Plan 2018 includes that “Development will meet the objectively assessed needs in the district over the period 2011-2031 for 22,000 additional jobs”. The Local Plan identified a supply of land that was sufficient to provide the predicted 22,000 additional jobs plus sufficient surplus that would also ensure that if the economy performed better than expected, the plan would not constrain economic potential. The adopted local plan also includes allocations the Cambridge Science Park, Fulbourn Road, Cambridge Biomedical Campus as well as employment opportunities at planned new settlements. The wider strategy also includes developments within Cambridge City at West Cambridge and CB1. The Council has also

granted planning permission for substantial further development, at the Wellcome Genome Campus for example.

138. The proactiveness of the Council on this issue is also seen in the emerging Joint Local Plan (currently at Reg. 18 Preferred Options stage). Of course, the emerging Local Plan has not yet been adopted. And whilst the evidence base has not yet been tested through examination, it has not been substantially challenged at this inquiry. Instead, during the roundtable, Mr Derbyshire identified aspects of that evidence base selectively identified in his proof which were said to support his position.¹⁵⁷ It is, of course, important not to read these documents selectively, but in their proper context.

139. Mr Kinghan, the author of the Greater Cambridge Employment and Housing Evidence Update¹⁵⁸, stressed the overall thrust of that evidence base in general plan making terms. The context of the evidence base is to look across the next 20-year period and think about how the Council should provide a flexible and sufficient supply to meet demand. He noted that there may be periods where demand exceeds supply as the developer market works to respond to demand. Mr Kinghan acknowledged that we are in such a period, but the pipeline of supply is significant and the overall picture is of positive, plan-led growth.

140. Mr Kinghan explained that the document considers a number of different issues around need including labour demand, labour supply (which in the Greater Cambridge instance follows rather than influences the ‘employment need’) and market requirements. In his words, it seeks to triangulate these issues to come to an assessment of the appropriate level of provision. This includes drawing on information about market activity including information provided by Bidwells.

¹⁵⁷ CD 8.36, §9.67 (and see §§9.57-9.75)

¹⁵⁸ CD 5.10

141. In general terms, the evidence base indicated a need to double the provision of office and commercial laboratory space over the proposed plan period with 10msqft¹⁵⁹ for the area on top of the existing approx 10msqft.¹⁶⁰

142. The evidence base shows that the projected supply of employment floorspace in the plan period would essentially produce a balance (with a limited surplus) in office / R&D combined. In addition, the emerging Local Plan (first proposals) allocations would provide additional office and R&D floorspace providing for significant proposed allocations at North East Cambridge, Cambridge East, Cambridge Biomedical Campus and Babraham Research Campus.¹⁶¹ This further supply is considered beneficial in encouraging growth and given the inevitable sensitivities and uncertainties in modelling outcomes and the benefits of ensuring a post plan pipeline. Whilst the exact floorspace to be delivered within the Plan period is not yet known¹⁶², the pipeline of supply is significant and the overall picture is of positive plan led growth. It should also be recorded that in response to the Inspector's questions, Mr Kinghan confirmed that his assessment of employment needs is not constrained by housing numbers but rather the housing need recommendations are derived from the employment growth forecast.

143. More specifically, compared with the Appellant, the Council has taken a broader look at the sub-issues of demand and need, and a less constrained approach on the sub-issue of supply.

144. On demand, for the Appellant, Mr Bryan's approach is to look at existing market demand and extrapolate from there. Mr Kinghan acknowledged that Bidwells have a high quality of local data on demand profiles and accepted the Appellant's demand figure as reasonable, albeit noting the inherent uncertainty in future projections.¹⁶³ Furthermore, the

¹⁵⁹ CD 5.10, table following §0.15 office and R&D combined = 889,700 sqm or 9,576,651 sqft

¹⁶⁰ CD 8.35, §3.1.1

¹⁶¹ CD 5.10, §0.16. Note, not all of which will be delivered during the Plan period.

¹⁶² CD 5.10, §5.54

¹⁶³ CD 9.08 §3.15.

Appellant's use of gross take up figures does not account for existing space being released back into the market.¹⁶⁴

145. Mr Kinghan acknowledged that existing demand is high and will exceed supply in the near-term (to 2025), but he noted there is supply that is forthcoming that will alleviate the imbalance between demand and supply. Accordingly, in the medium (to 2030) and longer term (to 2041, Plan period), the picture is much brighter. Of course, the appeal proposal would not be delivered in the short term but would come forward in the medium term when a number of other schemes are also likely to be delivered and contributing to meeting demands.

146. The Council's position is that the Appellant takes an overly constrained approach to supply. This constrained approach is seen in Mr Bryan's tighter parameters of analysis – he assesses the medium-term as running to 2028, rather than Mr Kinghan's adoption of a five-year plan-led assessment period to 2030. Mr Kinghan was clear that the period 2025-2030 would see a significant amount of further supply coming forward.

147. Stepping back, the parties appear to approach the wider associated challenge of the sustainable growth of the Life Sciences cluster from different angles.

148. The Appellant's approach is understandably market-led. In summing up during the round table, Mr Bryan was clear that there is a need for the site according to the demand seen today, and in qualitative terms, considered that it is important for Cambridge – as an internationally competitive destination for the Life Sciences and associated industries – to offer offices and laboratories in a highly sustainable location.

149. The Council takes a broader, plan-led approach. The adopted local plans enable development at the Science Park and identify wider development opportunities at North East Cambridge. Cambridge Biomedical Campus, West Cambridge, and Fulbourn Road on the east of the City are also identified. These complement city centre developments at

¹⁶⁴ See CD 9.08 at §3.18.

CB1 near Cambridge central station. Outside Cambridge the southern employment parks which focus on life sciences continue to develop, with a major expansion granted planning consent at the Wellcome site. There are also employment development opportunities at the new settlements. The emerging Greater Cambridge Local Plan proposes further development, including a mixed use development on the Airport site and potential for further development at the Biomedical Campus.

150. There is an acknowledged need for further office and laboratory space, and a demand for further space. The Council is working to address this issue in a sustainable way. This includes granting permissions for the right schemes, allocating sites and working with developers on numerous pre-applications to ensure a robust pipeline of supply. No one scheme is critical to the development of an internationally significant and sustainable Life Sciences sector in and around the city, which is being encouraged and facilitated by a proactive local planning authority. Any imbalance between short term demand and supply does not justify the over development of this site. The quality of place should remain a guiding principle when considering the proposed development.

151. Taking the above into account, consequentially, Mrs Bradley was accordingly justified to give considerable rather than great weight to this material consideration. The proposed development is not going to make the critical difference to the wider and thriving Life Sciences and tech economy that the Appellant initially sought to claim.

Other economic benefits

152. **Cluster/employment:** Mrs Bradley agreed with the Appellant's view that considerable weight be given to the 'cluster' effect and additional employment.

Social benefits

153. **Housing:** The Appellant and the Council agree that considerable weight is attached to housing need. South Cambridge District Council and Cambridge City Council together

have 6.1 years of housing land supply for the 2022-2027 five-year period.¹⁶⁵ Mrs Bradley noted that from the adoption of the relevant local plans, the councils have together demonstrated a 5-year housing land supply. For the period 2011-2031, the housing trajectory predicts delivery of 23,475 dwellings in South Cambridgeshire District Council's area – some 3,975 dwellings above the housing requirement. ID20 sets out that it is anticipated that the Council will continue to have a rolling five-year housing land supply when calculated using the standard method.

154. **Public realm and open spaces:** In relation to public realm and open spaces, Mrs Bradley identified the difference between the Appellant and the Council's weighting (considerable versus limited positive weight). As she explained, the reason for this difference was based on view that whilst parts of the public realm were high quality, the Wild Park could not be said to be fully integrated into the design, and whilst it is near the movement network, the siting is relatively poor, resulting in residential users having to cross two roads including the main access road in the site.
155. **Wellbeing and inclusion:** There is limited dispute as to the weighting for wellbeing and social inclusion, but as Mrs Bradley noted this dispute is not determinative of the application.
156. **High quality architecture:** Paragraph 126 of the NPPF 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...*". Mrs Bradley attached moderate weight to this benefit rather than the "great" weight ascribed by the Appellant in recognition that despite her acceptance of Ms de Boom's judgement that overall the scheme did not achieve high-quality design, some elements are high quality. The suggestion that there was some double counting by Mrs Bradley is an unfair criticism of what was an effort to be fair and recognise some positive elements of the scheme.

¹⁶⁵ CD 6.14, §3.1 (NB: Mrs Bradley noted that Mr Derbyshire's main PoE referred at §§7.53-7.55 deals with the City Local Plan whereas the current appeal is concerned with the district Local Plan.

157. **Other social benefits:** There is agreement that amenity and meanwhile uses are afforded moderate weight, and that the s.106 includes provision for on-site community use within the residential quarter, a benefit which should be given moderate weight.

Environmental benefits

158. **Making effective use of land:** Mrs Bradley accepted that substantial weight should be given to the use of brownfield land in accordance with paragraph 120(c) of the NPPF. However, she explained that paragraph that direction to make effective use of land in paragraph 119 of the NPPF requires a balance to be struck between meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. That balance has not been appropriately struck in this case.

159. **Sustainable and accessible location:** Mrs Bradley affords great weight to the sustainable and accessible location of the appeal site.

160. **Climate emergency:** The parties agree that great weight should be afforded to the response to the climate emergency.

161. **BNG:** The parties agree that great weight should be afforded to the BNG figure of 80.27%.

Material considerations which are adverse

162. **Landscape and visual impact:** Overall, the significant and permanent adverse effect identified by Mr Wakefield is afforded **great weight** by Mrs Bradley.

163. **Heritage harm:** Given the importance the NPPF places on conserving heritage assets and the impacts identified by Mr Brady, Mrs Bradley affords **great** weight to the harmful impact of the appeal proposal on the designated heritage assets.
164. **Quality of design:** Ms Bradley attaches **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.
165. **Water resources:** The Council is taking a cautious approach in respect of this strategic issue, noting the Environment Agency's high level of concern, as was heard in the roundtable session. It is hoped that in the coming months, the Environment Agency's objection to further development in the Greater Cambridge area will be resolved through continued work with all parties, including Cambridge Water and DEFRA. The Council has sought the Government's commitment to secure resolution of the current uncertain environmental risks by way of several workstreams, including the completion of further modelling to understand the cumulative effects of new planned development. The Environment Agency indicated that the strategic modelling work being undertaken by Cambridge Water is now underway and is anticipated to be completed by August. The Council considers that this work will enable the confident assessment of the impact of relevant planning proposals on water resources. The Council expects to continue to take a precautionary approach on the assessment of significant planning applications for residential and commercial developments and their impacts upon the environment in Greater Cambridge. For the avoidance of doubt, the Council does not raise an objection in relation to water resources and Mrs Bradley did not take any issue with the Appellant's interpretation of the relevant policies. Nevertheless, Mrs Bradley attached moderate weight to the Environment Agency's intervention.
166. It is noted that the Appellant has proposed a condition in relation to water. It is a matter for the decision maker to determine what conditions it is appropriate to impose on any grant of permission having regard to the relevant tests. However, the Council does not consider the distinction between the residential parts of the scheme and the commercial

part of the scheme to be justified. Nor is the condition consistent with the approach the Council is taking to other application where similar issues have been raised by the Environment Agency.

Overall planning balance

167. Mrs Bradley considered that the Appellant had over-emphasised various benefits, including economic need, high quality architecture and the efficient use of land. In her view, the appeal proposal does not represent sustainable development, and fails to address social and environmental objectives to support strong, vibrant and healthy communities or to protect the natural and historic environment. In her view, landscape and visual impacts and harm to heritage assets, taken together with the judgement that the scheme does not result in a well-designed sense of place, weigh heavily against the appeal proposal. In Mrs Bradley's view, the appeal scheme is in conflict with the Development Plan, taken as a whole.

168. In summary, Mrs Bradley firmly acknowledged the importance of the life sciences sector in Cambridge. She noted that she had led on similar strategic sites including the Wellcome Genome Campus, West Cambridge University Campus and the Fulbourn Road extension, all of which make significant provision for life sciences. However, her view was that the quantum of development, as designed, was not right.

169. Overall, the weight of material planning considerations must be assessed, and the numerous economic, social and environmental benefits are outweighed by the identified social and environmental harms. The proposal should be determined in accordance with the development plan, material considerations do not indicate otherwise.

Heritage balance

170. Mr Brady considers that the level of harm to the designated heritage assets would be less than substantial – moderate. 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.

CONCLUSION

171. For the reasons given, the Inspector is invited to recommend that the appeal is dismissed.

Ben Du Feu
Jack Barber
Cornerstone Barristers
23rd June 2023