

Town & Country Planning Act 1990: Application called-in by the Secretary of State

**BEEHIVE CENTRE, COLDHAMS LANE, CAMBRIDGE, CAMBRIDGESHIRE,
CB1 3ET**

APP/Q0505/V/25/3360616

CLOSING SUBMISSIONS

On behalf of the Local Planning Authority

2 July 2025

INTRODUCTION

1. As we set out in opening, the areas in dispute between the parties at the beginning of this Inquiry were already fairly narrow. Though the Council's planning witness, Mr. Martin, had some concerns around some of the claimed benefits of the scheme claimed by the Applicant, he has always accepted that those benefits are considerable. The principle of developing this site is accepted. There will be no unacceptable highways impacts. Notwithstanding some disagreements over the extent of the heritage, townscape and visual harm which will be caused by the development, it has always been agreed that these harms in and of themselves would be outweighed by the scheme's benefits.
2. Had the Secretary of State not called in this application shortly before the Planning Committee meeting that was set to determine it, the Council was minded to refuse it for the single putative reason for refusal recorded in the Committee minutes (CD3.04, p.8), concerning the impacts of the proposals on the amenity of those existing residential properties which surround the appeal site, primarily in terms of daylight, sunlight and overshadowing ("DSO") but also from overbearing and visual enclosure giving rise to "*an oppressively enclosed outlook*". The effects on residential amenity were considered by Mr. Martin to be "*decisive*".
3. The Committee's deliberations (as you heard from Cllr Porrer) and the Council's case in preparing for the Inquiry focused on the scheme as implied by the suite of Parameter Plans which would, if outline permission were granted, secure the acceptable maximum parameters for the development (CD2.16 - 2.20). This was an entirely proper approach. It should be uncontroversial that the impacts of any proposed development must be assessed on the basis of the worst-case scenario, as represented by the application plans before the Inquiry. As this is an outline application, the worst-case scenario is that represented by the maximum parameters scheme.

The Local Planning Authority has maintained in its evidence that the worst-case scenario would give rise to unacceptable neighbouring amenity impacts.

4. Alongside the application, illustrative material, in the form of a masterplan, cross sections, views from neighbouring property gardens, and technical visualisations, were submitted to show one possible way in which reserved matters could come forward. This illustrative scheme is summarised in section 4 of Topic Paper 1 on Design, Scale and Massing (CD6.16). Crucially, however, none of this material was proposed to be approved as part of any planning permission. The Council therefore took (and retains) the view that the illustrative scheme, while helpful and relevant, was (and is) not a proper basis upon which to judge the effects of the development on the amenity of neighbouring occupiers. For reasons which we will touch on further below, the Council came into the Inquiry under the impression that any prospect of securing the benefits of the proposed development, while guaranteeing that the harms would be no worse than those implied by the illustrative scheme, had been taken off the table by the Applicant.
5. Now, of course, the position has changed. In response to the Inspector's steer on the opening day of the Inquiry, the Council and the Applicant revisited discussions about the potential for a condition securing the limitation of the DSO effects of the scheme to those implied by the illustrative scheme, to overcome the bulk of the Council's concerns and lead to a joint recommendation from the parties in favour of the grant of permission.
6. The parties agree that the DSO effects of the illustrative scheme¹ would be materially lesser than a scheme built out to the maximum parameters shown on the Parameter Plans; **and that the residual DSO harm from the illustrative scheme would be acceptable in planning terms.** There would be no proper

¹ As set out in CD7.09.

basis for a DSO-related reason for refusal for a scheme which secured DSO impacts which were no worse than those shown in CD7.08 for the illustrative scheme. This is something which can be conditioned.

7. When giving his evidence, Mr. Martin explained that he had always considered the planning balance to be relatively finely balanced and, with the reduction of the DSO harm to the levels experienced under the illustrative scheme, that fine balance now tilted the other way: i.e., now in favour of permission being granted. That is not to say that all of the harms of the scheme have disappeared; merely that the imposition of a condition is capable of ensuring that they can be limited to a level which is such that it does not outweigh the benefits.
8. The wording of the condition (“the DSO Condition”), agreed between the parties, is as follows:

Each reserved matters application must be accompanied by a daylight, sunlight and overshadowing (DSO) report which tests the DSO effects of each Building to which the reserved matters application relates in accordance with the relevant BRE Guidance: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (BR209 2022 Edition).

Each such DSO report must set out the impacts on each identified window and room of all receptor properties and their gardens identified in the Illustrative Scheme results for VSC, NSL, APSH, Winter PSH and BRE 2-hour sunlight test (on 21 March), as set out in tables within appendices 2b, 3b, 4b and 5 to the DSO evidence prepared by eb7 and dated 27 May 2025 (the eb7 Appendices). It should include a full pack of neighbouring window referencing and NSL contour plots for room layout interpretation including neighbouring property reference locators.

The report must demonstrate, using the baseline and arrangement of neighbouring properties on which the results in the eb7 Appendices were derived, that the cumulative DSO effects of the development shall not amount to any greater Vertical Sky Component loss, No-Sky Line loss, Annual Probable Sunlight Hours loss, Winter Probable Sunlight Hours loss or BRE 2-hour sunlight test loss on 21 March to any of the identified windows and rooms

of receptor properties, or their gardens, than those identified in the eb7 Appendices.

The report must take into account the effects of any other Building(s) which have been granted reserved matters approval and, for any plots that have not, the illustrative footprint and position of the buildings shown for that Plot on the Illustrative Masterplan O-LDA-ZZ-XX-DR-A-08010 Rev P2.

Reason: To ensure the DSO effects of any reserved matters scheme are no greater than the modelled illustrative DSO effects.

9. Its effect is that that any reserved matters application would need to be accompanied by a Daylight and Sunlight Report demonstrating, on a window-by-window, room-by-room, or receptor-by-receptor basis, that no individual VSC, No Sky Line (“NSL”), Annual Probable Sunlight Hours (“APSH”), winter hours (“WPSH”) or BRE 2-hour sunlight test (on 21 March) measurement would be any worse than the comparable effect as modelled in respect of the illustrative scheme. Overall, it would secure that **none of the DSO effects** of the final scheme could be worse for any neighbouring resident than the effects of the illustrative scheme (which the Council finds to be acceptable overall).
10. It does not (self-evidently) require the delivery of the illustrative scheme: it simply secures that any scheme that is delivered is no worse in DSO (etc) terms than the illustrative scheme.
11. This agreement is without prejudice to the parties’ positions, as articulated in their evidence, that the effects of the ‘maximum parameters’ scheme are:
 - a. For the Appellant, acceptable; and
 - b. For the Council, unacceptable and justifying refusal of permission.
12. As such, and on the basis that the DSO condition is agreed between the parties, the main parties to the Inquiry agree that the planning balance points to a grant

of permission. For that reason we agreed that cross-examination and ventilation of the various differences in the journey to that destination were not a good use of inquiry time, and did not require adjudication.

13. Nonetheless it may be helpful - both for the benefit of the Secretary of State in determining the application, and for members of the public following the proceedings - for us to say something about the way the Council arrives at that 'destination', and how it differs from the Applicant's route there. In doing so we accept entirely that many of these points would have been ventilated - indeed, tested - in cross-examination and that process *can* change the way such points land.
14. We also attach to these Closings an 'Errata' sheet which, had the witnesses given evidence more fully, would have been dealt with formally.

Previous discussions and provision of further information

15. Revised application documents were submitted in August 2024, including a Daylight and Sunlight Report by eb7 (CD2.31). This was supplemented by a Daylight and Sunlight Report Addendum (CD2.63A) and accompanying appendices (CD2.63B), dated November 2024. The outputs of eb7's electronic modelling in these documents indicated that the DSO effects of the illustrative scheme would have been materially lesser (when assessed according to BRE guidelines) than the effects of a scheme built to the maximum parameters sought to be secured under the Parameter Plans.
16. The Council commissioned Schroeders Begg to carry out an independent review of the eb7 work. On 22 November 2024, Mr. Cuma Ahmet, who was the case officer at the time, requested that the Applicant provide "*the latest digital massing of both maximum and illustrative schemes. I recall the model was shared previously in relation to the original scheme version and hope the same collaborative approach will be observed again*" (CD6.10, p.6). Several more requests

for the model were made in December 2024 but Mr. Kaddish indicated that the Applicant was not minded to provide it (*ibid.*).

17. The Schroeders Begg peer review (without the benefit of the massing model) was completed in January 2025 (CD3.05). It addressed the maximum parameters and illustrative scheme, concluding at §§4.14-4.15:

“Whilst clearly, there are still some reductions to windows / rooms not meeting BRE Guide default target criteria the quantum is less than the Maximum Parameter Scheme. Typically, the Illustrative Scheme has reduction adversity which are generally less and the retained levels generally higher, when compared to the Maximum Parameter Scheme. Although, to highlight, there are still some isolated windows / rooms within the Illustrative Scheme with retained values considered low (further consideration required).

4.15 Whilst the Illustrative Scheme would still result in some noticeable reductions to the daylight to neighbouring properties (St Matthew’s Garden and Silverwood Close), we consider that in terms of reduction adversity and retained values, these are generally more favourable than the Maximum Parameter Scheme. However, the acceptability of the remaining impacts is a matter of judgement for the local planning authority.”

18. In parallel with the production of the independent review, there was some communication between the parties regarding the potential for securing acceptable DSO impacts from a permissioned scheme by way of condition focused on a limited number of building plots adjacent to St Matthew’s Gardens and Silverwood Close properties (CD11.1, CD11.2) At the time of this correspondence on the issue of a condition, the Council’s concern was *inter alia* that it could not be sufficiently confident that the effects of the illustrative scheme would, themselves, be acceptable in planning terms, especially in circumstances where access to the model had not been provided. The application was called in on 12 February 2025 and negotiations regarding a condition stalled.

19. At a subsequent meeting between Council officers and the Applicant's agent on 20 March 2025, the agent indicated that the Applicant would no longer be promoting the use of a condition, as its primary position was that the maximum parameters scheme was acceptable and no further mitigation of harm was required to be secured. The Applicant's agent subsequently removed the draft condition it had previously suggested from the schedule of conditions returned to the Council on 26 March 2025.
20. In the course of preparation for the Inquiry, the Applicant at last provided the Council's DSO witness Mr. Dias with access to its 3D modelling on 26 March 2025 and with additional room-weighted VSC data and clarification regarding previously unknown room layouts and uses on 15 May 2025: see Mr. Dias' proof at 3.13-3.14².
21. None of this is to go behind the collaborative position reached now, between the parties, as set out: but the way that this evolved is important, both to those involved and to a proper understanding of how the position has come about.
22. We turn next to the way in which the Council reaches the conclusion that permission may be granted for this scheme, on the basis of the DSO condition.

THE POLICY FRAMEWORK

23. How does the application perform against the policies of the Cambridge City Council Local Plan ("CLP") (CD4.04)?
24. As Mr. Martin identified in his Proof, there are a number of policies within the CLP which focus on the successful integration of new development into

² The Council did not recognise the description of how and when this information was provided that was offered by the Applicant in the course of the Inquiry, but it is unlikely that anything turns on it. The eb7 Addendum Report in November 2024 (CD2.63) did *not* provide the room-weighted VSC data.

existing places, which he reads as being relevant to the assessment of residential amenity for existing neighbouring occupiers.

25. Policy 55 provides that development will be supported where it “*responds positively to its context*”, with criterion (c) indicating that the siting, massing, scale and form of developments should be informed by local characteristics. Mr. Martin explains that this requires development to respond appropriately to its context and that consideration of the relationship between a proposed development and neighbouring properties is crucial.³ Policy 56(a) also requires a design approach which integrates new developments successfully, while Policy 57(a) requires new buildings to have a “*positive impact on their setting*”.⁴
26. At a national level, paragraph 135(f) of the NPPF provides that planning policies and decisions should ensure that developments promote “*a high standard of amenity for existing and future users*” (emphasis added).
27. Mr. Kaddish has suggested that none of these local or national policies relate to the amenity of existing neighbours, even going so far as to suggest that the reference to existing users in paragraph 135(f) of the NPPF relates only to existing users of the site⁵ (which in this case is due to be demolished such that there will no longer be any existing users). If Mr. Kaddish is right, then there are no policies in the Local Plan which protect the residents of neighbouring existing properties from development other than tall buildings, which is a surprising proposition. Equally surprising is the suggestion that the NPPF says nothing about the amenity of neighbours.

³ POE Andrew Martin, §4.38.

⁴ POE Andrew Martin, §§4.39-4.40.

⁵ POE Guy Kaddish, §6.120.

28. We invite you and the Secretary of State to prefer Mr. Martin's more nuanced approach which sees consideration of neighbouring residential amenity as a vital part of achieving well designed developments which integrate with and respond positively to their setting.
29. Policy 60 of the CLP, the only policy which Mr. Kaddish considers relevant to residential amenity at all, specifically addresses it in the context of applications for tall buildings which would break the existing skyline and/or be significantly taller than surrounding buildings. Criterion (d) requires that such buildings cause "*no adverse impact on neighbouring buildings and open spaces in terms of wind, overlooking or overshadowing*" and allow for "*adequate sunlight and daylight within and around the proposals*".
30. Even on the Applicant's own case therefore, considerations of residential amenity form a *relevant* part of determining Main Issue 3: Achieving well-designed places. But the Council maintains that a whole suite of policies indicate that such considerations are a crucial component of this main issue. National and local policies are clear that even a scheme which is well designed in its own terms in respect of future occupiers or users, must still respond appropriately to its context and not have unacceptable effects on existing residents/users, including neighbouring users.
31. Of course, the Council also recognises that paragraph 125(c) of the NPPF aims to promote the re-use of suitable brownfield land. However, it does not give applicants for permission *carte blanche* to justify any level of harm. Rather, the paragraph requires substantial weight to be afforded to the re-use of brownfield land for an identified need and proposals for this reuse to be approved "*unless substantial harm would be caused*".
32. In giving his evidence, you will have noted that Mr. Martin accepted that the proposed limiting of the DSO (etc) harm to that implied by the illustrative

scheme, by way of the DSO Condition, meant that his assessment of the overall harm dipped below the level of ‘substantial’ for the purposes of NPPF §125(c), supporting his conclusion that permission should, on the basis of that condition, be granted.

THE EFFECTS OF THE SCHEME ON RESIDENTIAL AMENITY

33. It is no longer necessary to dwell at great length on the harms which would be caused by the outline maximum parameters scheme, in circumstances where Mr. Martin accepts that, if they are controlled by the DSO Condition, they would be outweighed by the benefits. However, we shall deal with them relatively briefly, so as to demonstrate to you and the Secretary of State why that condition is necessary to tilt the balance in favour of the grant of permission.
34. In its written evidence for the Inquiry (and to some extent in oral evidence too), the Applicant has repeatedly sought to suggest that even without the DSO condition, the functional worst-case scenario for DSO and visual enclosure impacts on neighbouring properties is represented not by the maximum parameter plans, but by the illustrative scheme. Mr. Kaddish suggests that the illustrative scheme is “*tantamount to the overall deliverable maximum scheme, in accordance with the Parameter Plans and Design Code*”.⁶ Mr. Lonergan describes the effects of the illustrative scheme as the “*likely ‘real world’ effects*”, which are the maximum that could “*practically [be] delivered under the application*”.⁷ Mr. Warren KC in opening, described the illustrative scheme as “*the realistic practical embodiment*” of the maximum parameter plans (INQ1.02, §28).
35. While it may well be that a scheme of that order is likely to come forward, that is not the test here: the Applicant seeks outline approval for the maximum

⁶ Applicant Rebuttal Proof, §2.6.

⁷ Jonathan Lonergan Proof, §4.1.15

parameters set out in the Parameter Plans. Approval of those plans would indicate approval of what they show.

36. Put simply, the Council does not accept that the illustrative scheme (without the DSO condition) represents the reasonable worst-case scenario for neighbouring residents. Rather, it is simply one way in which the proposed development could come forward in accordance with the parameter plans, which would be secured through the permission. Given the evidence about the benefits of the scheme, it might actually be more accurate to describe the illustrative scheme as the 'best-case'.
37. The Illustrative Scheme represents an overall 2.7% reduction in the footprint area for Plots 2–10 relative to the maximum plot coverage that would be permissible for each plot under the maximum parameters,⁸ when accounting for the requirements of the Maximum Building Heights and Plots parameter plan (CD2.18). And while this parameter plan shows a spatial arrangement that incorporates fixed minimum distances between new buildings, there are no comparable minimum distances between new buildings and neighbouring properties.
38. A scheme could come forward within the confines of parameter plan CD2.18 which (for example) concentrated built development towards the outer edges of plots 8 and 9, next to sensitive residential boundaries, while increasing the space between buildings in the interior of the Site. Likewise, built development on plot 10 could extend the full width of the northern edge of the envelope adjacent to Silverwood Close. Such an arrangement of buildings could maintain overall compliance with the plot coverage percentages and minimum interior building separation distances secured by the parameter plan but

⁸ POE David Leonard, §7.3.5.

would lead to greater impacts on residential amenity than the illustrative scheme.

39. Indeed, one does not even need to be overly theoretical about the differences. The kinetic view images from St Matthew's Gardens towards plots 8 and 9 on pages 21 and 23 of Appendix A to Mr. Leonard's Proof show the difference quite clearly (**CD7.13A**). Likewise, the section and images on pages 5 and 6 of the same document, illustrating the proposed relationship between Silverwood Close and plot 1, clearly demonstrate a material reduction in built form when comparing the illustrative scheme to the maximum parameter envelope.
40. The Applicant's reliance upon the Design Codes⁹ (**CD2.12A-12D**) as a control on how the scheme is able to come forward is also a red herring. The Design Codes do not secure the dimensions of the illustrative scheme or require development to come forward on a footprint which is any smaller than the maximum parameters secured by the parameter plans. Its additional controls, over and above the parameter plans, relate to architecture and materiality rather than height, scale or massing. Mr. Kaddish informed the Inquiry that the Design Codes would "*act to reduce the scheme to be smaller than the maximum parameter plan envelope*"¹⁰ but has not pointed you to any code which actually does so. The Code itself even contemplates deviations from its provisions: see p.119 of CD2.21D.
41. It is for those reasons that the Council maintains that imposition of the DSO Condition is necessary: everyone agrees that the effects it controls are less than those modelled for what even the Applicant calls the 'maximum parameters' scheme.

⁹ POE David Leonard, section 7.4.

¹⁰ Applicant Rebuttal, §2.4.

42. We turn next to those effects.

Daylight, sunlight and overshadowing

43. While the Council's evidence ahead of the Inquiry focused on the DSO effects of the maximum parameters scheme for which permission was sought, having received the modelling and other new data from the Applicant, it has always been the Council's case that the effects for the illustrative scheme were significantly less: see, for example, Mr. Dias' proof at 1.9, 11.1 and 11.5-11.6.
44. Further, there has never been any meaningful dispute between the DSO experts as to the extent of the reduction in VSC or NSL to the relevant windows, or sunlight to windows or gardens. The key difference, as we said in Opening, is as to the judging of those reductions, and the residual VSC values – primarily, whether 'alternative targets' to the 27% retained VSC guideline for unencumbered and non-recessed windows, found in *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022* (published by the Building Research Establishment) ("**BRE Guidance**"), are appropriate here.
45. Fortunately, that allowed the Council (with Mr. Dias' assistance) to reach a view relatively swiftly as to the overall acceptability of the effects of the illustrative scheme, once it was clear the DSO Condition might amount to a practical means of securing them.
46. The Council has always remained mindful of what the BRE Guidance actually says: while it does, of course, recognise that its guidelines should be 'interpreted flexibly', and are not mandatory, nonetheless:
- (a) It is of general application and not in any way limited to suburban or non-urban situations;

- (b) If the reduction in VSC is greater than 20%, and the residual VSC less than 27%, *“occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time.”* (CD8.01 at §2.2.7);
- (c) For *new* development, creating rooms with a VSC of less than 27% would usually require *“special measures”* – such as larger windows – in order for it to be acceptable; and if less than 15%, *“it is very difficult to provide adequate daylight unless very large windows are used.”* (*ibid.* 2.1.6); of course in this case, where we are talking about harm to existing dwellings with fixed window sizes and positions, there is no real prospect of providing any such special measures; and
- (d) If the reduction in daylight distribution is more than 20%, *“this will be noticeable to the occupants, and more of the room will appear poorly lit.”* (*ibid.* §2.2.11).

47. What it means to limit those effects to the illustrative scheme is clear from the evidence of Mr. Lonergan:

- (a) Table 2 on p.32 shows that under the ‘parameters’ scheme, 9 properties on St Matthews Gardens were found not to experience any deviations from the BRE targets, whereas under the illustrative scheme that increased to 11;
- (b) For 167 St Matthews Gardens, the retained VSC in the kitchen increases from 19.8% to 24.2%, with the NSL impact reducing from ‘major’ to ‘minor’ – see Table 5 on p.35; a completely different proposition for the resident of that property;
- (c) It is worth noting, while there, that this property experiences effects below even Mr. Lonergan’s alternative targets for VSC, under the

parameters scheme: 14.1% retained VSC in the 1st floor bedroom (down from 30.5% presently¹¹);

- (d) For 177-201 St Matthew's Gardens, the NSL impacts change considerably: 3 major impacts become minor, one reduces to moderate, and two moderate impacts become negligible (i.e. compliant) – see Table 8 on pp.37-38;
- (e) Because of the differential effect on 177 St Matthew's Gardens, the sunlight issues are removed altogether: Table 17, p.59;
- (f) For Silverwood Close, the number of properties suffering no effects beyond the BRE guidelines increases from 20 to 28 (proof at §12.1.7);
- (g) The worst affected properties in Silverwood Close all experience a lessening of overall effects: Tables 11-13 on pp.45-49;
- (h) The effects on the properties in Sleaford Street are all materially reduced: JL at 13.1.11; and
- (i) The effects on properties in Hampden Gardens are fully resolved: proof at 13.1.24

48. The Council's position is that this amounts to a material and significant differential effect: a lessening of the harm. It is why the DSO Condition is (a) necessary to impose and (b) a game-changer for the planning balance.

49. Again, while the experts arrive at the same destination in this context – that the effects of the illustrative scheme as shown are considerably less and can be outweighed by the benefits of the scheme – their journeys there are different. Under the circumstances, it is not necessary to dwell on them at length, but we will briefly touch upon the places where they part company. These are:

- (a) First, the appropriateness of the use of alternative targets.

¹¹ To find this figure you have to go to Mr. Dias' proof, at Table C1 on p.39

- (b) Second, the function and relevance of Mr. Dias' 'mirror' development exercise.
- (c) Third, the overall quantum of harm to residential amenity from the DSO effects of the maximum parameters scheme (and by extension the illustrative scheme).

Approach to assessing DSO effects

- 50. Everyone agrees that, while not an instrument of policy, the BRE Guidance is a material consideration and sets out the commonly accepted approach to the assessment of daylight and sunlight effects.¹² Its numerical guidelines are the generally recognised starting point for target values for retained levels of daylight and sunlight, but the adoption of lower target values may sometimes be appropriate in "*special circumstances*".¹³
- 51. In accordance with the judgment of *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EHC 657 (Admin) ("*Rainbird*") (CD10.03), there is a two-stage process for identifying and assessing harm with regard to daylight, sunlight, and overshadowing effects.
- 52. The first stage is a technical exercise. It involves a calculation of the daylight and sunlight impacts of a proposal and whether or not they would result in a material (i.e. a noticeable) deterioration in the daylight and sunlight conditions of surrounding development.

¹² This is agreed between the Council and the Applicant in the DLSL SoCG (CD6.06).

¹³ CD8.01, §1.6.

53. In terms of daylight, where a room is served by more than one window, it is also appropriate to consider a room-weighted VSC, where the reduction to the main window does not meet BRE guidelines.¹⁴
54. In the present case, there is no dispute between the parties on Stage 1 of the *Rainbird* approach. The Council accepts the technical outputs on daylight and sunlight provided (albeit belatedly) by the Applicant.
55. Stage 2 requires a conclusion to be drawn on whether any adverse effects are acceptable. In reaching this conclusion, decision-makers will need to take a view on the magnitude of harm and may wish to consider whether there are “*special circumstances*” which justify the adoption of numerical target values below BRE guidelines.
56. Stage 2 *also* requires an overall planning judgement to be taken, regardless of which target values are adopted, as to the acceptability in planning terms of any identified material effects. Both parties (sensibly) split the ‘stage 2 assessment’ between their DSO witness and their planning witness¹⁵. What matters is not whether Stages 1 and 2 are conducted by separate individuals, but simply whether the required approach has been followed in substance.
57. One final point on methodology before we turn to consider the effects of the application scheme: as set out in *Rainbird* at §93, when considering the acceptability of DSO effects, VSC and daylight distribution (NSL) targets should not be treated as alternatives, only one of which is required to be met. The fact that a window or room meets one target is not an ameliorating factor when considering whether it is acceptable that it failed the other.

¹⁴ BRE Guidance at §2.2.8: “If there would be a significant loss of light to the main window but the room also has one or more smaller windows, an overall VSC may be derived by weighting each VSC element in accordance with the proportion of the total glazing area represented by its window.”

¹⁵ Notwithstanding Mr Dias’ §5.4, which suggests he limits his analysis to ‘stage 1’: it is obvious from his proof that this is not so – see, for example, §6.10, §8.12, etc.

58. Is there a case for applying an 'Alternative Target' for retained VSC here?
59. The first point is that, properly understood, whether you apply an 'alternative (lower) target' for retained VSC and then assess the scheme's effects against it, or don't do that and instead objectively weigh up the acceptability of those same effects by reference to contextual factors, doesn't really amount to a sensible distinction. The effects don't change.
60. The danger of choosing the former approach is that the effects *can* get lost: 'compliance' with alternative targets can distract from what the effects – on real properties, inhabited by real people – will be. This is the point hinted at in *Rainbird* at §84:

"...But the BRE Guide does not suggest that the "flexibility" to which it refers is intended to indicate that there will be no such material deterioration if the guidelines indicate there is likely to be..."

The character of the Site and its surroundings

61. While the Site itself is in an urban location, the surrounding residential streets have a broadly suburban character. Silverwood Close is particularly low density and it and St Matthew's Gardens are characterised by low rise properties, typically of 2-3 storeys, enjoying very good levels of existing daylight and sunlight. York Street and Sleaford Street also comprise 2-storey houses, with loft accommodation in the case of Sleaford Street.
62. As Mr. Dias explains in his Proof, the majority of VSC values for St Matthew's Gardens and Silverwood Close are over 30% for ground floor rooms, while for daylight distribution, rooms typically have over 90% of the room area at

working plane able to receive direct sky light.¹⁶ The Applicant's focus on, for example, inherently constrained VSC values for lower ground floor windows on St Matthew's Gardens,¹⁷ and certain other windows with inherent sensitivities, such as those on rear extensions to properties on York Street and Silverwood Close,¹⁸ obfuscates the generally well-lit character of existing properties adjacent to the Site. Those are outliers: not irrelevant, but not a good example of the prevailing conditions.

63. As already touched upon, §1.6 of the BRE Guidance refers to alternative target values being appropriate in some cases where they are justified by special circumstances in respect of the development or its location. For example, "*in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings*". That doesn't apply here, but is obviously only an example. Is there other justification for applying 'alternative targets'?

64. No:

(a) **First**, as we have already explained, the properties surrounding the site are predominantly low rise, with a suburban character. While some affected properties do have recessed or enclosed windows or projecting eaves, overall they enjoy very good levels of existing daylight and sunlight. This is not a situation where existing constraints mean that any development at all is likely to give rise to widespread major adverse effects according to BRE Guidance.

(b) **Second**, in circumstances where inherent constraints do exist and windows are already blinkered, maintaining light becomes *more*, not less

¹⁶ POE Ian Dias, §7.4(d).

¹⁷ Applicant Rebuttal, §4.1.4.

¹⁸ Applicant Rebuttal, §2.41.

important, as a matter of “*common sense*” (*Rainbird*, §100).¹⁹ As the BRE Guidance clearly states, the aim should always be to minimise impacts to existing properties (CD8.01, §2.2.15).

- (c) **Third**, the existing buildings on the Beehive Site are relatively low rise and low density with considerable open space for car parking. This is not a situation where the prevalence of historic or high-rise buildings means that new development which matched the proportions of existing buildings would automatically give rise to a higher degree of obstruction.
- (d) **Fourth**, the location of the Site is outside the centre of a small city, not in the heart of a large metropolitan area. Mr. Lonergan invites you to consider four examples of redevelopment schemes in inner London locations in Lambeth and Tower Hamlets where retained VSC values in the teens were found to be acceptable.²⁰ These are plainly not comparable to the present scheme.
- (e) The purported ‘local comparators’²¹ are also unhelpful for the reasons set out in Mr. Dias’ Rebuttal Proof. The windows which fell short of BRE guidelines in the 137 And 143 Histon Road development (24/01354/FUL) (CD10.10) had inherent sensitivities, being set back behind recessed balconies, and only a small minority of windows failed to meet BRE guidelines in any event.²² The Pembroke College development (18/1930/FUL) (CD10.06) sits within the historic centre of Cambridge and featured windows of existing properties which were located within c.1-3m of the site boundary. Moreover, almost as many

¹⁹ POE Andrew Martin, §4.131

²⁰ POE Jonathan Lonergan, §§9.1.9–9.1.20.

²¹ POE Jonathan Lonergan, §§9.1.21–9.1.58.

²² Rebuttal Proof, Ian Dias, Section 2.

windows experienced an improvement in daylight and sunlight levels as a reduction.²³ Finally, at the Grafton Centre (23/02685/FUL) (CD10.11), only the three (extremely sensitive) windows highlighted by Mr. Lonergan failed to meet BRE targets; the other 68 windows met the default target.²⁴

- (f) **Fifth**, the policy support found in paragraph 125(c) of the NPPF for the reuse of suitable brownfield land and in paragraph 129 for planning decisions which make efficient use of land are not an automatic justification for accepting a high quantum of harm where new development does not match scale of surrounding development (*Rainbird* at §97). As paragraph 006 of the NPPG on “Effective use of land” (CD9.43) explains, even when planning for higher density development it is still necessary to “*consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers*”; and
- (g) **Sixth**, that the site will inevitably be subject to densification and additional height in order to optimise its re-use, does not make these DSO effects ‘inevitable’ – DSO effects are hugely sensitive to relatively modest setbacks – see, for example, the differences between the parameters and the illustrative schemes here. The site is deep and large, with a non-sensitive railway line to its eastern edge. It is only the ‘edge conditions’ to the residential neighbours which are really in play here.

65. Overall, the Applicant has failed to provide any compelling evidence to support the adoption of alternative targets below BRE guidelines in the present case. Mr. Lonergan invites you to find that retained VSC targets of 18%

²³ Rebuttal Proof, Ian Dias, Section 3.

²⁴ Rebuttal Proof, Ian Dias, Section 4.

for living rooms and 16% for bedrooms would be appropriate with scant justification for the choice of figures.

66. Moreover, even if you were persuaded that the adoption of alternative targets was appropriate in the present case, in quantitative terms the effects of the development on the amenity of neighbouring properties remains the same. The experts agree on the physical extent of the reductions in daylight and sunlight to neighbouring properties arising from the maximum parameters scheme. The quantum of that harm would not be reduced by the adoption of an alternative target.

Contextual VSC values and mirror development

67. Notwithstanding his position that alternative targets are not justified in the present case, Mr Dias has not ignored the issue. Instead he has considered two potential approaches – both arising out of the BRE Guidance – which might assist in setting alternative targets at appropriate levels, if you and/or the Secretary of State were minded to favour such an approach. The first is a consideration of contextual existing VSC values for the area surrounding the Site and the second is a hypothetical ‘mirror development’.
68. For the first approach, Mr Dias assesses the existing VSC values for a range of sample points on Silverwood Close, St Matthews Gardens and York Street. These sample points relate to main windows in rear elevations for properties which back onto other neighbouring properties, in line with the typical typology context for the area around the Site. Mr Dias did not sample properties backing onto open car parking areas, since these would inevitably enjoy very high existing VSC levels. Having assessed his sample of contextual values for non-recessed windows backing onto other residential properties, he found that existing VSC values ranged from 30.9% to 36.7% for main ground

floor windows and were typically in the low 20s for lower ground floor windows.²⁵

69. Mr Dias also considered a 'mirror development' approach, focusing on those properties on St Matthew's Gardens and Silverwood Close which face towards the boundary of the Site and using that boundary as the 'mirror'. This approach has been repeatedly mischaracterised by the Applicant. Mr. Lonergan seemed to suggest in evidence in chief that because the Site can accommodate denser development than two-storey terraced housing, the mirror development exercise is irrelevant and to imply that Mr. Dias was recommending that it *only* be developed for low rise and low-density housing.
70. But neither Mr. Dias nor Mr. Martin has ever suggested that this is the only kind of development the site could accommodate. The principle of developing the site for commercial uses has been accepted by the Council throughout. The function of the mirror development exercise is – as its source, the BRE Guidance explains – not to model a potential alternative option for the redevelopment of the site, but rather to provide a baseline for understanding what 'fair' or 'equitable' retained daylight and sunlight levels would look like if the site was redeveloped at a scale which matched the proportions of surrounding properties. This – as Mr. Dias explains – provides useful baseline contextual data for decisions about the acceptability or otherwise of the greater DSO effects which will be caused by higher density commercial development.
71. In the present case, as Mr. Dias' modelling shows, buildings which matched the scale and massing of surrounding properties would generate retained VSC values which meet BRE guidelines for most ground floor windows on St Matthew's Gardens and Silverwood Close, with retained values of 27% for most properties and only the block of flats at Nos 177-201 St Matthew's

²⁵ POE Ian Dias, §7.10, Table A.

Gardens experiencing significantly lower retained values of c. 20%.²⁶ Overall, Mr Dias concludes that for unencumbered/non-recessed ground floor windows in St Matthew's Gardens and Silverwood Close, a contextual approach still suggests that 27% should be considered an appropriate target for retained VSC levels for most properties, while for Nos 177-201 St Matthew's Gardens, a retained VSC value of c.20% would be appropriate.

Conclusion on daylight, sunlight and overshadowing

72. Ultimately, the maximum parameters development would result in noticeable, significant, and unjustified reductions in daylight to habitable rooms, making them feel gloomier, darker, and more poorly lit, and in some cases, leaving gardens feeling less inviting and less enjoyable. These losses would be evident and materially detrimental to the day-to-day living conditions of affected residents.²⁷
73. The Applicant characterises this as "*slight harm*" causing "*a degree of reasonable impact*"²⁸ on residential amenity, neatly demonstrating the danger we set out a few moments ago of setting 'alternative targets' and losing sight of the effects. In his planning balance table in the Applicant's Rebuttal Proof, Mr. Kaddish suggests that 12 properties experiencing potentially major adverse effects on daylight and sunlight, together with all the other lesser and associated harms to neighbouring properties' living conditions, collectively amounts to no more than the lower end of limited harm to residential amenity.²⁹ In the Council's view this severely understates the impact on people living nearby.

²⁶ POE Ian Dias, §7.20.

²⁷ POE Andrew Martin, §4.80.

²⁸ Mr. Kaddish, evidence in chief (Day 3).

²⁹ Applicant Rebuttal Proof, p.17.

74. However, the Council does recognise that the illustrative scheme would be significantly less harmful. While some retained VSC and NSL figures would still fall below BRE target values (and indeed below the contextual values identified by Mr. Dias) and while a small number of properties would still experience major adverse effects, especially 36 Silverwood Close,³⁰ the effects on most of the properties identified by Mr. Dias as experiencing major adverse effects under the maximum parameters scheme would be materially reduced under the illustrative scheme.
75. Overall, the reduction in harm is such that Mr. Martin has concluded the residual effects of the illustrative scheme would no longer be unacceptable overall or justify withholding permission.
76. None of this should be read as an endorsement by the Council of the Applicant's unfounded 'alternative targets' approach. Rather than seeking to shift the goalposts or obscure the residual harm from the illustrative scheme, as the Applicant's approach seems to have done, the Council recognises that there would still be some DSO harm, but that it is now outweighed by the considerable benefits of the scheme, subject to the DSO condition.

Visual enclosure and outlook

77. The issue of visual enclosure and outlook is of course closely related to the DSO effects of the scheme. As set out at paragraph 3.1.19 of Topic Paper 4 (CD6.19), it is agreed between the parties that consideration of outlook and visual enclosure should focus on properties immediately adjoining the Site. In his proof, Mr. Martin considered there to be harm (from the parameters scheme) to nos. 167 to 175 (odd), 185, 189, 191, 195, 197, 201, and 203 to 209 (odd) St Matthew's Gardens; nos. 34 to 45 (inclusive odd and even) and nos.

³⁰ POE Jonathan Lonergan, Table at §12.1.10.

49 to 58 (inclusive odd and even) Silverwood Close; and nos. 138 to 150 (even) Sleaford Street.³¹

78. Mr. Martin assessed the outlook effects of the maximum parameters scheme on these properties in section 4 of his Proof and concluded at paragraph 5.51 that it would introduce “*an oppressive sense of visual enclosure*” to neighbouring properties. In his planning balance, he considered this visual enclosure as part of the overall harm to residential amenity to which he gave substantial weight.³²
79. Now, he considers that the proposed condition limiting the DSO effects of development coming forward on the site to the effects of the illustrative scheme would have a knock-on positive effect on visual enclosure. Although this has not been able to be modelled with the same degree of specificity as the DSO effects, it is inevitable that a condition impacting the scale, massing and footprint of buildings so as to limit DSO effects will also have an impact on visual enclosure.
80. Indeed, while the condition would not secure the specific dimensions of the illustrative scheme *per se*, a rough sense of how it might serve to reduce visual enclosure impacts can be gained by looking at the images in Appendix A to Mr. Leonard’s Proof, showing the modelled illustrative scheme dimensions with the dotted line of the maximum parameters scheme overlaid (CD7.13A).

OTHER HARM

81. It was always accepted by the Council that the other harms identified as arising from the development, namely in terms of townscape and visual impact (“TVIA”) and heritage, were not sufficient to form the basis for a reason for

³¹ POE Andrew Martin, §4.83.

³² The Parties have agreed to use the following ascending scale for weight to be attributed to the harms and benefits of the scheme: slight, limited, moderate, significant, great, substantial (see Applicant’s SoC (CD6.15) at §7.47, and POE Andrew Martin at §5.6).

refusal in their own right. Of course, they did and do still fall to be weighed in the planning balance.

82. There were also some concerns that TVIA and heritage harms had been assessed by the Applicant on the basis of the illustrative scheme rather than the maximum parameters which properly represented the worst-case scenario.³³ As with the harm from visual enclosure, while the DSO condition does not strictly speaking secure the dimensions of the illustrative scheme, it should go some way towards ensuring the TVIA and heritage impacts of the scheme are close to those assessed in the Applicant's Environmental Statement ("ES") Addendum.

Townscape and visual impact

83. Mr. Martin deals with townscape and visual effects of the scheme in his Proof in section 4 under Main Issue 3 and appends a TVIA Peer Review, co-authored by Dominic Fitzsimmons, Laura Cohen and Colette Portway of Place Services, as Appendix 1. As he explains, there is a difference between the parties on this point, with the Council concluding that there would be a low level of residual harm in townscape and visual impact terms, while the Applicant considers the effects of the scheme to be negligible or neutral with some receptors experiencing beneficial effects.³⁴

84. The main outstanding differences between the parties' positions are:
- (a) In townscape terms, the Applicant's ES Addendum found a neutral effect on the setting of local public rights of way,³⁵ while the peer reviewer considered it to be moderate adverse due to the creation of a new ridgeline above existing tree lines in places.³⁶

³³ POE Andrew Martin, §§4.146, 4.193.

³⁴ Main SoCG (CD6.03), §7.45.

³⁵ ES Addendum, Chapter 10, §10.193 (CD2.36D).

³⁶ TVIA Peer Review, p.17 (CD7.03).

(b) In visual impact terms, the peer reviewer found moderate adverse effects on views from Coldham's Common - North and York Street because the new structures would be significantly more overbearing than current structures which are low rise and largely screened by trees,³⁷ whereas the ES found minor or moderate neutral effects.

85. Relying on the conclusions of the peer review, Mr. Martin concludes that there would be some harm arising from residual adverse townscape and visual effects, but that it should be afforded only slight weight in the planning balance.³⁸

Heritage

86. It is agreed between the parties both that the application would cause less than substantial harm to a number of heritage assets by virtue of its impact on their settings, and that this harm would be outweighed by the public benefits of the scheme for the purposes of the heritage balancing exercise required by paragraph 212 of the NPPF. Topic Paper 2 (CD6.17) provides an overview of the heritage assets in the immediate and wider context of the Site, which assets will be subject to agreed impacts from the development and where the parties disagree about whether a particular asset will be affected.

87. Similarly to the assessment of the townscape and visual effects, and in light of the differing conclusions reached by the Council and the Applicant regarding the extent of the heritage impacts, the Council commissioned a heritage peer review, authored by Emma Woodley of Place Services and appended to Mr. Martin's Proof as Appendix 2 (CD7.04). This review assesses the Applicant's Heritage Impact Assessment (HIA), contained within Appendix 7.1A to the ES Addendum (CD2.40a-d), and Chapter 7 of the ES Addendum (CD2.36c).

³⁷ *Ibid*, pp. 18-19.

³⁸ POE Andrew Martin, §5.58.

88. The main outstanding differences between the parties are:

- (a) Mrs Woodley identifies less than substantial harm at levels between negligible and moderate to four additional heritage assets beyond those which the Applicant considers to be affected; namely Kite Conservation Area, West Cambridge Conservation Area, Custodian's House, and Great St Mary's Church.³⁹
- (b) She also finds slightly greater levels of harm than the Applicant to a range of heritage assets, though all within the overall bracket of less than substantial harm and none greater than a moderate level.⁴⁰
- (c) Overall, she concludes that the proposal would give rise to a moderate level of less than substantial harm,⁴¹ while the Applicant considers the harm to be negligible and at the lowest end of the less than substantial harm range.⁴²

89. Of course, any residual heritage harm must still be carried forward into the overall planning balance, even where it is - by itself - outweighed by the public benefits of a scheme for the purposes of the heritage balance. Importantly, it must be given "*considerable importance and weight*" in that balance – see Barnwell Manor Wind Energy Ltd v East Northants DC and Ors [2014] EWCA Civ 137.⁴³ It is not easy to see how Mr. Kaddish's approach respects that requirement, but we are confident that your recommendation will. Mr. Martin affords the residual heritage harm significant weight in his planning balance.⁴⁴

³⁹ CD7.04, §5.19.

⁴⁰ *Ibid*, §5.15.

⁴¹ *Ibid*, §5.26.

⁴² Topic Paper 2: Heritage Assets, §6.2 (CD6.17).

⁴³ Summarised in Mr. Handforth's proof at 3.10

⁴⁴ POE Andrew Martin, §5.62.

BENEFITS

90. As we touched upon in opening, most of the benefits claimed by the Applicant are uncontroversial. Mr. Martin, in section 5 of his Proof, affords significant weight to benefits from boosting employment and the economy, great weight to the cluster effect of supporting additional lab and office space near other centres of innovation, moderate weight to a range of social benefits, substantial weight to the re-use of previously developed land (“**PDL**”) in accordance with paragraph 125(c) of the NPPF, significant weight to the Site’s sustainable location and transport options and its sustainable design, and moderate weight to Biodiversity Net Gain (“**BNG**”) of 20%.
91. It is now common ground that those benefits outweigh the harms presented by the scheme. Nonetheless, we set out a summary of Mr. Martin’s observations as to weight, accepting of course that in the (agreed) absence of cross-examination, these points have not been fully ventilated.

Factors tempering weight

92. Mr. Martin identifies certain factors in his Proof which serve to temper the weight which can properly be given to some of the claimed benefits of the scheme.
- (a) **First**, not all the benefits proposed by the Applicant are fully secured through the section 106 agreement. For example, the Applicant has committed via the section 106 agreement, to implement and monitor an Employment and Skills Strategy (“**ESS**”) for both the construction and operational phases, subject to the use of “*reasonable endeavours*”. However, during the operational phase, the ESS will merely encourage rather than require future tenants to participate in the delivery of the strategy.⁴⁵ Consequently, there remains uncertainty around how fully its benefits will be realised in practice. The same is true for the Start-up

⁴⁵ POE Andrew Martin, §§5.13-5.14.

Space and Scale-up Space Strategy, designed to support and grown Cambridge's cluster of knowledge-based industries, which is also subject to "*reasonable endeavours*" and will not impose any binding obligations on future occupiers of the Site.⁴⁶ Similarly, the aspiration to deliver 100% BNG is just that: the scheme for which permission is sought secures 20%.

- (b) **Second**, care must be taken not to double count the benefits of the scheme. Mr. Martin recognises that there is a degree of overlap between some of the benefits claimed by the Applicant.⁴⁷ For example, in Appendix 2 to Mr. Kaddish's Proof, he refers to the enhancement of partnerships with local groups a feature of a benefit which he terms '*creating a better place for people to experience and enjoy*', to which he attributes great weight, but goes on to rely on '*community floorspace and local partnerships*' and the provision of new public open space as separate benefits attracting moderate weight.⁴⁸ Several factors cited under the claimed benefit of '*positive health and wellbeing impacts*' (such as BNG and active travel infrastructure or access to work and training) also appear as their own distinct environmental or economic benefits in Mr. Kaddish's balance.
- (c) **Third**, and on the same theme, Mr. Kaddish's assessment⁴⁹ as to the wider effects of the scheme on residential amenity seems to differ from that of the evidence supporting the scheme: for example, the overall effects on noise are assessed by ES⁵⁰ and the Health Impact Assessment (CD2.46⁵¹) as being "*minor adverse*" overall.

⁴⁶ *Ibid*, §§5.19-5.20.

⁴⁷ *Ibid*, §5.10

⁴⁸ POE Guy Kaddish, Appendix 2, pp.7-9.

⁴⁹ POE Guy Kaddish, §6.19 – 6.27: "*a highly noticeable uplift to the standard of residential amenity to the surrounding properties...*"

⁵⁰ CD2.36G at p.315

⁵¹ At §5.68

- (d) **Fourth**, while Mr. Martin does not purport to be an economist, he highlights data from Bidwells' own February 2025 *Cambridge Offices and Labs Arc Market Databook* (CD9.40) indicating that the situation in terms of office and lab space supply vs demand in Cambridge has actually improved over the past year.⁵² This does not materially affect Mr. Martin's planning balance (in particular his application of NPPF paragraph 125(c)), but it may be a relevant factor for you and the Secretary of State in determining what weight should be ascribed to the undoubted economic benefits of the scheme.
- (e) **Fifth**, he treats additional Business Rates and VAT receipts as benefits of the scheme, but they are not properly to be considered as such: in the case of Business Rates there would be a related increase in the call on services.

PLANNING BALANCE

93. As this is an application for a scheme which is agreed to cause less than substantial harm to a number of heritage assets, the first balance which must be conducted is the heritage balance required by paragraph 215 of the NPPF. Happily, the parties are agreed that the public benefits of the scheme outweigh the heritage harm. Nevertheless, the residual heritage harm must be carried forward into the overall planning balance, where it must be given considerable importance and weight. Mr. Martin affords it significant weight.
94. As for the overall balance, paragraph 125(c) of the NPPF provides that substantial weight must be given to the re-use of PDL to meet an identified need, which is agreed to exist in the present case. There are also a range of other benefits, which we have already touched upon, albeit the additional

⁵² POE Andrew Martin, §§4.8-4.12.

weight to be given to these benefits is tempered to some extent by the factors we have identified.

95. Paragraph 125(c) also states that proposals benefiting from its provisions should be approved unless substantial harm would be caused. As set out in his Proof of Evidence, Mr. Martin takes the view that the DSO and outlook effects of the maximum parameters scheme on neighbouring properties' living conditions would, together with the other harms identified, amount to substantial harm here. He concludes that this harm, when taken together with the residual TVIA and heritage harms, would justify the refusal of permission.
96. However, with the securing of reduced DSO effects to the levels implied by the illustrative scheme through the use of the DSO Condition, and taking into account the likely knock-on effects on visual enclosure from reduced scale and massing, the overall harm to residential amenity is lessened and the planning balance shifts. While still finely balanced, Mr. Martin now takes the view that permission should be granted subject to the DSO condition and the Council invites you to recommend as much to the Secretary of State.

Josef Cannon KC

Dr Lois Lane

Cornerstone Barristers

2 July 2025

ERRATA

Proof of Evidence of Andrew Martin:

Reference	Text	Correction
4.78, 4.139	...harm to 52 properties...	...harm to 48 properties... plus between four and seven in Hampden Gardens and the Terrace.
4.83, 4.102, 4.103	138-150 Sleaford St	138- 160 Sleaford St
4.142	25% for St Matthew's Gardens...	27%
4.174	Significant conflict	Substantial conflict
4.194	No cumulative assessment in Chapter 7 of the ES or in the Heritage Impact Assessment	Incorrect – delete . It is in Chapter 14.
4.196	States that Mrs Woodley identifies three further heritage assets to those noted in the consultation response of the Council's Principal Conservation Officer dated 7 November 2024.	Incorrect – Mrs Woodley identifies four additional assets, including Custodians House (Grade II Listed Building). Custodians House is identified in the list of heritage assets at §4.195 which Mrs Woodley identifies would experience less than substantial harm.
4.212	Conflict with Policy 61 criteria (a) and (c)	Criteria (a), (c) and (e)
5.74	"in isolation"	"in combination with the other harms arising" – see §5.72

BEEHIVE INQUIRY

CD7.01 - LPA Daylight and Sunlight Proof of Evidence

CORRECTIONS:

Item	Para. ref.	Correction
1.	3.5	Reference to 'CD6.06' should be 'CD6.07' Reference to 'CD6.07 - CD6.013' should be 'CD6.08 - CD6.14'
2.	5.4	2 nd sentence; OMIT <i>The focus of my evidence is on the extent to which the daylight and sunlight effects of the scheme on neighbouring properties will be noticeable, in line with the first stage of the test in Rainbird.</i> ADD <i>The initial focus of my evidence is on the extent to which the daylight and sunlight effects of the scheme on neighbouring properties will be noticeable, in line with the first stage of the test in Rainbird; followed by consideration on the second stage.</i>
3.	Table in para. 4.1	Reference to 'CD6.05' should be 'CD6.06' Eb7 reference to 'a5th' should be '15th'
4.	Table A in para. 7.10	Swap analysis results around for 'TP6' with 'TP7'
5.	7.22	OMIT <i>It is evident in both instances that for the properties on St Matthew's Gardens and Silverwood Close, for a ground floor non-recessed window, a VSC value of not less than 27% is expected, other than relating to Nos. 177-201 St Matthew's Gardens, where 20% is appropriate at ground floor (above lower ground) level.</i> ADD <i>It is evident in both instances that for the properties on St Matthew's Gardens and Silverwood Close, for a main ground floor non-recessed / unencumbered window, a VSC value of not less than 27% is expected, other than relating to Nos. 177-201 St Matthew's Gardens, where 20% is appropriate at ground floor (above lower ground) level; the latter adjusted in consideration of equitable theoretical review of 'mirror development'.</i>