

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

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

PLANNING PROOF OF EVIDENCE

CAMBRIDGE CITY COUNCIL

EVIDENCE OF: ANDREW MARTIN

PLANNING APPLICATION CALLED-IN BY THE SECRETARY OF STATE

LOCAL PLANNING AUTHORITY REFERENCE: 23/03204/OUT

INSPECTORATE REFERENCE: APP/Q0505/V/25/3360616

APPLICATION MADE BY RAILWAY PENSION NOMINEES LTD

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MAY 2025

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Appendix 1: TVIA Peer Review (see attached)

Appendix 2: Heritage Peer Review (see attached)

Appendix 3: 3D Model Visualisations Extracts – Maximum Parameters (see attached)

EXECUTIVE SUMMARY

My name is Andrew Martin. I am a Principal Planner at the Greater Cambridge Shared Planning (GCSP) service with eight years' experience in both the public and private sectors. I hold an MSc in Town Planning from Anglia Ruskin University and am a Licentiate Member of the RTPI.

This Proof of Evidence is submitted on behalf of Cambridge City Council in relation to a called-in application by Railway Pension Nominees Ltd for the redevelopment of the Beehive Centre retail park to deliver office and lab floorspace, along with supporting infrastructure and a local centre.

The application was reported to Planning Committee on 12 February 2025. Following the Secretary of State's call-in shortly beforehand, Members unanimously endorsed the officer recommendation for refusal on the single ground of harm to residential amenity. This forms the basis of the Council's case. I provide planning evidence, and Mr Dias addresses the technical matters relating to daylight, sunlight, and overshadowing.

The four main issues identified by the Inspector reflect those raised in the call-in letter from the Secretary of State. My conclusions are as follows:

- Main Issues 1 and 2 (Economy and Town Centre Vitality): The proposed development is consistent with Chapters 6 and 7 of the NPPF. It would deliver office and lab floorspace on a sustainably located brownfield site, meeting an identified need, supporting Cambridge's cluster of knowledge-based industries, and maintaining town centre vitality – in line with local and national policy and the government's economic growth ambitions for Cambridge.
- Main Issue 3 (Design): While the development has the potential to create a positive on-site environment, I conclude that it would cause significant and unacceptable harm to neighbouring living conditions through loss of natural light, overshadowing of gardens, and an oppressive outlook and sense of visual enclosure. I attribute this to a preventable design flaw – namely, excessive scale and massing adjacent to sensitive boundaries – contrary to NPPF Chapter 12 and its requirement to achieve well-designed places. Additional harm arises in relation to townscape and visual effects.
- Under Main Issue 4 (Consistency with the Development Plan): I assess the less than substantial harm identified to designated heritage assets against local and national policy. I then turn to the overall extent of consistency with the Development Plan, concluding that there would be conflict with it as a whole.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I conclude that planning permission should be refused. No material considerations indicate otherwise, and the public benefits do not outweigh the severity of the harm – particularly to residential amenity – which I consider decisive. I therefore respectfully recommend to the Inspector and invite the Secretary of State, to refuse planning permission.

1.0 AUTHOR BACKGROUND

Qualifications and Experience

- 1.1 My name is Andrew Martin. I have been employed as a Principal Planner for the Greater Cambridge Shared Planning (GCSP) service since August 2024. I hold an RTPI-accredited MSc in Town Planning from Anglia Ruskin University (2020). I am currently a Licentiate Member of the RTPI and undertake my work in accordance with its Code of Professional Conduct.
- 1.2 I have eight years of professional experience in planning across both the public and private sectors. My current role is focussed on progressing major development projects through the planning process. This has led to my involvement in the application to redevelop the Beehive Centre, Coldhams Lane, Cambridge (the 'Site'). I have visited the Site multiple times and worked on all aspects of the application since the revised submission in September 2024. I co-authored the Committee Report and contributed to the presentation and debate at Planning Committee on 12 February 2025.
- 1.3 Before joining GCSP, I held Principal Planner roles at East Suffolk Council and South Norfolk and Broadland District Council. In these positions, I acted as the case officer for a wide range of major projects, including town centre regeneration schemes, unallocated housing sites, and three garden neighbourhoods. My broader experience over the past eight years includes:
- Associate Director at a national planning consultancy, managing and advising on complex commercial and housing projects.
 - Planner and Senior Planner roles at two local planning authorities, handling a wide range of planning applications.
 - Assistant Planner for a national housebuilder, working on major residential development projects across all stages of the planning process and gaining insight into the commercial drivers behind large-scale development proposals.

Statement of Truth

- 1.4 The evidence that I have prepared for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.

2.0 INTRODUCTION AND CONTEXT

- 2.1 This Proof of Evidence on Planning has been prepared on behalf of Cambridge City Council (the 'LPA') regarding the planning application made by Railway Pension Nominees Ltd (the 'Applicant') for the development of the Site. The application was called-in by the Secretary of State (the 'SoS') on 12 February 2025.
- 2.2 The main Statement of Common Ground (SoCG) (the 'main SoCG') was agreed with the Applicant on 28 March 2025 (**CD6.03**). A supplementary Daylight, Sunlight & Overshadowing SoCG (the 'supplementary SoCG') was also agreed with the Applicant on 28 March 2025 (**CD6.06**). I rely on these documents in respect of matters which are not disputed between the parties.

The Application

- 2.3 The application (LPA ref: 23/03204/OUT) was submitted on 18 August 2022 and was valid on receipt. It sought planning permission for:

“Outline Application (with all matters reserved) for the demolition of existing buildings and structures and redevelopment of the Site for a new local centre (E(a-f), F1(b-f), F2(b,d), open space and employment (office and laboratory) floorspace (E(g)(i)(ii) to the ground floor and employment floorspace (office and laboratory) (E(g)(i)(ii) to the upper floors; along with supporting infrastructure, including pedestrian and cycle routes, vehicular access, car and cycle parking, servicing areas, landscaping and utilities.”

- 2.4 A significant revision to the application was made by the Applicant on 30 August 2024 and was completed on 3 September 2024 when the revised Environmental Statement was received. A full list of the plans and documents comprising the revised application can be found in the Agreed Schedule of Documentation (**CD6.21**).
- 2.5 The main SoCG (**CD6.03**) contains a description of the Site and its surroundings (Section 2.0), the Site's planning history (Section 3.0), and an overview of the proposed development (Section 4.0).

Reasons for Refusal

- 2.6 The application was reported to Planning Committee on 12 February 2025 where, in light of the SoS call-in, Members considered a 'minded to' refuse recommendation. The Planning Committee unanimously endorsed the recommendation and reason for refusal. The single reason for refusal and the background to this, on the ground of

harm to residential amenity, is set out in Section 2.0 of the LPA's Statement of Case (SoC) (**CD6.07**), including Appendices A to G (**CD6.08-CD6.14**).

Main Issues

- 2.7 At the Case Management Conference on 2 April 2025, the Inspector identified the following four main issues for consideration:
1. *The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6)*
 2. *The extent to which the proposed development is consistent with Government policies for ensuring the vitality of town centres (NPPF Chapter 7)*
 3. *The extent to which the proposed development is consistent with Government policies for achieving well-designed places (NPPF Chapter 12)*
 4. *The extent to which the proposed development is consistent with the development plan for the area.*
- 2.8 These main issues reflect the matters outlined in the Secretary of State's call-in letter dated 12 February 2025.

Scope of Evidence

- 2.9 My Proof of Evidence addresses the planning issues raised in consideration of the planning application. This includes compliance with the development plan, in addition to consideration of other material planning considerations, including the National Planning Policy Framework (NPPF). My proof also identifies and weighs the benefits and harms arising from the proposal.
- 2.10 While my evidence is focussed on the LPA's recommendation for refusal on the single ground of residential amenity, to assist the Inspector and the SoS in their consideration of the application, I will also address the main issues identified in the post-CMC note.
- 2.11 Throughout this Proof I will refer to the Council's Statement of Case (**CD6.07**). Likewise, I will refer to the following topic papers agreed between the LPA and the Applicant:
- Topic Paper 1: Design, scale and massing (**CD6.15**)
 - Topic Paper 2: Heritage assets (**CD6.17**)
 - Topic Paper 3: Business needs, floorspace supply and assessed economic benefits (**CD6.18**)
 - Topic Paper 4: Daylight, sunlight, overshadowing and outlook (**CD6.19**)

- Topic Paper 5: The development plan policies that relate to the SoS identified matters (**CD6.20**)

2.12 Additionally, I will refer to the following evidence prepared by others:

- In respect of Daylight, Sunlight, and Overshadowing, addressed in Section 4, the Proof of Evidence prepared by Ian Dias of Schroeders Begg, which provides a technical assessment of the daylight and sunlight impacts of the proposal and updates on his Daylight & Sunlight – Independent Peer Reviewed (**CD11.05**), dated January 2025, taking into account further information and updated analysis received from the Applicant during the Inquiry process, including the 3D digital model and room weighted VSC analysis.
- In respect of the townscape and visual impacts, addressed under Main Issue 3 in Section 4, the Peer Review of the Applicant's Townscape and Visual Impact Assessment, prepared by Mr Dominic Fitzsimmons, Ms Laura Cohen, and Ms Colette Portway of Place Services (Appendix 1).
- In respect of the heritage impacts, addressed under Main Issue 4 in Section 4, the Peer Review of the Applicant's Heritage Statement, prepared by Mrs Emma Woodley of Place Services (Appendix 2).

2.13 My evidence will address the main issues identified in the Inspector's post CMC note dated 12 April 2025 and will be structured as follows:

- Section 3: Legislation and planning policy
- Section 4: Main issues
- Section 5: Planning Balance

3.0 LEGISLATION AND PLANNING POLICY

3.1 This section of my Proof identifies the legislation, planning policies, and guidance most relevance to this appeal.

Relevant legislation

3.2 The following legislation is relevant to the application:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004 (as amended)
- Community Infrastructure Levy Regulations 2010 (as amended)
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Environment Act 2021
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Levelling-up and Regeneration Act 2023
- Equality Act 2010

The Development Plan

3.3 The adopted Development Plan in respect of the application comprises:

- Cambridge Local Plan (adopted October 2018) (CLP) (**CD4.04**)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021)

3.4 Section 6 of the main SoCG (**CD6.03**) identifies the relevant policies of the Development Plan to the application. The Development Plan policies that specifically relate to the SoS identified matters are the CLP policies identified in Topic Paper 5 (**CD6.20**).

3.5 An assessment of the application against the relevant policies of the CLP is provided in Sections 4 below.

Other Material Considerations

National Planning Policy Framework (2024)

- 3.6 The NPPF should be read as a whole, including footnotes and Annexes. The following chapters are particularly relevant to the application are:
- Chapter 2: Achieving sustainable development
 - Chapter 4: Decision-making
 - Chapter 6: Building a strong, competitive economy
 - Chapter 7: Ensuring vitality of town centres
 - Chapter 9: Promoting sustainable transport
 - Chapter 11: Making effective use of land
 - Chapter 12: Achieving well-designed places
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15: Conserving and enhancing the natural environment
 - Chapter 16: Conserving and enhancing the historic environment
- 3.7 Key paragraphs from the NPPF are addressed in Sections 4, 5, and 6 below.

Planning Practice Guidance

- 3.8 Relevant passages of the National Planning Practice Guidance (NPPG) are identified in the LPA's SoC (**CD6.07**) and will be referred to in Section 4. Following receipt of the Applicant's SoC (**CD6.15**), I also consider the NPPG on 'Design: process and tools', paragraph 010 (reference ID: 26-010-20191001) (**CD9.41**), to be relevant, as it relates to the assessment of design at the outline stage. This will be further considered under Section 4. In addition, I refer to the NPPG on 'Determining a planning application' when undertaking the planning balance in Section 5.
- 3.9 The National Design Guide (NDG) (**CD9.31**) is relevant and forms part of the NPPG. The NDG sets out the characteristics of well-designed places and demonstrates what good design means in practice. Section B2 of the NDG addresses appropriate building types and forms, including the special considerations required for tall buildings and their environmental impacts.
- 3.10 Additionally, the NDG should be read alongside the National Model Design Code (NMDC) (**CD9.32**) and its accompanying Guidance Notes (**CD9.33**). Together, the NDG and NMDC illustrate how well-designed places can be achieved in practice. Section B.2.iii of the NMDC Guidance notes addresses building height, including the potential impact on the local environmental conditions of neighbouring properties.

BRE Guidance

- 3.11 While not an instrument of policy, in respect of assessing the daylight, sunlight, and overshadowing effects of the proposed development the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022* published by the Building Research Establishment (BRE) (the ‘BRE Guidance’) is a material consideration. This is agreed between the LPA and the Applicant in the DLSL SoCG (**CD6.06**). It is also agreed between the parties that, in accordance with the judgment of *Rainbird v The Council of the London Borough of Tower Hamlet* [2018] EHC 657 (Admin) (**CD10.03**), there is a two-stage process for identifying and assessing harm with regards to daylight, sunlight, and overshadowing effects, as set out at paragraph 5.10 of the LPA’s SoC (**CD6.07**).
- 3.12 The BRE Guidance is intended primarily, but not exclusively, as a design tool, with its numerical guidelines presented as advisory rather than absolute. It should therefore be applied sensibly and flexibly. As set out at paragraph 1.6, it advises that ‘In special circumstances the developer or planning authority may wish to use different target values. 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’.
- 3.13 Appendix F, paragraph F1 of the BRE Guidance also states: ‘Sections 2.1, 2.2, and 2.3 give numerical target values in assessing how much light from the sky is blocked by obstructing buildings. These values are purely advisory and different targets may be used based on the special requirements of the proposed development or its location.’
- 3.14 The Guidance also acknowledges, at paragraphs 2.2.12 to 2.2.14, that certain inherent constraints, such as deep rooms lit from one side, balconies, overhangs, projecting wings or recessed elevations, may result in a larger relative reduction in Vertical Sky Component (VSC), even where the opposing obstruction is relatively ‘modest’.
- 3.15 The *Rainbird* judgment also notes, at paragraph 84, that the flexibility referred to in the BRE Guidance “is not intended to indicate that there will be no such material deterioration if the guidelines indicate that there is likely to be”. As such, if the BRE guidelines indicate that there is likely to be a material deterioration in daylight and sunlight levels, then the harm must still be acknowledged, even where flexibility is applied. The harm does not become non-existent.
- 3.16 An assessment of the proposed development’s daylight, sunlight, and overshadowing effects, taking into account the evidence of Mr Dias and the BRE Guidance, is undertaken in Section 4.

Supplementary Planning Documents

3.17 The Council has adopted several Supplementary Planning Documents (SPDs), which are material considerations in decision-making. The following SPDs are relevant to the application:

- Biodiversity SPD – Adopted February 2022
- Sustainable Design and Construction SPD – Adopted January 2020
- Cambridgeshire Flood and Water SPD – Adopted November 2016
- Open Space & Recreation Strategy SPD – Adopted October 2011
- Greater Cambridge Health Impact Assessment SPD – Adopted April 2025
- Landscape in New Developments SPD – Adopted March 2010
- Planning Obligations Strategy SPD – Adopted January 2010
- Public Art SPD – Adopted January 2009

3.18 In addition to the adopted SPDs listed above, the Council is progressing a new Planning Obligations SPD, currently in draft form and subject to further consultation and amendment in Summer 2025, which once finalised and adopted will replace the current Planning Obligations Strategy SPD (2010).

Other relevant guidance

3.19 The following documents provide additional guidance:

- Greater Cambridge Growth Sectors Study: Life science and ICT locational, land and accommodation needs (2024)
- Greater Cambridge Air Quality Strategy 2024 – 2029 (2024)
- Greater Cambridge Employment and Housing Evidence Update (2023)
- Greater Cambridge Retail and Leisure Study (2021)
- Greater Cambridge Landscape Character Assessment (2021)
- Cambridge Historic Core Appraisal (2016)
- The Kite Conservation Area Appraisal (2014)
- Castle and Victoria Road Conservation Area Appraisal (2012)
- Riverside and Stourbridge Common Area Conservation Area Appraisal (2012)
- Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste (2012)
- Mill Road Conservation Area Appraisal (2011)
- West Cambridge Conservation Area Appraisal (2011)
- Cambridgeshire Design Guide for Streets and Public Realm (2007)
- Cambridge Landscape Character Assessment (2003)

Emerging Development Plan

- 3.20 Paragraph 49 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections; and c) the degree of consistency that the emerging policies have to the NPPF itself.
- 3.21 Cambridge City Council and South Cambridgeshire District Council (SCDC) are jointly preparing the Greater Cambridge Local Plan (GCLP), which will cover both administrative areas. Once adopted, the GCLP would replace the CLP. An overview of the GCLP, including its current status and details of the draft Opportunity Area policy relating to the Site, is provided in Section 6 of the main SoCG (**CD6.03**).
- 3.22 In this case, the GCLP is at an early stage of plan preparation and currently attracts very limited weight as a material consideration in decision-making. This position is agreed by the parties at paragraph 6.9 of the main SoCG (**CD6.03**).

Growth Agenda for Cambridge

- 3.23 Both current and previous governments have expressed strong support for Cambridge's economic growth, particularly as a hub for life sciences and technology.
- 3.24 In March 2024, the previous Government published the *Case for Cambridge* (**CD9.14**), setting out a vision to transform Greater Cambridge into a global science and innovation hub by 2050. It recognised Cambridge's significant potential, underpinned by its strengths in knowledge-based industries, while acknowledging key challenges – namely population growth, housing demand and affordability, and demand for commercial floorspace.
- 3.25 The current government has reaffirmed its support. In a letter dated 23 August 2024 (**CD9.23**), Matthew Pennycook MP, Minister of State for Housing and Planning, confirmed the government's commitment to working with local leaders to unlock Cambridge's potential.
- 3.26 On 30 October 2024, Matthew Pennycook MP also wrote to Peter Freeman, Chair of Homes England, confirming his appointment as Chair of the Cambridge Growth Company (**CD9.19**). This letter underscored Cambridge's national and international economic importance and reaffirmed significant government investment to support an ambitious growth strategy.
- 3.27 Further support came in November 2024, when the Department for Business & Trade published *Invest 2035: The UK's Modern Industrial Strategy*. This Green Paper emphasises the importance of life sciences and tech to the UK economy, identifying

Cambridge as a world-leading cluster for focussed growth. The strategy was later embedded in paragraph 86 (a) of the updated NPPF.

- 3.28 On 29 January 2025, the Chancellor, Rt Hon Rachel Reeves MP, outlined the potential of the Oxford and Cambridge Growth Corridor in a speech on kickstarting economic growth (**CD9.28**). A press release issued alongside the speech mentioned the Beehive Centre, referencing the Environment Agency's decision to lift its objection to the proposed redevelopment of the Site.
- 3.29 Locally, the Council continues to work with government and partners to support sustainable growth. This will be delivered through the Development Plan and, once adopted, the emerging GCLP, which will set out the vision for Cambridge until 2041.

4.0 MAIN ISSUES

Main Issue 1: Building a strong, competitive economy

- 4.1 As agreed at paragraph 7.14 of the main SoCG (**CD6.03**), I consider the proposed development to comply with Policies 2 and 40 of the CLP and to align with the objectives set out in Chapter 6 of the NPPF. For completeness, I outline my assessment below.
- 4.2 **Policy 2: Spatial strategy for the location of employment development** of the CLP sets out to support Cambridge's economy by promoting a wide range of employment opportunities and reinforcing the Cambridge Cluster of knowledge-based industries. The policy focuses employment development within the urban area, Areas of Major Change, Opportunity Areas, and the city centre. There is no ceiling on the quantum of floorspace to be delivered.
- 4.3 **Policy 40: Development and expansion of business space** encourages new offices and research and development proposals to come forward in defined locations, none of which apply to the proposed development – but also allows for proposals elsewhere to be assessed on their merits and in accordance with other relevant policies contained in Section Three of the CLP. It notes that larger employment sites with multiple occupiers should consider shared social spaces to enhance site vitality and attractiveness.
- 4.4 With regard to NPPF **Chapter 6: Building a strong, competitive economy**, paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It advises that significant weight should be given to supporting economic growth and productivity, having regard to both local business needs and wider opportunities for development. It emphasises the importance of building on local strengths, addressing weaknesses, and responding to future challenges – particularly in areas where Britain can lead globally in innovation and where high productivity can be capitalised on.
- 4.5 Paragraph 86(c) requires planning policies to pay particular regard to the needs of a modern economy, including identifying suitable locations for laboratories. Paragraph 87 – through criteria (a) and (c) – highlights the importance of recognising and addressing the specific locational requirements of different sectors. This includes supporting clusters or networks of knowledge-based, creative, or high-tech industries, and facilitating the expansion or modernisation of industries of local, regional, or national importance to promote economic growth and resilience.
- 4.6 It is worth noting that the First Proposals consultation (**CD5.01**), carried out in November–December 2021 for the emerging Greater Cambridge Local Plan (GCLP),

identifies the Beehive Centre (ref: S/OA/BC) as a potential Opportunity Area for redevelopment. The Site, along with the adjacent Newmarket Road Retail Park, is described as having “the potential to provide a significant opportunity for reimagining this area close to the heart of Cambridge”. However, as the potential allocation and GCLP remain at an early stage, no specific land uses or development form are identified. As agreed at paragraph 6.9 of the main SoCG, the emerging GCLP can be afforded only very limited weight at this time.

- 4.7 Topic Paper 3 (**CD6.18**) confirms that the LPA has a strong pipeline of consented employment floorspace (1,171,666 sqm), exceeding the current forecast demand (889,700 sqm). Taking into account the committed supply and completions (118,169 sqm between 2020 and 2024), there would be an aggregate surplus of 310,523 sqm. This represents a slight increase from the figures outlined in the Committee Report (**CD3.01**), as it reflects the most up-to-date information.
- 4.8 The conclusions outlined at paragraphs 13.8 – 13.19 of the Committee Report drew on the findings in the Applicant’s evidence, including its report *Cambridge: Office & Laboratory Occupational Market Update The Beehive Centre Redevelopment* (Bidwells, August 2024) (**CD2.28**). Having reviewed this evidence, the Committee Report concluded at paragraph 13.2 that “take up of current existing supply of office space in the City remains strong with limited or no (comparable) availability in lab space availability”.
- 4.9 Following the publication of the Committee Report and two days before the application was reported to Planning Committee, Bidwells published updated data in its *Cambridge Offices and Labs Arc Market Databook* (10 February 2025) (**CD9.40**). While it is not within my own area of expertise, I understand that this document provides more recent evidence from the Applicant’s planning consultant. It shows that office availability is now increasing, availability stands at 13%, with approximately 15% being Grade A and 80% Grade B. The situation for lab space has also improved, rising significantly in 2024 to reach 7%, split between Grade A and B.
- 4.10 At paragraph 2.5 of Topic Paper 3, the Applicant argues that the LPA’s position – represented through the Icen Projects report *Greater Cambridge Growth Sectors Study: Life science and ICT locational, land and accommodational needs* (September 2024) (**CD9.18**) – understates the general need position. The Applicant contends that demand has been suppressed by supply constraints for at least a decade; that there is insufficient allowance for the replacement of obsolete commercial stock; that the LPA’s figures do not fully reflect recent Government growth ambitions for Cambridge; and that underlying employment growth is underestimated, as it does not adequately reflect Cambridge Ahead data which indicates significantly higher job growth.

4.11 Again, I am not an expert on this matter, but the following points have been relayed to me by Icen Projects, who contributed to Topic Paper 3:

- According to the aforementioned Bidwells *Databook* (CD9.40), office space availability in Cambridge has remained above 8% over the last decade and would therefore not typically be considered supply-constrained or suppressed.
- In contrast, lab space availability has been lower, and the market may have been suppressed for much of the last decade. However, according to the Bidwells *Databook*, this is not uniformly the case – for example, availability stood at 5-7% in 2017 and 2018, and again 7% in 2024, which would not usually be considered suppressed levels.
- No evidence has yet been provided to substantiate the Applicant's assertion that there is insufficient allowance for the replacement of obsolete commercial stock.
- The employment growth forecasts used by Icen Projects on behalf of the Greater Cambridge Shared Planning (GSCP) are based on a 10- and 20-year lookback period. These use ONS data to develop a custom growth outlook, aiming to avoid anomalies or inconsistencies with single-year or third-party datasets, such as Cambridge Ahead.
- It is also noted that ONS/BES data for 2024 is not yet available, so a direct comparison with Cambridge Ahead figures for 2018–2024, as referenced by the Applicant at paragraph 2.19 of Topic Paper 3, cannot currently be made.

4.12 Nonetheless, any potential for differences in opinion on the above points do not materially alter my assessment or the overall planning balance in Section 5. I accept that there is a demand and need for the development, and that it would make an important contribution to the economic objectives and ambitions of both the LPA and central government. The weight I afford to the economic benefits of the proposal reflects this accordingly. I also acknowledge that the Cambridge commercial property market is fluid, and highly responsive to demand, particularly in the life sciences and technology sectors. A flexible approach, considered case-by-case, remains key to meeting this demand.

4.13 Turning to my assessment, the application site is within the 'urban area' as defined in Policy 2, where employment development is acceptable in principle. It benefits from strong public transport links, active travel connections, and proximity to existing centres of innovation in Cambridge. The proposed development represents a valuable opportunity to intensify use on a sustainably located, brownfield site to meet an employment need, something that I will return to in Section 5 regarding paragraph 125 (c) of the NPPF and the planning balance. Alongside employment floorspace, the inclusion of support uses such as a local centre, public realm, and on-site amenities is intended to create an attractive and vibrant innovation quarter.

- 4.14 The proposed development is forecast to generate 6,445 jobs during the operational phase of the development, including 905 entry-level, 1,225 mid-skilled, and 4,315 high-skilled roles – compared to 855 (670 FTE) currently supported at the Beehive Centre. It would also support approximately 870 construction jobs annually during the 8-year build out period. The scale of job creation is significant and welcomed. Topic Paper 3 confirms that most of the new roles are likely to benefit residents of Cambridge and Greater Cambridge.
- 4.15 The clustering of research institutions and science and technology industries in Cambridge is central to its international competitiveness. The proposed development would reinforce the Cambridge Cluster by delivering modern and flexible laboratory and office floorspace capable of meeting the needs of start-ups, scale-ups, and established firms. In doing so, it would help build a critical mass of innovation-related activity at this edge-of-city centre location. The aforementioned provision of on-site amenity and the creation of a high-quality working environment would contribute towards the attractiveness of the development to employers and employees, enhancing recruitment and retention potential.
- 4.16 The development is also expected to deliver significant economic output, including an uplift in Gross Value Added (GVA) that reflects the high-productivity nature of the intended occupiers. These economic benefits align with the wider government ambitions for Cambridge – as summarised at paragraphs 3.23 to 3.29 above – including those articulated in *The Case for Cambridge* (March 2024) (**CD9.14**), which seeks to position the city as a world-leading cluster for life sciences and technology. These objectives have been reaffirmed in recent ministerial statements and through the formation of the Cambridge Growth Company.
- 4.17 To promote inclusive growth, the Applicant has committed to a Start-up and Scale-up Space Strategy and an Employment and Skills Strategy (ESS), both to be secured through the S.106 agreement. These are intended to support start-up and scale-up space, local employment, outreach, and training opportunities. However, the implementation of both strategies is currently subject to reasonable endeavours, and in the case of the ESS, reliant on voluntary participation by future tenants. As such, the delivery of these benefits cannot be guaranteed in full at this stage.
- 4.18 Overall, I consider that the proposed development would respond directly to identified market needs and policy priorities, while supporting Cambridge's continued role as a national and international centre of innovation. It complies with Policies 2 and 40 of the CLP and aligns with the economic growth objectives of Chapter 6 of the NPPF and the government's strategic ambitions for the Cambridge Cluster. The economic benefits are considered further in Section 5, where I assess their weight in the planning balance.

Main Issue 2: Ensuring the vitality of town centres

- 4.19 As agreed between the parties at paragraph 7.16 of the main SoCG, I consider the proposed development to comply with **Policy 6: Hierarchy of centres and retail capacity** of the CLP and the objectives contained in Chapter 7 of the NPPF. Policy 6 of the CLP is consistent with Chapter 7 of the NPPF and directs retail and other main town centre uses to a network and hierarchy of designated centres which are set out in Table 2.5 on pages 32–33 of the CLP (**CD5.01**).
- 4.20 The Site is not located within a designated centre under Policy 6 of the CLP, and its existing retail use is not protected by any other policy within the CLP. The Applicant has submitted sufficient information, including a Town Centre Use/Retail Planning Statement (**CD1.19**) and a Town Centre Use/Retail Planning Response Statement (**CD2.29**), to demonstrate that the sequential test has been satisfied for the proposed Local Centre, which comprises approximately 5,000 sqm of flexible floorspace for Use Classes E (a-f), F1 (b-f), and F2 (b and d). The accompanying retail impact assessment, contained within the aforementioned supporting documents, confirms that the proposed Local Centre would not give rise to any unacceptable impacts on the vitality and viability of nearby centres.
- 4.21 Although the proposed office space is also defined as a town centre use under paragraph 90 (d) of the NPPF – and is acknowledged as such in the supporting text to Policy 6 – the redevelopment of the Site for employment uses, including the provision of offices, is established in principle by the spatial strategy for employment development embedded into Policy 2 of the CLP. Policy 2 seeks to focus new employment development on the “urban area, Areas of Major Change, Opportunity Areas and the city centre”, without establishing a sequential preference or requiring a sequential test. As set out above in relation to Main Issue 1, the Site is within the ‘urban area’ for the purposes of Policy 2.
- 4.22 Policy 40 of the CLP encourages new offices, research and development, and research facilities to come forward in the city centre and Eastern Gateway, the areas around the two train stations, and the Cambridge Biomedical Campus. While the Site does not fall within any of these specified locations, Policy 40 states that proposals for the development of these uses elsewhere in the city “will be considered on their merits and alongside the policies in Section Three of the plan”, thereby confirming that employment developments are expected to come forward and can be positively determined outside of the encouraged locations.
- 4.23 The supporting text to Policy 40 at para 5.14 supports this interpretation, noting that employment proposals in “B use class that are situated in sustainable locations will be supported” and that business growth of “appropriate scale” in other sustainable locations throughout the city will also be supported.

- 4.24 Paragraph 91 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses which are “neither in an existing centre nor in accordance with an up-to-date plan”. In this case, the proposed introduction of office floorspace on a sustainably located site is in conformity with the CLP, which is the up-to-date plan for the area. Accordingly, despite its out-of-centre location, the proposed development is consistent with both the CLP and the NPPF.
- 4.25 The potential future allocation of the Site as an Opportunity Area, as outlined at paragraph 4.6 above, is not considered material to this issue. While the text accompanying the draft allocation acknowledges that the existing retail format represents an ineffective use of the Site – and notes the broader shift towards online shopping – it does not prescribe any specific uses or form of development. In any event, the emerging GCLP remains at an early stage and can only be afforded very limited weight in the planning balance.

Main Issue 3: Achieving well-designed places

4.26 In addressing Main Issue 3, I structure my assessment in four parts. First, I provide an overview of the submitted material relevant to Main Issue 3 with reference to Topic Paper 1. Second, I assess the effects on neighbouring occupiers' living conditions, where I identify conflict with both local and national policy. Third, I consider the townscape and visual effects, which I also find to give rise to local and national policy conflict. Finally, I turn to the placemaking aspects of the development, which, if it were not for the identified conflicts in relation to residential amenity and townscape and visual impact, I find to be otherwise compliant with local and national policy. I then conclude that overall, the proposed development would not be consistent with local and national planning policy objectives for achieving well-designed places.

Overview of Submission

4.27 The proposed development would introduce 10 building plots to the Site. Five parameter plans have been submitted for approval to define these plots, including their maximum heights and footprints, alongside the distribution and mix of uses, points of access, and circulation routes, and the strategic framework for landscaping and open space. As set out in Topic Paper 1, the five parameter plans are:

- Maximum Building Heights & Plots
- Land Use – Ground Floor
- Land Use – Upper Floors
- Landscape and Open Space
- Access and Circulation

4.28 The five parameter plans would be supplemented by the submitted Design Code, which establishes site-wide and plot specific requirements, in the form of “should” and “must” compliance criteria, to further guide subsequent reserved matters applications.

4.29 Illustrative material in the form of an indicative masterplan, indicative cross sections, indicative views from neighbouring property gardens, and technical visualisations as part of the Townscape and Visual Impact Assessment, were submitted alongside the application to show one possible way in which reserved matters could come forward. They are not intended to be approved as part of any planning permission.

4.30 The Applicant's assessment of the daylight, sunlight, and overshadowing effects of the development is contained within the submitted Daylight and Sunlight Assessment (CD2.31) and the Daylight and Sunlight Assessment Addendum and Appendices (CD2.63a-b), prepared by eb7.

- 4.31 Since the start of the Inquiry, the Applicant has supplemented the submission documents and updated their analysis. These updates include further research on neighbouring properties resulting in revised assumptions about room arrangements and uses, supported in part by a joint site visit which contributed to this additional understanding; the submission of additional VSC analysis incorporating room-weighted VSC calculations for 40 rooms (received on 15 May 2025) – previously referenced only in passing, without supporting evidence, and now substantiated, showing a reduced impact on VSC compared to earlier findings; the correction of several minor, isolated errors; additional analytical adjustments, potentially reflecting software upgrades since the Daylight and Sunlight Assessment and Addendum were prepared; and the submission of updated No Skyline (NSL) contour plots on 20 May 2025.
- 4.32 A digital model of both the parameter plan scheme (i.e., ‘maxing out’ each of the parameters controlled by those plans) and an illustrative scheme, showing the proposal in the context of surrounding buildings, was also submitted to Schroeders Begg on 26 March 2025 for review in relation to the daylight and sunlight impacts of the proposed development.
- 4.33 My conclusions on residential amenity are informed by multiple site visits to adjacent neighbouring properties, which have enabled a first-hand understanding of how occupiers of individual homes and groups of properties would be adversely affected by the proposal. These site visits, together with the considerable number of objections received from local residents, including representations from Better Beehive, have collectively reinforced the concerns I identify in my evidence.

Effects on neighbouring occupiers’ living conditions

- 4.34 The Site and its surrounding context are outlined in Section 2.0 of the main SoCG (**CD6.03**). In brief, the Site is currently a low-rise retail park, comprising of 11 units and a large car park, with the Cambridge Retail Park located to the north, the railway line to the east, and low-rise residential properties to the south, west, and north-west. The character of the surrounding residential development is both urban and suburban in form, with Silverwood Close having a distinctly suburban feel.
- 4.35 In this subsection, I will demonstrate, in alignment with the LPA’s SoC (**CD6.07**), how the proposed development conflicts with Policies 55, 56, 57, and 60 of the CLP, as well as the NPPF and other material considerations, due to its harmful impact on the living conditions of neighbouring occupiers. Specifically, this impact can be identified as adverse in relation to predicted losses of daylight and sunlight, including overshadowing of gardens, and the introduction of an oppressive outlook and sense of visual enclosure. Where relevant, I will refer to the technical daylight, sunlight, and overshadowing evidence contained within the Proof of Evidence of Ian Dias (**CD7.01b**).

- 4.36 The harm and policy conflict identified are carried forward to the planning balance in Section 5.

Policy context

- 4.37 I consider Policies 55, 56, 57, and 60 of the CLP to be relevant to the assessment of residential amenity. In each case, I identify those parts of each policy which are relevant, but do not specifically address those that are either not relevant to this scheme, or are not offended by it.
- 4.38 **Policy 55: Responding to context** outlines that development will be supported where it is demonstrated that it “responds positively to its context and has drawn inspiration from key characteristics of its surroundings to help create distinctive and high-quality places”. It then sets out three criteria (a – c) that new development is expected to meet. Criterion (b) requires development to be “well connected to, and integrated with, the immediate locality and wider city”, while criterion (c) requires the siting, massing, scale, and form of developments to be informed by appropriate local characteristics. I interpret these criteria to require new developments to be integrated with, and respond appropriately to, their surrounding context, including existing built form. This in turn requires consideration of the resulting relationship with neighbouring properties. I note before turning to that, that whilst I find no conflict with criterion (a) in this context, I do in the heritage context, and have addressed that issue at the appropriate place in my evidence.
- 4.39 **Policy 56: Creating successful places** supports development that is “designed to be attractive, high quality, accessible, inclusive and safe”, and sets out 11 criteria (a – k) which proposals should comply with. Criterion (a) calls for a comprehensive design approach, including the successful integration of buildings. Paragraph 7.5 of the supporting text explains that successful “places are well integrated into their surroundings, having identified and responded to the opportunities and constraints of a site”. In this case, a key constraint is the many residential properties surrounding the Site.
- 4.40 **Policy 57: Designing new buildings** supports high-quality new buildings where it can be demonstrated that they comply with the relevant criteria listed. Criterion (a) requires new buildings to have a “positive impact on their setting”, including in terms of their location on the site, height, scale and form. I interpret “setting” in this context to extend to neighbouring properties that adjoin the Site, and the resulting relationship with them.
- 4.41 **Policy 60: Tall buildings and the skyline in Cambridge** provides criteria for assessing proposed developments that would break the existing skyline and/or be significantly taller than the surrounding built form. In terms of residential amenity, criterion (d) is the most relevant, requiring that there be “no adverse impact on

neighbouring buildings and open spaces in terms of wind, overlooking or overshadowing”, and that there is “adequate sunlight and daylight within and around the proposals”.

- 4.42 In terms of **Chapter 12: Achieving well-designed places** of the NPPF, paragraph 131 states that the creation of “high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It then notes that, as a key aspect of sustainable development, good design creates “better places in which to live and work and helps make development acceptable to communities”. Paragraph 135 (f) of the NPPF is then explicit that planning policies and decisions should ensure that developments, inter alia, promote health and well-being, with a high standard of amenity for existing and future users.
- 4.43 I will now outline my assessment of the proposed development’s effects on the living conditions of neighbouring occupiers in the context of the above policy framework, with reference to relevant guidance where appropriate. In respect of the technical daylight, sunlight, and overshadowing considerations, I will rely upon the evidence of Ian Dias.
- 4.44 In contextualising the identified harm and policy conflict, the importance of maintaining acceptable levels of natural light to neighbouring properties goes beyond the feel and experience of a space, with implications for the well-being of the occupiers. Paragraph 4.2.11 of the **Sustainable Design and Construction SPD (CD4.07)** recognises that the “ability to use and control natural light in our homes has a huge beneficial effect on wellbeing”. It also highlights the positive influence of good daylight and sunlight levels on factors such as sleep quality, anxiety, and Seasonal Affective Disorder (SAD), as well as the associated environmental benefit of reduced reliance on artificial light and lower energy consumption.
- 4.45 Additional evidence is provided by the UK Green Building Council’s *Health and Wellbeing in Homes* report (July 2016) (**CD9.34**), which draws on research from various contexts. Page 19 of this report cites a University of Oxford study linking mental illness to abnormal circadian rhythms, informing the development of a “Circadian House” concept, which emphasises the importance of light in supporting a healthy living environment. The same page of the report highlights that access to natural light in workplaces has been shown to improve quality of life, sleep, and reduce sickness absence, while in healthcare settings it supports faster recovery and lowers anxiety levels. While not specific to homes, the report argues, such findings are clearly relevant to residential environments, noting that lack of daylight can have psychological effects, including SAD.
- 4.46 The below assessment is based upon the ‘worst-case’ scenario represented by the maximum parameters – that is, the maximum height, footprints (noting that these

would be controlled by maximum percentage plot coverage, as specified on the Maximum Building Heights & Plots parameter plan), massing, and floorspace of the proposed development, alongside the minimum setbacks from neighbouring properties that would be permitted by the parameters – which is the correct approach for an outline planning application. While the illustrative scheme shows one way in which development could come forward within those parameters, it depicts a lesser form of development – featuring reduced heights, floorspace (as set out in paragraphs 5.17 to 5.19 of the Applicant’s Planning Statement (**CD2.03a-c**)), and massing, along with greater setbacks from neighbouring residential properties – when compared to the maximum extents defined by the proposed parameters.

Daylight, sunlight, and overshadowing of gardens

- 4.47 The Daylight, Sunlight, and Overshadowing SoCG (**CD6.06**) and Topic Paper 4 (**CD6.19**) set out the agreed position between the parties regarding the appropriate technical analysis and methodology for assessing this issue, including consideration of the BRE guidance (**CD8.01**) and the *Rainbird* judgment (**CD10.03**), as well as matters in dispute – namely, the acceptability of resulting impacts as a matter of planning judgment. In this section, I assess the acceptability of the harm identified in the evidence of Mr Dias which satisfies the first stage of the two-stage process established in *Rainbird*. My assessment addresses the second stage, applying planning judgement to determine the acceptability of the impacts.
- 4.48 Mr Dias has defined the harm using the following scale in relation to daylight, sunlight, and overall harm:
- Negligible
 - Minor
 - Moderate
 - Moderate to Major
 - Major
- 4.49 The above definitions used within Mr Dias’ evidence capture both the significance of the reductions and the resulting retained values for both VSC and the No Sky Line (NSL). This means that for the harm identified in relation to VSC, there would be a contravention of the BRE recommended targets on both counts. I consider this to be a robust approach and have referenced the harm accordingly within my assessment. I do not refer to properties which, based on the evidence of Mr Dias, would not experience harmful daylight, sunlight, or overshadowing effects. My assessment focuses solely on those properties where harm is identified.

St Matthew's Gardens

- 4.50 Nos. 163 and 165 St Matthew's Gardens comprise an end-of terrace, two-storey maisonette building with habitable rooms – including kitchen/dining rooms and bedrooms – facing towards the Site. There is an amenity space to the rear, which is at grade with the Site and enclosed by a brick wall.
- 4.51 Nos. 167 to 175 (odd) and 203 to 209 (odd) St Matthew's Gardens are three-storey, terraced townhouses with lower-ground floors set below the level of the Site and the proposed development. These lower-ground floors serve habitable rooms – including living rooms, dining rooms, and kitchens – and open onto small, shallow, split-level gardens that step up towards the Site boundary but remain at a lower elevation. Along the shared boundary, there is established vegetation and a retaining wall topped with fence panelling.
- 4.52 The ground floors of these properties are at street-level to the front and closer to the Site level at the rear. The ground-floor rooms facing the Site are typically used as living rooms. At first floor, the bedrooms face towards the Site, with the existing built form visible through the intervening vegetation.
- 4.53 Nos. 177 to 201 (odd) comprise a flat block arranged over five levels: lower-ground, ground, first, second, and third floors. With the exception of the lower-ground apartments at nos. 177 and 179 – which have living rooms facing the Site – the rear-facing rooms in this block are almost all bedrooms.
- 4.54 Very good levels of daylight and sunlight are currently enjoyed by the affected properties in St Matthew's Gardens.
- 4.55 Mr Dias has identified that the proposed development would cause harmful losses of natural light to 20 properties within St Matthew's Gardens, specifically at nos. 159 to 185 (odd), 189, 191, 195, 197, 201, and 203. The majority of this harm arises from reductions in daylight. In nearly all of those cases – excluding the apartments at nos. 177 to 201 – where harmful daylight loss has been identified, there would be daylight loss to multiple main windows and habitable rooms within the property. Sunlight impacts are more limited, with four instances of 'moderate' harm identified at nos. 163 to 167, and 175.
- 4.56 In seven cases – nos. 167 to 177, and 181 – Mr Dias assesses the daylight impacts as either 'major' or, in the case of no. 181, 'moderate to major', with reductions exceeding 40% from existing levels and retained values as low as 14.1% (VSC) and 35% (NSL). Excluding the apartments at nos. 177 to 201, these properties would experience daylight loss to multiple main windows and habitable rooms. Several of the properties assessed as experiencing major harm – including nos. 167, 171, 173,

175, 181 – would breach both the VSC and NSL BRE guideline values, highlighting the severity of the overall impact.

- 4.57 To take one example, at no. 167, the ground-floor kitchen/dining room would experience a 47% reduction in VSC (retained value 19.8%) and a 64% reduction in NSL (retained value 35%). Its first-floor bedroom would see a 54% VSC reduction (retained value 14.1%) and a 54% NSL reduction (retained value 42%).
- 4.58 In my judgement, the daylight impacts to nos. 167 to 177, and 181, as identified by Mr Dias, would lead to a clear and unacceptably harmful deterioration in the living conditions of those occupiers. While impacts to nos. 159, 161, 163, 165, 179, 183, 185, 189, 191, 195, 197, 201, and 203 may not be individually unacceptable, they nevertheless represent material harm and contribute cumulatively to the overall deterioration in residential amenity.
- 4.59 The isolated sunlight effects may not in themselves, be unacceptable. However, they exacerbate the unacceptable harm already identified at nos. 167 to 175 and contribute to the wider cumulative harm at nos. 163, 165, and 179.
- 4.60 Taken in the round, I find that the proposed development would result in seven instances of unacceptable overall harm to nos. 167 to 177, and 181 St Matthew's Gardens – taking into account both daylight and sunlight impacts. The remainder of the harm would contribute cumulatively to the overall deterioration in residential amenity.

Silverwood Close

- 4.61 The affected properties in Silverwood Close comprise two-storey, terraced houses, each with rear gardens facing onto the Site and which are predominantly organised around a central, circular open space to the front. The low density, generous spacing, and open feel of the close give it a distinctly suburban character, in contrast to the other surrounding streets. The properties are generally level with the Site and gardens appear to be well used, established and integral components of the overall amenity afforded to occupiers of these properties.
- 4.62 The properties typically have living rooms, dining rooms, and kitchens to the rear at ground-floor level, with bedrooms at the first floor, and, in some cases where properties have been extended, second floors. Their rear boundaries – comprising brick walls – adjoin the existing surface car park and distributor road. However, nos. 52 to 57 are an exception, as their rear boundaries are adjacent to the sculpted form of the Porcelanosa building, which is proposed for demolition. The overall layout and arrangement of Silverwood Close properties affords occupiers of these homes very good levels of daylight and sunlight amenity.

- 4.63 There are a number of trees within the Site, including to the rear of nos. 34 and 35, and adjacent to nos. 45 and 46. Trees and vegetation can also be found within private rear gardens.
- 4.64 Mr Dias has identified harmful losses of both daylight and sunlight to 14 properties in Silverwood Close, specifically at nos. 34 to 45 (odd and even), 49-50 (one property formed through the amalgamation of two), and 51. As with St Matthew's Gardens, the majority of harm identified relates to daylight loss, although, as set out below, overshadowing is a significant concern for one neighbouring garden. In all cases where daylight loss has been identified, there would be daylight loss to multiple windows and habitable rooms within each property. Furthermore, in every case there would be breaches of both VSC and NSL guidelines, indicating a serious departure from the BRE guidance and a correspondingly harmful impact on residential amenity.
- 4.65 For two of the properties – nos. 36 and 51 – the daylight harm is identified as 'major'. Two further properties – nos. 34 and 35 – would experience 'moderate to major' daylight harm. The impacts on all of these properties would be significant, however, the effects on no. 36 are particularly acute and serve to illustrate the severity of the issue. The occupiers of this property would experience a 43% reduction in VSC to their dining room (retained value 21.3%), alongside moderate VSC reductions of 32% to the kitchen (retained value 17.8%) and 35% to the first-floor rear bedroom (retained value 24.7%). These impacts are compounded by major NSL reductions which are no less important, including 47% to the dining room (retained value 53%), 48% to the kitchen (retained value 48%), and 47% to the first-floor rear bedroom (retained value 47%).
- 4.66 Drawing the findings together, I consider that the daylight impacts to nos. 34 to 36 and 51, assessed as 'major' or 'moderate to major', would result in a clear and unacceptable deterioration in the living conditions of their occupiers. While the daylight impacts on the remaining properties – nos. 37, 38, 39 to 45, 49-50 – may not be individually unacceptable, they nonetheless represent material harm and a deterioration in residential amenity. These lesser impacts contribute towards a broader cumulative effect on residential amenity, which will be assessed in the round against relevant planning policy and weighed in the overall planning balance.
- 4.67 In addition to the daylight impacts outlined above, Mr Dias identifies one instance of sunlight loss that would constitute 'major' harm – relating to a significant increase in overshadowing to the garden at no. 38. As highlighted by Mr Dias, this garden would experience a 66% reduction in sunlight availability, retaining only 26%, based on the 'two hours on 21st March' test set out in the BRE guidelines. I consider this level of harm to be unacceptable. The overall amenity of no. 38 would be further diminished by the daylight harm also identified to its ground-floor kitchen/dining room and first-floor bedroom.

- 4.68 Nos. 36 and 37 would also experience overshadowing to their rear garden, but, according to Mr Dias, the harm would be 'moderate', and I do not therefore consider it to be individually unacceptable, although it would still contribute to the cumulative impact on residential amenity and, in the case of no. 36, compound the already unacceptable daylight harm identified.
- 4.69 Overall, I consider that the proposed development would result in five instances of unacceptable overall harm – taking into account both daylight and sunlight impacts – to nos. 34 to 36, 38, and 51. This harm would be compounded by the cumulative impact arising from the additional 'moderate' and 'minor' harms identified by Mr Dias to the 9 properties at nos. 37, 39 to 45, and 49-50.

York Street

- 4.70 The 12 affected properties at nos. 34, 42 to 48 (odd), 52 to 56 (odd), 72 to 78 (odd), and 86 York Street are two-storey terraced dwellings situated to the west of the Site. Many have been extended to the rear, including single-storey and two-storey additions, and loft conversions with rear dormers. The ground-floor habitable rooms facing the Site are typically living rooms, dining rooms, or kitchens, with the upper floors accommodating bedrooms. Some room uses within York Street properties are listed 'residential' in the Applicant's assessment due to uncertainty regarding their specific use, a position that is reflected in the evidence of Mr Dias.
- 4.71 All of the daylight harm identified by Mr Dias in relation to York Street properties would arise from reductions in daylight distribution, as assessed in relation to the NSL target criteria within the BRE guidance. Of the 12 affected properties, six are assessed as experiencing 'moderate' harm, the remaining six assessed as 'minor'. While these reductions would represent a material deterioration in daylight levels, with paragraph 2.2.11 of the BRE guidance (**CD8.01**) noting that such effects would be noticeable to occupants, as affected rooms appearing more poorly lit, I do not consider any of the impacts in York Street to be individually unacceptable.
- 4.72 Notwithstanding this, the daylight harm identified to the 12 properties within York Street would still contribute to the cumulative overall impact on residential amenity, which will be assessed against planning policy and considered in the overall planning balance.

Sleaford Street

- 4.73 The two affected properties at nos. 148 and 150 (even) Sleaford Street are end-of-terrace maisonettes arranged over two storeys, including habitable loft space. They are orientated on a south-west to north-east axis and directly abut the southern boundary of the Site. These properties do not benefit from private gardens but

instead share access to a wedge-shaped communal garden located between the Site and the adjacent railway line. The Site lies at a significantly lower level than Sleaford Street in this location. There are trees and vegetation along the shared boundary, which are outside of the Applicant's control.

- 4.74 The harm identified by Mr Dias to both properties would arise from daylight loss. At no. 148, the identified harm is categorised as 'moderate to major'. The occupiers of this property would experience a 49% reduction in VSC to their ground-floor bedroom (retained value 16.8%), alongside a 44% reduction in NSL to the same room (retained value 55%). In my view, this level of daylight loss would result in clear and unacceptable harm to their living conditions.
- 4.75 At no. 150, the daylight loss to the first-floor kitchen is categorised as 'moderate' overall by Mr Dias. While this represents a material deterioration, I do not consider the impact to be unacceptable in isolation. Rather, I consider it to contribute to the overall, cumulative harm to residential amenity, which will be assessed against planning policy and weighed in the planning balance.

Hampden Gardens and The Terrace

- 4.76 The properties in Hampden Gardens and The Terrace are located to the east of the Site, beyond the adjacent railway line. Hampden Gardens comprises a large, flatted block with four-storey elements flanking a central five-storey section. The Terrace consists of a three-storey block of flats with additional habitable accommodation at fourth-floor level within the roof space.
- 4.77 Mr Dias approximates – due to unknown internal layouts – that seven individual flats within Hampden Gardens (between nos. 55 to 97) and The Terrace (between nos. 11 to 17) would experience 'minor' daylight harm. I do not consider any of the impacts identified in this location to be individually unacceptable. However, they do contribute to the overall cumulative harm to residential amenity, which will be assessed against planning policy and weighed in the planning balance.

Conclusion in relation to daylight, sunlight, and overshadowing of gardens

- 4.78 Overall, Mr Dias has identified harm to 52 properties within St Matthew's Gardens, Silverwood Close, York Street, and Sleaford Street, in addition to approximately seven isolated flats within Hampden Gardens and The Terrace. The collective harm would arise from losses of daylight and sunlight to habitable rooms, and, in two cases, the overshadowing of private gardens. All affected properties would experience harm in relation to daylight loss; and six would experience harm from both daylight and sunlight loss, including the overshadowing of gardens.

- 4.79 In 13 instances where ‘major’ or ‘moderate to major’ harm has been identified by Mr Dias – specifically at nos. 167 to 177 and 181 St Matthew’s Gardens, nos. 34 to 36, 38 and 51 Silverwood Close, and no. 148 Sleaford Street – I find the resulting harm to the individual properties to be clearly unacceptable. For the remainder, while the harm may not be individually unacceptable, it nonetheless contributes towards a broader cumulative effect on residential amenity, which, when considered alongside the outlook and visual enclosure impacts discussed in the subsection below, must be assessed against relevant planning policy, and weighed in the overall planning balance.
- 4.80 Ultimately, the proposed 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 enjoyable. These losses would be evident and materially detrimental to the day-to-day living conditions of affected residents.
- 4.81 This harm, in my view, stems from a preventable and fundamental design flaw – namely the excessive scale and massing of the proposed development in close proximity to sensitive site boundaries. These aspects of the scheme have not been adequately mitigated or justified and, as I conclude overall in relation to the living conditions of neighbouring occupiers, result in both individually unacceptable and cumulatively harmful impacts on residential amenity. When combined with the outlook and visual enclosure harm I identify below, this represents a clear and compelling reason to refuse planning permission, as concluded in the planning balance in Section 5.

Visual enclosure/outlook

- 4.82 Paragraph 3.1.17 of Topic Paper 4 outlines various agreed considerations that inform the assessment of outlook and visual enclosure. Some of the matters cited are broader planning considerations – such as the opportunity to make more efficient use of previously developed land – that form part of the planning balance. Others are more directly relevant to the specific judgement about the nature and extent of the impacts on neighbouring occupiers. These more specific matters are addressed in this subsection.
- 4.83 As noted at paragraph 3.1.19 of Topic Paper 4, it is agreed between the parties that the assessment of outlook and visual enclosure should focus on the properties immediately adjoining the Site boundary in St Matthew’s Gardens, Silverwood Close, and Sleaford Street. Specifically, as will be demonstrated below, I consider there will be harm 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. 49 to 58 (inclusive odd and even) Silverwood Close; and nos. 138 to 150 (even) Sleaford Street.

- 4.84 This expands slightly upon the assessment in section 24 of the Committee Report (**CD3.01**), which only refers specifically to properties in St Matthew's Gardens and Silverwood Close in relation to the identification of an oppressive outlook and sense of visual enclosure. This harm was evidenced by referencing the proposed parameter plans – which are in an aerial, two-dimensional form – as well as the cross-sections and visualisations included in the Applicant's Design and Access Statement (DAS) Addendum (**CD2.01a-h**), which are based on the illustrative scheme.
- 4.85 Following the receipt and review of the Applicant's 3D digital model for the maximum parameters, I have found the resulting harm to be greater than previously anticipated when the Committee Report assessment was undertaken. For example, I now consider the building envelope proposed on Plot 1 to cause significant harm to the adjacent properties in Silverwood Close, whereas it was previously of less concern. Similarly, I now find that the proposed building envelopes on Plots 3 and 8 would appear more dominant and imposing than previously understood. In relation to Plot 6, I have identified a clear and significantly adverse visual enclosure impact on the shared amenity space serving residents of nos. 138 to 150 (even) Sleaford Street – an impact that was not fully appreciated prior to the receipt of the 3D model.
- 4.86 The relationship between the proposed maximum parameters and neighbouring properties is illustrated in Appendix 3 (3D Model Visualisation Extracts – Maximum Parameters), which contains a series of visual extracts of the Applicant's 3D digital model, showing the maximum parameter envelopes in the context of neighbouring properties. These images do not include any existing or proposed landscaping, however, this does not detract from their value in demonstrating the stark contrast in scale and massing between the proposed development and surrounding properties. While the inclusion of landscaping might add texture and an additional layer of visual detail, digital representations – such as those contained in the DAS Addendum (**CD2.01a-h**) and Design Code (**CD2.12a-d**) for the illustrative scheme – often fail to reflect the seasonal variation, visual permeability, and inconsistency of form of real planting. In my experience, this can misrepresent reality by portraying landscaping as more solid, continuous, and visually impermeable than it would actually appear.
- 4.87 A more contextual understanding of the proposed development, informed by the 3D digital model, is consistent with paragraph 023 (reference ID: 26-023-20191001) of the NPPG on "Design: process and tools", which – while in reference to community engagement – notes that digital models of proposed developments and their surroundings "can help to visualise concepts and impacts, including the wider effects of development".
- 4.88 Aside from the properties noted in paragraph 4.81, I do not find that there would be any significantly harmful effects on outlook or visual enclosure caused to other

properties surrounding the site, including within York Street, Hampden Gardens, and The Terrace. This is because, although there may be some change in outlook for these other properties, the spatial characteristics – primarily the orientation, separation distances, and in the case of nos. 177, 179, 181, and 183 of St Matthew’s visual obstructions – indicate that any change would not result in an oppressive or materially harmful impact.

- 4.89 What follows is an assessment of the outlook and visual enclosure impacts on the properties identified in paragraph 4.81. For clarity, I do not assess the impacts on, or refer to, non-habitable rooms, such as bathrooms, on the basis that any effects on such rooms would not amount to a harmful impact. I conclude by providing my opinion on the effectiveness and reliability of landscaping as a mitigating factor in the context of the proposed development.

St Matthew’s Gardens

- 4.90 An overview of the context for St Matthew’s Gardens has already been provided at paragraphs 4.50 to 4.53 above in relation to daylight, sunlight, and overshadowing. However, to summarise the key points relevant to outlook and visual enclosure, nos. 167 to 175 (odd) and 203 to 209 (odd) St Matthew’s Gardens are three-storey terraced townhouses with lower-ground floors set below the level of the application Site. These lower-ground floors serve habitable rooms and open onto small, shallow gardens that step up towards the Site boundary. The ground floors of these properties are closer in level to the Site and, to the rear, serve habitable rooms. At first floor level, there are bedrooms facing towards the Site, with the existing built form visible through the intervening vegetation which, alongside a retaining wall and fence panelling, comprises the shared boundary.
- 4.91 Nos. 177 to 201 (odd) comprise a five-storey flatted block, with a lower-ground floor, ground floor, and three upper floors. The lower-ground apartments at nos. 177 and 179 contain living rooms that face the Site, but their outlook is already notably constrained by an overhanging ground-floor amenity space, which includes small ancillary structures. The ground-floor apartments at nos. 181 to 183 are similarly affected by a constrained outlook, owing to the existing ancillary structures in the shared amenity space, although to a lesser extent. From the first floor upwards, the rear-facing bedrooms at nos. 185, 189, 191, 195, 197, and 201 look clearly towards the Site, with the existing built form visible through the intervening boundary vegetations.
- 4.92 The building envelope proposed on Plot 8 would introduce a notable increase in the scale and massing of built form in close proximity to, and directly opposite, the properties at nos. 167 to 209 St Matthew’s Gardens. For example, in relation to no. 173, the proposed development would be situated a minimum of 16.4 metres from its rear boundary, and approximately 24.5 metres from its rear elevation, with the

proposed massing directly opposite reaching a maximum height of 28.7 metres. With the exception of the lower-ground and ground-floor apartments at nos. 177, 179, 181, and 183 – which already experience a constrained outlook – I find that the proposed building envelope would result in an uncompromising, oppressive, and wholly unacceptable outlook and sense of visual enclosure for the affected properties and their associated gardens and amenity areas. The proposed massing would be clearly perceptible above and through the existing vegetation.

- 4.93 The impact would be particularly pronounced in relation to nos. 167 to 175, 185, 189, 191, 195, 197, and 201, due to the staggered massing proposed on Plot 8, with the tallest elements positioned directly opposite their rear elevations. Of these properties, nos. 167 to 175 have been identified as experiencing unacceptable harm with regards to loss of daylight, compounding the harm to their already diminished residential amenity.
- 4.94 The contrasting and harmful relationship between the proposed development and the affected properties in St Matthew's Garden is clearly illustrated in Appendix 3, through Images 7 and 15.

Silverwood Close

- 4.95 An overview of the context for Silverwood Close has already been provided at paragraphs 4.61 to 4.63 above in relation to daylight, sunlight, and overshadowing. However, to summarise the key points relevant to outlook and visual enclosure, the affected properties in Silverwood Close comprise two-storey terraced houses with rear gardens backing onto the existing car park and distributor road – apart from nos. 52 to 57 which are sited adjacent to the sculpted form of the Porcelanosa building proposed for demolition. The street has a low-density and open feel, contributing to its distinctly suburban character, with homes typically featuring ground-floor living spaces and upper floor bedrooms. Most of the properties enjoy a largely open, unobstructed outlook, with gardens forming an integral part of their amenity. There are trees located within the Site and private gardens. The overall layout and arrangement of the Silverwood Close properties affords occupiers of these harms and their gardens a valued sense of space and openness.
- 4.96 The proposed development, through the building envelope on Plot 1, would introduce a dominant, continuous massing in very close proximity to the shared boundary with nos. 49 to 58. For example, in relation to no. 51, the proposed development would be situated a minimum of 5.2 metres from its rear boundary, and approximately 18.8 metres from its rear elevation, with the proposed massing directly opposite reaching a maximum height of 15.9 metres. The impact would be significant and unacceptable on these properties, and felt most acutely by the occupiers of nos. 49 to 51, whose rear elevations would face directly onto the proposed massing. Their relatively short gardens would become heavily dominated by the imposing-built form, notably

different from the existing Porcelanosa building, which does not give rise to unneighbourly relationships due to its siting, lower height, smaller footprint, and more sculpted form. It is noted that the proposed impact to no. 51 Silverwood Close would be compounded by the finding that this property would experience unacceptable loss of daylight.

- 4.97 While the impact would be less direct for nos. 52 to 58, due to their less direct orientation in relation to the proposed massing on Plot 1, as well as slightly increased separation distances, it would still be significant. The impact would be most noticeable from the rear gardens, which would feel appreciably less open and spacious.
- 4.98 Although some trees and vegetation exist within private gardens, these are beyond the Applicant's control, and would not mitigate the scale of the impacts described.
- 4.99 For nos. 40 to 45, the impact arises from the building envelope proposed on Plot 3. Due to the separation distances between the rear elevations of these properties and the proposed massing, I find that the harm in this location would primarily stem from an overbearing impact on their gardens, leading to an oppressive sense of visual enclosure. I find the resulting relationship with these properties to be harmful, but not unacceptable in its own right. Nonetheless, it still contributes towards the overall cumulative harm to residential amenity.
- 4.100 With regards to nos. 34 to 39, I consider that the harm arising from the substantial, uncompromising scale and massing of the proposed building envelope on Plot 10, in such close proximity to their rear boundaries, would be entirely inappropriate. For example, in relation to no. 38, the proposed development would be situated a minimum of 12.5 metres from its rear boundary, and approximately 27.7 metres from its rear elevation, with the proposed massing directly opposite reaching a maximum height of 25.1 metres. As Plot 10 is intended to accommodate a car park, its functional nature makes breaking up the massing, providing visual relief, or creating an attractive façade particularly difficult. It is difficult, in my opinion, to comprehend how such a starkly contrasting relationship could be regarded as anything other than wholly unacceptable. Both from within the affected properties and from their gardens, the development would present a permanent, dominant, and looming presence, significantly diminishing the enjoyment of neighbouring homes and their amenity space. The resulting relationship would, in my view, lead to an unacceptable, oppressive outlook and an unacceptably high level of visual enclosure for these neighbours.
- 4.101 The contrasting and harmful relationship between the proposed development and the affected properties in Silverwood Close is clearly illustrated in Appendix 3, through Images 1 to 6, and 13.

Sleaford Street

- 4.102 An overview of the context for two of the affected properties – nos. 148 and 150 – is provided at paragraph 4.73 in relation to daylight, sunlight, and overshadowing. However, to summarise the key points relevant to the Sleaford Street properties affected by harmful impacts on outlook and visual enclosure – nos. 138 to 150 (even) – they comprise a terrace of maisonettes, accommodated within two-storeys and incorporating habitable loft space, facing north-east, with the northernmost properties, Nos. 148 and 150, immediately abutting the southern boundary of the Site. The properties do not benefit from private gardens and instead share access to a communal garden situated between the Site and the railway line. The Site lies at a significantly lower level than Sleaford Street in this location. Trees and vegetation outside of the Applicant's control are present along the shared boundary.
- 4.103 The proposed building envelope on Plot 6 would extend directly up to the boundary with the communal garden at nos. 138 to 150 and would be located just 2.8 metres from the nearest point of nos. 148 and 150. It would tower above these properties and span approximately two-thirds of their shared boundary with the Site. Despite a staggered approach to the massing in this location, the immediate proximity and substantial scale of the proposed building envelope would result in a clearly and significantly adverse level of oppressive visual enclosure, vertiginous in form and in complete contrast to the existing outlook provided by the open space. Given the orientation of the properties relative to the Site, this harm would be most acutely experienced within the communal garden, though it would also be perceptible through the rear outlook of nos. 148 and 150. The resulting relationship with nos. 138 to 150 would, in my view, be unacceptable. I note that an unacceptable loss of daylight has already been identified to no. 148, compounding the harm to the already diminished residential amenity of this particular property.
- 4.104 The contrasting and harmful relationship between the proposed development and the affected properties in Sleaford Street is clearly illustrated in Appendix 3, through Images 11 to 13, and 15.

Landscaping

- 4.105 There is a general point of disagreement between the parties regarding the effectiveness and reliability of landscaping as a mitigating factor in the assessment of outlook and visual enclosure. While I acknowledge that in some circumstances – such as where a proposed development is modest in scale relative to adjoining properties, it can be possible for mature, dense, planting, within the Applicant's control, to soften the visual perception of opposing development, though this typically depends on multiple contributing factors, not landscaping alone. These may include the height, siting, and design of the proposed buildings, the depth of neighbouring gardens, and the form, maturity, and density of both existing and proposed planting.

- 4.106 In relation to this application, I do not consider landscaping to be a mitigating factor for the properties affected. While there is some existing planting within the Site – for example, along the boundaries with no. 167 to 209 (odd) St Matthew’s Gardens, nos. 34 to 36 and 45 to 46 Silverwood Close – this cannot be relied upon to mitigate the harm. This is due to the scale and massing of the proposed development, and its close proximity to the sensitive residential boundaries (see Images 7 and 15 of Appendix 3). The built form would project above, and be visible through, the boundary landscaping, presenting as a permanent, solid backdrop, in contrast to the visually permeable, seasonally variable, and inconsistent nature of planting.
- 4.107 Outside of the Site there is additional planting along the boundaries, but this is beyond the Applicant’s control, cannot be relied upon, and would not mitigate the harm, for the same reasons already outlined.
- 4.108 It is acknowledged that – while landscaping remains a reserved matter – the Applicant intends to introduce further planting along the Site’s boundaries, as indicated through the illustrative material and the stated commitment to increase overall on-site landscaping. However, while this may enhance the quality of on-site visual amenity, any such planting would take time to mature and would neither meaningfully offset nor adequately compensate for the scale and massing of the proposed buildings.

Conclusion on outlook and visual enclosure

- 4.109 In summary, I find that the proposed development would result in significantly harmful and unacceptable impacts, with some impacts being particularly severe, on outlook and visual enclosure for a number of neighbouring properties within St Matthew’s Gardens, Silverwood Close, and Sleaford Street. This harm stems from the scale, massing, and close proximity of the proposed building envelopes to shared boundaries, resulting in an unduly dominant and oppressive presence. Many of the affected properties have already been found to experience material deterioration in daylight, sunlight, and overshadowing, meaning that the outlook and visual enclosure impacts would further compound the cumulative harm to their residential amenity. While there is existing planting within and around the Site and scope for additional landscaping at the reserved matters stage, I do not consider this to provide meaningful mitigation in this context, given the stark contrast in scale between the proposed development and its neighbours.

Privacy and overlooking

- 4.110 As set out at paragraph 24.27 of the Committee Report (**CD3.01**) assessment, I do not envisage that the proposed building envelopes would result in a harmful loss of privacy to neighbouring properties. This because technical and design-related

measures – such as the placement and angling of windows, privacy glazing, and privacy screens for any terraces – could be incorporated into the buildings, up to the maximum parameters, to mitigate against the potential for overlooking. Such measures would be required at the reserved matters stage, with the Design Code acknowledging that privacy is an issue that will require careful consideration.

- 4.111 Similarly, I do not consider that the proposed bus route along the boundary with properties in Silverwood Close and St Matthew's Gardens would result in harmful overlooking or loss of privacy. Any views from passing vehicles would be brief and transient, and due to the fleeting nature of such glimpses, existing landscaping – along with any potential additional planting at the reserved matters stage – could further reduce the potential for overlooking in relation to these limited and momentary impacts.

Design Code

- 4.112 In identifying harm to the living conditions of neighbouring occupiers, I acknowledge that the Design Code contains requirements for Plots 1, 6, 7, 8, 9, and 10 in relation to neighbouring conditions – and additional codes on height and massing for all plots except Plot 10. However, it does not require any building envelope to be lowered to a height below the maximum limits set by the parameter plans. Notably, regarding Plot 10 – which has no plot-specific height or massing guidance in the Design Code – the Building Heights and Plots Parameter Plan (**CD2.18**) explicitly allows for the building envelope to exceed the stated maximum height of 37.10 metres AOD by 1.25 metres to accommodate lift overruns and access stairs.
- 4.113 It is also important to note that, regardless of the Design Code requirements, if outline planning permission were to be granted, the approved parameter plans would form the foundation for any subsequent reserved matters applications. A reserved matters submission could, therefore, legitimately propose a detailed design extending to the maximum limits defined by those parameters. As such, while the Design Code would play an important role in guiding future design quality, first and foremost the worst-case scenario impacts arising from the parameter plans must be acceptable in their own right – and my evidence demonstrates that they are not.

Conclusion regarding the effects on neighbouring occupiers' living conditions

- 4.114 To conclude, I have found that the proposed development would result in a combination of individually unacceptable and additional harm which, while not unacceptable in isolation, contributes to a broader cumulative impact on the living conditions of neighbouring occupiers. The harm identified would affect a significant number of neighbouring occupiers and would collectively arise from unjustified and avoidable losses of daylight and sunlight, overshadowing of gardens, and the creation of an oppressive outlook and sense of visual enclosure. These impacts are

not an inevitable consequence of development, but rather the result of a preventable design flaw – namely, the excessive scale and massing of the proposed building envelopes in close proximity to sensitive residential boundaries. This failure to appropriately respond to local context and constraints would fundamentally undermine the amenity currently enjoyed by affected neighbours.

- 4.115 In light of the above conclusion, I find that the proposed development would fail to integrate with, and respond appropriately to, its surrounding context, leading to a substantial conflict with criteria (b) and (c) of **Policy 55: Responding to context**.
- 4.116 Likewise, by failing to successfully integrate the proposed building envelopes into the Site's surroundings, as a consequence of not satisfactorily addressing the constraint of adjacent residential properties, I consider the proposed development does not achieve a comprehensive design approach. Accordingly, I find substantial conflict with criterion (a) of **Policy 56: Creating successful places**.
- 4.117 Additionally, due to the harmful relationship it would create as a consequence of the inappropriate scale, massing, and siting of the proposed building envelopes in relation to adjacent neighbouring properties, I find that the proposed development would fail to have a positive impact on its setting. This results in a substantial conflict with criterion (a) of **Policy 57: Designing new buildings**.
- 4.118 Moreover, by giving rise to adverse overshadowing of neighbouring gardens – including one instance of individually unacceptable harm – and resulting in both individually and cumulatively unacceptable impacts on the daylight and sunlight levels experienced by neighbouring properties, I consider that the proposed development would constitute a serious, avoidable, and unjustified breach of criterion (d) of **Policy 60: Tall buildings and the skyline in Cambridge**. This criterion requires applicants to demonstrate that their proposals would result in no adverse impacts in terms of overshadowing and that they would ensure adequate sunlight and daylight within and around the development. In this case, neither requirement has been met. I consider the extent and severity of the identified impacts to represent a fundamental failure to satisfy criterion (d), generating substantial conflict with it and Policy 60.
- 4.119 This leads into the consideration of NPPF **Chapter 12: Achieving well-designed places** and the requirement established under paragraph 135 (f) for developments to promote health and well-being, with a high standard of amenity for existing and future users. I find that the proposed development fails to meet this important requirement, and that consequently, it does not represent good design as required by paragraph 131, resulting in conflict with the overarching objective of Chapter 12 to achieve well-designed places.

- 4.120 In reaching my conclusion on the harm to residential amenity and the resulting policy conflict, I have also had regard to the general policy imperative in Chapter 11 of the NPPF to make efficient use of land. This includes the important emphasis on using brownfield land and underutilised sites to meet identified needs, and on achieving appropriate densities. In particular, paragraph 125 (c) directs decision-makers to give “substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and to approve proposals that do so “unless substantial harm would be caused”.
- 4.121 While I return to these policy objectives throughout the remainder of my evidence – with paragraph 125 (c) of the NPPF given due consideration under Section 5 in the planning balance – such objectives should not be at the expense of residential amenity. Importantly, paragraph 129 of the NPPF, and in particular criterion (e), makes clear that while planning policies and decisions should support proposals that make efficient use of land, this must be balanced against the importance of securing well-designed places.
- 4.122 Even when planning for higher density development, paragraph 006 (Reference ID: 66-006-20190722) of the NPPG on “Effective use of land” requires consideration of whether a proposal would unreasonably impact the daylight and sunlight levels enjoyed by neighbouring occupiers. Paragraph 007 (Reference ID: 66-007-20190722) of the same passage reinforces the need for all developments to maintain acceptable living standards, noting that appropriate levels of daylight and sunlight depend on context and design. While the guidance accepts that in dense, historic areas, or city centres where tall buildings predominate, lower daylight and sunlight levels at “some” windows may be unavoidable if new developments “are to be in keeping with the general form of their surroundings”. Such circumstances do not apply here. The proposed development would be significantly taller than adjacent residential properties, and the impacts would certainly extend beyond “some” windows. The Site is in an area where tall buildings do not predominate and in the case of Silverwood Close in particular, the density of development is low.
- 4.123 The Applicant cannot reasonably argue that the scheme’s adverse impacts are unavoidable on the basis of needing to be in keeping with its surroundings, given that the scale of the proposed development is plainly not in keeping with its immediate context. Paragraph 007 of the NPPG on “Effective use of land” provides no policy justification or exception for the adverse impacts of the proposed development.
- 4.124 The need to carefully manage the daylight and sunlight impacts associated with taller buildings is reflected in the NDG (**CD9.31**) and NMDC (**CD9.32-33**). Paragraph 71 of the NDG emphasises that tall buildings require special consideration, identifying daylight, sunlight, and overshadowing as key issues to be resolved in relation to context and local character. In a similar vein, paragraph 114 of section B.2.iii of the

NMDC acknowledges that building height can have a direct impact on neighbouring properties through loss of daylight and sunlight, as well as overshadowing, and that the design of tall buildings should take these potential impacts into account. Together, the NDG and NMDC reinforce the point that tall buildings are still required to maintain an appropriate relationship with neighbouring properties. The failure of the proposed development to do so is a design issue that has not been satisfactorily resolved.

Applicant's conclusion on neighbouring occupiers' living conditions

- 4.125 At paragraph 7.29 of their SoC, the Applicant contends that there would be “some limited adverse impact” on the residential amenity of “some” neighbouring properties, giving rise to no policy conflict.
- 4.126 In terms of daylight, sunlight, and overshadowing, the Applicant's revised submission cites inevitable constraints, minor deviations from BRE guidelines, the urban context of the Site, and the need to optimise the use of underutilised brownfield land, as justifications for what they consider to be an acceptable level of harm in this context.
- 4.127 I have already demonstrated that the proposed development would, in my view, both individually and cumulatively result in significant and unacceptable harm to the living conditions of a considerable number of neighbouring occupiers, thereby conflicting with local and national policy. However, with regards to the remaining justifications outlined in paragraph 4.57 above, I will address these below.

Inherent constraints

- 4.128 While some affected properties have recessed or enclosed windows, or projecting eaves, this does not make the resulting harm inevitable or acceptable. The BRE Guidance (paragraphs 2.2.12 to 2.2.14) implies that developments which are relatively “modest” to their context should not be penalised by existing constraints – an interpretation which found favour with the judge in *Rainbird* (see paragraphs 103 - 105). The proposed buildings, however, are significantly larger than their context, making them the source of the issue, not the neighbouring properties.
- 4.129 A development of lesser scale and massing could achieve more acceptable daylight and sunlight results, as evidenced by the Illustrative Scheme, which performs better against the BRE guidelines.
- 4.130 Additionally, the Applicant has not demonstrated that the constraints outlined at paragraph 4.128 above are responsible for the harmful reduction in natural light to the affected neighbouring properties.

- 4.131 Lastly, as noted in *Rainbird* (paragraph 100), where windows are already blinkered, maintaining light becomes more – not less – important, as a matter of “common sense”. The BRE Guidance (paragraph 2.2.15) also clearly states that impacts should be minimised, regardless of constraints.

Closeness of retained values to BRE guidelines

- 4.132 It is not sufficient to justify a reduction in VSC or NSL on the basis that the retained value narrowly falls short of the BRE guideline targets. This principle is reaffirmed in the *Rainbird* judgment (see paragraphs 93 - 98). While I accept that reductions of up to 1% may reasonably be considered marginal and therefore acceptable in most circumstances, I consider that the Applicant has gone well beyond that principle in its assessments. For example, in its assessment of the Illustrative Scheme scenario, which forms the primary focus of the document, the Addendum repeatedly categorises reductions of up to 3.9% below the guideline targets as marginal or sufficiently close, with no further consideration given. This emphasis on proximity to the BRE targets – and the corresponding inference that close proximity implies default acceptability – carries through to paragraph 6.1.4 of the Addendum’s conclusions. In my view, those levels below the BRE guidance are not marginal.

Urban context and efficient use of land

- 4.133 The Applicant, through eb7’s Daylight and Sunlight Assessment (**CD2.31**), asserts that lower retained VSC values, including those in the mid-teens, are acceptable in urban contexts, but offers no site-specific justification. While the eb7 Daylight and Sunlight Addendum (**CD6.3a**) attempts to address this, it does so by selectively citing a small number of rooms in York Street (ten rooms) and Hampden Gardens (five rooms) where the existing VSC values range from 18% to 24%, thereby presenting a partial and unrepresentative view of the Site’s context. For example, Silverwood Close has a distinctly suburban character, with a lower density of properties and correspondingly high levels of existing daylight and sunlight amenity currently enjoyed by neighbours.
- 4.134 Similarly, references to other consented schemes within Greater Cambridge or an appeal decision in Whitechapel do not override the fundamental requirement to assess each application on its own merits, based on the specific characteristics of the development, the Site, and its immediate surroundings.
- 4.135 The argument that lower targets are justified because the Site is in an urban location is not accepted. It is my interpretation of the BRE Guidance that alternative target values can only be supported where there are special circumstances or requirements related to a site, or its context. Similar to paragraph 007 of the NPPG on “Effective use of land”, as set out at paragraph 4.122 above, the BRE Guidance (paragraph 1.6) cites the need for a proposed development to match the height and proportions

of existing buildings, particularly in a historic centre or an area with modern high-rise buildings, as a special circumstance which may justify a reduction in target values. Such circumstances do not apply here, with the proposed development introducing buildings significantly taller and bulkier than the neighbouring properties and surroundings.

- 4.136 As clarified in *Rainbird* (paragraph 112), the BRE guideline target values are applicable across contexts unless specific justification is given. They are not just relevant to suburban locations or developments outside of urban or inner-urban environments. While the examples of special circumstances provided in the BRE Guidance are not exhaustive, and making efficient use of an existing, inefficient brownfield site is an important material consideration, paragraph 006 of the NPPG on “Effective use of land” explains that 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”.
- 4.137 Efficient land use must be balanced against residential amenity, not pursued at its expense. I do not consider the urban/suburban context and proposed redevelopment of the existing brownfield Site to be so special as to warrant the adoption of more flexible targets to the cumulative extent as is sought here and, as a consequence, poorer daylight, sunlight, and overshadowing standards for neighbouring residents.
- 4.138 While the meaningful redevelopment of the Site may inevitably result in some reductions in daylight and sunlight below BRE guidelines, as noted at paragraph 30.5 of the Committee Report (**CD3.01**), any such harm should be minimised and weighed in the planning balance against the scheme’s benefits – including the efficient use of land. However, as I have concluded at paragraphs 4.120 to 4.124 above, the policy imperative to make efficient use of land, as firmly established through Chapter 11 of the NPPF, should not – and need not – be at the expense of residential amenity.
- 4.139 In this case, the daylight and sunlight harm has not been minimised, it is significant and widespread, affecting 52 properties. This harm is a direct result of an inadequately tested revised submission which fails, in the round, to integrate successfully with and respond to its residential neighbours. In Section 5, I weigh the identified harm against the benefits of the scheme – taking into account the requirements of paragraph 125 (c) of the NPPF – as part of the planning balance.

Conclusion on Applicant’s case regarding neighbouring occupiers’ living conditions

- 4.140 In light of the above, I do not consider special circumstances or requirements related to the development, or its context, have been demonstrated to justify the adoption of lower alternative target values. Nor do I consider the arguments sufficient to support a conclusion of policy compliance in respect of residential amenity.

- 4.141 The approach I have taken when considering special circumstances and alternative target values aligns with the Inspector's interpretation and reasoning in appeal decision APP/H5960/W/20/3253063 (**CD10.15**), with paragraphs 24 to 27 of the decision being particularly relevant.
- 4.142 Notwithstanding this, if the Inspector were minded to adopt alternative target values, Mr Dias has identified appropriate contextual VSC values of no less than 27% for Silverwood Close and 25% for St Matthew's Gardens, except for nos. 177 to 201 (odd), where the contextual baseline would be 20%. In my view, VSC values falling below these levels would be wholly inappropriate. Even if such contextual targets were adopted as alternative target values, I would still regard the resulting harm as significant and unacceptable, owing to the material deterioration in daylight and sunlight levels, including overshadowing, that would be experienced by neighbouring properties, as evidenced by Mr Dias. This level of harm would remain clearly in conflict with Policies 55, 56, 57, and 60 of the CLP, as well as paragraph 135 (f) of the NPPF.

Townscape and visual effects

- 4.143 The parties agreed at paragraphs 7.40 to 7.42 of the main SoCG (**CD6.03**) that the Townscape and Visual Impact Assessment (TVIA) (**CD2.36d-e**) submitted by the Applicant is based upon an appropriate methodology, evidence base, and viewpoints. However, as noted at paragraph 7.44 of the SoCG, there is disagreement between the parties regarding the residual townscape and visual effects following the implementation of the proposed secondary mitigation.
- 4.144 In concluding their consultation response on 31 October 2024 (**CD9.25a**), the LPA's Principal Landscape Architect found that there would be residual adverse townscape and visual effects following the implementation of the secondary mitigation proposed. This residual harm was assessed as being of a 'low' level. This differs from the Applicant's conclusion, as set out at paragraph 7.45 of the main SoCG, that the perceived residual harm following secondary mitigation would be negligible adverse or neutral, with some receptors experiencing beneficial effects.
- 4.145 To further validate its position in light of the differing conclusions reached, the LPA has commissioned a TVIA Peer Review (**Appendix 1**), authored by Mr Dominic Fitzsimmons, Ms Laura Cohen, and Ms Colette Portway of Place Services (Mr Fitzsimmons et al.). This review assessed the Applicant's Townscape and Visual Impact Assessment (TVIA), contained in Chapter 10 of the Environmental Statement Addendum Volume 1 – Main Report (**CD2.36d-e**), including its associated Appendices 10.3A (Viewpoint Assessment) (**CD2.43**) and 10.6A (Updated Technical Visualisations) (**CD2.44a-z**).

4.146 The main findings of the TVIA Peer Review are as follows:

- It is unclear whether the maximum parameters have formed the primary basis of the assessment in the TVIA.
- It is the opinion of Mr Fitzsimmons et al. that the worst-case scenario – as represented by the maximum parameters – should form the basis of the assessment in the TVIA, not the secondary mitigation contained in the Design Code.
- It is noted that some viewpoints have not followed best practice, and that there are some minor inconsistencies and errors in relation to plans showing viewpoints assessed.

4.147 Overall, Mr Fitzsimmons et al. are broadly in agreement with the conclusions of the TVIA regarding the predicted townscape and visual effects. They have identified the following townscape and visual effects, with bold emphasis used to highlight where a different conclusion has been reached to the Applicant's TVIA:

Townscape receptors

- Industrial Railway Corridor Cambridge Character Type: Moderate (Beneficial)
- **Residential Character Type: Post 1900 Suburb: Moderate – Minor (Neutral)**
- Cambridge skyline: Moderate (Adverse)
- Setting of open green spaces and Setting of the Green Belt: Minor (Neutral)
- **Setting of Public Rights of Way: Moderate (Adverse)**
- Setting of the Conservation Area: Moderate (Beneficial)

Visual receptors

- Viewpoint 1 – Castle Hill Mound: Major – Moderate (Adverse)
- **Viewpoint 2 – Coldham's Common North: Moderate (Adverse)**
- Viewpoint 3 – Coldham's Common South: Moderate (Adverse)
- **Viewpoint 4 – York Street: Moderate (Adverse)**
- **Viewpoint 5 – Mill Road Cemetery: Minor (Adverse)**
- Viewpoint 6 – Elizabeth Way Bridge: Minor – Negligible (Adverse)
- Viewpoint 7 – St Matthew's Gardens: Minor – Negligible (Adverse)
- Viewpoint 8 – Mill Road Bridge: Minor (Beneficial)
- Viewpoint 9 – Ditton Meadows and River Towpath: None
- Viewpoint 10 – Redmeadow Hill: Moderate – Minor (Adverse)
- Viewpoint 11 – Worts' Causeway: Moderate (Adverse)

- **Viewpoint 12 – The Beehive Centre: Inconclusive¹**
- Viewpoint 13 – Little Trees Hill: Moderate (Adverse)
- Viewpoint 14A – Limekiln Road Nature Reserve: Minor – Negligible (Adverse)
- Viewpoint 14B – Limekiln Road Layby: Moderate (Adverse)

4.148 In addition to the above visual receptors assessed within the TVIA Peer Review, there are two further viewpoints included within the Applicant's TVIA that would experience adverse visual effects: the Church of Saint Mary the Great (Moderate (Adverse)) and Viewpoint Grand Arcade Car Park (Moderate – Minor (Adverse)). As I am not an expert on this matter, and in the absence of further evidence, I rely upon the conclusions of the TVIA in relation to these visual receptors

4.149 As outlined at paragraph 4.146 above, while Mr Fitzsimmons et al. identify some perceived shortcomings in the TVIA assessment – particularly an over reliance on the Design Code for mitigation – this does not alter the conclusion at paragraph 4.2 of the peer review that, in alignment with the LPA's own assessment, there would be residual adverse townscape and visual effects following the implementation of secondary mitigation, equating to a low level of harm.

4.150 I agree with the conclusions of the Peer Review and the consultation response of 31 October 2024, and I reply upon them in my evidence.

4.151 Paragraph 5.19 of the LPA's SoC (**CD6.07**) identified conflict with Policies 60 and 67 of the CLP, as a result of the harm arising from the residual adverse landscape and townscape effects. However, upon further review I have found that there would be conflict with Policies 55, 56 and 57, and no conflict with Policy 67. I do not consider these changes to the policy assessment to materially alter the LPA's case, as the level of harm identified remains 'low' and the overall consistency with the Development Plan remains largely unchanged. What follows is an assessment against the aforementioned policies. I will also address Policy 8 of the CLP which, while identified as a relevant policy within the LPA's SoC, the main SoCG, and Topic Paper 5, upon further review I do not find to be applicable.

4.152 **Policy 8: Setting of the city** states that development on the "urban edge, including sites within and abutting green infrastructure corridors and the Cambridge Green Belt, open spaces and the River Cam corridor" will only be supported where it meets four listed criteria. The Site is located in an edge of city centre location, it is not on the urban edge adjoining a rural area. Similarly, it is not within, nor does it directly abut, a green infrastructure corridor, the Green Belt, open spaces, or the River Cam

¹ The Peer Review notes that for Viewpoint 12 it is unclear how much reliance has been placed on the Design Code in reaching the Applicant's conclusion that there would be a 'Major (Beneficial)' effect to this receptor, hence the inconclusive conclusion reached.

corridor. Accordingly, I do not find any conflict with Policy 8 on the basis that, in my view, it is not applicable to the proposed development.

- 4.153 **Policy 55: Responding to context** supports development that responds positively to its context. To do so, criterion (c) requires development to use appropriate “local characteristics” to inform the design of new development, including its siting, massing, scale and form. Paragraph 7.3 of the supporting text notes that the scale and form of new developments should be appropriate to existing buildings. The proposed development would result in residual adverse townscape and visual effects, due to the siting, massing, scale, and form of the building envelopes in relation to their lower rise context. As the resulting harm would be low level, I find slight conflict with criterion (c) of Policy 55.
- 4.154 With regards to **Policy 56: Creating successful places**, I do not find compliance with criterion (c), which requires proposals to create attractive and appropriately scaled built frontages that positively enhance the townscape where development adjoins streets and/or public spaces. While no Moderate – Minor (Neutral) effects have been identified in relation to the ‘Residential Character Type: Post 1900 Suburb’ townscape receptor, and acknowledging the Moderate (Beneficial) effects identified for the ‘Setting of the Conservation Area’ receptor, I do not, as a matter of judgement, consider the proposed development to constitute an appropriately scaled built frontage where it adjoins residential streets. This is consistent with my earlier conclusion that the proposal fails to respond appropriately to the built form of the surrounding context, specifically in terms of its relationship with neighbouring residential properties and the resulting harm to their amenity. Accordingly, notwithstanding the predicted townscape effects, I find slight conflict with criterion (c) of Policy 56.
- 4.155 **Policy 57: Designing new buildings** supports proposals for high-quality new buildings, provided that, amongst other requirements, they comply with criterion (a), which requires them to have “positive impact on their setting”, including consideration of “wider townscape and landscape impacts”. In addition to the substantial conflict I have identified with criterion (a) above at paragraph 4.117 on account of inappropriate scale, massing, and siting and the impact on neighbouring properties, I find there would be an additional slight conflict with criterion (a) of Policy 57 due to the residual adverse townscape and visual effects identified.
- 4.156 Criterion (a) of **Policy 60: Tall buildings and the skyline in Cambridge** requires applicants to visually demonstrate how proposals fit within the existing landscape and townscape, while criterion (c) requires applicants to demonstrate how their proposals “will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact”. The visual material submitted has not demonstrated that the proposed development would fit within the landscape and

townscape context without giving rise to harm, contrary to criterion (a). Additionally, despite the secondary mitigation proposed through the Design Code (**CD2.12a-d**), there would still be residual adverse impacts, including on the Cambridge skyline, contrary to criterion (c). I therefore find slight conflict with criteria (a) and (c) of Policy 60.

4.157 Within the Committee Report (**CD3.01**) and the LPA's SoC (**CD6.01**), conflict is identified with **Policy 67: Protection of open spaces**. This policy seeks to protect open spaces of environmental and/or recreational importance, stating that proposals which "harm the character of, or lead to the loss of" protected open spaces "will not be permitted". As shown on the Cambridge Policies Map 2018 (**CD4.05**), several open spaces within the vicinity of the Site are afforded protection under Policy 67, including those at Silverwood Close, St Matthew's Gardens, St Matthew's Piece, and Coldham's Common. I previously identified conflict with Policy 67 due to the residual adverse visual effects on receptors at Coldham's Common. However, following a further review of the policy, it is my understanding that its purpose is to safeguard against more direct impacts on the function or character of protected open spaces. Accordingly, as there would be no direct impacts on any protected open spaces, I do not consider there to be conflict with Policy 67.

4.158 With regards to NPPF **Chapter 12: Achieving well-designed places**, I find that the residual adverse townscape and visual effects would result in a slight conflict with paragraph 135 (c) of the NPPF, which requires developments to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, such as increased densities. The degree of conflict I have identified reflects the recognition that the Site comprises underutilised, brownfield land, where there is an opportunity to increase development density.

4.159 To conclude on townscape and visual effects, I agree with the findings of the TVIA Peer Review (Appendix 1) and the October 2024 consultation response from the LPA's Principal Landscape Architect (**CD9.25a**) that, notwithstanding some beneficial effects, the proposed development would result in residual adverse townscape and visual effects, with the level of harm considered to be low. In assessing this harm against relevant policy, I find slight conflict with Policies 55, 56, 57, and 60 of the CLP, as well as paragraph 135 (c) of the NPPF. I revisit the harm arising from townscape and visual effects when undertaking the planning balance in Section 5.

Placemaking

4.160 Topic Paper 1 (**CD6.16**) provides an overview of the parameter plans and illustrative material, including maximum building heights and sections. A more detailed assessment of the design framework is presented in Section 14 of the Committee

Report (**CD3.01**) which draws on the May 2024 feedback from the Greater Cambridge Design Review Panel (**CD9.35**) and the consultation responses from the Council's Principal Urban Designer on the revised application (**CD9.38 and CD9.39**). I note that, although it pre-dated my involvement in the application, the Council's Principal Urban Designer engaged with the Applicant's team to help shape the evolution of the scheme leading to the revised submission, as evidenced by their consultation response dated 9 November 2023 (**CD9.36**). This engagement successfully resolved layout concerns previously raised in relation to the original submission. However, it is important to note that this advice was not subject to further testing or assessment in relation to residential amenity impacts, including any analysis under BRE guidance, as it had not been fully developed into a revised submission. Following receipt of the revised submission, the LPA undertook an assessment of residential amenity and identified outstanding concerns, including with reference to the BRE guidance. Ultimately, it remains the Applicant's responsibility to ensure that the design of the development responds appropriately to its context, including its relationship with neighbouring properties.

- 4.161 The parameter plans form the foundation of what is sought for approval and define key components of the proposed development, including the maximum building envelopes and plots, land uses, access and circulation routes, and the framework for strategic landscaping and open space provision. These are supported by a Design Code, also submitted for approval, which establishes both site-wide and plot-based requirements and guidance. A Design and Access Statement (DAS) (**CD1.02a-i**) and accompanying DAS Addendum (**CD2.01a-h**) further supplement these documents, providing additional context and explanation of the design rationale.
- 4.162 As the application is made in outline with all matters reserved, it is necessary to assess the placemaking components in the context of what is being sought for approval at this stage, and what would be subject to future consideration through a reserved matters application. Paragraph 010 (Reference ID: 26-10-20191001) (**CD9.41**) of the NPPG on "Design: process and tools" confirms that, while the submission of a design code as part of an outline application can help to guide reserved matters applications, design quality "cannot be achieved through an outline planning application alone", as they allow fewer details of the proposal to be submitted than a full application. However, they can still "include design principles where these are fundamental to decision making".
- 4.163 In assessing the design principles proposed, I acknowledge that the Applicant has made significant improvements through the revised application, addressing many previous concerns with the original submission.
- 4.164 Efforts have been made to respond to the transition in scale between the proposed taller buildings and the surrounding context, meaning that – at a higher level, setting

aside the amenity impacts – the massing strategy assists in softening the impact on local character. Additionally, the arrangement and modulation of built form, combined with strategic landscaping – including tree retention where possible – would contribute to a high-quality, human scaled streetscape, with high-quality connectivity and legibility provided through the integration and improvement of existing points as part of a layout which references the surrounding network of streets.

4.165 The overall vision of transforming an underutilised, car park dominated retail park into an accessible, inclusive, place-based innovation cluster, which incorporates a network of public open spaces and connectivity routes is positive and supportable. This does not negate the conflict that has been identified with Policies 55, 56, 57, and 60 of the CLP, as well as Paragraph 135 (c) and (f) of the NPPF, in relation to the assessment of residential amenity and townscape and visual effects. These matters are difficult to detach from the placemaking considerations, and so I will briefly refer back to them at relevant points in the following assessment.

4.166 With regards to **Policy 55: Responding to context**, I have already found significant conflict with criteria (b) and (c) in relation to residential amenity, and a further conflict, albeit slight, with criterion (c) due to residual adverse townscape and visual effects. Therefore, notwithstanding the aforementioned design merits of the scheme, I do not consider the proposed development to be compliant with these criteria. With regard to criterion (a), which requires development to identify and respond positively to existing features of natural, historic, or local importance, I find no conflict with regards to the requirement to respond to existing features of natural importance, owing to the proposed development's retention of existing trees where possible. The response to heritage assets is addressed separately under Main Issue 4 below.

4.167 With regards to **Policy 56: Creating successful places**, aside from the significant conflict already identified in relation to criterion (a) in relation to residential amenity, as well as the slight conflict found in relation to criterion (c) with respect to townscape effects, I find no conflict with criteria (b) through to (k), insofar as relevant to the design principles being established at this outline stage. These criteria relate to:

- The creation of responsive streets (b);
- the orientation of buildings to achieve passive surveillance (d);
- the creation of amenity spaces that are inclusive, usable, safe and enjoyable (f);
- the use of design to remove the threat of crime (g);
- the use of contextually appropriate materials, finishes and street furniture (h)²;

² I note that these details relate to the reserved matter of landscape, however, the Design Code does contain measures related to them.

- the creation and improvement of the public realm, open space, and landscaped areas (i);
- the integration of public art (j); and
- the integration of inclusive design principles (k).

4.168 While the detailed resolution of many of these aspects would be addressed at the reserved matters stage, I consider that the placemaking framework established by the parameter plans, supplemented by measures in the Design Code, provide sufficient assurance that the bulleted criteria requirements above can be met.

4.169 In terms of **Policy 57: Designing new buildings**, aside from the significant conflict already identified with criterion (a) in relation to residential amenity and townscape and visual effects, I find the proposed development to comply with criteria (b) through to (e) and (h), insofar as relevant to the design principles being established at this outline stage. These criteria relate to:

- The integration of accessibility, convenience, and safety for all users (b);
- the use of sustainable construction (c);
- the integration of functional needs, including refuse and recycling, cycle and car parking (d);
- the use of design measures to reduce the environmental impact of buildings, while appropriately integrating renewable energy systems, alongside other roof top plant and services, in an architecturally integrated way (e);
- and the inclusion of biodiversity measures (h).

4.170 Many of these criteria relate to matters that would be addressed further at the reserved matters stage. Nonetheless, in a similar vein to Policy 56, I consider that the parameter plans, along with the supporting Design Code, provide sufficient assurance that the bulleted criteria requirements above can be met.

4.171 **Policy 59: Designing landscape and the public realm** requires that external spaces, landscaping, public realm, and boundary treatments are designed as integral components of new development. It confirms that high quality development will be supported where it is demonstrated that the requirements set out under criteria (a) through to (i) are met.

4.172 While landscaping is a reserved matter, the Landscape and Open Space Parameter Plan (**CD2.16**) establishes a strategic framework for open space and landscaping, which is supported by Design Code requirements and guidance. This framework provides for an appropriate mix and quantum of open space and public realm, including a new, larger destination space known as Hive Park. The approach would enable a high-quality detailed design standard to come forward, with sufficient scope to accommodate meaningful tree planting and address multifunctional objectives

such as microclimate responsiveness, biodiversity enhancement, and integrated sustainable drainage.

- 4.173 In light of the above, I find that the proposed development would comply with Policy 59, insofar as relevant to the application and the design principles being sought for approval at this outline stage.
- 4.174 Regarding **Policy 60: Tall buildings and the skyline in Cambridge**, I have found a slight conflict with criteria (a) and (c) in relation to townscape and visual effects, and a significant conflict with criterion (d) due to residential amenity harm. Nonetheless, I find no conflict and some evidence of a positive response with regard to criterion (e) at this outline stage, on the basis that the placemaking principles sought for approval would create a human scale space at street level within the development.
- 4.175 **Policy 71: Trees** states that development will not be permitted where it would result in the loss of, or harm to, trees, unless it can be demonstrated that the benefits of the proposal clearly outweigh the current and future amenity value of those trees. It then sets out that development should:
- a. Preserve, protect and enhance existing trees and hedges that have amenity value as perceived from the public realm;
 - b. Provide appropriate replacement planting, where felling is proved necessary; and
 - c. Provide sufficient space for trees and other vegetation to mature.
- 4.176 The proposal would involve the removal of 60 existing trees, including two subject to Tree Preservation Orders (TPOs). However, the Applicant has submitted an Arboricultural Impact Assessment (AIA) (**CD2.25**) that demonstrates that the tree loss is necessary to facilitate the development. Additionally, the Landscape and Open Space Parameter Plan (**CD2.16**) designates large areas of the development for open space and landscaping, which will allow significant new and compensatory tree planting, including larger tree species. Accordingly, I consider that the proposed development would comply with Policy 71.
- 4.177 With regards to NPPF **Chapter 12: Achieving well-designed places**, if it were not for the identified harm in respect of residential amenity and townscape and visual effects, I find that the proposed development would otherwise comply with criteria (a), (b), (d), and (e) of paragraph 135, insofar as relevant to this outline stage.
- 4.178 These criteria collectively seek to ensure that developments function well and add to the overall quality of the area (a); are visually attractive as a result of good architecture, layout and landscaping (b); establish or maintain a strong sense of place to create attractive, welcoming and distinctive places (d); and optimise the

potential of the site to accommodate and sustain an appropriate amount and mix of development (e).

- 4.179 Even in relation to criterion (f) of paragraph 135, if it were not for the fundamental failure to achieve a high standard of amenity for existing and future users, with negative implications for the health and well-being of neighbouring occupiers, the development would otherwise meet its aims of creating places that are safe, inclusive and accessible and which are not undermined by crime and disorder.
- 4.180 The proposals would equally comply with Paragraph 136 of the NPPF. This paragraph recognises the important contribution of trees to urban environments, alongside their supportive role in mitigating and adapting to climate change. It requires new developments to incorporate tree-lined streets and wider tree planting, while retaining existing trees wherever possible.
- 4.181 Paragraph 137 of the NPPF states that applications that can demonstrate “early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”. In this case, I acknowledge that the Applicant has sought to engage proactively with the community, the LPA, and other stakeholders, from an early stage. However, while such an approach might ordinarily weigh in favour of the application, it has, regrettably, not resulted in a satisfactory resolution with regards to the residential amenity harm identified. Accordingly, while I acknowledge the extent of the stakeholder consultation undertaken, I consider that it has ultimately fallen short in effectiveness, having failed to address a fundamental and legitimate concern.

Conclusion on Main Issue 3

- 4.182 To conclude, I have found elements of compliance with Policies 55, 56, 57, and 60 of the CLP – as well as paragraph 135 of the NPPF – due to the placemaking merits of the application. I have equally identified compliance with Policies 59 and 71 of the CLP. Nonetheless, I find that the significant and unacceptable harm to the living conditions of neighbouring occupiers is sufficient in its own right to result in a substantial overall conflict with Policies 55, 56, 57, and 60 of the CLP, in addition to paragraph 135 (f) of the NPPF. Furthermore, regarding paragraphs 006 and 007 of the NPPG on “Effective use of land”, and paragraph 1.6 of the BRE Guidance, I cannot see that any special circumstances exist in this case to justify the adoption of alternative target values. There would also be further conflict, albeit slight, with these policies due to residual adverse townscape and visual effects.
- 4.183 I therefore consider the proposed development to be inconsistent with the overarching aim of Chapter 12 of the NPPF to achieve well-designed places and, in alignment with my conclusion on Main Issue 4 below and the outcome of the planning

balance in Section 5, should therefore be refused in accordance with paragraph 139 of the NPPF.

- 4.184 As set out at paragraph 2.1, point 12 of its SoC (**CD6.15**), the Applicant has reached an entirely different conclusion – namely that the proposed development should be afforded significant weight under paragraph 139 of the NPPF by securing an outstanding design and promoting a high level of sustainability, while raising the local standard of design more generally.
- 4.185 Firstly, having regard to paragraph 010 of the NPPG on “Design: process and tools”, which reaffirms that design quality cannot be achieved through an outline application alone, I disagree with the Applicant that the outline application with all matters reserved can demonstrate outstanding design, even when accounting for the submitted Design Code. While I do not contest that the proposed development commits to high levels of sustainability – as will be addressed further under Main Issue 4 – the final and detailed design of the development remains undecided and would be for future consideration at the reserved matters stage.
- 4.186 Secondly, even if the Inspector were to find that an outline application with all matters reserved could achieve outstanding design, the caveat to criterion (b) of paragraph 139 requires consideration of context, which in turn requires consideration of the relationship with the Site’s surroundings, including neighbouring properties. I have demonstrated that the proposed development would fail to maintain an acceptable relationship with neighbouring properties. Therefore, even in an alternative scenario where outstanding design is deemed to be achievable through the outline application alone, the proposed development would not benefit from significant weight under paragraph 139 (b) as it would not fit in with the overall form and layout of its surroundings.
- 4.187 As a final point, it is acknowledged that the Applicant has sought to include a number of additional CLP policies within the scope of Main Issue 3, including those relating to transport, sustainability, biodiversity, flood risk, and drainage, and more. While these are important material considerations in the assessment of the proposal as a whole, they do not form the focus of Main Issue 3, which primarily concerns NPPF Chapter 12: Achieving well-designed places. Even so, as set out within the assessment above, the relevant place-making policies of the CLP to Main Issue 3 do touch upon these broader matters, but at a higher, less detailed level.
- 4.188 I therefore consider it is more appropriate to consider the specific policies relating to matters such as transport, sustainability, biodiversity, flood risk and drainage etc, under Main Issue 4, which addresses the extent of consistency with the Development Plan. Including them here would risk conflating distinct policy themes and diluting the focus of Main Issue 3. It also gives rise to the potential for double-counting of

benefits in the planning balance, under Section 5, if their associated benefits were afforded weight in relation to design and then separately under their individual, distinct policy themes. Additionally, it is my opinion that the benefits associated with these broader matters could be provided by an alternative development that does not give rise to an unacceptable level of harm to the living conditions of neighbouring occupiers, and that they do not therefore justify the harm proposed.

Main Issue 4: Extent of consistency with the Development Plan

4.189 With regards to Main Issues 1 and 2, I have found that the proposed development would comply with Policies 2, 6, and 40 of the CLP. In relation to Main Issue 3, I have identified overall conflict with Policies 55, 56, 57, and 60 of the CLP, while finding compliance with Policies 59 and 71. Having established this, I now turn to assess the extent to which the proposed development would be consistent with the remainder of the Development Plan, considering the relevant policies of the CLP as set out in Topic Paper 5, when read as a whole.

4.190 I begin by assessing the heritage impacts of the proposed development, recognising that this is an issue where there remains some disagreement between the parties. I then address the extent to which the proposal aligns with the development plan as a whole – firstly by reaffirming the policy conflicts identified, and then by highlighting the areas of policy compliance. Lastly, I return to Policy 1 of the CLP and conclude that the proposed development would not be consistent with the development plan when read as a whole.

Heritage

4.191 The parties are agreed, as set out at paragraph 7.27 of the main SoCG, that the Heritage Impact Assessment (**CD2.40a-d**) submitted by the Applicant has been undertaken using an appropriate methodology, underpinned by a suitable evidence base and relevant guidance. However, as noted at paragraphs 7.38 and 7.39 of the SoCG, there remains disagreement between the parties in relation to the degree of impact the proposed development would have on the significance of the affected heritage assets.

4.192 Topic Paper 2 (**CD6.17**) provides an overview of the following matters:

- Identification of the heritage assets within the immediate context of the Site and their significance.
- Identification of the heritage assets within the wider context of the Site and their significance.
- Details of the heritage assets where the parties are agreed that there would be impacts arising from the proposed development, including map plotting, listing descriptions, and photographs.
- Details of the heritage assets where the parties have disagreed on whether they are impacted by the proposed development, including map plotting, listing description and photographs.
- A summary of the parties' positions on the proposed development's impact upon each heritage asset.

4.193 Similar to the assessment of the townscape and visual effects, and in light of the differing conclusions reached by the LPA and the Applicant regarding the extent of the heritage impacts, the LPA commissioned a Heritage Peer Review (**Appendix 2**), authored by Mrs Emma Woodley of Place Services. 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**). It was undertaken to further validate the LPA's position and conclusions on the heritage impacts of the proposed development.

4.194 The main findings of the Heritage Peer Review are as follows:

- The ES Addendum (Chapter 7) and the HIA incorrectly identify 'Positive Unlisted Buildings' as non-designated heritage assets.
- The significance of the identified heritage assets is downplayed in Chapter 7 when compared to the HIA.
- The heritage assessment appears to be based solely on the illustrative scheme rather than the worst-case scenario proposed under the outline application, contrary to the requirements of the EIA Regulations.
- The Design Code does not form an integral part of the development and instead represents variable mitigation.
- The scale of impacts upon identified heritage assets is greater in Chapter 7 when compared to the HIA.
- The proposed Design Code mitigation would not adequately offset the worst-case development that would be permitted by the parameter plans.
- The construction phase impacts on heritage assets are not adequately assessed in Chapter 7.
- There is no assessment of cumulative effects in either Chapter 7 or the HIA.

4.195 Overall, Mrs Woodley concludes her independent assessment by identifying less than substantial harm to the following heritage assets:

- Mill Road Conservation Area
- Mill Road Cemetery – Grade II Registered Park and Garden
- Custodians House – Grade II Listed Building
- Historic Core Conservation Area
- Church of Our Lady and the English Martyrs – Grade I Listed Building
- King's College Chapel – Grade I Listed Building
- All Saints Church – Grade I Listed Building
- Jesus College – Grade I Listed Building
- St John's College – Grade I Listed Building
- Great St Mary's Church – Grade I Listed Building
- Castle and Victoria Road Conservation Area

- Kite Conservation Area
- Christ Church – Grade II Listed Building
- West Cambridge Conservation Area
- University Library – Grade II Listed Building
- Old Cheddars Lane Pumping Station – Scheduled Monument

4.196 As outlined at paragraph 4.194 above (and noting the terms of the main SoCG), Mrs Woodley raises concerns regarding certain aspects of the methodology employed in the preparation of the HIA. In addition, she identifies minor to negligible harm to three further heritage assets beyond those noted in the consultation response of the Council's Principal Conservation Officer dated 7 November 2024 (**CD9.36**). These assets are: the Church of Our Lady and the English Martyrs, the West Cambridge Conservation Area, and the Old Cheddars Lane Pumping Station. Notably, Mrs Woodley's conclusion in relation to these assets aligns with the findings set out in Chapter 7 of the ES Addendum, although they are not referenced in the HIA itself, owing to an apparent inconsistency between the two documents.

4.197 Notwithstanding these concerns relating to methodology and the additional assets identified, they do not alter Mrs Woodley's overall conclusion – set out at paragraphs 5.24 to 5.26 of the Peer Review – that her assessment broadly accords with the conclusions of the Council's Principal Conservation Officer, as stated in their consultation response dated 7 November 2024. This includes the conclusion that, when taken together, the overall level of harm would be less than substantial at a moderate level.

4.198 I agree with the conclusions reached by Mrs Woodley in the Heritage Peer Review and I rely upon them in my evidence.

4.199 It should be noted that Historic England were also consulted on the revised application. However, in responding to the consultation, they chose not to provide a substantive response, instead advising that they did not wish to offer advice and that the LPA should rely upon the views of its own specialist heritage advisors.

4.200 It is also acknowledged that objections on heritage grounds were received from third parties, including Cambridge Past, Present, and Future. These objections are summarised in Section 9 of the Committee Report (**CD3.01**).

4.201 Paragraph 5.15 of the LPA's SoC (**CD6.01**) identifies Policies 60 and 61 of the CLP as relevant to the heritage assessment of the proposed development. However, upon further review, I consider that Policy 55 is also relevant to heritage matters. This does not, in my view, materially alter the overall policy assessment or the LPA's case. The overall level of harm remains characterised as *less than substantial harm at a moderate level*, and the development's extent of consistency with the Development

Plan, as well as the outcomes of both the heritage and planning balances, remain unchanged.

4.202 What follows is an assessment of the identified heritage harms against the relevant policies noted above.

4.203 **Policy 55: Responding to context** requires, under criterion (a), that development proposals identify and respond positively to existing features of historic importance on and close to the proposed development site. While there are no heritage assets located within the Site, Topic Paper 2 confirms that the Mill Road Conservation Area lies within its immediate context, and it agreed by the parties that the proposed development would result in less than substantial harm to its significance.

4.204 Accordingly, by virtue of this harm to the Mill Road Conservation Area, I do not consider that the proposed development responds positively to all existing features of historic importance in the vicinity of the Site. I therefore conclude that the proposal gives rise to a moderate conflict with criterion (a) of Policy 55.

4.205 Criterion (b) of **Policy 60: Tall buildings and the skyline in Cambridge** requires applicants to demonstrate and quantify the potential harm of their proposals on the significance of heritage assets, assessed on a site-by-site basis. It further provides that tall building proposals “must ensure that the character or appearance of Cambridge, as a city of spires and towers emerging above the established tree line, remains dominant from relevant viewpoints”.

4.206 Mrs Woodley has identified that the proposed development would break the skyline and seeks to compete for prominence with a number of heritage assets, as set out in Section 4 of her Heritage Peer Review. She further observes that residual harm would remain even with the Applicant’s proposed mitigation, given the scale and massing of the development and the flexible approach to flue design within the Design Code.

4.207 I agree with Mrs Woodley’s conclusion and therefore find moderate conflict with criterion (b) of Policy 60.

4.208 **Policy 61: Conservation and enhancement of Cambridge’s historic environment** sets out five criteria (a) – (e) that proposed developments should meet to ensure the conservation and enhancement of Cambridge’s historic environment. Due to the scale, massing, and position of the proposed building envelopes, less than substantial harm has been identified to the significance of the heritage assets listed at paragraph 4.195. As such, the proposed development does not preserve or enhance the significance of Cambridge’s heritage assets, resulting in conflict with criterion (a). I consider there would be no conflict with criterion (b), which requires

the retention of buildings and spaces whose loss would harm the character or appearance of a conservation area.

- 4.209 Similarly, because the harm arises directly from the scale, massing, and siting of the proposed building envelopes, I also consider that there is conflict with criterion (c).
- 4.210 Notwithstanding the differing assessments of significance and level of impact between Mrs Woodley and the Applicant in relation to certain heritage assets – and the methodology critiques raised by Mrs Woodley in her review – I consider that overall the Applicant has undertaken an appropriate assessment of the heritage assets. Accordingly, I find no conflict with criterion (d).
- 4.211 Regarding criterion (e), the proposed development would lead to less than substantial harm to the heritage assets listed at paragraph 4.195, without, in my view, a clear justification. As such, I consider there to be conflict with criterion (e).
- 4.212 Overall, I find there would be significant and overall conflict with Policy 61 owing to the conflict identified with criteria (a) and (c).
- 4.213 Turning to **Chapter 16 of the NPPF: Conserving and enhancing the historic environment**, I agree with the conclusions of both Mrs Woodley and the Council's Principal Conservation Officer that the harm to the significance of the heritage assets listed at paragraph 4.195 amounts to less than substantial harm, with the overall level of harm considered to be less than substantial at a moderate level.
- 4.214 In accordance with paragraph 215 of the NPPF, I will weigh this harm against the public benefits of the scheme in my heritage balance at Section 5 of my evidence, where I conclude that the benefits outweigh the identified harm.
- 4.215 Therefore, while I recognise that the development would result in harm to the significance of heritage assets and conflict with relevant policies, I do not recommend that the application be refused on heritage grounds, and I do not consider the identified harm to be determinative when viewed in the context of the overall planning balance. In reaching this conclusion, I have had regard to the statutory duties established under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to the duty of regard established under section 102 of Levelling-up and Regeneration Act 2023.

Policies in conflict

- 4.216 In assessing the proposed development, I have found conflict with the following policies of the CLP, noting that I will return to Policy 1 when concluding on Main Issue 4:

- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 57: Designing new buildings
- Policy 60: Tall buildings and the skyline in Cambridge
- Policy 61: Conservation and enhancement of Cambridge's historic environment

4.217 Notwithstanding some positive aspects of compliance with these policies, particularly in relation to placemaking, it is my considered view that the proposed development is in overall conflict with them.

Policies in compliance

4.218 In addition to the policies with which I have identified conflict, I consider – based on my assessment in this Proof of Evidence and the assessment contained in the Committee Report (**CD3.01**) – that the proposed development complies with the following relevant policies of the CLP, insofar as they are relevant and applicable at this outline stage:

- Policy 2: Spatial strategy for the location of employment development
- Policy 5: Sustainable transport and infrastructure
- Policy 6: Hierarchy of centres and retail capacity
- Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
- Policy 29: Renewable and low carbon energy generation
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk
- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health and quality of life from noise and vibration
- Policy 36: Air quality, odour and dust
- Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding Zones
- Policy 40: Development and expansion of business space
- Policy 42: Connecting new developments to digital infrastructure
- Policy 59: Designing landscape and the public realm
- Policy 71: Trees
- Policy 73: Community, sports and leisure facilities³
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development

³ As set out at paragraph 7.26 of the main SoCG, officers identified negligible harm arising from a partial conflict with Policy 73. This harm and associated policy conflict has since been resolved through the Applicant's agreement to make an off-site leisure contribution, which will be secured through the S.106 agreement.

- Policy 82: Parking management
- Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

4.219 Upon further review, I also find that the following policies are not engaged by the proposal:

- Policy 8: Setting of the city
- Policy 67: Protection of open spaces

Conclusion on extent of consistency with the Development Plan

4.220 **Policy 1: The presumption in favour of sustainable development** sets out that the Council will adopt a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF at paragraph 11. It further explains that the Council will work proactively with applicants to jointly find solutions, so that proposals can be approved wherever possible, and to secure development that improves the economic success, quality of life, and quality of place in Cambridge.

4.221 Policy 1 also states that planning applications which accord with the policies in this local plan will be approved without delay, unless material considerations indicate otherwise.

4.222 As none of the policies relevant to this application are out of date, the tilted balance or other provisions within Policy 1 that relate to out-of-date policies do not apply in this case.

4.223 The overarching objective of Policy 1 reinforces the well-established principle – enshrined in planning law and reaffirmed by paragraph 2 of the NPPF – that planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise.

4.224 While Policy 1 encourages positive and proactive engagement between the Council and applicants, it is unfortunate that no mutually agreeable solution was reached in this case. As set out in the LPA's SoC (**CD6.07**), it is my view that the most appropriate way of resolving the single recommended reason for refusal would have been for the Applicant to amend the maximum parameters of the scheme to reduce its impact on the residential amenity of neighbouring occupiers. The LPA suggested this solution, but the Applicant confirmed that no further amendments would be made.

- 4.225 With regards to the consistency of the development with the policies of the CLP, based on my assessment, I have found policy conflict with those listed at paragraph 4.216, and policy compliance with those listed at paragraph 4.218.
- 4.226 In terms of the conflict identified in relation to the townscape, visual, and heritage impacts, as addressed in Section 5 below, I consider that the level of harm arising in these areas would be outweighed by the public benefits of the scheme.
- 4.227 However, while the townscape, visual, and heritage impacts do weigh against the proposal and contribute towards inconsistency with the Development Plan overall, it is my professional view that the most significant and unacceptable harm arises in relation to residential amenity.
- 4.228 In particular, the extent of harm to neighbouring occupiers through adverse impacts on daylight, sunlight, including overshadowing, and visual enclosure, as set out under Main Issue 3 above, is not outweighed by the public benefits of the proposed development, or by any other material considerations, within the planning balance under Section 5 below.
- 4.229 I therefore consider that the conflict identified with Policies 55, 56, 57, and 61 of the CLP, arising from the severity of the residential amenity harm, would, in and of itself, be sufficient to conclude that the proposal conflicts with the Development Plan when read as a whole. This conclusion reflects both the importance of these policies within the CLP and the clear and demonstrable extent to which the proposal fails to accord with them.
- 4.230 To conclude, I find that the proposed development would not comply with the Development Plan when read as a whole, in direct conflict with Policy 1 of the CLP. Consequently, the proposed development does not benefit from the presumption in favour of sustainable development, as set out at paragraph 11 of the NPPF and reflected in Policy 1 of the CLP. In my view, the harm identified to residential amenity alone is sufficient to reach this conclusion.

5.0 PLANNING BALANCE AND CONCLUSION

- 5.1 This final section sets out my overall assessment of the proposed development and my recommendation to the Secretary of State.
- 5.2 I begin by briefly outlining the decision-making framework and my view on how weight should be afforded to material considerations, before turning to the public benefits and harms arising from the proposed development. I weigh the heritage harm against the public benefits in the heritage balance, and then consider all identified harms and benefits in the overall planning balance.
- 5.3 I conclude by setting out my recommendation that planning permission should be refused on the single ground of residential amenity.

Decision-making Framework

- 5.4 As highlighted at paragraph 4.222 above, it is a fundamental principle of planning law and practice that planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended) is explicit that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise”.
- 5.5 It is my opinion, as set out in relation to Main Issue 4 above, that the proposed development would not comply with the Development Plan when read as a whole, indicating that the application should be refused. It is therefore necessary to consider whether material considerations indicate otherwise.

Weight to be afforded to material considerations

- 5.6 At paragraph 7.47 of their SoC, the Applicant sets out an ascending scale of weighting that they intend to attribute to the benefits of the scheme, which is as follows:
- Slight
 - Limited
 - Moderate
 - Significant
 - Great
 - Substantial

- 5.7 I have no issue with the above scale and for consistency I will use the same scale – for both the benefits and harms arising from the proposed development – in my own assessment and planning balance.
- 5.8 A separate balancing exercise in relation to the heritage harm identified will be undertaken in accordance with paragraph 215 of the NPPF.

Summary of Benefits

Economic

- 5.9 The economic benefits of the scheme are summarised at paragraphs 30.12 to 30.13 of the Committee Report (**CD3.01**) and at paragraph 8.3 of the main SoCG (**CD6.03**). Topic Paper 3 is also relevant, as it addresses business needs, floorspace supply and assessed economic benefits (**CD6.18**).
- 5.10 To avoid double counting, and in recognition of the overlap between several of the listed benefits, I have grouped them under the following subheadings. This same approach applies to the social and environmental benefits to be summarised further below.

Employment

- 5.11 According to Topic Paper 3, the construction phase of the development would create 870 jobs annually over an eight-year period, albeit, on reflection I consider it more appropriate to conclude that the construction phase would support 870 jobs annually, rather than create them.
- 5.12 During the operational phase, the proposed development is expected to create 6,445 jobs, comprising around 905 entry-level, 1,225 mid-skilled, and 4,315 high-skilled roles – compared to the 855 (670 FTE) jobs currently supported at the Beehive Centre. This represents a net increase of 5,590 jobs. Topic Paper 3 highlights that these new jobs would primarily benefit residents of the City and Greater Cambridge, reflecting Cambridge's reputation as a globally competitive hub for life sciences and technology.
- 5.13 The Applicant has committed via the S.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 current drafting of the S.106 relies on encouraging – rather than requiring – future tenants to participate in the delivery of the strategy. Its aims include supporting local employment, maximising the use of the Real Living Wage, providing outreach, training, and apprenticeship opportunities, and engagement with wider City skills and employment initiatives.

- 5.14 The scale of job creation during the occupation phase, along with the job opportunities supported during the construction phase, is notable and welcomed. However, as the long-term delivery of the ESS relies on voluntary occupier participation and is subject to reasonable endeavours, there remains uncertainty over how fully its benefits will be realised in practice. I therefore afford the employment benefits of the proposed development **significant weight**.

Boost to the economy

- 5.15 Based on the information in Topic Paper 3, the creation of the additional jobs highlighted above is estimated to generate £10.7 million of additional expenditure within the local economy, which will benefit local businesses and services. This represents a slight uplift over the previous estimate of £9.6 million, and a net uplift of £10.1 million when compared to the existing Beehive Centre. It is also estimated that, overall, the proposed development will produce approximately £600 million per annum in new economic output, measured as Gross Value Added.
- 5.16 The Applicant identifies additional tax revenue (estimated to be £180-240 million) and an increase in business rates (estimated to be £8.5 million (£11.4 million gross)) as economic benefits; however, I do not agree that these represent material considerations to weigh in favour of the proposed development. Paragraph 011 (Reference ID: 21b-011-20140612) of the NPPG on “Determining a planning application” (**CD9.42**) states that whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Moreover, it advises that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority or other government body. This approach is consistent in principle with the approach taken by the Inspector in appeal decision APP/Z1510/W/20/3251952 (**CD10.16**).
- 5.17 Therefore, I disregard the Applicant’s asserted tax and business rate benefits and afford **significant weight** to the proposed stimulus to the local and wider economy, as provided through employee expenditure and overall economic output.

Cluster effect

- 5.18 Cambridge is an internationally recognised hub for life sciences and technology, where the clustering of knowledge-based businesses and institutions – including the universities, research hospitals, and science parks – creates a collaborative network that enhances innovation and supports workforce retention. The proposed development would expand this offer through the delivery of a new innovation

quarter, contributing to the city's critical mass by providing workspace and supporting amenities attractive to future employers and employees.

- 5.19 The proposed development would support and strengthen Cambridge's established cluster of knowledge-based industries, building on its global reputation. It would provide flexible laboratory and office space to accommodate the needs of a range of occupiers, including businesses seeking access to start-up and scale-up spaces.
- 5.20 In support of this, the Applicant has committed via the S.106 agreement, to submit a Start-up Space and Scale-up Space Strategy, setting out how reasonable endeavours will be used to support – rather than require – such provision, subject to market demand and viability. As with the Employment and Skills Strategy referred to at paragraphs 5.13 and 5.14 above, the lack of a binding requirement – combined with caveats relating to viability and market demand – introduces uncertainty about the extent to which these benefits will be secured. As such, while the intention is positive and supported, the weight I afford to this element is tempered.
- 5.21 Nonetheless, the development would accord with the strategic objective within Policy 2 of the CLP to grow the Cambridge Cluster, align with paragraph 87 (a) of the NPPF, and support government aims to reinforce Cambridge's role as a leading centre for life sciences and technology, as set out under Section 3 above. I afford **great weight** to the proposed economic benefits associated with cluster effect.

Social

- 5.22 The social benefits of the scheme are summarised at paragraphs 30.15 to 30.16 of the Committee Report (**CD3.01**) and at paragraph 8.4 of the main SoCG (**CD6.03**). On further review, I consider that several of the benefits listed as social in those documents, primarily in relation to transport considerations, are more appropriately categorised as environmental benefits, which I address separately below.

Sense of place

- 5.23 Notwithstanding the harm and policy conflict identified under Main Issue 3, I recognise that, on-site, the proposed development could offer a positive design experience for future users. However, I do not consider this extends to the contextual experience of the proposed design, which affects the surrounding area beyond the Site boundary and includes consideration of residential amenity.
- 5.24 In this subsection, I highlight those elements of the on-site offering that merit positive weight – while noting that many are dependent on future detailed design and the implementation of the Design Code (**CD2.12a-d**), which contains a mix of advisory ("should") and mandatory ("must") requirements.

- 5.25 The proposed development would transform an outdated, car-dominated retail park into a higher-quality environment. It would incorporate six distinct character areas, designed to create a varied and vibrant sense of place. This would be supported – subject to future detailed consideration – by attractive landscaping and building design that could add visual interest across the Site. The distribution and design of open spaces and public realm would be key to delivering the overall vision, with Hive Park – the largest open space proposed in the south-eastern corner – forming a particularly notable element of the 2.6 ha of public open space
- 5.26 These public realm and open space provisions, in combination with the potential for landscaping, the proposed mix of uses, and commitments to WELL certification and designing out crime principles, would collectively support the health, wellbeing, and safety of future Site users.
- 5.27 The Applicant has also committed through the S.106 agreement, to the delivery and ongoing maintenance of public art, which can help enrich the built environment and reinforce a distinctive sense of character and identity.
- 5.28 As the detail of these components would remain to be resolved at the reserved matters stage, the weight I afford to the intended sense of place is necessarily tempered. Nonetheless, I afford **moderate weight** to these benefits.

Community and education

- 5.29 The proposed development includes a Local Centre that could accommodate a range of uses, including shops, cafes, restaurants, services, leisure, health and wellbeing facilities, and co-working spaces. While the inclusion of all of these specific uses is not guaranteed, given they are simply provided for within the range of uses sought, the S.106 agreement would secure a Local Centre Strategy to deliver a mixed-use offer, with the intention of supporting both day- and night-time vibrancy.
- 5.30 The Local Centre also incorporates approximately 400 sqm (GIA) of community floorspace, split evenly between space for community/youth use and a STEM Centre offering flexible learning space. These would be secured through the S.106 agreement. The S.106 would also secure a Community Outreach Strategy, setting out a framework for engaging the public and delivering community benefits beyond employment creation.
- 5.31 The Applicant has expressed an intention to partner with local groups such as Abbey People, Make Space for Girls, Red2Green, Cambs Youth Panel, Romsey Mill, and Skate the Streets. While these continued and prospective partnerships are welcomed, they do not directly relate to planning and would not be secured through

any condition or planning obligation, and I therefore afford them no weight in the planning balance.

- 5.32 I afford **moderate weight** to the community and education benefits.

Accessibility and inclusivity

- 5.33 While much of the detail would be addressed at the reserved matters stage, the Applicant has committed to incorporating inclusive and accessible design principles throughout the development. Section 2.4 of Design Code (**CD2.12a**) sets out a number of “should” and “must” requirements, including the careful treatment of level changes, accessible play areas, and appropriately design street furniture.
- 5.34 These commitments are positive and provide a clear direction of travel. Notably, there is a “must” requirement for reserved matters applications to evidence inclusive design at every stage – from concept through to completion. However, as only the principles are secured at this stage, and not the detailed design, I afford **slight weight** to the accessibility and inclusivity measures proposed.
- 5.35 Compliance with Building Regulations and the Equality Act 2010 – established as a “must” requirement through the Design Code – is a legal obligation and not a planning benefit. Accordingly, I afford this no weight in the planning balance.

Environmental

- 5.36 The environmental benefits of the scheme have been summarised at paragraph 30.18 of the Committee Report (**CD3.01**) and paragraph 8.5 of the main SoCG (**CD6.03**). As noted at paragraph 5.22 above, I have re-categorised the transport related benefits in these documents as environmental, rather than social, benefits.

Re-use of previously developed land

- 5.37 The proposed development would re-imagine and re-use the existing Beehive Centre retail park, making effective use of previously developed land to meet an identified need for employment in the research and development sector. This would be consistent with both local and national policy objectives.
- 5.38 In accordance with paragraph 125 (c) of the NPPF, I afford this benefit **substantial weight**.

Sustainable location and transport

- 5.39 The Site is located in a sustainable edge-of-city-centre location, presenting an opportunity to maximise and prioritise active and sustainable modes of transport.

- 5.40 The proposed development seeks to reduce reliance on private car travel by limiting on-site car parking and promoting walking, cycling, and public transport use. This is supported by improved infrastructure, including enhanced on-site connectivity, a redesigned access that prioritises pedestrians and cyclists, and off-site highway improvements. Funding for additional bus services would also be secured through the S.106 agreement, alongside the contributions towards off-site highway improvements, and a Travel Plan.
- 5.41 It is estimated that the number of two-way car trips to the Site would fall by 10,000 on weekdays and 12,000 on weekend days with projected model share increases of 12% for bus use, 25% for cycling, and 9% for walking. This shift would significantly reduce private car use and alleviate pressure on the local highway network.
- 5.42 I afford **significant weight** to the benefits associated with the Site's sustainable location and the opportunities taken to maximise and prioritise active and sustainable modes of transport.

Biodiversity

- 5.43 While the application is made in outline, sufficient information has been submitted – including parameter plans and an Ecological Assessment which demonstrates a clear understanding of the Site's baseline conditions – to demonstrate that a minimum Biodiversity Net Gain (BNG) of 20% can be achieved. This would be delivered through a combination of landscaping measures, including tree and scrub planting, species-rich grassland, and the integration of green and blue roofs. These biodiversity enhancements are consistent with Policies 69 and 70 of the CLP, the adopted Biodiversity SPD, and the relevant objectives in the NPPF. The proposed measures would be secured by condition, with a BNG monitoring fee to be secured via the S.106 agreement.
- 5.44 In addition, due to the Site's low ecological baseline, the Applicant has outlined an aspiration to go further – targeting net gain of at least 100%, subject to the design of future reserved matters. This ambition is captured through paragraph 2.14.1 of the Design Code (**CD2.12b**), which includes a “should” requirement to work towards this aspirational provision. While this intention is clearly positive, it is not guaranteed and will depend on future detailed design matters that have not yet been decided. I therefore afford limited weight to this aspiration, on the basis that it would not be guaranteed, but, due to the low ecologically baseline and amount of land within the Site that would be dedicated to open space and landscaping in comparison to existing levels, it is reasonably foreseeable.
- 5.45 Overall, I afford **moderate weight** to the biodiversity benefits proposed.

Sustainable design

- 5.46 The proposed development seeks to deliver high levels of sustainability through its design, construction, and operation. In accordance with Policy 28 of the CLP, all reserved matters applications for buildings would be accompanied by a BREEAM pre-assessment demonstrating that a minimum rating of 'Excellent' can be achieved. For buildings containing office floorspace, the Applicant has committed to go further by demonstrating how a BREEAM 'Outstanding' rating could be achieved.
- 5.47 To meet these sustainability ambitions, a range of measures are proposed, including a fabric first-approach, an all-electric energy supply, on-site renewable energy generation, strategies to reduce embodied carbon and operational emissions, urban heat island mitigation, and an integrated water strategy with Sustainable Urban Drainage Systems (SuDS). Together with the sustainable transport benefits outlined above, these initiatives are expected to improve the quality and sustainability of the buildings and Site in the operational phase compared to the existing baseline, with associated health benefits.
- 5.48 The Design Code (**CD2.12b**) supports these measures through a combination of "must" and "should" requirements. For example, Section 2.1 contains a "should" requirement for reserved matters applications to contribute towards a site-wide Urban Greening Factor (UGF), currently estimated at 0.32, and to implement strategies to mitigate urban heat. Section 2.15 incorporates "should" requirements for green and blue roofs. While these measures are supported, their implementation and overall outcomes would depend on the detail submitted at the reserved matters stage, and as such, some uncertainty remains over their final detail and delivery.
- 5.49 The sustainability proposals align with Policies 28 and 29 of the CLP, the adopted Sustainable Design and Construction SPD, the relevant objectives contained in the NPPF, and broadly with the RIBA 2030 Climate Change initiative. The proposed development would also respond to Council's declaration of a Climate Emergency. While the Applicant also aspires to exceed some of the stated targets (e.g. on energy performance, carbon, waste, and water), these ambitions are not secured or guaranteed and remain subject to feasibility testing. As such, I do not afford the aspirational targets any weight at this stage.
- 5.50 Overall, I afford the sustainable design measures proposed **significant weight**.

Summary of Harms

Social

Residential amenity

- 5.51 I have found that the proposed development would, overall, result in significant and unacceptable harm to the living conditions of a large number of neighbouring residents. This harm would arise due to loss of daylight and sunlight, including overshadowing of gardens, as informed by the evidence of Mr Dias, and the introduction of an oppressive sense of visual enclosure. While I acknowledge that, following the Applicant's submission of additional analysis during the Inquiry process, the extent of the daylight and sunlight loss is not as harmful as initially anticipated, a considerable degree of harm remains. Moreover, the provision of the 3D digital model for the maximum parameter scheme has, in my professional opinion, highlighted that the visual enclosure effects are worse than previously understood.
- 5.52 These impacts on residential amenity, although presented numerically through daylight and sunlight metrics, would result in tangible, lived consequences for those affected – something that I consider the Applicant's case has not fully appreciated or addressed. Having visited multiple neighbouring properties on several occasions, and reviewed the extensive local representations submitted in response to the revised application, I have a clear understanding of the deep and widespread concern among residents that the enjoyment of their homes would significantly and adversely diminish. These residents represent a broad cross-section of the community, including families, people who work from home, students, and older individuals – all of whom value natural light, outlook, and a sense of space as integral aspects of their daily living environment.
- 5.53 As a consequence of the proposed development, neighbouring habitable rooms would feel gloomier, more poorly lit, and less welcoming, while properties – including gardens – would feel oppressively enclosed by the overbearing scale and massing of the development in close proximity to their shared boundaries with the Site. In my view, this relationship would result in an unacceptable impact on the residential amenity of neighbouring occupiers, with negative implications for health and well-being.
- 5.54 Although, under the social benefits section above, I recognise that the proposed development could deliver a positive sense of place within the red line boundary of the Site, I consider there to be a fundamental design flaw in the scheme's failure to respond to context. This flaw is rooted in the unacceptable relationship it proposes with neighbouring residential properties, which has not been adequately addressed. As such, I consider the harm to residential amenity to be unacceptable, with the Applicant having failed to minimise such harm and achieve a high standard of

amenity, contrary to local and national planning policy and other guidance, including, notably, in respect of the daylight and sunlight effects, the BRE guidance.

5.55 I afford the harm to residential amenity **substantial weight**.

Environmental

Townscape and visual effects

5.56 Based on the conclusions reached by Mr. Fitzsimmons et al. in the TVIA Peer Review and the Council's Principal Landscape Architect in their consultation response of 31 October 2024, I consider that the proposed development – even when taking into account any secondary mitigation proposed through the Design Code and the aspiration of achieving high-quality building design at the reserved matters stage – would give rise to residual adverse visual effects on a number of receptors. These include Castle Hill Mound, Coldhams Common (north and south), York Street, Mill Road Cemetery, Elizabeth Way Bridge, St Matthew's Gardens, Redmeadow Hill, Worts' Causeway, Little Trees Hill, Limekiln Road Nature Reserve, the Limekiln Road Layby, Church of Saint Mary the Great, and Viewpoint Grand Arcade Car Park. Additionally, there would be residual adverse townscape effects on the Cambridge skyline and the Setting of Public Rights of Way receptor.

5.57 While it is acknowledged that there would be neutral to beneficial effects for other visual and townscape receptors, overall I agree with the conclusions of Mr. Fitzsimmons et al. and the Council's Principal Landscape Architect that the development would result in harm to the townscape and visual amenity, and that this harm would be of a low level.

5.58 I therefore afford the harm arising from the residual adverse townscape and visual effects **slight weight**.

Heritage

5.59 Based on the conclusions reached by Mrs Woodley in the Heritage Peer Review and the conclusions of the Council's Principal Conservation Officer in their consultation response of 7 November 2024, I consider that the proposed development would result in less than substantial harm to the significance of the following heritage assets by virtue of the impact on their settings:

- Mill Road Conservation Area
- Mill Road Cemetery – Grade II Registered Park and Garden
- Custodians House – Grade II Listed Building
- Historic Core Conservation Area

- Church of Our Lady and the English Martyrs – Grade I Listed Building
- King’s College Chapel – Grade I Listed Building
- All Saints Church – Grade I Listed Building
- Jesus College – Grade I Listed Building
- St John’s College – Grade I Listed Building
- Great St Mary’s Church – Grade I Listed Building
- Castle and Victoria Road Conservation Area
- Kite Conservation Area
- Christ Church – Grade II Listed Building
- West Cambridge Conservation Area
- University Library – Grade II Listed Building
- Old Cheddars Lane Pumping Station – Scheduled Monument

5.60 Overall, the collective harm, based on the conclusions of Mrs Woodley and the Council’s Principal Conservation Officer, would be less than substantial at a moderate level. I agree with these conclusions.

5.61 Paragraph 212 of the NPPF is clear 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 that the more important the asset, the greater the weight should be. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.62 In accordance with paragraph 212 of the NPPF, and the importance to be afforded to the impact of the development on the significance of the heritage assets listed at paragraph 5.59 above, I afford the heritage harm **significant weight**.

5.63 The heritage balance required in accordance with paragraph 215 of the NPPF is undertaken below.

Heritage balance

5.64 As set out under paragraphs 5.59 to 5.63, the proposed development would result in less than substantial harm to a number of heritage assets. Paragraph 215 of the NPPF requires that, where a development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.65 While the harm to each heritage asset must be assessed individually, I consider the cumulative heritage harm to be less than substantial at a moderate level. Having regard to the public benefits set out at paragraphs 5.9 – 5.50 above, and in giving great weight to the conservation of each asset, I conclude (a) in line with my

assessment above, that the overall heritage harm attracts **significant** weight and also (b) that the public benefits would outweigh that harm.

- 5.66 I do not therefore recommend that the application be refused as a consequence of its heritage impacts. In undertaking this balance, I have had regard to the statutory duties established under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to the duty of regard established under section 102 of Levelling-up and Regeneration Act 2023.

Planning balance

- 5.67 In this penultimate section, I weigh the benefits of the proposed development against the identified harms to determine whether, taken in the round, the scheme would represent sustainable development. This includes consideration of the extent of consistency with the Development Plan as a whole, the weight to be given to material considerations, and whether these considerations justify a decision contrary to the Development Plan.
- 5.68 I have already concluded under Main Issue 4 that the proposed development would not accord with the up-to-date Development Plan for the area. As a consequence, the application does not benefit from the presumption in favour of sustainable development set out in paragraph 11 of the NPPF and should be refused unless material considerations indicate otherwise.
- 5.69 I acknowledge that the proposed development would generate a wide range of economic, social, and environmental benefits, with particularly strong contributions in relation to economic growth and environmental factors. In the context of the application, paragraph 125 (c) of the NPPF is especially relevant, as it requires planning decisions to give “substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and to approve such proposals “unless substantial harm would be caused”.
- 5.70 The proposal would bring forward the redevelopment of a suitable brownfield site to meet an identified employment need in the research and development sector. Accordingly, it must be considered whether the harms identified are sufficiently substantial to justify refusal. While I have identified harm due to the adverse townscape and visual effects, and the heritage impacts of the development, I have already concluded that, in my view, the public benefits of the scheme outweigh the identified heritage harm. Nevertheless, the residual heritage harm must still be carried forward into the overall planning balance. I further consider that the low level of townscape and visual harm is – on its own – clearly outweighed by the scheme’s benefits, but it too will factor into the overall balance.

- 5.71 It is my opinion that the residential amenity harm is decisive. Were it not for the extent of harm I have identified to the living conditions of neighbouring occupiers – i.e. if that harm were substantially less or non-existent – I would be likely to find the proposed development acceptable in the overall planning balance. It is clear to me that the level of harm in this case results from a fundamental design flaw – namely the inappropriate scale, massing, and siting of development relative to one of the Site's main constraints, sensitive neighbouring properties. As a result, the scheme fails to meet the high standard of amenity, including the promotion of health and well-being, required by paragraph 135 (f) of the NPPF. Similarly, it does not meet the overarching objective of Chapter 12 of the NPPF, which seeks to achieve well-designed places.
- 5.72 I find that the combined harm identified – namely the residential amenity harm, the townscape and visual harm, and the residual heritage harm – is substantial enough to outweigh the benefits of the scheme, even taking into account the substantial weight to be afforded to the re-use of brownfield land for an identified need as required by NPPF paragraph 125 (c). I also note that the benefits identified as arising from the scheme could be delivered by a development that does not give rise to the extent of residential amenity harm identified.
- 5.73 Therefore, in accordance with the Development Plan and paragraph 139 of the NPPF, I recommend to the Inspector and invite the SoS to conclude that planning permission should be refused on the basis of the harm I have identified to residential amenity.

Overall conclusion

- 5.74 To conclude, I consider that the called-in planning application does not accord with the Development Plan for the area when read as a whole, meaning that it does not benefit from the presumption in favour of sustainable development as set out in Policy 1 of the CLP and paragraph 11 of the NPPF. In considering whether any other material considerations indicate that the application should be approved contrary to the Development Plan for the area, while noting that there is a significant range of economic, social, and environmental benefits proposed, I find that the harm arising from the impact of the proposed development on the residential amenity would, in isolation, outweigh the benefits of the scheme. Accordingly, I respectfully recommend to the Inspector and invite the SoS to refuse planning permission in accordance with section 38 of the Planning and Compulsory Purchase Act 2004 (as amended).