

Beehive Centre, Cambridge

Heritage Peer Review

**Client:**

Greater Cambridge Shared
Planning Service

Date:

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Essex County Council



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Beehive Centre, Cambridge

Heritage Peer Review

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1. Introduction

Overview

1.1. This Heritage Peer Review Report has been prepared by Place Services on behalf of the Greater Cambridge Shared Planning Service at Cambridge City Council and pertains to the proposed development at the Beehive Centre, Coldhams Lane, Cambridge, CB1 3ET (hereafter referred to as “the Site”). The location and extent of the Site is shown in **Figure 1** (below).

1.2. This review has been undertaken to inform a Public Inquiry (PINS Reference APP/Q0505/V/25/3360616) following the Secretary of State call-in of planning application reference 23/03204/OUT 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. (The Development is the subject of an Environmental Impact Assessment)

1.3. This report provides an independent heritage review of the following submitted documents:

- ES Chapter 7A: Cultural Heritage
- Technical Appendix 7.1A Heritage Impact Assessment
- Appendix 10.3A Viewpoint Assessment, where relevant to heritage assets
- Appendix 10.6A Updated Technical Visualisations, where relevant to heritage assets

1.4. It should be noted that this Review only considers the August 2024 re-submission documents and not those of the original submission in 2023.

The Site

1.5. The Site is a retail park, comprising of 11 retail units and a large car park. It is located approximately 1.5km to the east of Cambridge city centre. The total site area is 7.8 hectares.

1.6. To the north of the Site is the Cambridge Retail Park, to the east is the railway line with residential properties beyond. To the south and west are areas of low-rise residential neighbourhoods.

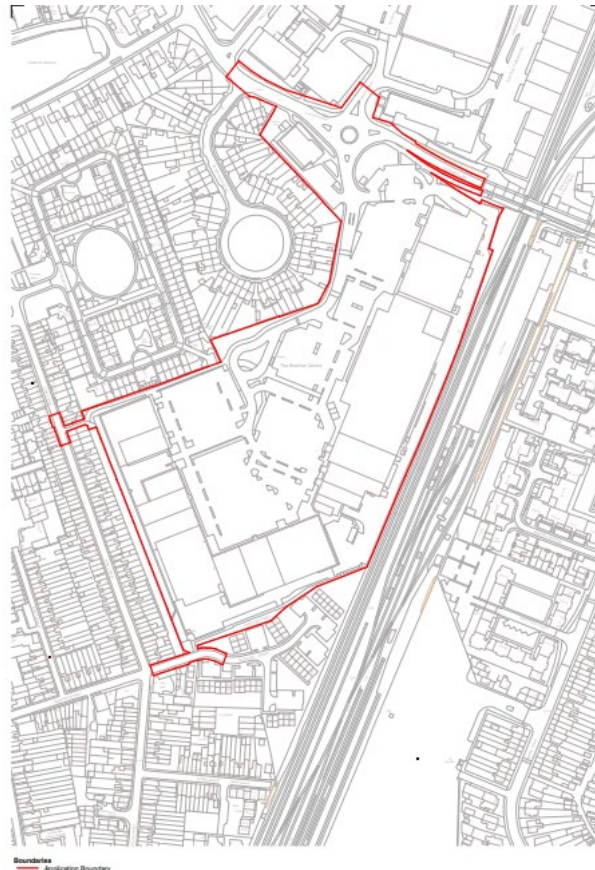


Figure 1 Site Plan (excerpt from Application Documents)

- 1.7. There are no heritage assets within the Site itself. However, its southern and western boundaries abut the Mill Road Conservation Area which includes numerous listed buildings, buildings of local interest (non-designated heritage assets) and a Registered Park and Garden. Furthermore, the Site is located close to the historic core of Cambridge, which also contains numerous designated and non-designated heritage assets.

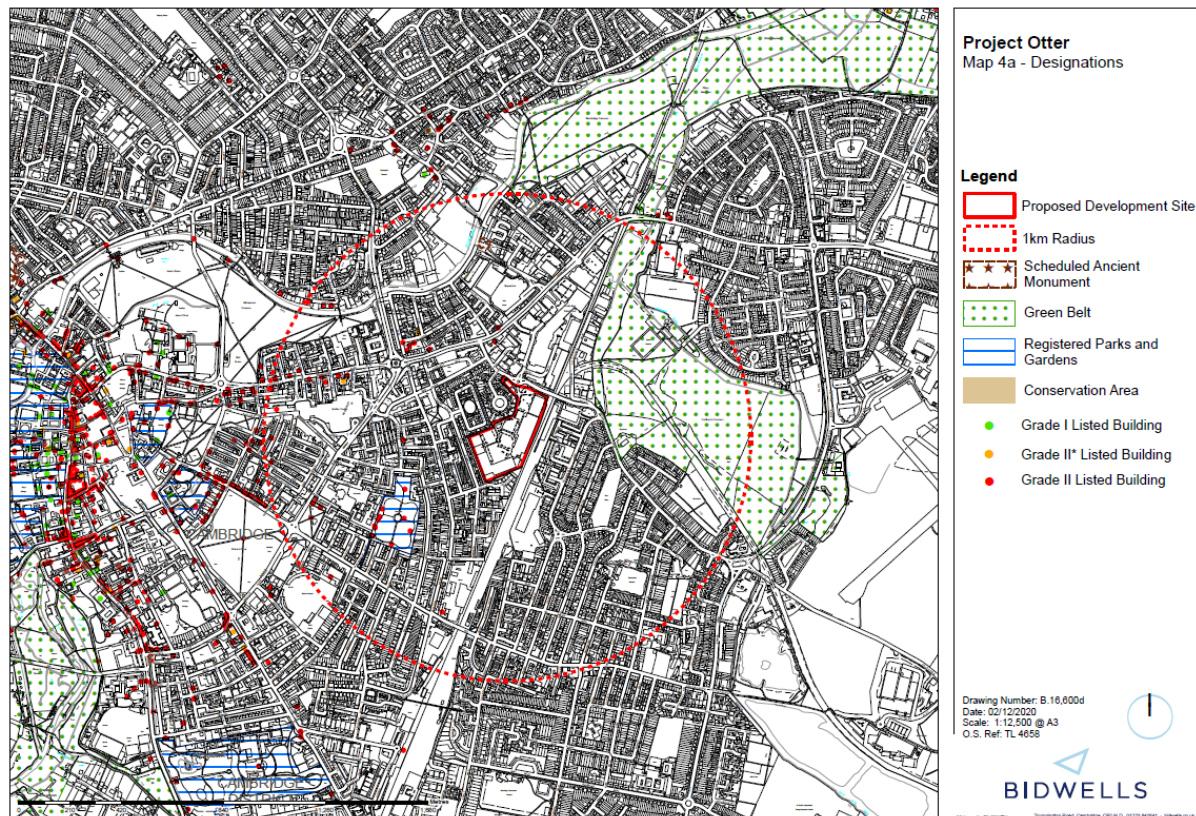


Figure 2 Heritage Asset Plan (taken from Application Documents - Appendix 10.2) [NOTE: Conservation Areas are not illustrated on the plan]

The Proposal

- 1.8. The proposal seeks the demolition of the existing retail units on the Site and the erection of 10 new buildings. These range from three to eight storeys in height. The tallest building would be up to 47.25 metres AOD including any parapets, rooftop plant and solar photovoltaic panels, but excluding any flume extract flues.
- 1.9. The Application is in outline only with the following parameters intended to be secured by Parameter Plans:
 - Maximum Building Heights & Plots
 - Access and Circulation
 - Land use – Ground Floor
 - Land use – Upper Floors
 - Landscape and Open Space
- 1.10. The Application is supported by a Design Code which will be used to assess Reserved Matters Applications. The Design Code sets out rules and requirements for the design of subsequent applications and must be referred to and applied at all stages of the development process.

Authorship

- 1.11. This report has been prepared by Emma Woodley BA(Hons) MSc PGCert IHBC. I am Principal Built Heritage Consultant at Place Services, Essex County Council. Prior to joining the Council in November 2023, I was Associate Director at Stantec (formerly Barton Willmore) in their Cambridge office. I have over 15 years' experience in the heritage sector, with over 10 years primarily as a heritage planning consultant in the private sector. This experience has primarily been gained in Cambridge and the South East.
- 1.12. I hold a Bachelor of Arts (Hons) degree in History of Art from the University of Manchester, a Master of Science degree in Historic Conservation from Oxford Brookes University, and a Postgraduate Certificate in Urban Design from the University of Westminster. I have been a Full Member of the Institute of Historic Building Conservation since September 2014 (3023MEM) and have sat on the East Anglia Branch Committee since 2017, which I currently Chair (October 2021-December 2022; December 2023-present).

2. Methodology

2.1. The relevant planning policy, national and local guidance, taken into account when preparing this statement include:

- Planning (Listed Buildings and Conservation Areas) Act 1990, particularly Section 66(1) and the statutory duty to pay special attention to the desirability of preserving the setting and special interest of listed buildings.
- Cambridge Local Plan 2018
- National Planning Policy Framework, December 2024
- National Planning Practice Guidance: Conserving and enhancing the historic environment, 2019
- Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets, 2017 (GPA3)
- Conservation Principles, Policies and Guidance, 2008
- Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management (Second Edition), 2019
- Historic England Advice Note 7: Local Heritage Listing (Second Edition), 2021
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets, 2019
- BS 7913:2013 Guide to the conservation of historic buildings, 2013

2.2. The Site was visited on 11th April 2025 to view the existing site, its surroundings and pertinent viewpoints with regards to heritage.

3. Review of Environmental Statement

- 3.1. The application is supported by an Environmental Statement. The August 2024 Addendum includes Cultural Heritage at Chapter 7A and a supporting Heritage Impact Assessment at Appendix 7.1A which sets out the Technical Baseline.
- 3.2. Appendix 10.3A of Chapter 3A: Townscape and Visual includes the Zone of Theoretical Visibility. This is referred to in understanding potential visual impacts on the significance of heritage assets.
- 3.3. Appendix 10.6A of Chapter 10A: Townscape and Visual includes a series of Accurate Visual Representations (AVRs). These assist in understanding visual effects of the appeal scheme with regards to the setting of prominent heritage assets within Cambridge.

General Observations

- 3.4. It is noted that there are errors in paragraph numbering throughout the Heritage Impact Assessment (Appendix 7.1A of the ES). Where referred to this report will note the page number and relevant paragraph from the top of that page for clarity.

Scoping

- 3.5. The scoping of the heritage assets potentially affected by the proposal were set out in the Scoping Report. A Study Area of 1km was utilised to identify heritage assets with the potential to be affected by the proposed development. This is accepted.
- 3.6. The ES Chapter includes the identification of numerous 'Positive Unlisted Buildings' within their assessment which have been considered as 'non-designated heritage assets'. The relevant Conservation Area Appraisal identifies these buildings as positively contributing to the character and appearance of the Conservation Area. As such, they should be considered as part of the Conservation Area rather than as non-designated heritage assets. Only Buildings of Local Interest should be considered to be non-designated heritage assets. Therefore, the treatment of these so-called 'Positive Unlisted Buildings' as non-designated heritage assets within the ES Chapter and Heritage Impact Assessment is flawed. Any 'harm' or adverse effects to these Positive Unlisted Buildings should be considered as part of the relevant Conservation Area rather than individually. If the Applicant had undertaken this approach, their assessment of impact on the significance of the Mill Road Conservation Area might have been different.
- 3.7. The Scoping Opinion from the Council recommended three additional assets to be included in the assessment:

- Chapel of St Mary Magdalene, Stourbridge Chapel (The Leper Chapel) – Grade I Listed Building
- Cambridge Gas Company War Memorial, Newmarket Road – Grade II Listed Building
- Custodian's House, Mill Road Cemetery – Grade II Listed Building

3.8. Overall, it appears that when cross referencing the National Heritage List for England against the Council's Conservation Area mapping and the Applicant's ZTV (ES Appendix 10.3), the heritage assets scoped into ES Chapter 7A: Cultural Heritage and the Technical Appendix 7.1A Heritage Impact Assessment are appropriate.

3.9. It is noted that the following heritage assets are within the ZTV areas of visibility:

- Round House, Newmarket Road (Grade II listed building; List Entry No: 1084402)
- Papermills, Newmarket Road (Grade II listed building; List Entry No: 1126145)
- The Globe PH, Newmarket Road (Grade II listed building; List Entry No: 1126146)

3.10. However, it is considered that they are unlikely to be affected by the proposals due to their immediate setting (i.e. Newmarket Road and Coldham's Brook) contributing to their heritage significance. As such, it is appropriate that they were omitted from the scoping of assets taken forward for assessment.

Methodology

3.11. The Applicant's Methodology for their Heritage Impact Assessment is set out in ES Chapter 7A from paragraph 7.7 onwards. It is also repeated in Appendix 2 of the Heritage Impact Assessment.

3.12. There are no published guidelines outlining a general methodology for the preparation of the assessment of likely significant effects on Cultural Heritage under the EIA Regulations. There are however several published documents that guide assessment methodology in the assessment and evaluation of development impacts. Included within these documents are good practice advice notes published by Historic England in the implementation of historic environment policy in the NPPF.

- Historic England's Good Practice Advice in Planning (GPA) Note 2 Managing Significance in Decision Taking in the Historic Environment (2015)
- Historic England's GPA3 The Setting of Heritage Assets (2017)
- Historic England's Advice Note 12: Statements of Heritage Significance (2019)
- ClfA's Standard and Guidance for Historic Environment Desk-Based Assessment (2014)
- ICOMOS' Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2011)

- IEMA's Principles of Cultural Heritage Impact Assessment (2021)
- UNESCO's Guidance and Toolkit for Impact Assessment in a World Heritage Context (2022)

3.13. The Applicant does not refer to this full suite of guidance in their Methodology, instead referring to the James Semple Kerr method, and Design Manual for Roads and Bridges (DMRB: HA208/13) published by the Highways Agency, Transport Scotland, the Welsh Assembly Government and the department for Regional Development Northern Ireland.

3.14. The James Semple Kerr method referenced is assumed to be *Conservation Plan, the 7th edition: A guide to the preparation of conservation plans for places of European cultural significance*. Australia ICOMOS; 2013. This document notes that a hierarchy should be developed to present the level of significance which is carefully chosen to suit the place and must be explained with clarity. It suggests the following:

A	Exceptional significance	e.g. Sydney Opera House, Bennelong Point	For items of exceptional significance in a broad context.
B	Considerable significance	e.g. Commonwealth Bank, cnr Pitt St & Martin Place	For items of significance which would warrant inclusion on any natural or state register.
C	Some significance	e.g. Civic Hotel, cnr Pitt & Goulburn Streets	Items of the threshold for entry onto such registers under (B)
D	Little significance	e.g. 1970s brick veneer cottage for superintendent Parramatta Goal	Items of little significance

3.15. Whilst these are examples of Australian cultural heritage, it goes on to note that '*Whatever the scale of values chosen, the assessor should indicate how it relates to the threshold of well known existing inventories or registers of places of heritage value*'.

3.16. Regarding the Design Manual for Roads and Bridges (DMRB: HA208/13), it identifies that the value (significance) of each [heritage] asset should be ranked according to the following scale:

- Very high;
- High;
- Medium;
- Low;

- Negligible.

3.17. It notes that for some circumstances an 'Unknown' value may be appropriate.

3.18. It is generally found that an adapted version of ICOMOS' Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2011) Appendix 3A provides a useful guide for assessing the value of heritage assets. This generally aligns with the DMRB guidance. I set this out below:

Value	Asset type
Very High	• World Heritage Sites • Other buildings or urban landscapes of recognised international importance
High	• Scheduled Monuments • Grade I and II* Listed Buildings • Conservation Areas containing very important buildings • Grade I and II* Registered Parks and Gardens
Moderate	• Grade II Listed Buildings • Conservation Areas containing buildings that contribute significance to historic character • Grade II Registered Parks and Gardens • Undesignated buildings, monuments, sites, or landscapes that can be demonstrated to have heritage value equivalent to the designation criteria
Low	• Locally listed buildings as recorded on a local authority list (non-designated heritage assets) • Undesignated buildings, monuments, sites, or landscapes that can be demonstrated to have heritage value equivalent to the local listing criteria
Negligible	• Buildings, monuments, sites, or landscapes identified as being of negligible or no historic, evidential, aesthetic or communal interest
Unknown	• Buildings with some hidden (i.e. inaccessible) potential for historic significance

3.19. It is therefore considered that the Applicants Methodology is not based on best practice.

3.20. The introduction of a 'Good' level of significance in **Table 7.1A** 'Receptor Sensitivity' seeks to dilute those asset types which would usually be considered to be of 'High' or 'Moderate' value.

- 3.21. **Table 7.2A** 'Impact Magnitude Criteria' and **Table 7.3A** 'Criteria for assessing the significance of effects on heritage assets' are considered to generally align with best practice. It is agreed that Moderate or Major effects should be considered 'Significant' for EIA reporting under the regulations.
- 3.22. It is noted however, **Table 7.3A** does not account for the 'Good' baseline sensitivity value. Therefore, it is unclear what the effects would be on assets identified as 'Good'.

EIA "Significant Effects" vs NPPF "harm"

- 3.23. It is noted that the Applicant does not set out of how the significance of effects equates to the tests in Chapter 16 of the National Planning Policy Framework with regards to heritage assets within the ES Chapter. This is only set out in the Conclusions of the Technical Appendix 7.1A Heritage Impact Assessment. This should instead fall within the Methodology sections of both the ES Chapter and Heritage Impact Assessment to provide clarity, rather than by introducing new information in the conclusion of Appendix 7.1A.
- 3.24. I would disagree with the assertion in the first paragraph on page 77, 10.2[sic], in that a Very High or High Magnitude or Impact would correlate with the NPPF's terminology of 'total loss' or 'substantial harm'. Firstly, there is no 'Very High' or 'High' Magnitude of Change in **Table 7.2A** or **Table 7.3A**. But also, because EIA Assessment is nuanced and utilises a matrix assessment which varies depending on significance (sensitivity/value) of the asset.
- 3.25. For example, an asset of 'Low' significance (sensitivity/value) which is subject to a Major Adverse Magnitude of Change would only give rise to a Moderate-Minor Adverse effect which is 'not significant' in EIA terminology or reporting, but nevertheless, could be within the NPPF realms of 'substantial harm' or 'total loss'.
- 3.26. Regarding aligning the ES Chapter assessment with the NPPF, I would follow the below methodology.
- 3.27. It is generally considered that a 'beneficial' or 'neutral' effect would not be considered harmful in NPPF terms. Therefore, only 'adverse' effects would be considered harmful.
- 3.28. When translating the degree of impact under the EIA methodology to the NPPF assessment, EIA best practice would consider that a 'significant adverse effect' equates to 'substantial harm' under the NPPF. However, 'Substantial harm' is a high test as set out in the National Planning Practice Guidance (PPG) paragraph 18. The 'less than substantial harm' test under the NPPF applies to a much broader range of impact, which could be at the lower or upper ends of 'less than substantial harm'. Case law has found that a Negligible impact would still fall under 'less than substantial harm'.¹

¹ *R.(ao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited* [2019] EWHC 2899 (Admin).

- 3.29. Under the EIA assessment process, the sensitivity of the asset needs to be considered in addition to the magnitude of change (impact). An asset could therefore be subject to 'less than substantial harm' under the NPPF and fall within 'significant effect' by the EIA assessment matrix. For example, an asset that falls within 'less than substantial harm' under the NPPF and is of medium or low sensitivity could fall within significant effects if the magnitude of impact is moderate or major.
- 3.30. As outlined above, there is no published methodology or prescriptive criteria that enables a prejudgement to be made as to whether a heritage asset that is subject to 'less than substantial harm' would also fall within the category of 'significant effect.' The application of the EIA methodology relies on professional judgement to establish the sensitivity of a receptor and the magnitude of impact.
- 3.31. Professional judgement is also required to understand whether development that causes less than substantial harm to heritage assets would also result in significant effects on the heritage receptor. An assessment of 'less than substantial harm' therefore does not always equate to no 'significant effect.' There is the potential for the pool of assets that experience 'less than substantial harm' to overlap with those that fall within the EIA category of 'significant effects'.

Baseline Conditions

- 3.32. The existing baseline conditions are set out from paragraph 7.33 of ES Chapter 7A and in the accompanying Technical Appendix 7.1A Heritage Impact Assessment.
- 3.33. **Table 7.4A** sets out the identified heritage receptors (assets) which form part of the baseline.
- 3.34. It is noted that **Table 7.4A** does not align with the sensitivity of assets identified in the Technical Appendix 7.1A Heritage Impact Assessment. I set this out below:

Asset	Category	ES Sensitivity / Value / Significance	HIA Significance (Sensitivity / Value)	Variance
Mill Road Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
St Matthews Church	Grade II Listed Building	Moderate	Good	Reduced in ES
247 Newmarket Road	Grade II Listed Building	Moderate	Good	Reduced in ES
Cambridge Gas Company War Memorial	Grade II Listed Building	Moderate	Good	Reduced in ES
St Andrew the Less	Grade II Listed Building	Moderate	Good	Reduced in ES

33-38 Abbey Walk	Building of Local Interest (Non-designated heritage asset)	Low	Moderate	Reduced in ES
[Removed Positive Unlisted Buildings as these contribute to Mill Road Conservation Area]				
Historic Core Conservation Area	Conservation Area	High	High	No change
Riverside and Stourbridge Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
Kite Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
New Town and Glisson Road Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
Castle and Victoria Road Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
West Cambridge Conservation Area	Conservation Area	Moderate	Good	Reduced in ES
Jesus College	Grade I Listed Building	Very High	Very High	No change
St Johns College	Grade I Listed Building	Very High	Very High	No change
University Library	Grade II Listed Building	Moderate	Good	Reduced in ES
Church of Our Lady and the English Martyrs	Grade I Listed Building	Very High	Good/High	Raised in ES
Kings College Chapel	Grade I Listed Building	Very High	Very High	No change
All Saints Church	Grade I Listed Building	Very High	Very High	No change
Mill Road Cemetery	Registered Park and Grade - Grade II	Moderate	Good	Reduced in ES
Custodians House Mill Rd Cemetery	Grade II Listed Building	Moderate	Good	Reduced in ES
Church of Christ Church	Grade II Listed Building	Moderate	Good	Reduced in ES
Old Cheddars Lane Pumping Station	Scheduled Monument	Moderate	Good	Reduced in ES
Chapel of St Mary Magdalene (The Leper Chapel)	Grade I Listed Building	Very High	Very High	No change
Great St Marys Church	Grade I Listed Building	Very High	Very High	No change

- 3.35. It is unclear why there is this discrepancy, as it would be expected that the Technical Appendix 7.1A Heritage Impact Assessment would feed into the ES Chapter. No explanation is offered in either document.
- 3.36. From my review, I would largely agree with the values in ES Chapter 7A. However, I would consider that the following assets be revised to:

Asset	Category	Sensitivity / Value / Significance	Comparison with ES and HIA
Church of Our Lady and the English Martyrs	Grade I Listed Building	High	Reduced from Very High in ES but agree with Good/High in HIA
All Saints Church	Grade I Listed Building	High	Reduced from Very High in ES and HIA
Old Cheddars Lane Pumping Station	Scheduled Monument	High	Raised from Moderate / Good in ES and HIA
Chapel of St Mary Magdalene (The Leper Chapel)	Grade I Listed Building	High	Reduced from Very High in ES and HIA

- 3.37. Whilst these are assets of the highest significance, being Grade I Listed Buildings and a Scheduled Monument, they are not assets of recognised international importance like those of the Cambridge Colleges.

Evolution of the Baseline Conditions without Development

- 3.38. It is agreed that should the development not be undertaken, the existing site would continue to have a neutral effect on significance of the identified heritage assets.

Predicted Impacts

- 3.39. As the Application is in Outline, the realistic worst-case scenario needs to be considered in accordance with the Rochdale Envelope as set out in The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). There is no reference to this within the ES Chapter.
- 3.40. Furthermore, it appears that the scheme has been assessed on the illustrative scheme only, which is not considered to be the worst-case scenario. The illustrative scheme could be useful to demonstrate the residual effects, taking into account the mitigation provided by the Design Code. However, this has not been undertaken. Furthermore, the application of the Design Code

is variable and the illustrative scheme is not what will definitively come forward at Reserved Matters stage.

Construction Phase

3.41. It is considered that the construction effects are underplayed, and they will inevitably create adverse, albeit temporary, effects particularly to the Mill Road Conservation Area. It is assumed that these will be mitigated somewhat through the proposed Phasing Plan and a Construction Management Plan.

Operational Phase

3.42. It is agreed that the development would not give rise to any additional direct physical impacts beyond those resulting from the construction phase and that operational effects are limited to the potential change to the setting of the identified heritage assets.

3.43. The Operational Effects of the proposals on the identified heritage assets are reported in the ES Chapter at **Table 7.5A**. This is set out below:

Asset	Sensitivity/ Value/ Significance	Magnitude of Change	Significance of Effect
Mill Road Conservation Area	Moderate	Minor	Minor Adverse
St Matthews Church	Moderate	Neutral	Neutral
247 Newmarket Road	Moderate	Neutral	Neutral
Cambridge Gas Company War Memorial	Moderate	Neutral	Neutral
St Andrew the Less	Moderate	Neutral	Neutral
33-38 Abbey Walk	Low	Neutral	Neutral
[Removed Positive Unlisted Buildings as these contribute to Mill Road Conservation Area]			
Historic Core Conservation Area	High	Moderate	Moderate-Minor Adverse
Riverside and Stourbridge Conservation Area	Moderate	Neutral	Neutral
Kite Conservation Area	Moderate	Neutral	Neutral
New Town and Glisson Road Conservation Area	Moderate	Neutral	Neutral
Castle and Victoria Road Conservation Area	Moderate	Neutral	Neutral
West Cambridge Conservation Area	Moderate	Neutral	Neutral
Jesus College	Very High	Negligible	Moderate Adverse

St Johns College	Very High	Negligible	Minor Adverse
University Library	Moderate	Negligible	Minor Adverse
Church of Our Lady and the English Martyrs	Very High	Negligible	Minor Adverse
Kings College Chapel	Very High	Negligible	Minor Adverse
All Saints Church	Very High	Minor	Moderate Adverse
Mill Road Cemetery Registered Park and Garden	Moderate	Minor	Minor Adverse
Custodians House Mill Rd Cemetery	Moderate	Negligible	Negligible Adverse
Church of Christ Church	Moderate	Moderate	Moderate-Minor Adverse
Old Cheddars Lane Pumping Station	Moderate	Minor	Minor Adverse
Chapel of St Mary Magdalene (The Leper Chapel)	Very High	Neutral	Neutral
Great St Marys Church	Very High	Neutral	Neutral

3.44. However, there appear to be errors in the above assessment when applying **Table 7.3A**. It is unclear whether the Magnitude of Change or Significance of Effect is understated for:

- Historic Core Conservation Area
- Jesus College, Grade I Listed Building
- University Library, Grade II Listed Building
- Church of Our Lady and the English Martyrs, Grade I Listed Building
- King's College Chapel, Grade I Listed Building

3.45. Furthermore, the assessment does not align with the assessment provided in the Technical Appendix 7.1A Heritage Impact Assessment. I set this out below:

Asset	Sensitivity/ Value/ Significance	Magnitude of Change	Significance of Effect	Variance with ES Chapter
Mill Road Conservation Area	Good	Neutral Minor-Moderate Beneficial Minor Adverse	Neutral Minor Beneficial Minor Adverse	Various effects, unclear which is considered to be overall effect on the Conservation Area. ES Chapter states Minor Adverse.
St Matthews Church	Good	Neutral	Neutral	No change
247 Newmarket Road	Good	Neutral	Neutral	No change

Cambridge Gas Company War Memorial	Good	Neutral	Neutral	No change
St Andrew the Less	Good	Neutral	Neutral	No change
33-38 Abbey Walk	Moderate	Neutral	Neutral	No change
[Removed Positive Unlisted Buildings as these contribute to Mill Road Conservation Area]				
Historic Core Conservation Area	High	Minor Adverse	Minor Adverse	Moderate-Minor Adverse in ES Chapter (effect increased in ES)
Riverside and Stourbridge Conservation Area	Moderate	Neutral	Neutral	No change
Kite Conservation Area	Moderate	Neutral	Neutral	No change
New Town and Glisson Road Conservation Area	Moderate	Neutral	Neutral	No change
Castle and Victoria Road Conservation Area	Moderate	Negligible Adverse	Negligible Adverse	Neutral in ES Chapter (effect reduced in ES)
West Cambridge Conservation Area	Moderate	Neutral	Neutral	No change
Jesus College	Very High	Minor Adverse	Minor Adverse	Moderate Adverse in ES Chapter (effect increased in ES)
St Johns College	Very High	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
University Library	Moderate	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
Church of Our Lady and the English Martyrs	Very High	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
Kings College Chapel	Very High	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
All Saints Church	Very High	Minor-Moderate Adverse	Minor Adverse	Moderate Adverse in ES Chapter (effect increased in ES)

Mill Road Cemetery Registered Park and Garden	Moderate	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
Custodians House Mill Rd Cemetery	Moderate	Neutral	Neutral	Negligible Adverse in ES Chapter (effect increased in ES)
Church of Christ Church	Moderate	Moderate Adverse	Moderate-Minor Adverse	No change
Old Cheddars Lane Pumping Station	Moderate	Neutral	Neutral	Minor Adverse in ES Chapter (effect increased in ES)
Chapel of St Mary Magdalene (The Leper Chapel)	Very High	Neutral	Neutral	No change
Great St Marys Church	Very High	Neutral	Neutral	No change

- 3.46. Therefore, whilst the significance of the identified heritage assets is reduced in the ES Chapter compared to the HIA, the opposite is found regarding impacts of the proposal, which have in numerous examples been increased in the ES Chapter compared to the HIA. No explanation is offered for this in either document.
- 3.47. Furthermore, as noted in paragraph 3.21 above, when applying **Table 7.3A** to the Technical Appendix 7.1A Heritage Impact Assessment, a 'Good' Significance (Value/Sensitivity) is not included in **Table 7.3A** and therefore it is unclear what the effects would be on assets identified as 'Good'.

Mitigation

- 3.48. It is understood that the preferred mitigation option is to avoid or reduce impacts through design and that the proposal has sought to embed mitigation on the identified heritage assets through careful consideration of its design and appearance. As such, the residual effects are reported unchanged.
- 3.49. The embedded mitigation is summarised as:
- 'Removal of poor-quality structures on site, replacement with high quality design structures, enhancement of landscape and public realm, creation of a clear and active frontage to site ensuring a better integration with the streetscape.'*
- 3.50. And:
- 'High quality design as including the positioning of buildings, height parameters, tones of buildings and flue zones as set out within the Design Codes.'*

- 3.51. It is considered that much of the embedded mitigation relies on the implementation of the Design Code against the Parameter Plans. As noted above, at paragraph 3.39, the implementation of the Design Code is considered to provide Mitigation rather than being part of the integral scheme. This is because the ES Chapter should be assessing against the worst-case scenario.
- 3.52. For example, the Flue Zones on Plots 2 and 3, 5 and 6 are proposed to be a maximum of 25% of the height of the building and according to the Design Code, '*should*' not '*must*' be grouped together to limit the number of locations and not out-compete or overly dominate the historic spires of Cambridge. Therefore, the worst-case scenario would find several flues which would have a detrimental impact on the Cambridge skyline. This would see modern development puncture the horizon, potentially in several locations, whereby it is currently only punctured by the spires of the Churches and Colleges.

Cumulative Effects

- 3.53. There is no assessment of cumulative effects in ES Chapter 7A or Technical Appendix 7.1A Heritage Impact Assessment. This is despite the following cumulative schemes being identified:
- 18/0481/OUT – Land North of Cherry Hinton, Coldhams Lane, Cambridge
 - 22/027771/OUT – Land North of Cambridge North Station, Milton Avenue, Cambridge
 - 230 Newmarket Road
 - 23/02685/FUL – The Grafton Centre
 - 23/04590/OUT – Land South of Coldhams Lane Cambridge
 - 24/00622/FUL – Westbrook Centre, Milton Road
- 3.54. It is unclear why there is this omission, particularly as Appendix 10.6A Updated Technical Visualisations illustrate that when the scheme is seen in combination with the identified cumulative schemes there would undoubtedly be cumulative effects arising for a number of the identified heritage assets.

4. Independent Assessment

4.1. Following the review of ES Chapter 7A: Cultural Heritage and Technical Appendix 7.1A Heritage Impact Assessment, and taking into account the significance of the identified heritage assets, the potential impacts of the worst-case scenario (maximum parameters) on their significance and the residual effects following Mitigation (Design Code), my own assessment of the Application would be:

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
Mill Road Conservation Area	Conservation Area	Moderate	Moderate - removal of small scale retail units and construction of large and tall buildings in close proximity to the edge of the Conservation Area. See viewpoints 1,4,7 8	Minor Adverse	Minor Adverse - mitigation is unlikely to reduce effects due to building heights and proximity to Conservation Area	Agree with ES
St Matthews Church	Grade II Listed Building	Moderate	Neutral	Neutral	Neutral	Agree with ES
247 Newmarket Road	Grade II Listed Building	Moderate	Neutral	Neutral	Neutral	Agree with ES
Cambridge Gas Company War Memorial	Grade II Listed Building	Moderate	Neutral	Neutral	Neutral	Agree with ES
St Andrew the Less	Grade II Listed Building	Moderate	Neutral	Neutral	Neutral	Agree with ES
33-38 Abbey Walk	Building of Local Interest	Low	Neutral	Neutral	Neutral	Agree with ES
[Removed Positive Unlisted Buildings as these contribute to Mill Rd CA]						
Historic Core Conservation Area	Conservation Area	High	Minor - Scheme will be visible to the edge of the historic core in viewpoints 1,10, 15	Moderate-Minor Adverse	Moderate-Minor Adverse - impacts of flue zones are unlikely to be mitigated due to flexibilities	Agree with ES

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
					within Design Code.	
Riverside and Stourbridge Conservation Area	Conservation Area	Moderate	Negligible - scheme will be visible from Elizabeth Way bridge but it will be seen above existing tall buildings that align Newmarket Road	Negligible Adverse	Neutral - potential for Design Code to mitigate effects and reduce visibility. However, concerns remain around flue zones which will remain prominent above Newmarket Road buildings.	Agree with ES
Kite Conservation Area	Conservation Area	Moderate	Minor - scheme appears above the Conservation Area and in the backdrop of the Conservation Area in Viewpoints 1 and 10 affecting the skyline and how the Conservation Area is experienced	Minor Adverse	Minor Adverse - mitigation is unlikely to reduce effects due to proposal creating a new backdrop to the Conservation Area above the treeline.	Disagree with ES – increase from Neutral
New Town and Glisson Road Conservation Area	Conservation Area	Moderate	Neutral	Neutral	n/a	Agree with ES
Castle and Victoria Road Conservation Area	Conservation Area	Moderate	Negligible - impacts from Viewpoint 1 Castle Mound only due to raised ground.	Negligible Adverse	Negligible Adverse - scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increase from Neutral Agree with HIA
West Cambridge Conservation Area	Conservation Area	Moderate	Negligible - viewpoint 10 - proposal will create a new backdrop to West Cambridge CA above the treeline	Negligible Adverse	Negligible Adverse - scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increase from Neutral

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
			and breaking the horizon			
Jesus College	Grade I Listed Building	Very High	Minor Viewpoint 1 from Castle Mound. The proposal occupies the background to the west of Jesus College Chapel which is in the middle ground of the view. The proposal will be prominent in the backdrop and compete with Jesus College, particularly the flue zones which are prominent above the horizon	Moderate Adverse	Moderate Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Agree with ES
St Johns College	Grade I Listed Building	Very High	Minor Viewpoint 10 - proposal breaks the skyline and seeks to compete for prominence with St John's College Chapel Tower	Moderate Adverse	Moderate Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increase from Minor Adverse
University Library	Grade II Listed Building	Moderate	Minor Viewpoint 10 - proposal breaks the skyline and seeks to compete for prominence with University Library Tower	Minor Adverse	Minor Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Agree with ES

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
Church of Our Lady and the English Martyrs	Grade I Listed Building	High	Minor Viewpoint 10 - proposal breaks the skyline and seeks to compete for prominence with the spire of Church of Our Lady and the English Martyrs	Moderate-Minor Adverse	Moderate-Minor Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increased from Minor Adverse
Kings College Chapel	Grade I Listed Building	Very High	Minor Viewpoint 10 - proposal breaks the skyline and seeks to compete for prominence with King's College Chapel	Moderate Adverse	Moderate Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increase from Minor Adverse
All Saints Church	Grade I Listed Building	High	Minor Viewpoint 1 from Castle Mound. The proposal occupies the background to the west of All Saints Church which is in the middle ground of the view. The proposal will be prominent in the backdrop and compete with the spire of All Saints Church, particularly the flue zones which are prominent above the horizon	Moderate Adverse	Moderate Adverse -scale, massing and flue zones unlikely to be mitigated by Design Code	Agree with ES

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
Mill Road Cemetery	Grade II Registered Park and Garden	Moderate	Minor - Scheme will be visible from within the Registered Park and Garden as users move around the space. The flues have the potential to be particularly impactful when considering worst case scenario	Minor Adverse	Minor Adverse - there is potential to reduce harm through the modelling of buildings heights and by limiting flues with the flue zones - however the Design Code remains too flexible on flue placement	Agree with ES
Custodians House Mill Rd Cemetery	Grade II Listed Building	Moderate	Minor - Scheme will be visible from within the Cemetery as users move around the space and therefore affect how the Custodian's House is experienced. The flues have the potential to be particularly impactful when considering worst case scenario	Minor Adverse	Minor Adverse - there is potential to reduce harm through the modelling of buildings heights and by limiting flues with the flue zones - however the Design Code remains too flexible on flue placement	Agree with ES
Church of Christ Church	Grade II Listed Building	Moderate	Minor - scheme appears above the Church and will detract from its contribution to the skyline (Views 1 and 10). Proposal competes for prominence due to the Church being located just	Minor Adverse	Minor Adverse - mitigation is unlikely to reduce effects due to proposal creating a new backdrop to the Church above the treeline.	Disagree with ES – reduced from Moderate-Minor Adverse

Asset	Category	Significance	Magnitude of Change	Significance of Effect	Residual Effect	Summary against ES and HIA
			in front of the development in View 10			
Old Cheddars Lane Pumping Station	Scheduled Monument	High	Minor - views 11, 13, 14B - proposal will seek prominent and detract from the chimney of the Old Pumping Station - both in height and in the large scale and mass of the development which does not align with the fine grain of the setting of the Scheduled Monument in this view	Moderate-Minor Adverse	Moderate-Minor Adverse - mitigation is unlikely to reduce effects due to scale and massing of the development and flexibilities of flues within the Design Code	Disagree with ES – increased from Minor Adverse
Chapel of St Mary Magdalene (The Leper Chapel)	Grade I Listed Building	High	Neutral	Neutral	Neutral	Agree with ES
Great St Marys Church	Grade I Listed Building	Very High	Minor Viewpoint 10 - proposal breaks the skyline and seeks to compete for prominence with Great St Mary's	Moderate Adverse	Moderate Adverse - scale, massing and flue zones unlikely to be mitigated by Design Code	Disagree with ES – increased from Neutral

5. Summary and Conclusions

- 5.1. Overall, from reviewing ES Chapter 7A: Cultural Heritage and Technical Appendix 7.1A Heritage Impact Assessment it appears that there are significant disparities between the two documents. It is therefore unclear which assessment is being used to support the Application.

Scoping

- 5.2. Regarding Scoping, both ES Chapter 7A and Technical Appendix 7.1A Heritage Impact Assessment incorrectly identify 'Positive Unlisted Buildings' as non-designated heritage assets. These are all buildings identified within the Conservation Area Appraisal and are separate from Buildings of Local Interest, which comprise Greater Cambridge's Local List (and are non-designated heritage assets in their own right). This serves to reduce the overall impacts on the Conservation Area.
- 5.3. The NPPF is clear that at paragraph 220 the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, *taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole*. [my emphasis].
- 5.4. Otherwise, the Scoping appears to be appropriate and relevant heritage assets have been considered within ES Chapter 7 and Technical Appendix 7.1A Heritage Impact Assessment.

Methodology

- 5.5. The disparities between the ES Chapter 7A: Cultural Heritage and Technical Appendix 7.1A Heritage Impact Assessment largely appear to be linked to the Methodology, regarding both its content and its application and use within the reports. This relates to:
- **Table 7.1A** – the introduction of 'Good' sensitivity/value/significance
 - **Table 7.3A** – the omission of 'Good' sensitivity/value/significance
- 5.6. The ES Chapter and Appendix 7.1A vary in their sensitivity/significance values attributed to the identified heritage assets. This will fundamentally change reported effects due to the use of **Table 7.3A** which utilises a matrix assessment.
- 5.7. I agree in the main with the sensitivity/significance values in the ES Chapter, but I would ascribe a 'High' sensitivity/significance value to:
- Church of Our Lady and English Martyrs (Grade I),
 - All Saints Church (Grade I),
 - Old Cheddars Lane Pumping Station (Scheduled Monument), and

- Chapel of St Mary Magdalene (The Leper Chapel) (Grade I).
- 5.8. This is because whilst these are assets of the highest significance, being Grade I Listed Buildings and a Scheduled Monument, they are not assets of recognised international importance like those of the Cambridge Colleges.
- 5.9. The application of the matrix assessment in **Table 7.3A** has also not been followed in the preparation of the ES Chapter which has led to errors with regards to the assessments for the following heritage assets:
- Historic Core Conservation Area
 - Jesus College, Grade I Listed Building
 - University Library, Grade II Listed Building
 - Church of Our Lady and the English Martyrs, Grade I Listed Building
 - King's College Chapel, Grade I Listed Building
- 5.10. It is unclear whether the Magnitude of Change or Significance of Effect is understated for these assets.

Predicted Impacts

- 5.11. As identified, the ES Chapter 7A does not appear to make reference to, or assess, the worst-case scenario based on the maximum parameters of the scheme as is required under the EIA Regulations. Instead, it appears to assess the illustrative scheme taking into account the provisions of the Design Code. As noted above, it is considered that the application of the Design Code is considered to be Mitigation.
- 5.12. It is considered that the ES Chapter has not adequately assessed the effects of the scheme on the significance of the identified heritage assets during the Construction Phase. It is inevitable that adverse, albeit temporary, effects particularly to the Mill Road Conservation Area will be experienced. It is, however, assumed that these could be mitigated to some extent through the proposed Phasing Plan and a Construction Management Plan.
- 5.13. It also appears that no cumulative assessment has been undertaken.
- 5.14. From my own independent assessment of the scheme, utilising **Table 7.3A**, I agree with the ES Chapter with regards to the impacts of the development for the following heritage assets:
- Mill Road Conservation Area – **Minor Adverse**
 - St Matthews Church – **Neutral**
 - 247 Newmarket Road – **Neutral**
 - Cambridge Gas Company Memorial – **Neutral**
 - St Andrew the Less – **Neutral**
 - 33-38 Abbey Walk – **Neutral**
 - Historic Core Conservation Area – **Moderate-Minor Adverse**

- Riverside and Stourbridge Conservation Area – **Neutral**
- New Town and Glisson Road Conservation Area – **Neutral**
- Jesus College – **Moderate Adverse**
- University Library – **Minor Adverse**
- All Saints Church – **Moderate Adverse**
- Mill Road Cemetery Registered Park and Garden – **Minor Adverse**
- Custodians House Mill Road Cemetery – **Minor Adverse**
- Chapel of St Mary Magdalene (The Leper Chapel) - **Neutral**

5.15. I disagree with the predicted impacts to the following heritage assets:

- Kite Conservation Area – I consider to be **Minor Adverse** opposed to **Neutral**
- Castle and Victoria Road Conservation Area – I consider to be **Negligible Adverse** opposed to **Neutral**
- West Cambridge Conservation Area – I consider to be **Negligible Adverse** opposed to **Neutral**
- St John's College – I considered to be **Moderate Adverse** opposed to **Minor Adverse**
- Church of Our Lady and the English Martyrs – I consider to be **Moderate-Minor Adverse** opposed to **Minor Adverse**
- King's College Chapel – I consider to be **Moderate Adverse** opposed to **Minor Adverse**
- Church of Christ church – I consider to be **Minor Adverse** opposed to **Moderate-Minor Adverse**
- Old Cheddar Lane Pumping Station – I consider to be **Moderate-Minor Adverse** opposed to **Minor Adverse**
- Great St Mary's Church – I consider to be **Moderate Adverse** opposed to **Neutral**

Assessment against NPPF

5.16. The ES Chapter does not provide an assessment against the NPPF; however, the Technical Appendix 7.1A Heritage Impact Assessment does. It finds that the proposal will give rise to less than substantial harm to the following heritage assets (only) due to the finding of adverse effect:

- Mill Road Conservation Area
- Historic Core Conservation Area
- Castle and Victoria Road Conservation Area
- All Saints Church, Grade I Listed Building
- Jesus College, Grade I Listed Building
- Christ Church, Grade II Listed Building

5.17. This does not align with the Significance of Effect reported in the ES Chapter 7A which also identifies adverse effects to:

- St John's College, Grade I Listed Building
- University Library, Grade II Listed Building
- 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
- Mill Road Cemetery, Grade II Registered Park and Garden
- Custodians House, Mill Road Cemetery, Grade II Listed Building
- Church of Christ Church
- Old Cheddars Lane Pumping Station, Scheduled Monument

5.18. The adverse effects are all reported as being between Moderate to Negligible. In NPPF terms, the level of harm would be within 'less than substantial'. There is no explanation for the omission of these latter assets.

5.19. My own assessment has also identified adverse effects between Negligible to Moderate to the following additional heritage assets:

- Kite Conservation Area
- West Cambridge Conservation Area
- Great St Mary's Church, Grade I Listed Building

5.20. The level of harm in NPPF terms to these assets would also be within 'less than substantial'.

Conclusion

5.21. It is therefore considered that the proposed scheme will cause 'less than substantial' harm, in NPPF terms, to the following heritage assets:

- Mill Road Conservation Area
- Mill Road Cemetery, Grade II Registered Park and Garden
- Custodians House, Mill Road Cemetery, 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

5.22. The identification of 'less than substantial harm' to the above assets therefore engages paragraph 212 of the NPPF which requires great weight to be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of the level of harm. Paragraph 215 of the NPPF will also be engaged which requires this harm to be weighed against the public benefits of the proposal.

5.23. My above assessment therefore aligns with that of the Conservation Officer in their Consultation Response dated 07.11.2024 which identified that the proposal would adversely affect the following heritage assets:

- King's College Chapel, Grade I Listed Building
- Great St Mary's Church, Grade I Listed Building
- St John's College, Grade I Listed Building
- All Saints Church, Grade I Listed Building
- Jesus College, Grade I Listed Building
- Christ Church, Grade II Listed Building
- Mill Road Conservation Area
- Kite Conservation Area
- Castle and Victoria Road Conservation Area
- Riverside and Stourbridge Common Conservation Area
- Mill Road Cemetery Registered Park and Garden

5.24. The Conservation Officer identified that, when taken together, the level of harm would be 'less than substantial harm' at a 'moderate level' which (again) I would agree with.

5.25. I note, however, that my assessment has also identified harm to: Church of Our Lady and the English Martyrs, Grade I Listed Building, the West Cambridge Conservation Area, and the Old Cheddars Lane Pumping Station, Scheduled Monument. My assessment considers that harm to these assets would be to a minor to negligible degree.

5.26. Overall, I conclude that, when taken together, the proposal would give rise to a moderate level of less than substantial harm.

Appendix A

Glossary (National Planning Policy Framework) ²

Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic environment record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the

² NPPF 2024. Glossary: Annex 2

significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy) The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Appendix B

Legislation, Planning Policies and Guidance

The relevant planning policy, national and local guidance, and background studies I have considered when preparing this assessment include:

- Planning (Listed Buildings and Conservations Area) Act 1990;
- National Planning Policy Framework 2024;
- National Planning Practice Guidance: conserving and enhancing the historic environment 2019 (with amendments);
- Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment 2015;
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets 2017; and
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets 2019.

Key policies and guidance from these documents, relating to the assessment of the appeal site, are set out below.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty for development that affects the setting of listed buildings:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Case law has clarified how the statutory duty is to be exercised when considering development affecting a listed building or its setting.³ The Courts have confirmed that a decision maker should give "considerable importance and weight" to any harm to the setting and significance of a listed building and to the desirability of preserving that setting. Because of this, where such harm exists it gives rise to a "strong presumption" that planning permission should be refused. The presumption to refuse

³ Most notably *East Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor wind turbine case) as further explained by the High Court in *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) (Penshurst Place affordable housing case).

permission can nonetheless be outweighed by material considerations, provided these considerations are powerful enough to do so.

National Planning Policy Framework, NPPF (2024)

The planning policy context for the assessment of impact on the setting of heritage assets is set out in the National Planning Policy Framework. Annex 2: Glossary of the NPPF defines the terms ‘heritage asset’, ‘significance’ and ‘setting’:

Designated heritage asset: *A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.* Page 66.

Heritage asset: *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).* Page 67.

Setting of a heritage asset: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.* Page 71.

Significance (for heritage policy): *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.* Pages 71-72.

Paragraph 202 of the NPPF sets out that heritage assets should be conserved ‘in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’.

The following paragraphs in the NPPF are of particular importance when considering the impact of development on the setting of heritage assets:

Paragraph 207 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 sets out that where less than substantial harm is involved this harm should be weighed against the public benefits of the proposal.

National Planning Practice Guidance 2019 (NPPG)

The National Planning Practice Guidance reiterates that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Key elements of the guidance relate to assessing harm to a heritage asset. In paragraph 018, the NPPG advises that what matters in assessing if a proposal might cause harm is the impact on the significance of the heritage asset and confirms that significance derives not only from a heritage asset's physical presence, but also from its setting. It is the degree of harm to the asset's significance rather than the scale of development that is to be assessed and confirms that harm may arise from development within the setting of a heritage asset. Whether a proposal causes substantial harm will be a judgment for the decision maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it is unlikely to arise in many cases.

Paragraph 006 explains that in legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

In paragraph 013, it is stated that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

Paragraph 013 also confirms that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015

The Historic Environment Good Practice Advice Note 2 (2015) provides a useful summary of the approach that Historic England promotes in cases where development may affect the significance of heritage assets. Paragraph 4 explains the overarching purpose of the guidance:

‘Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with knowledge and understanding of the significance of the heritage assets they may affect.’

This is expanded in paragraphs 8 to 10 which suggest that decision making should be guided by a sound understanding of the level, extent and nature of this identified significance.

Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets, 2017

The Historic England Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (2017) provides the base framework for the assessment of proposed changes to the setting of a heritage asset. This Good Practice Advice was published on 25th March 2015, and updated December 2017, both superseding The Setting of Heritage Assets (2011).

A relevant extract from the Advice Note includes:

‘Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.’ (Paragraph 9).

Historic England Advice Note 12: Statements of Heritage Significance, 2019

To assess the heritage significance of the identified heritage asset, this assessment has drawn guidance from Historic England which recommends making assessments under the categories of: Archaeological interest, Architectural and artistic interest, and Historic interest. These interests together contribute to the overall significance of a place or site.

These attributes of significance are described as:

Archaeological interest: *There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

Architectural and artistic interest: *These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.*

Historic Interest: *An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*