

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Inquiry Procedure) (England) Rules 2000

STATEMENT OF CASE

CAMBRIDGE CITY COUNCIL

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

**ADDRESS: BEEHIVE CENTRE, COLDHAMS LANE, CAMBRIDGE,
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MARCH 2025

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1.0 Introduction

- 1.1 This Statement of Case ('SoC') sets out the particulars of the Local Planning Authority's (the 'LPA') case regarding the planning application made by Railway Pension Nominees Ltd (the 'Applicant') for the redevelopment of the Beehive Centre, Coldhams Lane, Cambridge ('the Site'). The application was called-in by the Secretary of State (the 'SoS') on 12 February 2025 (reference APP/Q0505/V/25/3360616).
- 1.2 The application seeks outline planning permission, with all matters reserved, for the comprehensive redevelopment of the site, including the demolition of the existing buildings, to deliver a research and development-led mixed-use scheme, comprising of 10 building plots, which also incorporates a new local centre; open space; and associated infrastructure. An overview of the proposed development, including the key considerations and the officer's recommendation, can be found in Section 1 of the Officer's Report (the 'OR') (Appendix A). The relevant planning history is set out in Section 5 of the OR. A summary of consultation responses is provided in Section 8 of the OR, while a summary of third-party responses is provided in Section 9.
- 1.3 The application was considered at the Council's Planning Committee on 12 February 2025, shortly after the request for call-in, where Members endorsed a 'minded to refuse' recommendation on the single ground of harm to neighbouring residential amenity, as set out in Section 31 of the OR (see Appendix B). Section 2 of this Statement of Case provides the background to the call-in of the application and details the Council's recommended reason for refusal.
- 1.4 If the Applicant intends to submit new information to address the reason for refusal, the LPA expects this to be provided without delay.
- 1.5 A list of planning conditions will be included in the final Statement of Common Ground. The Heads of Terms for the S.106 agreement will be submitted to the Inspectorate before the case management conference, with a final draft, agreed by all parties to it, to be submitted no later than 10 working days before the inquiry opens on 24 June 2025.

2.0 Background and reason for refusal

- 2.1 Pre-application discussions between the Applicant and the LPA took place from early 2021 until August 2023.
- 2.2 The application was submitted on 18 August 2023 and was valid on receipt. It was accompanied by an Environmental Statement (the 'ES') and was classified as Environmental Impact Assessment (EIA) development, as detailed in Section 3 of the OR. The application was made in outline, with all matters reserved.
- 2.3 The first statutory consultation period expired in late September 2023. Following a review of the consultation feedback, the LPA identified concerns with the proposal and engaged with the Applicant to address them.
- 2.4 The Applicant initiated the submission of the revised application on 30 August 2024, and it was completed on 3 September 2024 when the revised ES was received by the LPA.
- 2.5 In late October 2024, following a review of the Applicant's revised Daylight and Sunlight Assessment, prepared by eb7 Ltd, the LPA identified concerns regarding the daylight and sunlight impacts of the revised submission.
- 2.6 On 5 November, the LPA emailed the Applicant's appointed agent, Bidwells LLP (the 'Agent'), outlining its concerns regarding the daylight and sunlight impacts of the maximum parameter scenario and illustrative scheme scenario, as assessed in the Daylight and Sunlight Assessment. The LPA requested a digital model to compare these scenarios against a BRE Guidance compliant massing, alongside additional information on neighbouring room uses to reduce ambiguity. The LPA also proposed a meeting to discuss these concerns, which was scheduled for 13 November 2024.
- 2.7 At the meeting on 13 November 2024, eb7 provided an overview of the daylight and sunlight impacts arising from the application. The LPA reiterated that a digital model of the scenarios assessed, in addition to a BRE Guidance compliant massing for comparison, would be beneficial. It was advised that eb7 would compile and submit additional information to supplement the Applicant's Daylight and Sunlight Assessment by the end of November 2024.

- 2.8 On 3 December 2024, the Applicant submitted a Daylight and Sunlight Assessment Addendum, along with a revised Design Code and other supplementary documents.
- 2.9 Between the daylight and sunlight meeting on 13 November 2024 and the 12 December 2024, the LPA continued to seek agreement from the Applicant to submit the digital model for the revised proposals (see Appendix C). The LPA emphasised that the digital model had been shared for an earlier iteration of the proposals, and that re-providing it for the revised scheme would allow for a clearer assessment of massing scenarios and their relative effects in terms of the BRE Guidance.
- 2.10 During this period of correspondence, the LPA also informed the Applicant that it intended to commission an independent review of the Daylight and Sunlight Assessment and Addendum. It was highlighted that providing the digital model would enable verification of the Applicant's assessment. This in turn would allow the LPA — with the input of the Council's appointed Daylight and Sunlight specialist — to understand which parts of the scheme were causing most harm, allowing for a meaningful amendment to the proposal to address daylight and sunlight concerns.
- 2.11 On 12 December 2024, the Agent confirmed that the Applicant would not provide the digital model to the LPA (see Appendix C). It was instead set out that the application submitted to the LPA is the one sought for approval and that it has been accompanied by sufficient supporting information to demonstrate that the development is acceptable. It was advised that the LPA can equally assess the submitted information and reach its own decision on the merits of the application.
- 2.12 Following this confirmation, the LPA appointed Schroeders Begg as its daylight and sunlight specialist advisor in mid-December 2024. However, in the absence of the digital model, Schroeders Begg's role was limited to a peer review exercise.
- 2.13 Initial discussions with Schroeders Begg during the review process reaffirmed the LPA's concern that the proposal would result in unacceptable daylight and sunlight impacts on neighbouring properties.
- 2.14 The LPA received a draft Daylight & Sunlight – Independent Review (the 'Independent Review') prepared by Schroeders Begg, which was forwarded to the Agent on 28 January 2025. The review did not introduce new information or results but synthesised the findings of the Applicant's Daylight and Sunlight Assessment and Addendum into a clearer summary of key impacts and provided advice to the LPA on their significance.

- 2.15 At a meeting on 28 January 2025, the Agent proposed addressing the daylight and sunlight concerns through an amended Design Code, alongside a planning condition requiring that the reserved matters for buildings on Plots 8, 9, and 10 result in daylight, sunlight, and overshadowing effects no worse than those identified for the illustrative scheme in the Daylight and Sunlight Assessment Addendum.
- 2.16 The LPA expressed concerns about this approach, explaining its view that that the most appropriate way to address the issue would be through an amendment to the maximum parameters. The Agent agreed to outline the Applicant's proposed approach in writing for formal consideration.
- 2.17 On 29 January 2025, the Agent submitted a written proposal suggesting that the LPA's daylight and sunlight concerns be addressed through a proposed planning condition (see Appendix D).
- 2.18 On 31 January 2025, the LPA responded, stating that it was unable to agree to the Applicant's proposed conditional approach. The LPA confirmed that officers would be reporting the application to Planning Committee on 12 February 2025 with a recommendation of refusal on the single ground of harm to neighbouring residential amenity (see Appendix E).
- 2.19 On 3 February 2025, the OR report was published on the Council's website, and the Independent Review was uploaded to the application file on Public Access.
- 2.20 On 11 February 2025, the Applicant submitted additional representations from their Agent, daylight and sunlight specialist, and Rupert Warren KC.
- 2.21 The LPA reviewed these late representations and responded to the points raised in an Amendment Sheet published on the Council's website on 11 February 2025 (Appendix F).
- 2.22 On the morning of 12 February 2025, shortly before the start of the Planning Committee meeting, the LPA received correspondence from the Planning Casework Unit at the Ministry of Housing, Communities & Local Government ('MHCLG') confirming that the Secretary of State ('SoS') had decided to call-in the application for her own determination.
- 2.23 The application was reported to the Planning Committee on 12 February 2025, where, in light of the SoS call-in, Members considered a 'minded to refuse' recommendation. The officer presentation was supplemented by

an overview from Schroeders Begg on the application of the BRE Guidance and the significance of the proposed development's daylight and sunlight impacts, including an opportunity for Members to ask questions. The Planning Committee unanimously endorsed the recommendation and reason for refusal set out in the OR. The reason for refusal is set out at paragraph 2.24 below.

2.24 Minded to Reason for Refusal – Residential Amenity

By virtue of the scale, massing, and positioning of the maximum building parameters, the proposed development fails to keep potential reductions in daylight and sunlight to a minimum in St Matthew's Gardens, Silverwood Close and other adjacent properties and gardens. The extent and degree of harm would be both wide ranging, significantly adverse and acutely felt by existing occupants. Many habitable rooms would feel poorly lit, colder, and gloomier, particularly where living rooms are concerned. Multiple gardens would also feel less pleasant and enjoyable, due to the significant increase in overshadowing that would be experienced. Moreover, the proposed development would be overly dominant and imposing on neighbouring properties, particularly in St Matthew's Gardens and Silverwood Close, resulting in an oppressively enclosed outlook. The overall harm to residential amenity would be significantly adverse and permanent, contrary to policies 55, 56, 57 and 60 of the Cambridge Local Plan (2018) and paragraph 135 (f) of the National Planning Policy Framework (2024).

3.0 The site and its surroundings

- 3.1 The site is a retail park, comprising 11 retail units and a large car park, located approximately 1.5km to the east of the city centre, within the urban area of Cambridge. The total site area is 7.8 hectares.
- 3.2 Within the site, there are 119 individual trees, groups of trees, and hedgerows. Of these, 10 trees are subject to individual Tree Preservation Orders (TPOs).
- 3.3 Vehicular access to the site is taken from Coldhams Lane, while pedestrian and cycle access can be achieved from St Matthew's Gardens, York Street, and Sleaford Street.
- 3.4 In terms of the site's surroundings, Cambridge Retail Park is located to the north; the railway line is located to the east, with residential properties beyond; and to the south, west, and north-west the area is predominantly low-rise residential, contributing to a suburban character.
- 3.5 Coldhams Common, a protected semi-natural green space within the Green Belt, is located further to the east and north-east. There are also protected open spaces at Silverwood Close, St Matthew's Gardens, and St Matthew's Piece.
- 3.6 Cambridge Train Station is located just over 1k to the south of the site. On the approach to the train station and adjacent to the railway line more generally, there is an increase in the scale of built form when compared to the site's more immediate surroundings.
- 3.7 The site is located close to the historic core of Cambridge, an area rich in heritage assets with numerous listed buildings, conservation areas, non-designated heritage assets, and a Registered Park and Garden. Section 15 of the OR sets out in detail the heritage context for the site.
- 3.8 There are no designated sites of nature conservation or interest within or adjoining the site.
- 3.9 The site is located in Flood Zone 1 where there is a low risk of fluvial flooding.
- 3.10 A full description of the site and its context can be found in section 2 of the OR.

4.0 Planning policy context

4.1 Section 6 of the OR sets out the planning policy context in terms of national policy and guidance, the development plan, and other Cambridge City Council guidance.

4.2 The development plan, insofar as relevant to the application, comprises the Cambridge Local Plan (2018) (the 'CLP'). The policies of the CLP that the Council consider to be most relevant to the determination of this application are:

Policy 1: The presumption in favour of sustainable development

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 8: Setting of the city

Policy 14: Areas of Major Change and Opportunity Areas

Policy 28: 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: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding

Policy 40: Development and expansion of business space

Policy 42: Connecting new developments to digital infrastructure

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 60: Tall buildings and the skyline in Cambridge

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 67: Protection of open space

Policy 68: Open space and recreation provision through new development

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 73: Community, sports and leisure facilities

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.0 The Council's Case

- 5.1 This section of the Statement of Case sets out and explains the LPA's reason for the recommending refusal of the application. It should be read alongside the OR, which provides a detailed assessment of the proposed development. In particular, Section 24 of the OR addresses the consideration of residential amenity.
- 5.2 In its evidence, the LPA will demonstrate that the proposed development fails to comply with the development plan as whole and that there are insufficient material considerations to indicate that the application should be determined contrary to the development plan.
- 5.3 The LPA intends to call the following expert witnesses at the inquiry:
- Andrew Martin, Principal Planner at Greater Cambridge Shared Planning Service – *Planning*
 - Ian Dias, Partner at Schroeders Begg – *Daylight and Sunlight*

Each witness will provide a Proof of Evidence and will be available for cross-examination during the inquiry.

Heritage and Townscape / Landscape Impacts

- 5.4 Additionally, although there is no disagreement on the overall conclusions to be drawn, because the applicant and the LPA identified differing levels of harm regarding heritage and townscape/landscape impacts, two peer review documents – one addressing each issue – will be appended to the Planning Proof of Evidence. The Council will not lead live expert witness evidence in respect of these two issues at the inquiry, as they have not manifested into recommended reasons for refusal, but it is recognised that it may assist the Secretary of State to see the LPA's reasoning. The LPA's view is that all matters outside of the remit of the Planning and Daylight and Sunlight witnesses can be satisfactorily dealt with through written submissions, or, if considered necessary, round table discussion.
- 5.5 The minded-to reason for refusal is considered below.

Reason for Refusal – Residential Amenity

- 5.6 The sole reason for refusal recommended by the LPA concerns the impact of the proposed development on residential amenity. Specifically, the harm to neighbouring residential amenity that would occur due to a loss of daylight and sunlight, including overshadowing of gardens, and the introduction of an oppressive sense of visual enclosure brought about by

the proximity and massing of the proposal to adjacent residential properties.

- 5.7 Policies 55, 56, and 57 of the CLP collectively require the design of developments to respond positively to their context. Policy 60 of the CLP establishes the policy assessment criteria for proposals that involve tall buildings, with criterion (d) requiring applicants to demonstrate that their proposals will not adversely impact neighbouring buildings and open spaces in terms of overlooking and overshadowing, and that they will ensure adequate daylight and sunlight within and around the proposals. Further advice regarding the assessment criteria set out in Policy 60 is provided in Appendix F to the CLP: 'Tall Buildings and the Skyline'. In particular, paragraphs F.41 – F.44 of the appendix provide further advice regarding criterion (d).
- 5.8 The above policy objectives are consistent with the National Planning Policy Framework (2024) (the 'NPPF'). Notably, paragraph 135 (f), amongst other matters, requires developments to achieve a high standard of amenity for existing and future users. Likewise, the National Design Guide (NDG), National Model Design Code (NMDC), and the National Planning Practice Guidance (NPPG) on "Effective use of land", Paragraphs 006 – 007, all reaffirm the importance of responding to site constraints and maintaining an acceptable standard of amenity for neighbouring residential properties.
- 5.9 In presenting its evidence on daylight and sunlight, the LPA will refer to the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022*, published by the Building Research Establishment (BRE) (the 'BRE Guidance'). While not an instrument of policy, the BRE Guidance is a material consideration, providing established guidelines for assessing whether a habitable room or residential amenity area would experience significant adverse effects in relation to daylight and sunlight.
- 5.10 In applying the BRE Guidance, the LPA's evidence will also cite the High Court judgment in *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin) (Appendix G). This judgment establishes key principles for interpreting and applying the BRE Guidance, including the two-stage process for identifying and assessing harm in decision-making. The first stage must involve a technical calculation of the daylight and sunlight impacts and whether or not a proposal would result in a material deterioration in the daylight and sunlight conditions of surrounding development. The second is whether, as a matter of planning judgement, any such material deterioration would be acceptable.

- 5.11 Through its evidence, the LPA will demonstrate that the proposed development, as appraised against the proposed maximum parameters, will result in a material deterioration in the daylight and sunlight conditions of surrounding (existing) development, including within dwellings and outdoor amenity areas. As a matter of planning judgment, the LPA will explain that the proposal fails to ensure adequate daylight and sunlight to neighbouring residential properties and would result in a significant increase in overshadowing of gardens, and as such is unacceptable in planning terms.
- 5.12 Additional work is currently being undertaken by Schroeders Begg on the daylight and sunlight impacts of the maximum parameters and illustrative scheme, following a site visit undertaken with eb7 on 13 March 2025 and the subsequent sharing of updated analysis and 3D models for the assessed scenarios by the Applicant on 26 March 2025. A further supplementary Statement of Common Ground on the daylight and sunlight impacts will be provided in due course. The Council's Planning witness will incorporate a planning judgement on the acceptability of the illustrative scheme's impacts within their Proof of Evidence.
- 5.13 Furthermore, due to the scale, height, and massing of the maximum building parameters in relation to adjacent residential properties, the LPA will show that the development would create an oppressive and enclosed outlook for neighbouring residential properties.
- 5.14 Overall, the LPA will demonstrate that significant harm to residential amenity resulting from the proposed development would arise and the proposal conflicts with Policies 55, 56, 57, and 60 of the CLP and paragraph 135 (f) of the NPPF and NPPG guidance.

Other impacts

Heritage

- 5.15 The heritage policy and legislative context is set out in full under Section 15 of the OR, alongside the LPA's assessment of the heritage impacts of the proposed development. The relevant policies of the CLP to the heritage assessment of the development are Policies 60 and 61. The objectives of these policies are consistent with the policies contained in Chapter 12 of the NPPF.

5.16 While it does not form part of its recommended reason for refusal, the LPA will demonstrate in its evidence that the proposed development will result in less than substantial harm to the following heritage assets:

- Mill Road Conservation Area
- Mill Road Cemetery - Grade II Registered Park and Garden
- Kings College Chapel - Grade I Listed Building
- St Mary the Great 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
- University Library - Grade II Listed Building
- Central Conservation Area
- Kite Conservation Area
- Castle and Victoria Conservation Area
- Riverside and Stourbridge Conservation Area

5.17 The LPA considers that, in undertaking the balancing exercise required under paragraph 215 of the NPPF, the public benefits of the proposed development are collectively sufficient to outweigh the less than substantial harm to the heritage assets.

Townscape and visual effects

5.18 The LPA's assessment of the townscape and visual impacts of the proposed development is set out in full under Section 16 of the OR. The relevant policies of the CLP to the assessment of townscape and visual effects are Policies 60 and 67. The objectives of these policies are consistent with the policies contained in the NPPF, including paragraph 135 (c) which requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

5.19 While the townscape and visual effects of the proposed development do not form part of the recommendation for refusal, the LPA will demonstrate that there will be residual harm following the implementation of the secondary mitigation, but that the residual harm and resulting conflict with Policies 60 and 67 would be outweighed by the overall benefits of the scheme.

6.0 Planning Balance and Conclusion

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning & Compulsory Purchase Act 2004 both require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The LPA has undertaken a comprehensive assessment of the planning balance, which can be found in Section 30 of the OR. While the proposed development would deliver a significant range of economic, social, and environmental benefits, which are in themselves sufficient to outweigh the heritage and townscape harm arising, the planning balance concludes that these benefits do not outweigh the significant harm to the residential amenity of neighbouring properties that would arise from the proposal.
- 6.3 As such, the LPA's evidence will demonstrate that the proposed development would conflict with the development plan as a whole and that there are insufficient material considerations to justify departing from it. Accordingly, the LPA maintains that planning permission should be refused.