

Land to the north of Cambridge North Station, Milton Avenue, Cambridge
Brookgate Land Limited
Mr Michael John Derbyshire
APP/W0530/W/23/3315611



PROOF OF EVIDENCE
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1.0 Qualifications and Experience

- 1.1 I am Michael John Derbyshire. I am a Chartered Town Planner with over 34 years' experience in the private and public sector. I have a degree in Town and Country Planning obtained from the University of the West of England in 1988.
- 1.2 I am an Equity Partner and Head of Planning at Bidwells LLP, an award winning top 20 planning practice with offices in Cambridge, Oxford, London, Norwich and Milton Keynes. Bidwells have been practising in the City of Cambridge for 185 years, with our Cambridge HQ comprising over 250 property professionals. We advise 33 of the Cambridge colleges and many of the leading institutions and businesses in the City and surrounding area.
- 1.3 Prior to joining Bidwells, I was a Senior Director at Savills, jointly heading the London office, based in their Mayfair HQ. I dealt with a number of significant projects including the London Clinics Quantum Leap project, a £500million upgrade of their Harley Street Campus including a new Cancer Centre on Devonshire Road; a Hopkins designed flagship school for the Girls' Day School Trust in Hampstead; a MAKE designed residential block on behalf of L&Q in Bermondsey (won on appeal); and the relocation of the world famous Annabel's night club into their new Grade I listed home in Berkeley Square. I also secured permission for the Oakgrove Millennium Community in Milton Keynes on behalf of Crest, a mixed-use 1100 home development.
- 1.4 Before entering the private sector, I spent 16 years in local government. I was Head of Planning and Conservation at Broadland District Council and immediately prior to that was Chief Development Control Officer at Three Rivers District Council. I spent nearly 10 years at the London Borough of Barnet and had two spells at Welwyn Hatfield Council.
- 1.5 My experience of large-scale mixed-use development proposals in Cambridge is considerable.
- 1.6 The Brookgate CB1 scheme in Cambridge is a 1.5million sq.ft mixed-use Lord Richard Rogers designed masterplan centred around the central train station and Station Road which I have led on since 2005. Consented in 2010 it is now in its final delivery phases with 20 Station Road currently under construction and 10 Station Road, the last office building in CB1, now funded with construction works commencing in 2022. It comprises 23 separate buildings ranging from hotels, student accommodation, market and affordable residential homes, retail and leisure uses and c500,000 sq.ft of offices now home to a cluster of world class IT companies with a focus on AI including Microsoft, Apple, Amazon and Samsung. The scheme architects include Rogers, Stirk + Harbour,

Grimshaws, Perkins and Wills, TP Bennett, Chetwoods and Formation. It was commended in the 2017 RTPI Awards for Planning Excellence.

- 1.7 I also advised on the recent appeal decision (CD7.00) at 104-112 Hills Road (known as the Flying Pig Inquiry). This AHMM designed mixed-use scheme comprising c308,000 sq ft of commercial and supporting uses was allowed on appeal in March 2022.
- 1.8 I am also currently advising Socius on behalf of Railpen on their mixed-use development of the former Travis Perkins Depot. This scheme secured planning permission in March 2023.
- 1.9 I also regularly act as an Expert Witness in the High Court and Upper Tribunal on planning issues related to claims under S84 of the Law of Property Act 1925. I acted as the expert witness in the 'Candy Striped House' in Kensington which went through a number of the lower courts before being resolved in my client's favour in the High Court.
- 1.10 I am a delivery board member of the Cambridge Norwich Tech Corridor and I lead on the production of a Spatial Vision for that area.
- 1.11 I have been advising Brookgate on planning issues at Cambridge North since 2014 and secured planning permission for the Novotel and One Cambridge Square, a major office building in 2018. The latter will achieve practical completion in Q2 and the first major occupier, Samsung, signed for lease in March 2023. I also advised Brookgate and Network Rail on their joint application for the new railway Station building and reconfigured surface car park, this was approved in 2016, with the Station opening in May 2017.

Statement of Truth

- 1.12 I confirm that I have made clear which facts and matters referred to in this Proof of Evidence are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



Mike Derbyshire, Head of Planning
Equity Partner, Bidwells LLP

Dated 9 May 2023

2.0 Introduction

Scope of Evidence

- 2.1 I am instructed by the Appellant, Brookgate Land Limited on behalf of The Chesterton Partnership [“the Appellant”] in respect of Land to the north of Cambridge North Station, Cambridge [“the appeal site”, “the Site”].
- 2.2 The appeal is made by the Appellant against the failure of South Cambridgeshire District Council [“the LPA”] to determine an application for planning permission reference 22/02771/OUT. At the meeting of the Joint Development Control Committee on 22 March 2023, the LPA resolved that had it been able to determine the application it would have refused the application.
- 2.3 My evidence is structured as follows:
- 2.4 **Section 1:** Sets out a statement of truth and my experience and qualifications.
- 2.5 **Section 2:** Introduces the planning evidence, setting out my scope and other evidence which supports the wider planning case.
- 2.6 **Section 3:** Provides an executive summary of my proof.
- 2.7 **Section 4:** Sets out the background to the case.
- 2.8 **Section 5:** Sets out the evolution of the appeal proposal.
- 2.9 **Section 6:** Summarises, in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the appeal scheme against the provisions of the development plan.
- 2.10 **Section 7:** Sets out the benefits of the scheme as I see them.
- 2.11 **Section 8:** Sets out the harms arising from the scheme as I see them.
- 2.12 **Section 9:** I then consider the other key material considerations that are relevant to my evidence, this includes the National Planning Policy Framework, and emerging planning policy.
- 2.13 **Section 10:** Provides my direct responses to the Reasons for Refusal [“RfR”].
- 2.14 **Section 11:** Gives commentary on representations to the appeal by the Rule 6 (6) Party.

- 2.15 **Section 12:** Gives commentary on representations to the appeal by third parties.
- 2.16 **Section 13:** Finally, I provide my conclusions as to why I think planning permission should be granted.
- 2.17 For convenience and ease of reference, I provide the following appendices (bound separately):
- **Appendix 1:** Schedule of pre-application engagement with LPA
 - **Appendix 2:** Policy Matrix – draft policies of the emerging North East Cambridge Area Action Plan (NEC AAP) (Proposed Submission version) (November 2021)
 - **Appendix 3:** Evidence Papers Matrix – the emerging North East Cambridge Area Action Plan (NEC AAP)
 - **Appendix 4:** Response to Development Management Guidance Document : Evidence required to support Planning Applications ahead of the North East Cambridge (NEC) Area Action Plan (AAP)
 - **Appendix 5:** Articles and Press Releases on Life Science Sector
 - **Appendix 6:** Response to the Reasons for Refusal
 - **Appendix 7:** Response to Rule 6 (6) Party
 - **Appendix 8:** Responses to Third Parties
- 2.18 Throughout my evidence I reference Core Documents [CD], as agreed with the LPA.

3.0 Executive Summary

- 3.1 The appeal proposal is an outstanding scheme prepared by a number of leading architects and landscape designer. It has a significant number of benefits that I describe as very great overall. The scheme strives to be a sustainable new destination for the City.
- 3.2 The appeal scheme will be a healthy, inclusive, low-carbon development with a vibrant mix of high-quality homes, workplaces, services and social spaces, fully integrated with surrounding neighbourhoods.
- 3.3 Mr Ludewig in his evidence shows how the masterplan has taken a strategic approach that aims to strike a balance, but it is his view that a new urban quarter of Cambridge should not 'blend into' the neighbouring caravan park, allotments or NR maintenance yard. It should stand as the beginning of a proud new city quarter. An extension for Cambridge through a whole new city quarter as envisaged in the AAP should be done with careful consideration but also with confidence, in the spirit of the traditional Cambridge townscape which never sought to disappear but created a varied set of facades defining a clear edge of the city to come.
- 3.4 The appeal proposal does not prejudice the delivery of the wider AAP should that come forward, rather, it is an enabler to its delivery. There is significant unmet commercial demand for office and Research & Development space in the Cambridge North area and the wider market. Cambridge needs and deserves the quality of buildings that have been designed as part of the Appeal proposal.
- 3.5 In a similar vein, there is a need for high quality homes. The scheme provides a mix of high-quality homes, fully compliant with affordable housing policies.
- 3.6 The LPA recognise the importance of the clustering of knowledge intensive industries to the local and national economy. Paragraph 81 of the Framework says: *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."* (Emphasis added).
- 3.7 This highlighted sentence could not be more apt to the Appellant's case.

- 3.8 The Framework emphasises the need to make the most efficient possible use of previously developed land in sustainable locations; the appeal site is one of the most sustainable locations in the region. The LPA themselves recognise the importance of placing new offices and laboratories around Cambridge North Station. The LPA do not dispute that there is a need for new office and lab buildings, they state that the weight to this benefit has been overstated.
- 3.9 I do not consider the need for new office and labs in this location is overstated. The need is compelling. The appeal site is one of the best locations to meet that need.
- 3.10 I identify a number of other economic, social and environmental benefits which I cumulatively attach great weight to.
- 3.11 It is common ground with the LPA and the Rule 6 (6) party that the scheme has an impact on identified heritage assets and that this harm is less than substantial.
- 3.12 I attach the weight dictated by statute and case law to heritage and conclude that any harm to heritage is clearly and manifestly outweighed by the extensive public benefits of the appeal scheme.
- 3.13 The other harm I identify is clearly and manifestly outweighed by the benefits, it is not in my view a close run thing.
- 3.14 In my opinion the determination that would be in accordance with development plan would be to allow the appeal. Material consideration do not indicate otherwise but instead give even greater weight to the arguments in favour of allowing the appeal. If contrary to my evidence the Secretary of State does not consider the appeal scheme is in accordance with the development plan when read as a whole, then the material considerations, particularly the very great benefits, indicate that planning permission should be granted nonetheless.

4.0 Background

- 4.1 The appeal site is, for all intents and purposes, previously developed land that comprises the existing surface level Cambridge North railway station car park of 428 spaces, areas of hardstanding and areas of scrubland.
- 4.2 The existing vehicular access to the appeal site is from Cowley Road which links Milton Road in the north down to Cambridge North station in the south. The road is single carriageway and there are footways on both sides of Cowley Road and a segregated cycleway on the western side of the road.
- 4.3 There is also pedestrian and cycle access to the Site from the Cambridgeshire Guided Busway [“CGB”] to the west and from Moss Bank to the south.
- 4.4 The Site is not located within the Cambridge Green Belt
- 4.5 The Cambridge Green Belt lies to the east of the Site, to the east of the railway line, and further south and south-east of the Site.
- 4.6 The Site does not contain any heritage assets and no non-designated heritage assets are affected by the proposed development.
- 4.7 Fen Ditton Conservation Area and the Riverside and Stourbridge Common Conservation Area are the closest heritage assets to the Site, with parts of their boundaries lying approximately 500m from the Site.
- 4.8 Baits Bite Lock Conservation Area is approximately 900m from the Site.
- 4.9 A detailed description of the appeal site and surrounding context is set out within the Statement of Common Ground (CD6.06).
- 4.10 The appeal proposal is a hybrid planning application for;
- a) An outline application (all matters reserved apart from access and landscaping) for the construction of: three new residential blocks providing for up to 425 residential units and providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)); and two commercial buildings for Use Classes E(g) i (offices), ii (research and development) providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)), together with the construction of basements for parking and building services, car and cycle parking and infrastructure works.*

b) A full application for the construction of three commercial buildings for Use Classes E(g) i (offices) ii (research and development), providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)) with associated car and cycle parking, the construction of a multi storey car and cycle park building, together with the construction of basements for parking and building services, car and cycle parking and associated landscaping, infrastructure works and demolition of existing structures.

4.11 The application was submitted and validated on 15 June 2022.

Statutory consultee responses and proposal revisions

4.12 During the assessment of the application, the LPA consulted internal and external technical professionals and other consultees.

4.13 In response to comments received, the Appellant submitted an amendment pack on 28 October 2022. A second statutory consultation was then carried out.

4.14 The main Statement of Common Ground sets out the full set of comments received from statutory consultees and the Appellant and LPA position to these comments.

Third Parties

4.15 **Appendix 8** sets out the full set of comments received from third parties, such as local residents, and my response to them.

Officer Recommendation

4.16 The Appellant served Notice of Intention to Submit an Appeal on 19 December 2022. The appeal was submitted on 27 January 2023.

4.17 Officers prepared a report on the proposal for the Joint Development Control Committee on 22 March 2023 (CD4.00). The recommendation was to seek Members' endorsement of a "minded to" position of refusal.

4.18 Members endorsed the 'minded to' refuse recommendation for the eight reasons included in the Officer Report. I address each at Section 10 of my evidence.

The Appellant's Experts

4.19 In addition to my planning evidence, the Appellant will be calling the following experts to give evidence to this inquiry:

- Masterplanning: Friedrich Ludewig (Director, ACME)
- Design: Greg Willis (MAKE Architects)
- Landscape Design: Robert Myers (Robert Myers Associates)
- Heritage: Dr Jon Burgess (Director – Turley)
- Landscape and Visual Impact: Jeremy Smith (SLR Consulting)
- Commercial Need: Max Bryan (Partner, Bidwells LLP)
- Highways: Mark Nettleton (PJA)
- Water Resources: Alison Caldwell (PJA)
- Ecology: Mike Barker (RPS) – Mr Barker has produced a Proof of Evidence to help the Inspector and Secretary of State but the LPA has confirmed, at the time of writing this evidence, that they are withdrawing Reason for Refusal 7 and their objection to the appeal scheme on ecology grounds.

4.20 I reference this evidence where appropriate within my submissions.

5.0 Evolution of the Appeal Proposal

- 5.1 I started work on this project immediately after I joined Bidwells as Head of Planning from Savills in November 2013 and this narrative flows from my first-hand experience of dealing with planning and related matters to the Cambridge North Station and the land surrounding it since that point in time. I briefly touch on the older planning history where relevant.
- 5.2 Since the Cambridgeshire Structure Plan 1989 it has been a long-held objective of both Cambridge City Council and the LPA to secure the regeneration of the NEC AAP area (formerly known as Cambridge Northern Fringe East area (CNFE)) to make more efficient and beneficial use of the land. Evidence gathering on the adopted Local Plans began in 2011 and the LPAs launched work on the preparation of the joint AAP in 2014.
- 5.3 The Appellant team has undertaken extensive consultation and engagement with the LPA, key stakeholders and other landowners within the NEC AAP area with regards to both the adopted Local Plans, the emerging NEC AAP and the Appeal proposal. This has been a process which I have been involved in since 2013 and has now extended to nearly a decade.
- 5.4 The client brief for the site has changed because of external factors and the commercial market in the Cambridge economy but core elements has always remained the same, namely, securing the highest standards of sustainability and creating attractive well-designed places and spaces curated by world class designers.
- 5.5 In February 2014 the draft AAP for the Cambridge Area North East Fringe was launched with the laudable aim of being adopted in October 2016, a recurring theme of the AAP has been the failure to meet published guidelines. In 2014 the AAP did not include the Anglian Water Treatment Water work but did include the appeal site.
- 5.6 In 2014 the Local Plan was submitted to the Secretary of State for examination.
- 5.7 Running at the same time was the County Council's Regulation 3 planning application for a new Station at Cambridge North which was approved in July 2014. The grant of permission and the subsequent funding of the Station by the DfT was a critical moment for the appeal site and AAP. With the new station and associated cycle and the CGB connectivity, the appeal site became one of the most accessible locations in region.
- 5.8 Because of the status of the Regulation 3 consent, Network Rail (NR) could not take advantage of the permission. In conjunction with Brookgate a mirror application was submitted jointly with NR to allow NR to lawfully construct the Station, Bidwells were the planning agent for this application.

- 5.9 This was quickly followed by an amendment application incorporating changes, principally around the location of the car park, which as approved was inefficient and dominated the approach to the new station. The amendment application relocated the surface car park to the current position freeing up a large area of land for redevelopment facilitating future expansion if needed. Bidwells were the planning agents for the mirror application which was approved on 23 September 2016 (ref:15/2317/FUL).
- 5.10 Potential future development was facilitated by the relocation of existing sidings and by the reconfiguration and consolidation of the existing Lafarge minerals processing and DB Schenker transfer operation at Chesterton Rail Sidings. Brookgate submitted the application in conjunction with NR alongside PD works and completed the works in 2015 at a cost of £5M, without these enabling works the Station could not have been built.
- 5.11 It can be clearly seen that the appellant, working with landowners has over a number of years, committed significant time, creativity and resources to create an environment where development could come forward in a commercial and well-planned manner. Any suggestions by the LPA that the appellant has been impatient or jumped the gun simply ignore the history of the appeal site and the appellants enabling role in this key site; this is a matter I will return to again.
- 5.12 The new £50M Cambridge North Station, funded by the DoT opened in May 2017. According to the Office of Rail and Road, Cambridge North had 733,612 entries and exits in 2021/2022.
- 5.13 Representations were made by the Appellant to the North East Cambridge Area Action Plan (NEC AAP) Issues and Options in early 2019 and, whilst supporting many parts of it, found fault with the lack of ambition around quantum and flexibility in this sustainable location. Brookgate advocated a design led, flexible approach to new development in the area including PRS to create a vibrant neighbourhood. Brookgate supported the key transport and movement principles with targets to reduce car use.
- 5.14 I described the opening of the Station in May 2017 as a pivotal moment, it genuinely opened up the site for sustainable development in a meaningful way, but at this juncture, the draft Local Plan was drafted in a manner that precluded applications coming forward in advance of an adopted AAP. Although the Appellant has made representations to the contrary, the Inspector report and Modifications were pending (and not published until August 2018).
- 5.15 In this period the LPA worked closely with the Appellant to bring forward two major new buildings, described by the Appellant as phase 1a. These comprise a 217 bed four-star hotel (which will be the venue for the Inquiry) and a c100,000 sq ft BREEAM excellent office buildings with ground floor amenities. These have created a sense of arrival to the new Station and establishes a “*new urban status for the area*” (CD12.01 para11.2).

- 5.16 The office building has recently (March 2023) been part-let to Samsung, one of the worlds' largest tech companies, firmly establishing the location as an attractive commercial location but also one where lower car parking standards are supported by commercial tenants giving substance to the LPA and County Council's aspirational targets. The Hotel opened in 2019 and the office block practically completes in summer 2023. The higher northern wing of the hotel measures 23 metres, with plant 25 metres. The office measures 26 metres, with plant 29 metres.
- 5.17 The proximity of the water treatment plant has been a factor in the planning and design of the appeal site. The LPA through their consultants, Odournet, issued a revised draft odour report in 2018 which, contrary to four earlier odour studies, extended the restrictive odour contours by a margin and over a large part of the appeal site restricting the mix of uses. The Appellant commissioned a new study by Arup in 2019 and this demonstrated that the impact from the odour had been overstated. In the Reg18 version of the AAP, the LPA acknowledged this, and through an updated odour dispersion modelling (December 2020), prepared by Olfasense UK Ltd confirmed the appeal Site falls outside of the odour contours of the Cambridge Water Recycling Centre.
- 5.18 The Inspector accepted the representations made by the Appellant on the Local Plan in relation to draft Policy SS/4. Modifications allowed applications to come forward in advance of the AAP and to be determined on their merits, I go into policy SS/4 in more detail within the Development Plan section of my proof but, just as the opening of the Station was a pivotal moment in terms of the accessibility and commercial deliverability of land at Cambridge North the amendment to the Plan and Policy SS/4 was also a milestone.
- 5.19 The LPA in conjunction with Anglia Water secured HIF funding of approximately £227M to relocate the water treatment works. This additional land (referred to by the LPA as the core site) was brought into the draft AAP through the 2019 Reg 18 consultation.
- 5.20 The Appellants engaged fully in the Design Workshops for the AAP which ran from February to July 2019 and are summarised in the DAS (CD1.01-1.15b). Two architectural firms advised on the workshops, Formation architects looked at the more detailed masterplanning within the site, Perkins and Will were retained to look externally and how the appeal site integrated with the emerging AAP spatial planning.
- 5.21 A series of detailed pre-application meetings were arranged (Appendix 1). The lead was initially taken by Formation architects, who had designed the Hotel and had worked successfully with the Appellant on CB1. The whole of the Chesterton sidings were included but the focus of the proposal was on the land South of Cowley Road, the appeal site.

- 5.22 Responding to feedback from the LPA the appellant reset the scheme. Through a mini - design competition they appointed a new masterplanner, ACME. Mr Ludewig deals with the brief in his proof of evidence and sets out a series of key principles which enshrines the design approach, these are set out below:-
- 5.23 The Key design principles are:
- Excellence in Science.
 - A great place to stay.
 - A place embracing the future of transport.
 - A fitting addition to the visual townscape of Cambridge in the Cam River valley.
 - Ready for Zero Carbon.
 - The centre of a new neighbourhood.
 - A Transformational Scheme.
- 5.24 A series of pre-application meetings moved forward from the end of 2020. The early meetings were focused on the master planning principles which are expanded in the Design and Access Statement (CD1.01-1.15b) and also Mr Ludewig's evidence. This was followed by further details on the residential element which was proposed at the time. He provides a useful time-line of changes in his evidence.
- 5.25 The planning authority were concerned that the scheme was not compliant with Policy SS/4 as it was not employment led. At this time the commercial market was maturing and changing in Cambridge, with a huge international interest shown in life sciences sector of the Cambridge economy, this is set out in more detail within Mr Bryan's evidence but is also reflected in the Council's emerging Local Plan and evidence base.
- 5.26 A commercial only scheme was then promoted by the Appellant but this was considered to fall foul of the LPA's desire for a greater mix of uses on site the site, so the residential element was brought back into the proposals.
- 5.27 This was very well received by the LPA and the mix of us received a "green light" in the LPAs response of the 18.06.21 (the LPA use a traffic light system, red, amber, green to highlight progress on issues).
- 5.28 Following the publication of the Reg 19 draft AAP the LPA, in my view, rather shifted their stance on the principle of development and, using the same traffic light system this was changed to "Red" and marked as unacceptable. This Reg 19 draft was not the subject of any public consultation.
- 5.29 A number of detailed issues were raised in the pre-app responses and meetings with the planning authority and their advisers and Mr Ludewig, Mr Willis and Mr Myers deal with

their detailed points in their respective evidence. I do not attempt to summarise here but make the overarching point that a considerable number of the design changes now incorporated within the appeal scheme were made in direct response to detailed comments by their counterparts in the authorities, I think the Appellant's intention to show they were listening to comments from the LPA comes across clearly in the design Statement of Common Ground.

- 5.30 The commentary above tries to succinctly highlight the challenges the appellant has faced on attempting to bring this site forward for development over a 10 year period. Considerable finances and resources have been spent on enabling the site and bringing forward early phases in the form of One Cambridge Square and the Novotel to start to create some identity and a sense of arrival from the new Station. The LPA initial policy aim from 2014 was, essentially to stop development in advance of the AAP's adoption but the modifications to the 2018 Local Plan created a policy framework for development to come forward in advance of that, acting as a catalyst for the regeneration of the wider area. The AAP adoption date has been pushed back many times from the original ambition of October 2016 to, at the earliest, a 2026 date. This later date is itself subject to a successful outcome for the Development Consent Order (DCO) for the relocation of the Cambridge Waste Water Treatment Plant.

6.0 Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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 plan unless material considerations indicate otherwise.

6.2 The statutory adopted development plan, insofar as it relates to this appeal, comprises the following:

- Adopted SCDC Local Plan (2018) and Proposals Map (2018)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

6.3 When reaching a conclusion on whether a proposed development is compliant with the Local Plan, I must make a judgement based upon the development plan as a whole.

6.4 My assessment of the scheme's compliance with the development plan is as follows:

Presumption in favour of sustainable development

6.5 Policy S/3 of the Local Plan confirms that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*".

6.6 This position is consistent with the Framework and I set out within my evidence that the appeal scheme is compliant with the policies in the Local Plan. It therefore should be approved without delay.

Policy SS/4: Cambridge Northern Fringe East and Cambridge North Railway Station

6.7 The appeal scheme forms part of the allocation within the SCLP, under Policy SS/4: Cambridge Northern Fringe East and Cambridge North Railway Station.

6.8 Policy SS/4 reads as follows:

Policy SS/4: Cambridge Northern Fringe East and Cambridge North railway station

1. The Cambridge Northern Fringe East and Cambridge North railway station will enable the creation of a revitalised, employment focussed area centred on a new transport interchange.
2. The area, shown on the Policies Map, and illustrated in Figure 6, is allocated for high quality mixed-use development, primarily for employment within Use Classes B1, B2 and B8 as well as a range of supporting uses, commercial, retail, leisure and residential uses (subject to acceptable environmental conditions).
3. The amount of development, site capacity, viability, time scales and phasing of development will be established through the preparation of an Area Action Plan (AAP) for the site. The AAP will be developed jointly between South Cambridgeshire District Council and Cambridge City Council, and will involve close collaborative working with Cambridgeshire County Council, Anglian Water and other stakeholders in the area. The final boundaries of land that the joint AAP will consider will be determined by the AAP.
4. All proposals should:
 - a) Take into account existing site conditions and environmental and safety constraints;
 - b) Demonstrate that environmental and health impacts (including odour) from the Cambridge Water Recycling Centre can be acceptably mitigated for occupants;
 - c) Ensure that appropriate access and linkages, including for pedestrians and cyclists, are planned for in a high quality and comprehensive manner;
 - d) Recognise the existing local nature reserve at Bramblefields, the protected hedgerow on the east side of Cowley Road which is a City Wildlife Site, the First Public Drain, which is a wildlife corridor, and other ecological features, and where development is proposed provide for appropriate ecological mitigation, compensation, and enhancement measures either on- or off-site; and
 - e) Ensure that the development would not compromise opportunities for the redevelopment of the wider area.

6.9 I respond to each of the elements of Policy SS/4 in turn below.

Policy SS/4 Part 1. The Cambridge Northern Fringe East and Cambridge North railway station will enable the creation of a revitalised, employment focussed area centred on a new transport interchange.

Policy SS/4 Part 2. The area, shown on the Policies Map, and illustrated in Figure 6, is allocated for high quality mixed-use development, primarily for employment within Use Classes B1, B2 and B8 as well as a range of supporting uses, commercial, retail, leisure and residential uses (subject to acceptable environmental conditions).

- 6.10 The appeal proposal is within the area shown on the Policies Map, and illustrated in Figure 6 of the Local Plan, and proposes a high quality, mixed-use development, primarily for employment use as well as a range of supporting uses, commercial, retail, leisure and residential uses.
- 6.11 It is common ground that the mix of uses proposed is acceptable in principle. The LPA's case as I understand from the very limited information in their Statement of Case is that they believe that appellant has overstated the need for offices and laboratories in this location and therefore, in their view the weight to be attached to this benefit in the planning balance is less.
- 6.12 The appeal proposal complies with Part 1 and Part 2 of Policy SS/4.
- Policy SS/4 Part 3. The amount of development, site capacity, viability, time scales and phasing of development will be established through the preparation of an Area Action Plan (AAP) for the site. The AAP will be developed jointly between South Cambridgeshire District Council and Cambridge City Council, and will involve close collaborative working with Cambridgeshire County Council, Anglian Water and other stakeholders in the area. The final boundaries of land that the joint AAP will consider will be determined by the AAP.*
- 6.13 In terms of the establishment of an Area Action Plan (AAP), it is self-evident that the policy process has been slow. This is in contrast to the expectation set out in the supporting text to Policy SS/4, at paragraph 3.29, which states;
- “Cambridge Northern Fringe East (CNFE) is located within the Cambridge City Council and South Cambridgeshire District Council authority boundaries. The majority of the area is within Cambridge with Chesterton Sidings and part of the St John’s innovation Park within South Cambridgeshire. An early review of the site through a jointly-prepared Area Action Plan (AAP) will ensure a coordinated approach is taken. This will enable the feasibility of development and its viability to be properly investigated and will ensure a comprehensive approach to redevelopment.”(Emphasis added).*
- 6.14 There has been no ‘early review’ of the site.
- 6.15 The LPAs began working on the joint AAP in 2014, at which point the Local Development Scheme (LDS) anticipated the adoption of the AAP would be achieved by October 2016. The most recent LDS was adopted in August 2022 and anticipates the submission of the AAP to the SoS in Summer/Autumn 2025 (subject to progress and outcome of the Development Consent Order (DCO)).

- 6.16 It is common ground that the NEC AAP is predicated on the relocation of the Cambridge Waste Water Treatment Plant taking place and will not proceed to the Proposed Submission Stage (Regulation 19) unless and until the DCO has been approved.
- 6.17 The DCO application was submitted to the Planning Inspectorate on 28 February 2023. However, the substantive matters contained with the Proposed Submission Stage (Regulation 19) will not be consulted on until late 2024 at the earliest, 6 years after the adoption of SS/4.
- 6.18 The supporting text to Policy SS/4, at paragraph 3.31, states;
- “Cambridge North railway station will provide a catalyst for regeneration of this area. Early development around Cambridge North station could help create a vibrant area around this key infrastructure to meet the needs of users of the station and bring forward further phase delivery elsewhere within the CFNE area. Planning applications submitted before the adoption of the AAP will be considered on their own merits and subject to ensuring that they would not prejudice the outcome of the AAP process and the achievement of the comprehensive vision for the area as a whole that will be established by the AAP” (emphasis added).*
- 6.19 There is no guarantee as to what form and detail the eventual AAP will look like, and there are a significant number of outstanding objections to the draft version. In these circumstances, it is difficult to prejudice something when the final form is unknown.
- 6.20 In terms of the interaction between the proposed development and the Cambridge Waste Water Treatment Plant Development Consent Order (DCO), the appeal scheme is an entirely self-sufficient scheme. Whether or not the Waste Water Treatment Plant is relocated the appeal scheme could be built out.
- 6.21 Notwithstanding the above, as outlined in Section 5 of my proof, Brookgate Land Ltd and the Appellant team has been actively engaging with officers from the LPAs and representatives from surrounding landowners as part of the AAP Design Workshops and Landowner Liaison Forums for the emerging NEC AAP and has undertaken engagement with the local community. The purpose of this collaborative and iterative approach was to provide comfort that the emerging scheme would not compromise the overall masterplanning of the wider AAP area.
- 6.22 The Local Planning Authority do not allege that the appeal scheme would prejudice the AAP, nor do they argue that a decision to allow the appeal would be premature.

Policy SS/4 Part 4 (a): Take into account existing site conditions and environmental and safety constraints.

6.23 It is common ground that the planning application is supported by a suite of technical assessments which consider the existing site conditions and environmental and safety constraints and no issues arise.

6.24 It is common ground that the Appellant has now submitted sufficient information to demonstrate that the interaction between the proposed commercial uses and the aggregates railhead will not prejudice the existing or future uses of the Transport Infrastructure Area (TIA).

6.25 The appeal scheme complies with criterion 4 (a) of Policy SS/4.

Policy SS/4 Part 4 (b) : Demonstrate that environmental and health impacts (including odour) from the Cambridge Water Recycling Centre can be acceptably mitigated for occupants

6.26 The Updated odour dispersion modelling for Cambridge Water Recycling Centre (December 2020), prepared by Olfasense UK Ltd and commissioned by South Cambridgeshire District Council to inform the emerging NEC AAP, confirms that the Site falls outside of the odour contours of the Cambridge Water Recycling Centre – this is common ground. Furthermore, an odour statement has been prepared in support of the application and confirms there are no predicted significant odour impacts at the Site from the CWRC. Therefore, no odour mitigation is considered to be required and is not proposed. There are no other environmental or health impacts arising from the Cambridge Water Recycling Centre requiring mitigation for occupants of the Appeal scheme.

6.27 The appeal scheme complies with criterion 4 (b) of Policy SS/4.

Policy SS/4 Part 4 (c) : Ensure that appropriate access and linkages, including for pedestrians and cyclists, are planned for in a high quality and comprehensive manner

6.28 It is common ground that the illustrative masterplan and Access Parameter Plan includes a comprehensive network of dedicated footways, footpaths and cycle paths throughout the Site to ensure maximum connectivity through the development and to the surrounding areas.

6.29 The Appellant understands from the LPA that reason for refusal 4 and 5 will be withdrawn on the parties entering into a s106 Agreement. It is the Appellant's understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms up into a detailed s.106 Agreement.

6.30 It is therefore expected that reason for refusal 4 and 5 will be withdrawn.

6.31 Notwithstanding the above, I have explained in my evidence how the proposal will not prejudice comprehensive development.

Policy SS/4 Part 4 (d) : Recognise the existing local nature reserve at Bramblefields, the protected hedgerow on the east side of Cowley Road which is a City Wildlife Site, the First Public Drain, which is a wildlife corridor, and other ecological features, and where development is proposed provide for appropriate ecological mitigation, compensation, and enhancement measures either on- or off-site

6.32 Ecological surveys have been completed to inform the development proposals for the Site and appropriate mitigation, compensation and enhancement measures have been identified.

6.33 The appeal scheme complies with criterion 4 (d) of Policy SS/4.

Policy SS/4 Part 4 (e): Ensure that the development would not compromise opportunities for the redevelopment of the wider area.

6.34 The LPA published Development Management guidance in May 2021 entitled “*Evidence required to support Planning Applications ahead of the North East Cambridge (NEC) Area Action Plan (AAP)*” (CD5.16). This guidance was not consulted on but forms a material consideration to the determination of any planning application within the AAP boundary. It identifies the information required to be submitted in support of planning applications within the AAP to enable the LPAs to determine compliance with the requirements of Policy SS/4 Part 4.e. I refer to this Development Management guidance and compliance with it under Section 9 material considerations and at **Appendix 4**.

6.35 It is common ground with the LPA that the s106 contributions cover strategic infrastructure and that the traffic movements to and from the site will not result in any significant adverse or residual impacts on the local and strategic road network.

6.36 The Appellant understands from the LPA that reason for refusal 4 and 5 will be withdrawn on the parties entering into a s106 Agreement.

6.37 Notwithstanding the above, I have explained in my evidence how the proposal will not prejudice comprehensive development.

Summary on Policy SS/4

6.38 The appeal scheme therefore in my opinion complies with Policy SS/4.

Building a Strong and Competitive Economy

- 6.39 As Max Bryan addresses this in his evidence, the appeal scheme is ideally suited for employment uses and will support the development of an office and R&D cluster. He expands on why the development is needed and why this is an excellent location. I set out in my evidence the emphasis the Government is putting on delivering new laboratories in the Cambridge-Oxford Arc. I also highlight that the desperate lack of laboratory space in Cambridge is hindering both existing and new entrants to the market.
- 6.40 I expand on the economic benefits in Section 7 of my proof.
- 6.41 I also deal with the emerging policy and evidence base position with regards to the Cambridge economy and NEC in particular under Section 9 material considerations.
- 6.42 The appeal scheme complies with Policies S/2 and E/9. I understand that this is not disputed as neither policies form any part of the reasons for refusal.

Delivering High Quality Homes

- 6.43 The development proposal would provide a mix of house sizes and tenures to meet an identified local need. This includes 155 market homes and 270 purpose-built private rented sector (PRS) accommodation. Unit sizes range from 1 bedroom to 3 bedroom homes.
- 6.44 The appeal scheme proposes a minimum of 40% affordable housing for the on-site market housing, in accordance with Policy H/10. Tenure mix is anticipated to be 70% rented and 30% intermediate.
- 6.45 The appeal scheme proposes 20% of the Build to Rent (BtR) element of the residential development to be Affordable Private Rent at 20% market discount on rent, in accordance with the Greater Cambridge Housing Strategy (CD5.06).
- 6.46 It is agreed as common ground that the provision of affordable housing in the market housing and BtR housing is policy compliant.
- 6.47 It is also common ground that the housing provision overall is acceptable and meets the needs of the local community.
- 6.48 I expand on the social benefits in Section 7 of my proof.
- 6.49 In my opinion, the appeal scheme complies with policies H/9 and H/10.

Design, character and appearance

- 6.50 Policy HQ/1 'Design Principles' of the Local Plan specifies a series of criteria to ensure high quality design and that developments contribute positively to their surroundings. It states:

Policy HQ/1: Design Principles

1. All new development must be of high quality design, with a clear vision as to the positive contribution the development will make to its local and wider context. As appropriate to the scale and nature of the development, proposals must:
 - a) Preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape;
 - b) Conserve or enhance important natural and historic assets and their setting;
 - c) Include variety and interest within a coherent, place-responsive design, which is legible and creates a positive sense of place and identity whilst also responding to the local context and respecting local distinctiveness;
 - d) Be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area;
 - e) Deliver a strong visual relationship between buildings that comfortably define and enclose streets, squares and public places, creating interesting vistas, skylines, focal points and appropriately scaled landmarks along routes and around spaces;
 - f) Achieve a permeable development with ease of movement and access for all users and abilities, with user friendly and conveniently accessible streets and other routes both within the development and linking with its surroundings and existing and proposed facilities and services, focusing on delivering attractive and safe opportunities for walking, cycling, public transport and, where appropriate, horse riding;
 - g) Provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with other impairment such as of sight or hearing;
 - h) Ensure that car parking is integrated into the development in a convenient, accessible manner and does not dominate the development and its surroundings or cause safety issues;
 - i) Provide safe, secure, convenient and accessible provision for cycle parking and storage, facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development;
 - j) Provide a harmonious integrated mix of uses both within the site and with its surroundings that contributes to the creation of inclusive communities providing the facilities and services to meet the needs of the community;
 - k) Ensure developments deliver flexibility that allows for future changes in needs and lifestyles, and adaptation to climate change;
 - l) Mitigate and adapt to the impacts of climate change on development through location, form, orientation, materials and design of buildings and spaces;

- m) Include high quality landscaping and public spaces that integrate the development with its surroundings, having a clear definition between public and private space which provide opportunities for recreation, social interaction as well as support healthy lifestyles, biodiversity, sustainable drainage and climate change mitigation;
- n) Protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust;
- o) Design-out crime and create an environment that is created for people that is and feels safe, and has a strong community focus.

2. Larger and more complex developments will be required to submit Masterplans and Design Codes to agree an overall vision and strategy for a development as a whole that demonstrates a comprehensive and inclusive approach.

- 6.51 Jeremy Smith, Friedrich Ludewig, Greg Willis and Robert Myers will respond directly to sub-paragraph's (a), (c), (d), (e), (i), (l) and (m) within Policy HQ/1 as stated within reason for refusal one and reason for refusal three in their evidence. The issues in dispute have been narrowed following the lodging of the appeal and discussions with the LPA and clarified within the design Statement of Common Ground (CD6.07).
- 6.52 Mr Ludewig says the infrastructure constructed since 2014 illustrates the potential for the wider area to be stitched together and for the appeal Site to become a key stepping stone for change in the wider context, to become a place that can be walked and explored as a neighbourhood.
- 6.53 In terms of sub-paragraph (b), this states that proposals must conserve or enhance important natural and historic assets and their setting. It is common ground that the appeal proposals result in less than substantial harm in terms of the Framework. As such, there is a minor conflict with this part of Policy HQ/1. However, it is noted that there is no reference in Policy HQ/1 or its supporting text to the balancing exercise required under Paragraph 202 of the Framework. I undertake the balancing exercise required under paragraph 202 of the Framework within Section 8 of my proof.
- 6.54 In terms of sub-paragraph (l) of Policy HQ/1, it is the LPA's case that the application fails to provide high quality accommodation for future residents which mitigate and adapt to climate change.
- 6.55 Firstly, the residential element is in outline form and the proposed floorplans are only illustrative at this stage. As such, detailed work on the design and layout of the apartments will take place as part of any detailed application process, which will include

design measures to reduce the level of overheating risk, informed by detailed thermal modelling. Whilst the LPA considers the parameter plans do not provide flexibility, they do and the design can come forward in a variety of ways to deal with overheating. Thermal modelling would normally be commissioned at the detail stage to deal with climate change resilience and overheating in particular.

- 6.56 Secondly, there is no specific development plan policy requirement with regards to provision of dual aspect units or north-facing units. Indeed, the position from the LPA is that of zero tolerance to single aspect north-facing apartments, so just one single aspect north-facing window would result in non-compliance.
- 6.57 Using the illustrative material, the proposal provides 109 (25%) single aspect units. Of the single aspect units, 21 are north-west facing. This represents 20% of the single aspect units or only 5% of the overall unit numbers. In a scheme that has been designed to create positive frontages on all sides there will be an instance of north facing units. In my opinion, this is neither unusual or unacceptable.
- 6.58 It does not follow that just because an apartment is single aspect and north facing that the quality of that environment is poor. That is too simplistic a view to take.
- 6.59 Mr Ludewig explains the approach to utilising perimeter blocks and the advantages they bring to create active and well-defined street edges and maximise the opportunity for large green courtyards and green open spaces.
- 6.60 He considers that a ratio of 25% single aspect units, with 5% north-west facing is acceptable and compares well to other exemplary schemes. I concur with this view.
- 6.61 In his evidence Mr Ludewig say the masterplan strikes a careful balance in defining density with a tight set of rules that ensure the scheme delivers beautiful and sustainable place-making and minimises townscape harm. I agree with the conclusions reached in the evidence of Jeremy Smith, Friedrich Ludewig, Greg Willis and Robert Myers. At its core, the appeal scheme is designed to be a healthy, inclusive, low-carbon development with a vibrant mix of high-quality homes, workplaces, services and social spaces.
- 6.62 Mr Smith says that the proposals do not represent a hard, abrupt edge but instead represent a high quality, well-designed edge which accords with the recommendations of the LCVIA. But like any development of any scale on the appeal site will not entirely retain or preserve the character of the local area.

Landscape and Townscape

- 6.63 In respect of landscape and townscape matters, I refer to the evidence of Jeremy Smith.

- 6.64 In his proof, Mr Smith notes that the proposed masterplan would provide a coherent and distinctive sense of place within an area that is currently dominated by car parking and waste ground.
- 6.65 He also opines that the height and massing of the development has been carefully conceived, with heights reducing towards the eastern edge and roof heights also varying considerably along both the western and eastern edges. Landscaping has also been included along the eastern edge, both on the elevations of some of the buildings but also within a landscaped margin along the east of the site.
- 6.66 He concludes that the proposal would provide beneficial landscape effects upon the character of the site and its immediate context.
- 6.67 He acknowledges the proposals would not completely preserve local character.
- 6.68 He highlights as important that it is probable that any form of mixed-use development on the appeal site as envisaged by Policy SS/4 and the NEC AAP evidence base would also result in increased prominence of the built form in the surrounding landscapes, and consequently it is possible that no development could fully accord with Policy HQ/1. He notes that in design terms the appeal proposals provide a positive marker in the landscape.
- 6.69 Mr Smith acknowledges that the proposal would result in some adverse landscape and visual effects due to the increased prominence of built form. This includes moderate/minor adverse effects upon the Cam River Valley which he has concluded to be a valued landscape in the sense of paragraph 174 (a) of the Framework.
- 6.70 Mr Smith confirms the site is not in the Green Belt. He concludes that whilst the proposed buildings would be visible from the Green Belt they would have no affect on the perception of openness of the designation itself, which would continue to provide the open setting to the city.
- 6.71 Mr Smith concludes the appeal proposals largely accord with NH/2 but like any development of any scale on the appeal site will not entirely retain or preserve the character of the local area. He concludes that the development accords with Policy NH/8.
- 6.72 Notwithstanding the limited conflict with sub-paragraph (a) and (b) in terms of landscape character and heritage, it is my view the appeal scheme complies with Policy HQ/1. I also consider that the appeal scheme complies with NH/2 and NH/8.
- 6.73 I deal with Policy 60 of the Cambridge Local Plan (2018) under Section 9 other material considerations.

Heritage

6.74 Policy NH/14 reads as follows:

Policy NH/14: Heritage Assets

1. Development proposals will be supported when:
 - a) They sustain and enhance the special character and distinctiveness of the district's historic environment including its villages and countryside and its building traditions and details;
 - b) They create new high quality environments with a strong sense of place by responding to local heritage character including in innovatory ways.
2. Development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the National Planning Policy Framework, particularly:
 - c) Designated heritage assets, i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens;
 - d) Non-designated heritage assets including those identified in conservation area appraisals, through the development process and through further supplementary planning documents;
 - e) The wider historic landscape of South Cambridgeshire including landscape and settlement patterns;
 - f) Designed and other landscapes including historic parks and gardens, churchyards, village greens and public parks;
 - g) Historic places;
 - h) Archaeological remains of all periods from the earliest human habitation to modern times.

6.75 Dr Jon Burgess provides expert advice on heritage issues with reference to the Heritage Statement prepared by Turley. In accordance with the statutory tests, I start with the conclusions on the heritage impact on the designated assets.

6.76 It is Turley's assessment that the impact of the development on the significance of the Riverside and Stourbridge Common Conservation Area and the Fen Ditton Conservation area is at the very lowest end of the less than substantial scale.

6.77 The LPA Statement of Case (CD9.00) states, at paragraph 5.22 that "*The LPA considers the harm identified to be at the moderate level of less than substantial harm*".

6.78 Historic England is a statutory consultee. In its letter of 5 September 2022 (CD3.20), they conclude "*We believe that the interruption of the development in wider views from across the river would have a negative effect upon the way that it is experienced and appreciated. We therefore judge that the proposed development would result in an*

overall moderate level of less than substantial harm to the significance of Fen Ditton, Baits Bite Lock and Riverside and Stourbridge Common Conservation areas, and we object to the development in its present form.”

Conclusion in respect of heritage

- 6.79 Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. SCLP Policy NH/14 states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance and in accordance with the NPPF. I note the wording highlighted above within NH/14 is not consistent with the legislation, nor the Framework.
- 6.80 In conclusion, there is a minor conflict with elements of Policy NH/14. However, paragraph 6.49 of the SCLP provides for the balancing exercise within the Framework at paragraph 202 and it is my view that if those benefits outweigh the harm then the proposal is compliant with Policy NH/14. I undertake the balancing exercise required under paragraph 202 of the Framework within Section 8 of my proof.

Public Open Space, Landscaping and Green Infrastructure

- 6.81 Policy SC/7 sets out the requirements for outdoor play space (including children’s play space, formal outdoor sports facilities) and informal open space. Policy HQ/1 deals with landscape quality and I have dealt with this earlier and Mr Myers responds in his evidence.
- 6.82 Figure 39 in Mr Myers Proof sets out the open space provision to be made through the appeal proposals. The requirement set out is based on the indicative housing mix and occupancy recommendations based on SCDC Open Space SPD January 2009, section 2.7.
- 6.83 In terms of the type and amount of open space provision, it is common ground that the requirements of Policy SC/7 have been met by the appeal proposals. Furthermore, the development will additionally deliver a series of dynamic and coordinated streetscapes and substantial areas of public realm that are attractive, well-designed and accessible and inclusive.
- 6.84 In terms of the formal children’s play space, the appeal proposal includes two areas of formal play, within Chesterton Gardens and within the Wild Park.
- 6.85 The formal play within Chesterton Gardens consists of a Locally Equipped Area of Play (LEAP) and a Local Area of Play (LAP). It is agreed that this provision is acceptable.

- 6.86 The formal play within the Wild Park comprises natural and imaginative play. The evidence of Robert Myers confirms that this form of play can be as valuable as formal and equipped play, is an enriching opportunity for children and should be counted as part of a high-quality play experience.
- 6.87 The Wild Park natural play areas are 88 metres from the closest residential dwellings and 327 metres from the furthest. Controlled crossings will be installed along the roads between the residential element and the Wild Park. In terms of surveillance, the Wild Park would be overlooked from Cowley Road to the south and from the Allotments to the east. It is not untypical of open space of this nature to be adjacent to the development it serves. The quality of the Wild Park is unaffected by odour from the Waste Water Treatment Works.
- 6.88 In my opinion, the proposals do provide sufficient children's play space which is convenient for residents to use and clearly distinguished from the public realm.
- 6.89 Furthermore, overall, the amount of open space provided by the scheme is consistent with the open space standards and Policy SC/7 of the SCLP. I agree with the conclusions of Mr Myer's evidence that the appeal proposal delivers high quality, accessible open spaces. In addition, a number of contributions are set out in the Heads of Terms of the draft Section 106 Agreement under the Sport and Recreation and Public Realm heading; these include contributions to off-site sports provision which has been agreed with the LPA and Sport England.
- 6.90 My Myers deals with green infrastructure and sustainable urban drainage in his evidence and concludes it is in accordance with NH/6.

Ecology and Biodiversity

- 6.91 It is common ground that ecological surveys have been completed to inform the development proposals for the Site and identified appropriate mitigation, compensation and enhancement measures.
- 6.92 Further information has been submitted by the Appellant following liaison with the LPA ecology officer in respect of outstanding concerns raised. The LPA has now confirmed, following receipt of further information particularly in respect of bats, they will withdraw Reason for Refusal 7. This will be updated in the Statement of Common Ground.
- 6.93 The BNG Assessment (October 2022) (CD2.07a-c) and Ecology Technical Note dated 25 April 2023 confirms that 80.27% habitat unit gain is possible on site. The scheme therefore delivers well in excess of 10% BNG for the site.

- 6.94 The appeal scheme complies with Policy NH/4, the Biodiversity SPD, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

Drainage and Flood risk

- 6.95 A Flood Risk Assessment and Drainage Strategy was submitted as an appendix to the Flood Risk and Drainage Chapter of the Environmental Statement (ES) (CD1.35a-h). A Flood Risk Assessment (FRA) Addendum was submitted as part of the amendment pack submitted in October 2022 (CD2.05). Further information was provided by the Appellant in the form of a Technical Note, PJA Civil Engineering Ltd, Ref:05425 Version E, Dated: 17 April 2023.
- 6.96 It is agreed that it has been demonstrated that the drainage system can be designed to accommodate the full 40% uplift for climate change allowances in the 1% Annual Exceedance Probability storm. This has increased attenuation areas, which can be accommodated within the constraints within the site.
- 6.97 It is agreed the development is acceptable in respect of drainage and flood risk.
- 6.98 The LPA has withdrawn and will not defend reason for refusal 6 and not offer any evidence in support of reason for refusal 6. This is confirmed in the Statement of Common Ground.
- 6.99 The appeal scheme complies with Policies CC/7, CC/8 and CC/9 of the Local Plan in respect of drainage and flood risk.

Water Quality

- 6.100 Policy CC/7 reads as follows:

Policy CC/7: Water Quality

1. In order to protect and enhance water quality, all development proposals must demonstrate that:
 - a) There are adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development. Where development is being phased, each phase must demonstrate sufficient water supply and waste water conveyance, treatment and discharge capacity;
 - b) The quality of ground, surface or water bodies will not be harmed, and opportunities have been explored and taken for improvements to water quality, including renaturalisation of river morphology, and ecology;
 - c) Appropriate consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff.

2. Foul drainage to a public sewer should be provided wherever possible, but where it is demonstrated that it is not feasible, alternative facilities must not pose unacceptable risk to water quality or quantity.

6.101 I respond to each part of Policy CC/7 as follows.

Policy CC/7 - Part (a). There are adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development. Where development is being phased, each phase must demonstrate sufficient water supply and waste water conveyance, treatment and discharge capacity

Water Supply

6.102 Alison Caldwell provides expert evidence on this matter.

6.103 The Cambridge Water Company are the statutory undertakers responsible for water supply.

6.104 The development proposals are allocated in the South Cambridgeshire Local Plan (SCLP) within Policy SS/4 'Cambridge Northern Fringe East and Cambridge North railway station' which has been subject to an integrated Sustainability Appraisal and Strategic Environmental Assessment (SA&SEA).

6.105 As an allocated site within the SCLP, the associated supply and demand of the development proposals have been allowed for within CW's WRMP19 and recently published dWRMP24, and assessed within the respective SEAs. The allowance for the development proposals has been further confirmed by CW in their letter (dated 18/04/2023) available at Appendix B of Alison Caldwell's Proof of Evidence.

6.106 Paragraph 20(b) of the Framework confirms that water supply is a strategic matter to be addressed through development plans. The Appellant is therefore entitled to rely upon the development plan allocation in respect of water supply and related issues.

6.107 Based on the PJA analysis, the calculated water demand of the appeal scheme comprises less than 0.22% of current water demand and of proposed water demand in 2050; this is a worse case conservative estimate.

6.108 In addition, the Appellant is committed to reducing water consumption and has sought to review the site specific water efficiency and recycling measures in place throughout the development to consider whether the water consumption rate could be improved. The

details of this are set out in Alison Caldwell's Proof but includes measures that in her view go far beyond what is typical of a development of this nature and scale.

Foul Drainage and Sewerage

- 6.109 Anglian Water are the statutory undertakers responsible for sewerage and sewage disposal.
- 6.110 In terms of foul drainage, Anglian Water, in their response of 5 July and 10 November 2022 (CD3.05a and CD3.05b), confirmed that the foul drainage from the development is in the catchment of Cambridge Water Recycling Centre which currently does not have capacity to treat the flows from the development site. However, they continue in confirming that Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.
- 6.111 In terms of the sewerage system, the Anglian Water response confirms there is available capacity for the flows.

Policy CC/7 - Part (b). The quality of ground, surface or water bodies will not be harmed, and opportunities have been explored and taken for improvements to water quality, including renaturalisation of river morphology, and ecology

- 6.112 The LPA has not included an explicit reason for refusal on the issue of whether there is potential for the appeal proposal to harm the waterbodies from potable water demand. The LPA Statement of Case (CD9.00) refers to an objection from the Environment Agency (EA) on potential for adverse effects from the development associated with water demand but no evidence has been provided on this matter.
- 6.113 The Environment Agency (EA) has raised an objection to the development but has not identified any specific harm arising from the appeal scheme. Their objection is strategic in nature and relates to the risk of harm to the Cambridge Water Resource Zone as a whole. There is no specific evidence that relates to this appeal. The responsibility rests with Cambridge Water who have confirmed in their letter of 18 April 2023 that they have provided for adequate provision with headroom.

Policy CC/7 - Part (c). Appropriate consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff.

- 6.114 It is agreed the development is acceptable in respect of the proposed drainage strategy.

Policy CC/7 – Part 2. Foul drainage to a public sewer should be provided wherever possible, but where it is demonstrated that it is not feasible, alternative facilities must not pose unacceptable risk to water quality or quantity.

6.115 See response above under ‘Foul Drainage and Sewerage’.

Summary of compliance with Policy CC/7

6.116 The Framework at Paragraph 20(b) confirms that water supply is a strategic issue to be dealt with through the Local Plan. The appeal scheme is allocated in the adopted Local Plan for employment-led development. Neither the LPA or the EA have identified any specific harm arising from the appeal scheme, instead the EA raise generalised issues of potential deterioration of waterbodies because of a lack of confidence in the WRMP24. The supply of potable water is a matter that is in the main dealt with by a separate regulatory process.

6.117 It is my view that the scheme for the purpose of the planning appeal is compliant with Policy CC/7.

Meeting Community and Infrastructure Needs

6.118 The Appellant understands from the LPA that reason for refusal 4 (comprehensive development) and reason for refusal 5 (s106) will be withdrawn on the parties entering into a s106 Agreement. It is the Appellant’s understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms up into a detailed s.106 Agreement.

6.119 The appeal scheme therefore complies with Policy SC/4 and SC/6.

Sustainable Travel

6.120 It is common ground that the appeal site is located in a highly sustainable location with access to bus, rail and active modes.

6.121 Supporting this, the development proposals comprise ambitiously low levels of car parking provision to further embed sustainable travel behaviours.

6.122 Mark Nettleton gives evidence on how the appeal scheme complies with the requirements of Policy TI/2, TI/8 and Policy SS/4 as it relates to access and linkages and the redevelopment of the wider area.

- 6.123 National Highways has no objection to the appeal proposal (CD3.10d) and supports the principle of the monitor and manage approach as a way of mitigating potential impacts.
- 6.124 It is the Appellant's understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms up into a detailed s.106 Agreement. This includes a comprehensive package of measures under the Highways, transport and traffic mitigation Heads of Terms.

Rail Related Car Parking Provision

- 6.125 Rail related car parking for Cambridge North Station currently provides 428 at-grade car parking spaces.
- 6.126 Similarly in this planning application the removal of the surface car park is beneficial to make room for development and to ensure a good placemaking solution for the new development, and this approach has been supported by the LPA.
- 6.127 Mr Nettleton deals with the rail related car parking provision within his proof of evidence and provision is made within the Section 106 Agreement under the Highways, transport and traffic mitigation Heads of Terms.

Minerals and Waste Plan – Policy 16

- 6.128 It is common ground that the appeal scheme complies with Policy 16 of the Minerals and Waste Plan.

Summary of compliance with the development plan

- 6.129 The development plan is formed of the Local Plan (2018) and the Minerals and Waste Local Plan.
- 6.130 The appeal site is allocated for an employment focussed area centred on a new transport interchange.
- 6.131 The development plan also strongly supports high quality architecture and public realm and sustainable design which makes the best use of previously developed land within urban boundaries. As I address in my evidence it further sets out detailed policies covering issues such as; heritage, design, environment and sustainability.
- 6.132 Overall, it is my opinion that the determination which would be in accordance with the development plan would be to allow the appeal.

7.0 Benefits

- 7.1 I set out within the Planning Statement (CD1.16) that the appeal scheme presents an extraordinary opportunity.
- 7.2 This is a strategically located and significant brownfield site. It is directly adjacent to the Cambridge North Station which opened in May 2017, and alongside the Chisholm trail, the Cambridgeshire Guided Bus (CGB), local buses and taxi rank. These have now created a multi-modal interchange making it one of the most sustainable locations in the region, the LPA have identified North East Cambridge as one of three strategic areas for growth including employment growth, the Local Plan requires development on the appeal site to be employment led.
- 7.3 Friedrich Ludewig and Greg Willis set out how the architecture will set a new development standard for Cambridge North, delivering environmentally sustainable buildings that are fit for purpose and adaptable to the future. Max Bryan highlights the urgent need for additional floorspace within the immediate locality of the appeal site.
- 7.4 In this section of my evidence, I describe these matters as important material public benefits that the appeal scheme will deliver. This informs the planning balance which follows in Section 13 of my Proof.
- 7.5 Practice guidance sets out that “public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework” at paragraph 8. It states that “public benefits should flow from the proposed development” and “be of a nature or scale to be of benefit to the public at large and not just be a private benefit.” [NPPG,18a-020-20190723].
- 7.6 I therefore structure the benefits of the appeal scheme around the three elements of sustainability as set out within the Framework and Guidance. Some of the benefits are relevant to more than one of these themes.

1. Economic

- 7.7 The LPA acknowledge that positive weight can be attached to the economic benefits of the proposal (CD4.00 para 1.5).
- 7.8 The Site continues to form an important part of the development strategy for the emerging Greater Cambridge Local Plan.

- 7.9 The Greater Cambridge Local Plan : Development Strategy Update (Regulation 18 Preferred Options) (January 2023) prepared by the Greater Cambridge Shared Planning service confirms the development strategy for the new joint Local Plan. At paragraph 4.3.1 it states that North East Cambridge, of which the Site forms part, is '*identified in the First Proposals strategy as the most sustainable location for strategic scale development available within Greater Cambridge*'.

Need

- 7.10 I deal with the Development Plan policies in relation to the Cambridge knowledge and Local Plan Policy S/2 which sets out the vision for the growth within South Cambridgeshire which includes supporting its position as a world leader in research and technology-based industries.
- 7.11 Local Plan Policy E/9 seeks to ensure major sites continue to deliver land and buildings suitable for the future development of the high-tech clusters. It confirms that employment locations especially suited for cluster development are the new employment provision on the edge of Cambridge, specifically referring to Policy SS/4. It states these areas will be expected to include provision of a range of suitable units, including for start-ups, SMEs, and incubator units.
- 7.12 The Glossary to the Local Plan refers to the "Cambridge Cluster" highlighting the large cluster of hi-tech companies in and around Cambridge.
- 7.13 The huge demand for the world class expertise and talent in Cambridge has attracted a tsunami of interest from global investors, but demand has outstripped supply by an alarming rate to the point where there is now almost no laboratory space available in the Cambridge market. I set out why this is significant to both the local and national economy below. The LPA's own emerging evidence note that this continuing lack of space could result in the loss of investment abroad.

Life Science Importance in the HM Treasury Spring Budget 2023 (CD12.00)

- 7.14 "3.98 *The UK is a world-leader in the life sciences industry, with significant R&D hubs such as Cambridge's Biomedical Campus. East West Rail – the rail line joining Oxford and Cambridge - will support further growth in life sciences and other high-productivity sectors across the region, connecting businesses and talent. In May, the government will confirm the route for the new Bedford-Cambridge section and will provide capacity funding to support local authorities to develop their plans for strategic economic growth around new stations.*

3.99 Boosting the supply of commercial development, in particular lab space, is key to supporting R&D needs and driving investment into high value industries across England, such as the life sciences and advanced manufacturing sectors in the Oxford-Cambridge corridor. Following the recent National Planning Policy Framework consultation, the government will set out further details for supporting growth in this area in due course.”

Department for Science, Innovation and Technology – Science and Technology Framework. March 2023

- 7.15 The Department for Science, Innovation and Technology (DSIT) launched the Science and Technology Framework on 6 March 2023. The Framework set out the government’s goals and vision for science and technology to cement the UK’s place as a Science and Technology Superpower by 2030. The Framework includes new measures backed by over £360 million to boost investment in innovation, attract the world’s best talent to the UK, and take advantage of ground-breaking new technologies.
- 7.16 The Rt Hon The Rt Hon Michelle Donelan MP, Secretary of State at the Department for Science, Innovation and Technology says:-
“The motivation behind our Science and Technology Superpower agenda is simple: science and technology will be the major driver of prosperity, power and history-making events this century. The United Kingdom’s future success as a rich, strong, influential country, whose citizens enjoy prosperity and security, and fulfilled, healthy and sustainable lives, will correspondingly depend on our ability to build on our existing strengths in science, technology, finance and innovation”
- 7.17 The reports goes on to highlight that UK’s future success as a strong, influential country, whose citizens enjoy prosperity and security, and fulfilled, healthy and sustainable lives, will depend on our ability to build on our existing strengths in science, technology, finance, and innovation.
- 7.18 The Government will foster an environment that encourages industry innovation and world-leading scientific research, leading to high-paying jobs in the future, growth in cutting-edge industries, and improvements to people’s lives. The ten points of the new Science and Technology Framework centre on:
- Strategically identifying, pursuing, and achieving UK objectives through technologies.
 - To promote the UK’s S&T strengths and ambitions at home and abroad to attract talent and investment
 - Enhancing productivity and economic growth by increasing private and public investment in research and development
 - Building on the UK’s already enviable talent and skills base
 - Financing innovative science and technology start-ups and companies

- Capitalising on the UK Government's buying power to boost innovation and growth through public sector procurement
- Shaping the global science and tech landscape through strategic international engagement, diplomacy and partnerships
- Ensuring researchers have access to the best physical and digital infrastructure for R&D that attracts talent, investment and discoveries (emphasis added)
- Leveraging post-Brexit freedoms to create world-leading pro-innovation regulation and influence global technical standards
- Creating a pro-innovation culture throughout the UK's public sector to improve the way our public services run

7.19 The report acknowledges that recent growth and huge interest in the life sciences has created its own set of problem which creates a major barrier to securing these objectives and growth and that is the physical lack of space for business to grow or for new business to come into the market.

Savills - Life science sector sees record investment volumes across knowledge Arc of Oxford and Cambridge in 2022

7.20 The Life Science sector has seen a record year of investment in real estate across the Arc by a diverse range of buyers from the UK and overseas with the sector remaining healthy going into 2030. Tom Mellows, head of UK science at Savills, commented "Occupiers in the life science sector are desperately in need of good quality accommodation within the Oxford Cambridge Arc" (emphasis added). The severe undersupply of assets within the sector are being addressed by significant investment into future development sites.

Knight Frank - 2021

7.21 Shifts in demographics, technological advancements and increased public/private funding are catalysing growth in the UK life sciences sector. With this growth comes the urgent need for more future-proof laboratory and manufacturing facilities. By maximising the use of quality real estate as a strategic device we can create highly connected, flexible, and innovative workplaces which are key to ensuring sustainable and future-proof developments. (emphasis added)

Cushman and Wakefield – lab report Q4 2022

7.22 The Life Sciences sector continues to experience rapid expansion with demand for lab space continuing to outstrip supply. Demand is not expected to relent with delays in new purpose-built lab space coming forward, a result of planning constraints and economic headwinds. (emphasis added).

7.23 Those who have begun building have been rewarded most noticeably at the Cambridge Biomedical Campus, where their 100,000 sq ft building at 1000 Discovery Drive is in detailed negotiations for almost the entirety, prior to practical completion at new rental highs.

7.24 In addition, the threat of lack of laboratory space is recognised within a number of national sources.

The Times – Jan and Feb 2023

7.25 A lack of laboratory space in Oxford and Cambridge threatens to thwart Rishi Sunak’s dream of making Britain a “science superpower”. In both cities there are almost no labs left for growing life science companies to move into, with demand far exceeding supply. There is a lot of optimism in the life science sector to support the UK as the car industry and financial services collapse.

Financial Times – Jan 2023

7.26 Oxford and Cambridge have almost no available lab space to rent, raising concerns for the governments grand ambitions to transform Britain into a scientific superpower. Locked out of critical R&D space needed to grow, companies are now looking to relocate outside the country with the US a popular destination. Investing in physical infrastructure to keep up with demand must happen to not stifle innovation and growth within the sector.

Blair and Hague Report – Feb 2023

7.27 Applications for science labs must be accelerated to stop the UK missing out on a technological revolution. The construction of infrastructure such as laboratories is a small part of building but has a disproportionate impact on the economy. Long delays in infrastructure supply curtail innovation and increase the pressure on the UK from international competition. In life sciences speed in providing infrastructure is vital.

7.28 All references above are reproduced in full in my **Appendix 5**.

Emerging Greater Cambridge Local Plan (GCLP) Economic Evidence Base

7.29 I deal with this in more detail under the other material consideration section in my proof, but in summary:

- 7.30 The GCLP economic evidence base currently comprises the Employment Land and Economic Development Evidence Study (November 2020) (ELEDs) and the Employment and Housing Evidence Update (January 2023) (EHEU). I focus on the latter for the reasons I set out in my material consideration section.
- 7.31 The EHEU highlights that demand for labs is at an all-time high with almost zero space available, with specific reference to Bidwells Data Book as the “most useful data available for understanding levels of lab demand in Greater Cambridge”. Max Bryan, is a co-author of the Data Book and expands on the January 2023 edition.
- 7.32 The EHEU accepts that the continuation of the lack of available space suitable for life sciences in Cambridge has a direct effect on the success of the sector for the UK as a whole. Mr Bryan, based on the latest evidence finds that at year end 2022, there was demand for just over 2m sq ft of office and laboratory space across Cambridge by both domestic and global business, and he expects demand to intensify further.
- 7.33 Mr Bryan highlights that the new buildings being delivered in 2023-2024 have a significant proportion of space under offer or have advanced discussions with occupiers. He forecasts the deliverable new office supply for the period of 2025-28 totals c.850k sq ft of new space. He states that this does not meet current active demand and does not consider new space requirements that occupiers will bring forward adding further to demand.
- 7.34 The delivery of speculative Laboratory space has been very limited for a number of years; no new lab space was delivered in 2022 with the market take up reliant on conversion or existing space being released. Mr Bryan highlights that 2023 will see much needed supply for the market, all of which is programmed to complete construction towards the end of the year; the majority of this new space is already under offer to occupiers.
- 7.35 Supply of new space will remain very constrained through to 2026. From 2026, subject to the approval of schemes such as Cambridge North which have detailed planning applications submitted and then securing positive determination outcomes, the expected supply position for occupiers should improve but not enough to alleviate the acute supply versus demand imbalance.
- 7.36 In light of the above it comes as no surprise that I align with the Government aspirations and attach great weight to the need to provide modern offices and purpose built labs in strategic locations within Cambridge. I conclude that the appeal scheme is important in ensuring there is a greater pipeline of Grade A office, laboratory and R&D floorspace in response to the growing demand.
- 7.37 The provision of modern, high-quality office and laboratory space in this location should in my opinion be given **great weight**.

7.38 The LPA, at paragraph 6.3 of their Statement of Case, acknowledges that there are significant benefits to be weighed in the balance. The LPA attach “positive weight” to the need to provide offices/laboratory and R&D space but say the need is/may be overstated. I do not see why the LPA should be giving less weight to this very considerable benefit in this location.

The ‘cluster effect’

7.39 Cambridge contributes significantly to the UK economy.

7.40 Its economy is growing faster than both the regional and national economy and is a globally recognised innovation and tech cluster in securing substantial global investment.

7.41 The benefits of clustering and the importance to the knowledge intensive industries in Cambridge are widely recognised and the Framework specifically requires decision makers to **make provision for clusters or networks of knowledge and data-driven, creative or high technology industries** [NPPF82, emphasis added].

7.42 Mr Bryan in his evidence points to the unique characteristics of the rationale behind the growth in the Cambridge economy since the turn of the Millennium, overarching all is the recognition of the importance of clustering. The importance of technology companies to be proximate to like-minded businesses, a world class University, a very skilled labour pool are all critical for determining a business location. The Cambridge cluster is the leading City in the UK for patent applications per 100,000 of the population, Cambridgeshire saw a record high of £1.45bn of business fundraising in 2021 across 197 companies.

7.43 The importance of the Cambridge knowledge economy to the UK was recognised on appeal in March 2022 in relation to 104-112 Hills Road, Cambridge (Appeal reference: APP/Q0505/W/21/3282911) (CD7.00). para 59 . The Inspector said....”*Directly adjacent the very successful Cambridge Station CB1 cluster, which accommodates a number of the world’s biggest ICT companies, the proposal is anticipated to provide very substantial economic benefits in terms of multiplier effects, increased GVA and further employment. These benefits would be significant in terms of supporting the ongoing vitality of what is a nationally important Cambridge-based knowledge economy.*” (emphasis added).

7.44 The Local Plan makes clear that the new Station will act as a catalyst for development and in para 3.31 makes reference to the benefits that early development around Cambridge North Station could make to meet users of the Station and bring forward further phased development with the AAP area. I expand on these benefits in my evidence.

- 7.45 The benefits arising as a result of the cluster effect, and the appeal scheme acting as a catalyst for development within the AAP area should also be afforded **considerable weight**.

Additional Employment

- 7.46 The social and local economic value created through the total five-year construction period could be up to £70.6m which would be approximately 18.5% of the construction costs.
- 7.47 After the site is complete and the development is fully operational, the scheme will directly support approximately 4,300 employees. The total social and local economic value generated through occupation could be as high as £61.5m in the first year and £600.9m over 10 years of occupation.
- 7.48 The Social Value Statement accompanying the application (CD1.201) confirms that the social and local economic value generated through the management of the development could be as high as £2m in the first year and up to £20.5m over 10 years.
- 7.49 The Social Value Report concludes that, over approximately 5 years of construction, 10 years of estate management and 10 years of occupation, the total additional social and local economic value created could be as high as £692.1m or 182% of the original construction costs.
- 7.50 The delivery of additional employment is wholly compliant with the vision of the LPA's existing and emerging development plan and therefore **considerable weight** is attached to the appeal scheme's employment creation.

2. Social

- 7.51 I summarise the social benefits of the scheme as follows:

Housing Need

- 7.52 The appeal proposals comprise 155 open market homes and 270 Build to Rent (BtR) homes.
- 7.53 Adopted Local Plan paragraph 1.7 explains that the 2011 Census found Cambridge to have a population of 123,900 residents, and that the plan's evidence base estimated the population would reach 150,000 residents by 2031. This resulted in the need for 14,000 dwellings (Policy 3).

The 2021 Census now shows that the resident population had already reached 145,700 people, or 83.5% of the anticipated growth over only half the plan period.

- 7.54 Concerns that this was likely were highlighted during the local plan examination and accepted by the Inspectors. Subsequently, for the local plan to be found sound, they required the inclusion of Policy 9 which sought to ensure an early review with a new local plan submitted by the end of the Summer 2022. This has not occurred.
- 7.55 While population and housing growth do not directly correlate, such a disparity between population growth and the intended housing delivery of the local plan do suggest that housing need is far higher than the LPA was willing to accept during the local plan examination. Therefore, irrespective of the LPA's 5-year housing land supply which is benchmarked against the local plan, I consider that housing need is greater than supply. ONS's median workplace-based affordability ratios for Cambridge support this with the ratio increasing from 8.85 in 2011 to 13.25 in 2022 (a 50% increase) whereas for Cambridgeshire as a whole the ratios have increased from 7.05 in 2011 to 9.58 in 2022 (a 36% increase) and nationally the ratios have increased from 6.80 in 2011 to 8.28 in 2022 (a 22% increase).
- 7.56 The development responds to the pressures on Greater Cambridge's local housing market by providing new homes of a size and tenure to meet demand in a highly connected and sustainable location which has been identified as suitable for such uses through the preparation of a development plan document. All homes will comply with nationally described space standards and meet M4(2) standards. In addition, 5% of the affordable homes will be built to M4(3) standards.
- 7.57 With particular reference to the BtR element, Cambridge's unique housing market lends itself to relatively high density BtR properties, as concluded in Bidwells' Market Report (April 2022) (CD1.60). The findings of that report have been accepted by the LPA in the Statement of Common Ground.
- 7.58 I attach **considerable weight** to the provision of up to 425 new homes in this location.

Public Realm and Open Space

- 7.59 The development will provide a significant amount of new areas of public realm and open spaces. A series of new areas of public open space are proposed which are attractive, well designed and distinctive whilst also being accessible and inclusive to a range of users. These spaces will form a comprehensive, high quality landscape, that integrates with the proposed new residences, amenity uses and commercial accommodation and create a successful new urban quarter. The buildings will also include roof terraces to incorporate a variety of planting appropriate to the local area but resilient to a warming climate.

- 7.60 Accessibility measures of these open spaces includes:
- even, firm and smooth walking surfaces
 - footpaths will have continuous detectable physical edges
 - provision of resting areas will not be more than 50 m apart
 - a range of seating options including armrests and backrests, and those that allow wheelchair users to transfer to a bench

- 7.61 I attach **considerable weight** to the benefits of provision of new areas of open space and public realm in this location.

Amenity and Meanwhile Uses

- 7.62 A section on meanwhile uses was included in the Landscape and Open Space Report (CD1.62a-t). Further details of this will be provided and secured as part of the s106 Agreement under the Community Heads of Terms.

- 7.63 The phased construction of the development provides excellent opportunities for meanwhile uses, providing active and attractive temporary spaces for the new occupants of early phases.

- 7.64 Following the completion of the mobility hub, the southern area of the triangle site (the site for S8), can be converted into a temporary social space, with seating, food vans and night-time lighting. Community gardens and trees and planting beds of Open Mosaic species in upcycled planters would provide greening of the space. Events (films, performances) with deck chair seating could be set up on the temporary lawn for after work lingering.

- 7.65 Further construction of residential spaces would provide the interest and population for a community garden space, set up with raised beds in part of the meanwhile space. Demand for growing space could also be satisfied by an extension of the community gardens, to the empty sites at the future 1 Milton Avenue and the Meanwhile Space on the triangle site helping to activate these areas. When the final buildings are complete, the community gardens would be incorporated into future allotments or integrated growing as part of the next phase of residential development to the north of Cowley Road.

- 7.66 The provision of new areas of amenity and meanwhile uses in this location should be given **moderate weight**.

Wellbeing and Social Inclusion

- 7.67 It is widely recognised that the quality of the work environment has a significant impact on the wellbeing of the workforce. This is especially apparent within the R&D sectors. The proposed development has been developed with wellbeing placed at the heart of the brief. The site is also well connected with opportunity for workers to travel by public transport or walk.
- 7.68 As noted within the Design and Access Statement (CD1.01-CD1.15b), the proposed development provides state-of-the-art buildings with facilities integrated to promote health and wellbeing. This includes extensive amenities to encourage cycling, external spaces for both work and leisure and a ground floor which encourages interaction and collaboration.
- 7.69 Furthermore, the provision of high-quality walking and cycling infrastructure, and good connection to amenities, other routes and work destinations will enhance mental and physical wellbeing for residents, workers and visitors to the area and the Framework Travel Plan sets out measures to further encourage walking and cycling.
- 7.70 I attach **moderate weight** to the benefits in respect of wellbeing and social inclusion.

High Quality Architecture

- 7.71 The Framework and development plan put great emphasis on high quality architecture.
- 7.72 The development delivers high quality architecture which responds appropriately to its context. The intent overall is to provide a development that provides a new gateway to the City, including extensive areas of new public realm and a significant increase in biodiversity. This establishes a strong sense of place befitting of the key nodal point at Cambridge North station.
- 7.73 Mr Ludewig states that a significant new urban quarter of Cambridge should not 'blend into' the neighbouring caravan park, allotments or NR maintenance yard. It should stand as the beginning of a proud new city quarter. An extension for Cambridge through a whole new city quarter as envisaged in AAP should be done with careful consideration but also with confidence, in the spirit of the traditional Cambridge townscape which never sought to disappear, but created a varied set of facades defining a clear edge of the city to come.
- 7.74 It is agreed that the external architecture of the Mobility Hub, including the external staircase, together with the design, colour and proposed materials work well to achieve a well-considered and high quality design (refer to paragraph 2.20 of the Design Statement of Common Ground).

- 7.75 Mr Willis says that 1&3 Station Row offer exceptional laboratory space in a sustainable and accessible environment. The buildings have a high level of detailing with each elevation responding to its immediate setting. The two laboratories, perceived as a beautiful row of terraces, provide an exceptional frontage to the development and a well considered, contextual response to the layered city edge.
- 7.76 Mr Willis also says that One Milton Avenue is of an exceptional design quality which is uniquely crafted to its specific setting. It will offer quality, flexible accommodation which serves both the modern workplace and the wider environment, whilst also providing a beautiful legacy for Cambridge North and its wider context.
- 7.77 Overall, I consider **great weight** should be attributed to the architectural quality of the appeal scheme.

3. Environmental

Making efficient use of land

- 7.78 The Framework states at paragraph 120 that planning should “*promote and support the development of under-utilised land and buildings*” (NPPF, 120(d)) with paragraph 124 adding; “*planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it*” (NPPF, 124).
- 7.79 Opportunities for densification of existing urban areas in locations well served by public transport should be maximised wherever possible. The appeal site is served by excellent public transport infrastructure and therefore presents a significant opportunity to transform into a high quality gateway to the city and act as a catalyst for the regeneration of the wider NEC AAP area.
- 7.80 The tax payer, through the construction of the Cambridge North Station and the relocation of the water treatment works, will contribute over £300M towards the regeneration of the area. It is therefore imperative that a proper return is achieved on this massive investment in the area.
- 7.81 A higher-density development would represent efficient use of land in a sustainable location and create the opportunity for people to live close to where they work. A higher density of people also helps to form a critical mass and sense of place to support the range of ancillary retail uses, services and facilities that would come forward alongside the residential and employment accommodation.

- 7.82 I conclude that the benefit of utilising vacant, publicly owned, previously developed land should be given **considerable weight** in the determination of this appeal.

Accessible and Sustainable Location

- 7.83 The appeal site benefits from a high level of connectivity with local, regional and national transport networks, a new station was publicly funded and opened in 2017. The proposed development utilises its location to discourage the use of private motor vehicles with a choice of public transport and exemplar cycling facilities. The LPA's own Local Plan says the new station will act a catalyst for regeneration.
- 7.84 The development is founded on a priority for non-vehicular modes of transport with significant investment in both pedestrian and cycle accessibility.
- 7.85 I conclude that these benefits should be attributed **great weight**.

Response to the Climate Change Emergency

- 7.86 The proposed development will deliver a scheme with BREEAM 2018 Excellent certification as a minimum, with an aspiration to target 'Outstanding' as the design develops. All offices will be designed to target an EPC rating of A. LETI 2025, or LETI 2030 targets for in-use emissions in residential buildings will be targeted.
- 7.87 In light of the LPA's declaration of a climate change emergency in February 2019, I attach these considerations **great weight**.

Response to the Biodiversity Emergency

- 7.88 The LPA declared a biodiversity emergency in May 2019.
- 7.89 The Framework seeks to ensure that biodiversity is conserved and enhanced. At a local level, planning policy NH/4 requires new development to aim to maintain, enhance, restore or add to biodiversity. Opportunities should be taken to achieve positive gain through the form and design of development. Measures to achieve this may include creating, enhancing and manging wildlife habitats and networks and natural landscape.
- 7.90 The appeal proposal includes for extensive planting at ground and at upper levels with landscaped terraces. Planting will include preference for nectar rich flowering species and prioritisation of local drought tolerant and climate adaptable species. Provision will also be made for bird and bat boxes throughout the scheme.

- 7.91 The BNG Assessment (October 2022) (CD2.07a-c) and Ecology Technical Note dated 25 April 2023 confirms that 80.27% habitat unit gain is possible on site. The scheme therefore delivers well in excess of 10% BNG for the site.
- 7.92 This is a significant and demonstrable improvement over the existing situation. I apply **considerable weight** to this benefit in planning terms.

Summary of the benefits of the scheme

- 7.93 In summary, I have identified the weight of the benefits attributable to the development. I have used a scale for weight (in ascending level of benefit) of: Slight, Limited, Moderate, Considerable, and Great.
- 7.94 Overall, I conclude that the benefits of the scheme should be afforded very great weight. The beneficial impacts are summarised in Table 1.

Table 1: Summary of benefits of the appeal proposal

SUMMARY OF BENEFIT	WEIGHT TO BE APPLIED
Economic	
Need for Offices, Labs and R&D space	Great
The 'cluster' Effect and catalyst for AAP	Considerable
Additional Employment	Considerable
Social	
Housing Need	Considerable
Public Realm and Open Spaces	Considerable
Amenity and Meanwhile Uses	Moderate
Wellbeing and Social Inclusion	Moderate
High Quality Architecture	Great
Environmental	
Making effective use of land	Considerable
Accessible and sustainable location	Great
Response to the climate emergency	Great
Response to the biodiversity emergency	Considerable
CUMULATIVE TOTAL	VERY GREAT

8.0 The Harm

- 8.1 The LPA originally contended in terms of reason for refusal 6, 7 and 8 that there was insufficient clarity on the climate change allowances utilised, that there was insufficient information to adequately assess the ecological impact of the proposals and that insufficient information had been submitted in the noise report to demonstrate that the interaction between the proposed commercial use and the Aggregates Railhead (a Transport Infrastructure Area) will not prejudice the existing or future uses of the Transport Infrastructure Area. These issues have now all been resolved and no harm is alleged by the authority and the LPA is no longer defending reasons for refusal 6 and 8. In terms of reason for refusal 7, the LPA has indicated that they will be withdrawing this reason for refusal.
- 8.2 In addition, the LPA originally alleged that the absence of a comprehensive and appropriate S106 agreement did not clarify how the comprehensive development of the area would be achieved. The Appellant understands from the LPA that reason for refusal 4 and 5 will be withdrawn on the parties entering into a s106 Agreement. It is the Appellant's understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms into a detailed s.106 Agreement.
- 8.3 It is therefore expected that reason for refusal 4 and 5 will be withdrawn.

Design

- 8.4 Within the development plan section of my proof, I deal with reason for refusal 3 and the alleged poor quality sense of place, design and the living conditions associated with north-facing single aspect apartments. I conclude, having regard to the expert evidence of others, that the scheme complies with the relevant development plan policies. In terms of Policy HQ/1 and criterion (b) in relation to heritage, I note it is not consistent with legislation nor the NPPF in terms of providing for the balancing exercise within the Framework (paragraph 202). I carry out the appropriate heritage balancing exercise within my proof in Section 8 and the overall planning balance in Section 13.

Highway Impact

- 8.5 Mr Nettleton concludes that the proposed development should not be prevented or refused on highways grounds, because: there would not be an unacceptable impact on highway safety or capacity; the residual cumulative impacts on the road network would not be severe; and, the effect of the scheme will be neutral given the transport benefits offered to the North East Cambridge Area overall.

Landscape and Visual Impact

- 8.6 The submitted LVIA by Bidwells concluded that the Proposed Development would result in one residual, significant adverse effect. This is associated with the visual experience of ramblers on a public footpath to the east of the Site (Viewpoint 8).
- 8.7 The LPA have alleged moderate-adverse to high-adverse effects, primarily related to the eastern edge and impacts on Fen Ditton, Fen Ditton CA, Ditton Meadows, Greenbelt and users of footpath, cycle path and vehicular routes in these areas. At the time of writing this Proof of Evidence, the LPA's new townscape witness has not clarified the level of harm to any identified views.
- 8.8 CPPF's case accords with reason for refusal 1 of the LPA but they take no issue with the impact on the existing residential development to the south and west of the development particularly on Discovery Way and Bourne Road/ Long Reach Road.
- 8.9 Mr Smith having carried out his own, independent review of visual effects on the representative viewpoints, based upon detailed modelling of visibility and of effects on individual views, reached conclusions very similar to the Bidwells LVIA.
- 8.10 Mr Smith concludes that, for the Cam River Valley, both assessments agree that the effects would be moderate/minor and adverse; the increased visibility of built form would have a negative effect on open landscape of the Cam Valley. He concluded this to be a Valued Landscape in the sense of paragraph 174 (a) of the Framework.
- 8.11 The Bidwells LVIA concluded that there would be moderate neutral effects on the local residential areas, whereas Mr Smith concludes that there would be localised moderate/minor and adverse effects on the Chesterton character area, becoming minor and neutral to the south. For the residential area on Fen Road he has assessed the effects as moderate and negative.
- 8.12 For the skyline of Cambridge the Bidwells LVIA concluded that the proposed development would result in moderate neutral effects, whereas Mr Smith has concluded that these moderate effects would cause an adverse change, since the increased visibility of built form on the skyline in this location is judged to be a negative change to character.
- 8.13 For the effects on the landscape setting of the Fen Ditton conservation area, the Bidwells assessment conclude moderate adverse effects, whereas Mr Smith has concluded slightly lower, moderate/minor and adverse effects. Both assessments have concluded that the effects on the setting of the Riverside and Stourbridge conservation area would be minor and neutral in nature.

- 8.14 Mr Smith in his proof states that, in his experience, for a development of this scale, these assessments of landscape effect are relatively low.

Water Quality

- 8.15 Based on the PJA analysis, the calculated water demand of the appeal scheme comprises less than 0.22% of current water demand and of proposed water demand in 2050; this is a worse case conservative estimate.
- 8.16 Cambridge Water currently operate a complex network which balances abstraction across the entirety of the network. In Alison Caldwell's evidence, she says that it is not possible to determine the exact nature and / or extent of deterioration of a specific water body as a result of a specific development. Neither the EA or the LPA have provided detailed evidence on water quality in respect of the appeal scheme at the time of writing this Proof.
- 8.17 Paragraph 20(b) of the Framework states that water supply issues should be addressed through Local Plans. The appeal site is allocated for employment-led development in Policy SS/4 of the development plan and the appeal scheme itself is an employment-led scheme. Cambridge Water has statutory duties to fulfil to ensure that there is no harm in the long run.
- 8.18 The Appellant has set out a series of water conservation measures which go far beyond what it normally anticipated of a development of this nature and scale.
- 8.19 I understand the EA have only objected to a very limited number of schemes in Greater Cambridge. Their approach could not be seen as an embargo on development as they are content to allow the significant majority of schemes to continue and be determined by the LPA. There is a great level of uncertainty over the detail of any evidence as to the harm alleged by the EA, it is a generalised concern over the draft WRMP rather than the appeal scheme itself. In my view on this issue, it is a matter of weight to be attached to this objection in the overall planning balance. In my view, for the reasons given above, I consider only very limited weight can be given to the EA position.

Heritage Harm and the balance under the Framework

- 8.20 All the parties at this inquiry and Historic England agree that any harm to the significance of the heritage assets considered to be affected is 'less than substantial harm'. There is a difference of opinion about where in the 'less than substantial harm scale' this falls. Dr Jon Burgess summarises this as follows :-

Table 2: Summary of opinion regarding the ‘less than substantial harm scale’

	RASCCA	FEN DITTON CA	BAITS BITE CA	ANGLESEY ABBEY RPG
Appellant	Very low end	Very low end	None	None
LPA	Moderate	Moderate	None	None
CPPF	Assumed Moderate	Assumed Moderate	Assumed None	Assumed None
Historic England	Moderate	Moderate	Moderate	None
HIA*	Lowest	Lowest	Lowest	None

*Based on heights within Townscape Strategy

- 8.21 The Framework outlines that when reaching decisions, local planning authorities should take account of: *“a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”* [NPPF,197]
- 8.22 In this respect, where there is considered to be an impact upon the significance of a designated heritage asset, decision makers are directed to give great weight to the asset’s conservation. [NPPF,199].
- 8.23 It is common ground that the level of harm upon the designated heritage assets is less than substantial. In this respect, it is necessary to apply the tests set out at paragraph 202 of the Framework which states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 8.24 I set out the benefits in Section 7. Overall, I consider that any less than substantial harm to the significance of the designated heritage assets is wholly outweighed by the benefits of the appeal scheme, this is not a close run thing.

9.0 Other Material Considerations

- 9.1 Notwithstanding my conclusions in respect of the development plan, I am required to consider other material considerations that are relevant to the determination of the planning application.
- 9.2 There are material considerations which, over and above my comments on the development plan support my conclusions that planning permission should be granted.
- 9.3 I consider the following within my evidence:
- The National Planning Policy Framework (July 2021)
 - National Design Guide
 - Supplementary Planning Documents (SPDs)
 - The benefits of the application
 - Development Management Guidance Document : Evidence required to support Planning Applications ahead of the North East Cambridge (NEC) Area Action Plan (AAP)
 - The emerging NEC AAP policy position and its evidence base
 - The emerging Greater Cambridge Local Plan policy position and its evidence base
 - Policy 60 of the Cambridge Local Plan (2018)

National Planning Policy Framework (NPPF) (July 2021)

- 9.4 The Framework is a very significant material consideration in the determination of this appeal.

Presumption

- 9.5 Paragraph 11 of the Framework states that “*plan and decisions should apply a presumption in favour of sustainable development*”. This means “*approving development proposals that accord with an up-to-date development plan without delay*”.

Sustainable development

- 9.6 The Framework states that there are three dimensions to sustainable development: economic, social and environmental [NPPF,8].

It provides clear definition to each element and whilst it states that the objectives are “*not criteria against which every decision can or should be judged*” [NPPF,9] the three dimensions provide convenient sub-headings under which to draw my conclusions together.

Economic

- 9.7 The Framework defines the economic objective: “*to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*”. [NPPF,8a]
- 9.8 Section 6 of the Framework is titled “*building a strong, competitive economy*”. It states: “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs** and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This **is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.***” [NPPF,81] (emphasis added)
- 9.9 It further states: “*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries...*” [NPPF,83].
- 9.10 The evidence of Max Bryan provides an account of the local office and R&D market and the supply of, and demand for, new office and R&D floorspace and the wider economic impacts of the proposals.
- 9.11 In my view, the appeal scheme fully accords with the framework’s economic objectives.

Social

- 9.12 The Framework defines the social objective: “*to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being*”. [NPPF,8b]

9.13 The Framework requires that developments to be sympathetic to local character but not to prevent or discourage appropriate innovation or change. Mr Ludewig in his evidence shows how the masterplan has taken a strategic approach that aims to strike a balance between preserving and showcasing elements of the site's character, while also delivering a scheme that fully realises the potential of the site. It represents a modern vision of a new quarter for the City.

9.14 In my view, the appeal scheme fully accords with the framework's social objectives.

Environmental

9.15 The Framework defines the environmental objective: *"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"*. [NPPF,8c]

9.16 Fundamentally, the development responds to the Framework's requirement that development makes the most effective use of previously developed land. In this respect, the Framework outlines that: *"planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses"* [NPPF,119]. It continues, stating: *"substantial weight [should be given] to the value of using suitable brownfield land within settlements for homes and other identified needs"*. [NPPF,120c]. The appeal scheme promotes the effective re-use of land that is designated for wholesale regeneration.

9.17 The Framework outlines that when reaching decisions, local planning authorities should take account of: *"a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."* [NPPF,197]

9.18 In this respect, where there is considered to be an impact upon the significance of a designated heritage asset, decision makers are directed to give great weight to the asset's conservation. [NPPF,199].

9.19 It is common ground that the level of harm upon the designated heritage assets is less than substantial. In this respect, it is necessary to apply the tests set out at paragraph 202 of the Framework which states: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

- 9.20 I address matters relating to the historic environment within my analysis of the development plan at Section 6. I note that Local Plan Policy NH/14 is not consistent with legislation nor the NPPF but paragraph 6.49 of the SCLP provides for the balancing exercise within the Framework (paragraph 202) and it is my view that if those benefits outweigh the harm then the proposal is compliant with the framework and the development plan as a whole.
- 9.21 I agree with Dr Burgess on the level of harm to the designated heritage assets which range from none to very low on the less than substantial scale. I consider that this harm is outweighed by the benefits by a considerable margin, it is not even close.
- 9.22 Even if the LPA or Historic England assessment of the degree of harm is preferred by the Secretary of State, the benefits that I have set out would in my view very clearly and significantly outweigh that level of harm.
- 9.23 Overall, I consider that any less than substantial harm arising from the proposed development is wholly outweighed by the benefits of the appeal scheme. I undertake the overall planning balance within Section 13 of my proof.
- 9.24 Turning to the natural environment, it is agreed with the LPA that there are no unacceptable impacts in terms of;
- Air Quality
 - Vibration and Noise
 - Odour
 - Land Contamination
 - Lighting
 - Human Health
 - Archaeology
 - Utilities.
- 9.25 In terms of ecology, it is common ground that ecological surveys have been completed to inform the development proposals for the Site and identified appropriate mitigation, compensation and enhancement measures.
- 9.26 Further information has been submitted by the Appellant following liaison with the LPA ecology officer in respect of outstanding concerns raised. The LPA has now confirmed, following receipt of further information particularly in respect of bats, they will withdraw Reason for Refusal 7. This will be updated in the Statement of Common Ground.

- 9.27 In terms of water supply, Paragraph 20(b) of the NPPF confirms that water supply is a strategic matter to be addressed through development plans and that strategic policies should set out an overall strategy for the pattern, scale and quality of places, and make sufficient provision for infrastructure for water supply amongst other requirements. The appeal Site is allocated in an adopted and emerging Local Plan and Cambridge Water confirm they have made provision in the Water Resource Management Plan 2024 (WRMP24).
- 9.28 Paragraph 174 (e) of the NPPF prevents new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability. Development should where possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as River Basin Management Plans (RBMPs).
- 9.29 The appeal site is allocated in the Local Plan. Alison Caldwell deals with the water issue at length in her evidence.
- 9.30 In my view, the appeal scheme fully accords with the framework's environmental objectives.

Design

- 9.31 Section 12 of the Framework relates to “*achieving well-designed places*”. It states: “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”. [NPPF,126]
- 9.32 It continues: “*Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the appeal site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*” [NPPF,130]

- 9.33 The appeal scheme is designed by the award winning Acme under the leadership of Friedrich Ludewig. Reflecting the requirements of the Framework [NPPF,132], the scheme is the result of extensive consultation with the community, the LPA and the Cambridgeshire Quality Panel.
- 9.34 Friedrich Ludewig and Greg Willis provide comprehensive evidence in respect of design matters and I consider the appeal scheme represents a high quality design which promotes high levels of sustainability and raises the standard of development locally.
- 9.35 In my view, the appeal scheme fully accords with the framework's aspirations on design.

National Design Guide (January 2021)

- 9.36 The National Design Guide illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. The LPA refer to the National Design Guide in their Statement of Case (CD9.00) and in respect of reason for refusal one (impact on landscape character and visual amenity of the area), reason for refusal two (impact on heritage assets) and reason for refusal three (design).
- 9.37 Robert Myers gives evidence as to how the scheme complies with Principles P1, P2 and P3 (public spaces).
- 9.38 Dr Jon Burgess gives evidence as to how the scheme complies with principle C2 'Value heritage, local history and culture' of the National Design Guide.
- 9.39 Friedrich Ludewig and Greg Willis provide a review of the scheme's overall design quality.
- 9.40 In conclusion, the development fully accords with Principles P1, P2 and P3 (public spaces) and Principle C2 'Value heritage, local history and culture' of the National Design Guide.

Supplementary Planning Documents (SPD)

- 9.41 The LPA refer to the following SPDs within their SoC (CD9.00) in respect of reason for refusal 3 (design) and reason for refusal 7 (ecology).
- District Design Guide (2010)
 - Landscape in New Developments (2010)
 - Biodiversity SPD (2022)

- 9.42 Friedrich Ludewig and Greg Willis give evidence as to how the appeal scheme complies with guidance contained within the District Design Guide SPD (2010).
- 9.43 Robert Myers gives evidence as to how the appeal scheme complies with guidance contained within the Landscape in New Developments SPD (2010).
- 9.44 Further information has been submitted by the Appellant following liaison with the LPA ecology officer in respect of outstanding concerns raised. The LPA has now confirmed, following receipt of further information particularly in respect of bats, they will withdraw Reason for Refusal 7. This will be updated in the Statement of Common Ground.
- 9.45 The development fully accords with the guidance contained within the above SPDs.

Benefits of the appeal scheme

- 9.46 I have set out the benefits earlier in my evidence. I conclude the benefits are **very great**.

Development Management Guidance - Evidence required to support Planning Applications ahead of the North East Cambridge (NEC) Area Action Plan (AAP) (Revised May 2021)

- 9.47 Following the adoption of the Local Plan in 2018, the LPA in acknowledging that applications could come forward in advance of the AAP, published Development Management Guidance that identifies the information required to be submitted in support of planning applications within the AAP area to enable the LPAs to determine compliance with the requirements of Policy SS/4 Part 4.e. This is Core Doc 5.16.
- 9.48 The Appellant understands from the LPA that reason for refusal 4 and 5 will be withdrawn on the parties entering into a s106 Agreement. It is the Appellant's understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms up into a detailed s.106 Agreement.
- 9.49 It is therefore expected that reason for refusal 4 and 5 will be withdrawn.
- 9.50 Therefore, the application is consistent with the thrust of the document. **Appendix 4** provides my full response to the document.

Emerging North East Cambridge Area Action Plan (NEC AAP) and its Evidence Base

Emerging North East Cambridge Area Action Plan (NEC AAP)

- 9.51 Work on the NEC AAP began in 2014, with the most recent consultation taking place between July 2020 and October 2020 on the Draft version of the Plan (Regulation 18).
- 9.52 The emerging the NEC AAP remains at an early stage in its preparation and is entirely dependent on a successful DCO process. I consider that it can only be afforded very limited weight in the determination of planning applications.
- 9.53 A full list of all relevant draft policies and a response against each regarding the development proposals is provided at **Appendix 2**. The Appellant has sought, where practical and where consistent with national policy, to align with the emerging AAP.

Supporting Evidence Base to the Emerging North East Cambridge Area Action Plan (NEC AAP)

- 9.54 The LPAs have published a number of evidence papers to support the policies and proposals of the Proposed Submission version of the emerging NEC AAP.
- 9.55 I consider that it can only be afforded very limited weight in the determination of planning applications.
- 9.56 A full list of all relevant evidence papers and a response against each regarding the development proposals is provided at **Appendix 3**. This concludes that the appeal scheme has taken full account of the evidence base. Some of the evidence base is also the subject to objection from landowners and has had limited or no consultation.

Emerging Greater Cambridge Joint Local Plan and its Evidence Base

- 9.57 Cambridge City Council and South Cambridgeshire District Council are working together to create a new joint Local Plan for the two areas – referred to as Greater Cambridge.
- 9.58 In November and December 2021, the LPAs undertook the ‘First Proposals’ consultation, also known as Regulation 18 Preferred Options consultation. This sought views on the emerging development strategy, the direction of travel for policies and issues the LPA should be considering as policies are prepared.

- 9.59 The emerging Joint Local Plan is at a very early stage (Regulation 18 Preferred Options). As such only very limited weight should be attached to it in the determination of this appeal.

The Economic Evidence Base

- 9.60 As I mentioned briefly in my consideration of the benefits of the development, the GCLP economic evidence base currently comprises the Employment Land and Economic Development Evidence Study (November 2020) (ELEDs) and the Employment and Housing Evidence Update (January 2023) (EHEU).
- 9.61 I focus on the latter as, which the ELEDs accepts, the ELEDs was entirely based on data collected before the Covid-19 pandemic and the conclusions of the report did not account for the impact of this seismic event. It also based its population analysis on the 2018-based population projections, which the 2021 Census subsequently found to be inaccurate. The EHEU corrects this and results in higher population projections for the local authority area and therefore a higher demand for jobs from economically active residents.
- 9.62 The EHEU has yet to be challenged as a result of the delays to next GCLP public consultation, but it has been used to inform the latest draft of the GCLP, ultimately the evidence base and interpretation are a matter for the GCLP examination. What is clear is the pace at which the local economy is changing and adapting to meet the space demands of the life science and knowledge intensive industry for owners, researchers, investors and occupiers. Technology is moving at an accelerated rate pushing forward and developers are aligning themselves to world class research centres and existing clusters, Cambridge is one of those. Mr Bryan in his evidence explains the challenges in keeping pace with this demand. Government policy aligns the success of the future of the UK economy to growth on this sector.
- 9.63 The EHEU notes that CoStar suggest that Cambridge's reach, and hence defined market area, covers Cambridge itself, South Cambridgeshire and East Cambridgeshire. This market area hosts a dynamic office market, owing to the success of 'Silicon Fen' or the Cambridge Cluster, which has evolved into a renowned science and technology hub with close ties to the University of Cambridge. The market's robust talent pool serves as a magnet for high-tech companies in industries like biopharma, electronics and software development. Apple, Microsoft, Gilead Sciences and Illumina are among the numerous high profile global firms to have expanded in Cambridge in recent times.

- 9.64 According to the Bidwells Summer 2022 Data Book, which the EHEU considers to be “most useful data available for understanding levels of lab demand in Greater Cambridge” (paragraph 2.38, emphasis added – note the Bidwells databook is Cambridge City plus 10 miles and not Greater Cambridge), Cambridgeshire lab take-up was around 200,000 sqft (18,600 sqm) in 2021, however the demand hugely exceeded the supply meaning take-up was suppressed. The scale of demand in 2022 remains reportedly extremely high and availability very low, indicating that the immediate pipeline has not kept up with changes in demand profile. This is happening in the context of continuing strong investor interest and a potential untapped demand for labs of close to one million sqft as reported by stakeholders.
- 9.65 At Figure 2.11, the EHEU again highlights the value of Bidwells market knowledge by including our graph that notes that lab availability reached 0.5% in 2021. In paragraph 2.40, the EHEU states that “*in any market, availability below the 5% mark is considered unhealthy as it leaves no space for choice and churn for occupiers including inward investors, reducing competition and rising rents, and limited growth potential in the short and medium term. It may also lead to some occupiers choosing to locate in other cities, domestic and international*”.
- 9.66 At paragraph 2.83 the EHEU states that:
- 9.67 “*A number of stakeholders recognise the potential of the UK life science market, comparing with the USA where the markets have pulled back and biotech is trading below cash value, whereas the UK is more nascent in this sector and less likely to be affected by the stock market despite the Brexit headwind. Broadly it is estimated that the American life science market is 10-15 years further along than UK. This provides the potential for another 10 years of fast growth (albeit that a weakening macro economic outlook could have some impact); bricks and mortar constraints are considered the key issue. One stakeholder pointed out that the UK has 4 of the top 10 universities globally and the South East / East of England has 8 out of 20 of the biggest pharmaceutical companies thus demonstrating the agglomeration of the sector in the region. There is some fear that growth in life sciences investments will move towards Boston in USA because of greater availability of space – a threat of lack of UK supply. This would have a direct knock on for Greater Cambridge which has such a successful high tech sector. However the strength of the dollar relative to sterling currently makes UK investments relatively affordable.*” (emphasis added)
- 9.68 Effectively, the LPA, in their evidence base, accept that the continuation of the lack of available space suitable for life sciences in Cambridge has a direct effect on the success of the sector for the UK as a whole. The reference to the strength of the dollar to sterling is a pertinent one, but irrelevant if the space cannot be made available for business to invest in.

- 9.69 In paragraph 2.84, the EHEU continues:
- 9.70 *“Overall stakeholder views are that there is severe lack of lab space in the market at present and not enough being built. COVID-19 has shone a light on the resilience and importance of the life science sector which has received considerable venture capital investment leading to growth in headcount and space requirement demands. All years since 2019-2022 have been year on year record breaking for venture capital. Availability for space is hovering around 0%. Looking ahead -there is a lot of investor interest in the sector remaining – there are lots of R&D and health issues ranging from cancer to Alzheimer’s. There is reported to be in excess of 1m sqft lab space deficit, with capital investors and operational occupiers in the sector keenly seeking new lab space of a range of sizes. The trend could be 100,000 sqm per annum going forwards labs / R&D.”*
- 9.71 Max Bryan refers to the latest Data Book, which he co-authored, in his evidence. He says that the Cambridge market has doubled in size since the start of the Millennium from 5.2m sq ft to 10.57m sq ft at the end of 2022. That growth is driven by a dynamic economy, but growth has been constrained by the lack of provision of new development. This is evidenced by significant new speculative developments delivered in the city recently being fully let during construction or very shortly following practical completion.
- 9.72 At year end 2022 there was demand for just over 2m sq ft of office and laboratory space across Cambridge by both domestic and global business. There is a now greater depth across a broad range of requirement sizes than in the middle of the last decade, where activity was dominated by a limited number and very large business requirements. Demand is dominated by the life science sector.
- 9.73 In summary, he says demand is likely to intensify with an increasing occupier base. He highlights the reasons why Cambridge has changed immeasurably from a relatively immature office and lab market to a globally important centre for R&D. The influence of the University, buy-outs, indigenous growth and access to funds, the life science sector and clustering are quoted. Looking forward the demand for office and lab space will intensify.
- 9.74 I note in the ELED, GL Hearn recommends that further allocations are made to accommodate both office and wet/dry lab needs in Greater Cambridge. They say “The role and mix therefore of North East Cambridge Area Action Plan in providing a growth overspill function is essential” (emphasis added).
- 9.75 Mr Bryan in his evidence highlights that the supply of offices and laboratories is highly constrained and is not adequate to meet current active demand which has continued to grow year on year over the last three years. He then goes on to demonstrate, through the findings of the YouGov and Bidwells research, the attraction and importance of Cambridge North to meeting the clear demand for office and labs in the city.

Policy 60 of the Cambridge Local Plan (2018)

- 9.76 The LPA SoC (CD9.00) confirms, at paragraph 5.9, that the LPA will refer to Policy 60 of the Cambridge Local Plan (2018) as a material planning consideration due to the close adjacency of Cambridge City and the relationship between the appeal site and the rest of Cambridge. Policy 60 is referred to within reason for refusal one.
- 9.77 The LPA SoC continues in stating that *“Applying the requirements of the criteria against the viewpoints selected for LVIA/TVIA, Heritage and Policy 60 viewpoint, it is considered that the development has been unable to demonstrate that the proposals are a high-quality addition to the Cambridge skyline. The LPA will demonstrate the proposals do not result in a high quality addition to the City skyline and that this results in adverse impacts”*.
- 9.78 None of the historic views of Cambridge City are affected by the development proposal.
- 9.79 The Appellant has sought to take into consideration Policy 60 of the Cambridge Local Plan (2018) in preparation of the LVIA in support of the development proposal.
- 9.80 Mr Smith notes that the appeal proposals would have no effect upon Cambridge’s historic centre, nor would the proposals have any effect on the Strategic Views identified in Appendix F of the Cambridge City Local Plan.
- 9.81 He also concludes that the proposals are of high design quality, and would provide a positive addition to the Cambridge skyline.
- 9.82 Part c of the Policy also states that proposals should demonstrate that “there is no adverse impact” as a result of the proposals. However, Mr Smith says it is difficult to conceive of any form of vibrant, mixed-use hub in this location that would not result in at least some adverse effects on the skyline in this location, if best practice in LVIA is applied. It is Mr Smith’s view that it is also important to consider the design quality of the proposals along any landscape and visual harm that they may cause. In his assessment the proposals would result in a positive addition to the skyline.
- 9.83 Mr Smith therefore concludes that the proposals largely comply with Policy 60, but do not fully comply with Policy 60 part c.

10.0 Reasons for Refusal

- 10.1 The LPA is no longer defending reasons for refusal 6 and 8.
- 10.2 In terms of reason for refusal 7, the LPA has confirmed, at the time of writing this evidence, that they are withdrawing reason for refusal 7 and their objection to the appeal scheme on ecology grounds.
- 10.3 Furthermore, the Appellant understands from the LPA that reason for refusal 4 and 5 will be withdrawn on the parties entering into a s106 Agreement. It is the Appellant's understanding that heads of terms for a s106 Agreement have been broadly agreed with the LPA and the County Council and work is continuing between the parties to work these heads of terms up into a detailed s.106 Agreement. It is therefore expected that reasons for refusal 4 and 5 will also be withdrawn.
- 10.4 In terms of the three remaining reasons for refusal, drawing on my assessment (above) of the development plan, the benefits of the proposal and other material considerations and having proper regard to the statutory requirements and the limited harm arising from the development, I do not consider that they stand up to scrutiny.
- 10.5 **Appendix 6** sets out the full reasons for refusal and my response to them.

11.0 Response to Rule 6 (6) Party

- 11.1 Cambridge Past, Present and Future (CPPF) were granted Rule 6 (6) status on 22 February 2023 and their Statement of Case was shared with the appeal parties on 29 March 2023.
- 11.2 It is agreed that CPPF's concerns with the appeal scheme are limited to the impact of the proposed development on the landscape character and visual amenity of the area and on designated heritage assets, specifically Fen Ditton Conservation Area and the Riverside and Stourbridge Common Conservation Area. In respect of these issues, CPPF's position accords with that set out in Reason for Refusal 1 and Reason for Refusal 2 by the LPA.
- 11.3 My response to the case of CPPF is therefore largely dealt within this proof in respect of responding to Reason for Refusal 1 and Reason for Refusal 2 by the LPA.
- 11.4 All other issues raised by CPPF are dealt with in my **Appendix 7**.

12.0 Response to Third Party Representations

- 12.1 **Appendix 8** sets out the full set of comments received from third parties, such as local residents, and my response to them.

13.0 Overall Conclusions and Planning Balance

- 13.1 The appeal proposal is an outstanding scheme prepared by a number of leading architects and landscape designer. It has a significant number of benefits that I describe as very great overall. The scheme strives to be a sustainable new destination for the City and South Cambridgeshire.
- 13.2 The appeal scheme will be a healthy, inclusive, low-carbon development with a vibrant mix of high-quality homes, workplaces, services and social spaces, fully integrated with surrounding neighbourhoods. Mr Ludewig in his evidence shows how the masterplan has taken a strategic approach that aims to strike a balance between preserving and showcasing elements of the site's character, while also delivering a scheme that fully realises the potential of the site. This responds to reason for refusal one.
- 13.3 The Framework emphasises the need to make the most efficient possible use of previously developed land in sustainable locations; the appeal site is one of the most sustainable locations in the region. Significant public funding has already been committed to the Site in the form of the new Cambridge North station and it is right that it is appropriate that maximum benefit is derived from this investment.
- 13.4 The appeal proposal does not prejudice the delivery of the wider AAP should that come forward, rather, it is an enabler to its delivery. At year end 2022 there was demand for just over 2m sq ft of office and laboratory space across Cambridge by both domestic and global business. The pipeline for offices and laboratories is extremely constrained and does not meet this demand, this has serious repercussions of the growth of the science and tech sector in the UK.
- 13.5 The LPA recognise the importance of the clustering of knowledge intensive industries to the local and national economy. The Framework places significant weight on the importance of economic development and states that planning decisions should recognise and address the specific locational requirements of clusters.
- 13.6 They also recognise the importance of placing development around Cambridge North Station. The LPA do not dispute that there is a need for new office and laboratory buildings, they state that the weight to this benefit has been overstated, yet at the same time have identified the appeal site is a strategic location for employment growth and performs an essential role in providing for any overspill should demand for accommodation be higher.
- 13.7 The change of pace of technology is accelerating rapidly and the role of the planning system is not to hinder or frustrate that change but to facilitate it and build upon the UK existing centres of excellence. I do not consider the need for new offices and laboratories in this location is overstated, the need is compelling. The appeal site is one

of the best locations to meet that need. The benefits I refer to as “great” derive from the appeal scheme.

- 13.8 In a similar vein, there is a need for high quality homes. The scheme provides a mix of high-quality homes, fully compliant with affordable housing policies.
- 13.9 Contrary to the reasons for refusal, it is my evidence that the appeal scheme is compliant with the development plan when read as a whole and that there are no other material circumstances which should be weighed against this conclusion. In fact, all the other material considerations that I identify further reinforce my conclusions that this is the right scheme in the right place.
- 13.10 It is common ground with the LPA and the Rule 6 (6) party that the scheme has an impact on identified heritage assets and that this harm is less than substantial.
- 13.11 I attach the weight dictated by statute and case law to heritage and conclude that any harm to heritage is clearly and manifestly outweighed by the extensive public benefits of the Appeal scheme.
- 13.12 The harm alleged within reason for refusal 2 and 3 is in respect of alleged poor living conditions for future occupiers of the proposed new housing, particularly the north facing single aspect windows; an alleged poor standard of design; the less than substantial harm to a number of heritage assets and the landscape and visual impact on a number of certain views and a valued local landscape.
- 13.13 There is no unacceptable impact on highway safety or capacity and the residual cumulative impacts on the road network would not be severe, any residual impact on the highway network can be adequately mitigated through the mitigation package proposed.
- 13.14 The EA objection is not specific to the appeal scheme. It is a lack of confidence regarding the CW WRMP24. CW have confirmed in writing that they have no objection to our scheme and that adequate provision for water has been made in their forward planning.
- 13.15 I have set out the economic, social and environmental benefits in Section 7 of my evidence and conclude they are very great. They outweigh the limited harm that I identify above by a very considerable margin.
- 13.16 In my opinion the determination that would be in accordance with development plan would be to allow the appeal. Material considerations do not indicate otherwise but instead give even greater weight to the arguments in favour of allowing the appeal.

- 13.17 If contrary to my evidence the Secretary of State does not consider the appeal scheme is in accordance with the development plan when read as a whole, then the material considerations, particularly the very great benefits, indicate that planning permission should be granted nonetheless.



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