TOWN AND COUNTRY PLANNING ACT 1990

PLANNING & COMPUSLORY PURCHASE ACT 2004

LAND NORTH OF CAMBRIDGE NORTH STATION, CAMBRIDGE

APPEAL BY BROOKGATE LAND LIMITED

APP/W0530/W/23/3315611

Inquiry opened 6 June 2023

APPELLANT’S OPENING POINTS

 *The role of the appeal scheme*

1. In May 2017, the new station at Cambridge North opened, cementing the context necessary for the sustainability of a large-scale new urban quarter to Cambridge. Since then, the Appellant, working closely with South Cambridgeshire District Council (“the Council”), has delivered the Novotel in which this inquiry is being held, and is shortly to finish the construction of the s.100,000 sq ft office building known as 1 Cambridge Square; Samsung is to be one of its tenants. These two buildings have created a sense of arrival at the new Station and established a new urban status for the area.
2. The appeal site lies within the built-up area of Cambridge. It forms part of a much larger piece of land identified in the main relevant part of the adopted development plan (the South Cambridgeshire DC Local Plan of 2018) as the Cambridge Northern Fringe East (now by the acronym NEC AAP – area action plan). The area is earmarked under Policy SS4 for high-quality mixed-use development, primarily for employment (within Use Classes B1, B2 and B8) as well as a range of supporting uses.
3. It had been hoped that the NECAAP would have been finalised and adopted some time ago. Indeed, as Mr Derbyshire for the Appellant sets out in his evidence, it is nearly a decade since the AAP process was begun; a major stumbling block has been the still-unresolved relationship between the wider aspirations for the area and the progress of a Development Consent Order enabling the removal and off-site replacement of the waste water treatment works.
4. Recognising the potential for delay to the NECAAP to prevent beneficial development within the overall allocation, the Local Plan was amended at the Appellant’s suggestion to include text which makes it clear that applications which come before the adoption of the NECAAP should be treated on their merits, including whether they would prejudice any other aspect of the wider potential development. The main parties agree that there is no procedural objection (for instance based on the idea of prematurity) to the appeal being granted. No more than limited weight (at most) can be given to the NECAAP itself, given that it remains in limbo.
5. Against the background of very slow progress, the Appellant brought forward what became the appeal scheme. It took several years and involved a substantial degree of interaction with the Council and other stakeholders. The proposed uses were altered several times in response to the Council’s views; the Appellant appointed a new masterplanner (ACME) for the area part way through thoroughly to revise and reassess the proposal.
6. Driving the project along is a powerful combination of positive outcomes: meeting an acknowledged need for offices and laboratories in a highly sustainable location within the UK’s premier Life Sciences cluster (and thereby meeting some national priorities); meeting housing needs in line with local policy; creating a high-quality place, evolving the development at and around the station; and knitting the new mixed-use sustainably into the existing fabric of the area; and showing the way forward for the rest of the NECAAP area.
7. There will be some limited negative impacts on heritage, landscape and visual receptors, but the context for the scheme is the adopted Local Plan aspiration for a new part of the city to be developed on what is largely a levelled site reclaimed from defunct railway sidings. The benefits of the scheme will outweigh the limited harms and the balance between them indicates that the appeal scheme will be in overall accord with the adopted development plan as well as with the NPPF and other Government pronouncements about Life Sciences and housing.

*The scheme and the outstanding issues for the inquiry*

1. The scheme description explains that it is in hybrid form:
2. *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) together with the construction of basements for parking and building services, car and cycle parking and infrastructure works.*
3. *A full application for the construction of three commercial buildings for Use Classes E(g)(i) (offices), (ii) (research and development), providing flexible uses on the Ground floor (excluding Class E(g)(iii)) with associated car and cycle parking and associated landscaping, infrastructure works and demolition of existing structures.”*
4. Drawings for approval are listed in the Addendum SCG at Table 5.2 – these include six drawings dated April 2023 for which permission to substitute is sought under the *Wheatcroft* principles. There would be no prejudice in admitting the drawings which result in a very minor change to the water body in the north of the site, reflecting LLFA comments.
5. As Mr Derbyshire explains, the scheme has been designed to meet pressing needs; for that reason, the Appellant exercised its right of appeal against non-determination on 27 January 2023. Putative reasons for refusal (eight in number) were issued by the Council in March 2023.
6. Several of those issues have now been resolved: putative reasons 4-8 are not pursued (see the Updated SCG dated 23 May 2023, sections 8 and 9). The Updated SCG also sets out the very extensive areas of agreement between the Appellant and the Council.
7. The Updated SCG lists as outstanding issues between the Appellant and the Council: (1) effect on the landscape and visual amenity of the area; (2) impact on designated heritage assets; (3) six criticisms of the design of the scheme itself; and (4) a disagreement about the degree of need for the scheme ‘in the timeframe of project delivery’.
8. By way of introduction to the scheme (slightly longer than would be usual given that the inquiry is not due to hear from Mr Ludewig or Mr Willis until next week):
9. See Mr Ludewig’s proof, page 68, section 6.1. The masterplan is informed by the existing structure, and comprises three principal streets (Chesterton Way to the west, Milton Avenue centrally and Station Row to the east). The streets in turn establish a sequence of character areas centred around four key open spaces (Chesterton Gardens, Chesterton Square, the Central Plaza and the Wild Park to the north). Sixteen new buildings will populate the rest of the area.
10. In the west, the urban block would lie between Chesterton Way and Milton Avenue, and comprise a mix of office, residential and retail uses. The office use will be close to the existing Cambridge Square: One Milton Avenue (Building S4 – see Mr Ludewig page 70 and the detailed evidence of the building’s architect Mr Willis) is designed as a 5-7 storey building clad in brick and metal, the design and heights of which would mediate between building S3 (1 Cambridge Square, nearing completion), and is articulated in plan and section; it would have planted terraces and frame the opening to Chesterton Gardens.
11. The eleven residential buildings, (S11-21), are arranged around the landscaped area of Chesterton Gardens. They are all heavily articulated (as set out in the parameters) to give them individuality and human scale. They would provide a high quality residential environment close to employment and to the transport facilities of the station and the guided (and other) bus service.
12. Next to the Novotel, the existing surface car park is proposed to be translated into a mobility hub, a 3-4 split-level structure – the structure will house parking for the station and some parking for the commercial buildings proposed for the site, as well as electric charging points, cycle hire and repair. It is a building designed in detail with great care by ACME, with various forms of articulation: a feature staircase on the southwestern corner, and a façade made from intricate folded metal referencing the pioneering work of Dorothy Hodgkins in Cambridge.
13. Buildings S6 and S7 (given the addresses 1-3 Station Row), are fully designed office buildings for life sciences, research and development. These laboratory buildings are strategically sited on the eastern flank of the site, visible from the train. They are stepped and articulated in a series of ‘fingers’ to create a cohesive rhythm across the site and have a set-back with road and plane trees separating them from the railway line.
14. That leaves S8 and S9 (outline). The former is designed as a landmark office/R&D building. It would sit at the heart of the masterplan, framing the Central Plaza and Chesterton Square. As set out in parameter, the building would be curved, with active uses at ground floor and an exciting geometry to assist in place-making. The latter (S9 – otherwise called One Chesterton Square) is the largest building for Life Sciences R&D, with massing broken into quadrants. It would anchor the development’s northern extreme and face out to the Wild Park.

*Landscape and visual impacts*

1. Mr Smith provides a full assessment of the scheme’s relationship with its surroundings, using the Landscape Institute’s guidance; he re-appraises (and very largely agrees with) the assessment submitted with the application. He considers that there would not be any significant landscape impacts, and indeed that the effects on the landscape of the appeal site itself would be beneficial. He concludes that there would be moderate to minor negative impacts (changing over time) for the Cam River Corridor, the residential area at Chesterton, the mixed-use area at Fen Road and for the Cambridge skyline in the locality of the site. He also finds only two significant visual effects, both from higher ground north and east of Fen Ditton (in which built form – the edge of Cambridge – is already visible). Clearly, some weight should be given to these harms regardless of the fact that the site lies in the urban area, outside the Green Belt and not affecting any landscape designated for its quality.
2. However, as he observes the practice in GLVIA3 is to assess increased prominence of built form in rural or semi-rural contexts as negative, whereas a well-designed building or buildings can result in positive effects, particularly (as here) where they are intended to signal the city’s new urban quarter and the node adjacent to one of Cambridge’s main transport interchanges. The Council’s evidence rather over-states the degree of harm, especially along the river from where the existing and proposed development would – in whatever final form the NECAAP were to take – make their presence felt; these marginal areas afford some views towards the city, but they are not unaffected by existing development to the east of the railway line and/or the river already.
3. The Council’s expressed concerns over height and massing along the eastern side of the scheme need to be carefully examined on site; they fail to recognise the effect of the articulation in the detailed design in closer views, and the overall effect of the built form when seen from much further away – a sense of Cambridge rising to meet the countryside (albeit separated by rail and river from it), in similar terms to the way the city has met its relatively flat rural hinterland over many centuries, a point which Mr Ludewig makes and illustrates in his evidence. There is already – and is intended in emerging policy to be – a visible distinction between town and country at and adjacent to the edge of the site, and the heights and massing proposed would strike the right balance in that regard.

*Heritage*

1. It is a similar story with the two main designated heritage assets, the Conservation Areas at Fen Ditton and the Riverside and Stourbridge Common Conservation Area. Dr Burgess analyses the significance of these two areas and finds Less than Substantial Harm at the very lowest end of the scale in both cases. This would be caused by an increased perception of the city in some views – but again, from closer in, it will be easier to distinguish the fine details and materiality; from further away the effect will be different, on a broader canvas which is marked by built form already. To say that the effect would be ‘moderate’ in the scale of Less than Substantial is an overstatement.

*Design*

1. I have covered some of the design critique raised by the Council and r6 party already, but in opening add:
2. The public open space and public realm will be of a very high quality and add to the sense of place by combining aspects of the existing open mosaic with more formal elements, as Mr Myers’ evidence shows.
3. There will be sufficient easily accessible play space for all age groups. It is not a material demerit of the scheme that the older children’s play is not enclosed in Chesterton Gardens, indeed it adds to the variety of the spaces that it is elsewhere, within easy reach.
4. Cycle parking is safe and accessible as well as convenient. There is nothing wrong with modern two-tier cycle parking if it is well designed and (as here – being private) well managed.
5. There would be a very small minority of single aspect north facing units (5%); there is no local or national policy against provision of some such units, which in a scheme of this size is all but inevitable; Mr Ludewig shows how the outline parameters are flexible enough for a good quality solution to come forward anyway.

*Water*

1. The EA objects to the grant of permission on the basis that as things stand it cannot be certain that there would not be a negative cumulative impact (from water abstraction) on some chalk stream waterbodies around Cambridge.
2. This does not appear to be put as a legal compliance objection but as a material consideration weighing against the grant of permission, for this larger scheme at least. There is an unexplained inconsistency in the EA’s approach between this scale of scheme and the (many more) smaller schemes which would all presumably contribute to a cumulative effect but to which no EA objection is registered.
3. However, careful consideration will need to be given to the weight that can reasonably be given to the EA objection to the grant of permission for this scheme anyway. Despite having had information for some years which it only now presents (and describes as new material), an examination of the evidence produced does not seem clearly to disclose any obvious negative trend in the watercourses assessed; it does not clearly show any causative link between any effect over time and the amount of water abstraction there might have been.
4. Alongside what appears on present information to be an unsatisfactory evidential base, the EA does not fully grapple with its objection in context. The NPPF and the system of environmental assessment (SEA and EIA) clearly position the kind of point the EA raises at the ‘strategic’ end of the spectrum. The issue identified arises from, and finds its solutions in, strategic level actions by stakeholders with the statutory duty for water management and plan-making. Developers of large and small projects ought to be able to rely on such processes over time identifying and bringing forward beneficial change to the water resources concerned.
5. These and other relevant points will not doubt be discussed at the water round table session; for present purposes the Appellant remains sceptical of anything more than limited weight against the grant of planning permission being given to the points the EA raises.

*Benefits and need*

1. The Government has reaffirmed the centrality of Life Science development to the UK’s economic future in statements by the Chancellor within the last fortnight. The NPPF urges support of economic growth and it underpins the function of the allocation in SS4 (and in due course, the NECAAP).
2. The Council agrees that significant weight should be given to the employment and economic benefits that the scheme will bring. The disagreements over the precise level of unmet need (as between Mr Bryan and Mr Kinghan) need to be seen in the context of that overall agreement. However, Mr Bryan, who occupies a privileged position in the agency world of office and R&D in Cambridge, is of the view that the widening gap between escalating need and available supply means the appeal scheme is not only needed now but will continue to be throughout the period of its delivery on site.
3. As he describes, Cambridge is undergoing the second major surge in demand for office/R&D and supply is almost non-existent at present. The future will bring more sites into the frame to meet demand, but such is the force of the cluster effect and the locational advantages of North Cambridge, that there can be little doubt that the space will be taken when it is delivered (as the Samsung deal for a large part of One Cambridge Square indicates). This is the very place flagged up as essential to meet such needs in the work done for the Council in the ELEDS (November 2020) consistent with the EHEU (January 2023). Great weight should therefore be given to the appeal scheme’s proposed provision, which accords with adopted policy. The same goes for employment and economic benefits.
4. The scheme’s benefits in re-development, optimal re-use of PDL, good design and place making, meeting housing needs (including affordable housing to the agreed tenure), meeting R&D and office need and other benefits listed in Mr Derbyshire’s evidence, amount to a very powerful case for the grant of this consent now, far outweighing relatively limited harms.
5. For these reasons in due course the Appellant will ask for the appeal to be allowed and permission granted.

RUPERT WARREN K.C.

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6 June 2023