**SITE AT LAND TO THE NORTH OF CAMBRIDGE NORTH STATION, CAMBRIDGE, CB4 0AE**

**In the matter of an appeal against the non-determination of an application for planning permission**

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**OPENING STATEMENT**

**On behalf of SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**INTRODUCTION**

1. Cambridge city and its locality is globally renowned. Its reputation was originally built on its ancient university. It is now an international centre for life sciences and related technology, research and development businesses. South Cambridgeshire is consistently recognised as one of the top places to live and work in the country due to its thriving economy and quality of life.[[1]](#footnote-2) It benefits from strong transport links to London, East Anglia, the Midlands and beyond. Its successful economy is important locally, regionally and on a national stage. The Local Plan seeks to strike the right balance between growth and conservation, valuing what makes the area unique.[[2]](#footnote-3) This is reflected in policy S/1 which provides that South Cambridgeshire will continue to be the best place to live, work and study in the country. The district will demonstrate impressive and sustainable economic growth with residents having a superb quality of life in an exceptionally beautiful, rural and green district. Relatedly, policy S/2 which sets six key objectives to secure the vision of the plan.
2. In short, the Local Plan seeks to provide for appropriate levels of employment so the Cambridge area can continue to develop as part of the home of one of the largest clusters of research and development activity in Europe, with housing in the right locations to support the local economy and provide for housing needs. It seeks to do this whilst maintaining the quality of life for residents in existing and new communities, as well as the quality of the natural and built environment including the attractive rural hinterland and setting for the historic city of Cambridge.[[3]](#footnote-4) Striking the appropriate balance between these objectives is at the heart of sustainable development and at the heart of the issues which arise for determination in this case.
3. The appeal site and the wider Cambridge Northern Fringe East is one of four strategic sites on the edge of Cambridge allocated for housing, employment and mixed use development.[[4]](#footnote-5) Policy SS/4 identifies that the railway station will enable the creation of a revitalised, employment focussed area centred on a new transport interchange. The area is allocated for high-quality mixed use development, primarily for employment as well as a range of supporting uses, commercial, retail leisure and residential uses (subject to acceptable environmental conditions).
4. The amount of development, site capacity, viability, time scales and phasing of development is to be established through the preparation of an Area Action Plan. Whilst substantial work has been undertaken towards the APP, the progression of the AAP has been paused awaiting the outcome of the development consent order for the relocation of Cambridge Waste Water Treatment Plant. However, the Local Plan recognises that early development around Cambridge North station could help create a vibrant area around this key infrastructure. It recognises that planning applications submitted before the adoption of the AAP will be considered on their own merits.
5. These overview considerations highlight the importance of ensuring that any scheme granted permission on this site strikes the right balance between economic growth and providing an appropriate response to the site’s sensitive and unique context on the edge of a world-famous city. The purpose of this inquiry is, in part, to explore key issues where the Appellant and the Council are in disagreement as to whether the proposed development provides an appropriate response: in terms of the design and landscaping of the scheme; associated landscape and visual impacts; and associated heritage impacts.

**MAIN ISSUES**

1. This appeal is against the Council’s non-determination of a hybrid application for planning permission made by Brookgate Land Ltd. The application underlying this appeal was considered at the Councils’ Joint Development and Control Committee on 22 March 2023 where members unanimously endorsed a ‘minded to’ refuse recommendation for the reasons given in the Officer’s Report. The resultant putative decision notice included eight reasons for refusal. Following further constructive engagement between the parties[[5]](#footnote-6), there are now three remaining reasons for refusal and associated main issues:
   1. Reason for Refusal 1 – relating to landscape and visual impacts (and the associated issue of the effect of the proposal on the character and appearance of the surrounding landscape, with particular regard to the height and massing of the proposed development and the setting of the City of Cambridge).
   2. Reason for Refusal 2 – relating to heritage impacts (and the associated issue of the effect of the proposed development on the Fen Ditton and Riverside and Stourbridge Conservation Areas).
   3. Reason for Refusal 3 – relating to design (and the associated issue of whether the proposed development would deliver the high-quality sustainable design and sense of place sought by the Framework and development plan policies).
2. The CMC note also sets out that other matters including those raised in the representations of interested parties will be considered along with the benefits to be weighed in the planning balance.

**MASTERPLANNING**

1. The decision-maker will need to reach a view on whether the approach taken to the masterplanning of the site strikes the right balance between preserving and showcasing elements of the site’s character (and context), while delivering a scheme that realises the full potential of the site.
2. In short, the Council considers that the proposed development is not an appropriate response to the sensitive context of the appeal site and the challenges intrinsic to this type of scheme. From a judgement on this principal overarching issue flow the main issues identified by the Council relating to design, landscape and visual impact and heritage impact.

**DESIGN AND LANDSCAPING**

1. The height, massing and form of the scheme do not strike a successful balance to the context of the site.
2. The eastern edge of the site is especially sensitive due to its long views over the River Cam towards the city and its relationship to the Cambridge Green Belt. Ms de Boom’s evidence suggests that the proposed development does not result in a design response of high-quality. In particular:
   1. The height and impact of building S4 has negative impacts on longer-distance views, and in combination results in an overbearing presence when the site is viewed from the east and from near by residential areas.
   2. Buildings S6 and S7 are taller and more continuous than advised in the evidence base for the AAP and articulation fails to break down massing when viewed from the east. Resultantly, the scheme is a tall “urbanised wall” which creates an abrupt transition to the sensitive landscape. Landscaping does little to mitigate this issue.
   3. The height and massing of S8 and S9 and S11-S21 similarly have negative impacts on long distance views from the east.

1. The Council contends that the proposals, due to their height, massing and layout create an abrupt hard edge which leads to an inappropriate transition in scale on the edge of the city.
2. Other design related issues are also identified in the evidence of Ms de Boom.
3. In relation to landscaping, Mr Wakefield’s evidence is that deficiencies in landscape design reflect reliance on generic design principles rather than a site-specific approach. The ineffectiveness of the landscape architecture are the result of overdevelopment of the site which restricts Mr Myers’ brief.
4. In particular, the proposals over prioritise maximising floorspace. Resultantly, landscaping inevitably responds to the expansive built form, rather than vice versa. Nowhere is this more evident than in the approach to Chesterton Way and Chesterton Square.
5. Even more significantly, the sensitive eastern edge of the site, where the landscaping will have no significant effect on the visual impacts of the proposed development for the duration of the lifespan of the development.
6. In summary, the design and landscaping of the proposed development provides an inadequate response to the challenges associated with the nature of the scheme and the context of the site.

**LANDSCAPE AND VISUAL IMPACT**

1. Professional judgement is an important part of the LVIA process, which relies on qualitative judgments about the effects of new development in landscape character terms and visual amenity. The best evidence on the landscape and visual impacts of the proposed development is likely to be that experienced on and around the site.
2. The parties share common ground in acknowledging the substantial scale of the proposed development, and it is important to keep the scale of the proposals in mind: this development would introduce large-scale built form and a new urban character onto a brownfield site currently lacking tall structures. Recognising, of course, the existing hotel and offices at One Cambridge Square which are adjacent to the appeal site and intended to frame the station.
3. The context of the site is important: the character of the site is influenced greatly by surrounding townscape and landscape, including the Railway corridor; the sensitive River Cam corridor to the east; employment uses to the north, and low-rise residential uses to the south and west.
4. In relation to the landscape main issue, the Council’s principal contention is that via a series of judgement calls, the Appellant has underestimated the landscape and visual effects of the substantial proposed development.
5. Mr Wakefield’s evidence is that the Appellant – first in the Bidwells’ LVIA, then in Mr Smith’s evidence – has through a series of value judgements in relation to sensitivity, magnitude or significance underestimated the landscape and townscape effects of the proposed development. In particular, the effects on four landscape character areas identified in the LVIA are underplayed. These areas are the NCA88 (Bedfordshire and Cambridge Claylands); LCA9A (Cam River Valley, Cambridge), the local residential area, and the Cambridge skyline. When properly assessed, Mr Wakefield’s evidence is that the landscape effects of the proposed development are significant.
6. The proposals will also result in significant adverse visual impacts. This will be most pronounced to the east of the site where substantial new built form would extend across the skyline in a number of sensitive views. The Appellant’s response to those effects is inadequate. The substantial height and scale of the proposed buildings fails to respond to the NEC LVIA and Townscape Strategy, and the overall massing of the buildings means that the Appellant’s approach is ineffectual at overcoming visual impacts to the east and on nearby residential areas.
7. These substantial proposals will have significant landscape and visual effects on a range of different sensitive and significant receptors.

**HERITAGE**

1. National and local policy places great importance on conserving heritage assets. Any proposed development must sensitively respond to its place. Any aspiration to deliver a new city quarter should not affect an objective assessment of heritage harm.
2. The appeal site contains no heritage assets. The Fen Ditton Conservation Area and the Riverside and Stourbridge Common Conservation Area are the closest heritage assets. It is agreed that the development proposals would cause “less than substantial harm” to the significance of each of these assets. The central issue between the parties is as to where in the “less than substantial” range that harm lies. The Appellant contends the level of harm would be at the “very lowest end”. The Council avers the proposed development would lead to a moderate level of less than substantial harm.[[6]](#footnote-7)
3. Mr Brady’s evidence is that the River Cam and its setting are central to the heritage significance of the conservation areas. The proposed development will increase the sense of development on the west bank of the River Cam and will alter the relationship between the village of Fen Ditton and the river.
4. The proposed development will also cause an increasing sense of urbanisation on the Fen Ditton Conservation Area, having a negative effect on the significance of that heritage asset. In relation to the Riverside and Stourbridge Common Conservation Area, the proposal will undermine one’s appreciation of gradually moving into a more rural landscape. In sum, the proposals constitute a permanent change to the visual quality of both heritage assets’ setting and would have a negative effect on the way in which those assets are experienced and appreciated.
5. Given the scale, layout, height and massing of the proposed development, the impact on the designated heritage assets from this scheme at the lowest end of less than substantial harm, as the Appellant contends. It is more than that. Mrs Bradley concludes that applying the test in the NPPF, the public benefits of the proposal do not outweigh the less than substantial harm resulting from the proposal.

**MATERIAL CONSIDERATIONS**

1. In general terms, there is not a major difference between the Appellant and the Council on the identification of and weight to be attached to the economic, social and environmental benefits of the proposed development. The Appellant’s assessment is that the overall weight afforded to the benefits should be very great; the Council accepts the benefits are considerable.
2. The points of distinction are relatively fine and will ultimately be a judgement for the decision-maker. For example:
   1. Mr Kinghan’s evidence suggests that the criticality of this proposed development in meeting market shortfall (at 2022) for office and laboratory space is overstated by the Appellant, and that limited weight should be given to the near-time supply position of 2022-2025. The pipeline for the 2025-2030 period is considerable. In short, the proposed development is not critical to meeting objectively identified economic needs. The Appellant applies great weight to this economic need for office, laboratory and research and development space, whereas Mrs Bradley attaches considerable weight.
   2. In relation to the public realm and open spaces, Mr Wakefield is of the view that the scheme (Chesterton Gardens aside) does not provide a coherent, legible and distinctive sequence of spaces and routes. Mrs Bradley attaches weight to the provision of Chesterton Gardens as a benefit. However, she departs from the Appellant’s view that considerable positive weight should be given to this provision. She contends that other elements of the provision of public realm and open space result in harm to which she attaches considerable weight.
   3. Ms de Boom’s evidence considers the high proportion of single-aspect units resulting from the proposed layout and typology of the residential quarter will not result in a high-quality living environment. In consequence of this and other matters Mrs Bradley contends that limited weight should be afforded to wellbeing and social inclusion as a benefit of the proposal (rather than moderate weight as afforded by the Appellant).
   4. The Appellant affords great weight to high-quality architecture, but Ms de Boom’s evidence demonstrates that high-quality architecture has not on the whole, been achieved due to the inadequacy of the design response advanced. Mrs Bradley affords this benefit moderate weight, acknowledging some elements of the scheme are high-quality.
   5. Mrs Bradley challenges the Appellant’s assertion that making effective use of land is a benefit worthy of considerable weight; rather, she contends such use should not when properly construed be perceived as a benefit at all. Making effective use is about striking an appropriate balance which this proposal fails to do.
3. There are also material harms which Mrs Bradley includes in her overall planning balance. In particular, Mrs Bradley’s evidence is that the landscape visual impacts should be afforded great negative weight; heritage impact attracts great weight; and that considerable weight should be afforded to the harm of the overall scheme failing to achieve high-quality design.

**PLANNING BALANCE**

1. The evidence of Mrs Bradley is that the adverse impacts of the proposed development outweigh the benefits. Her conclusion leads to the following implications for the proposed development:
   1. Does not meet two of the key objectives of Policy S/2 in that the proposed development fails to protect the character of South Cambridgeshire, including its built and natural heritage; and it fails to deliver high-quality, well-designed developments.
   2. Does not achieve sustainable development due to the landscape and visual harm, heritage harm and the failure to provide a well-designed overall scheme (cf. Policy S/3).
   3. Does not accord with several components of the site allocation policy for the area of land including the appeal site (namely Policy S/4, Part 2 and Part 4(a) and Part 4(c)).
   4. Does not accord with Policy HQ/1 regarding design principles and the delivery of high-quality places.
   5. Does not protect or enhance the local character or distinctiveness of the landscape character as required by Policy NH/2.
   6. Does not mitigate the impact of development in and adjoining the Green Belt, as required by Policy NH/8.
   7. Does not accord with Policy NH/14 relating to the significance of heritage assets.
2. In addition, Mrs Bradley has identified numerous provisions within the NPPF that the proposal does not accord with, including §130(c); §130(d); the thrust of §153; and aspects of the National Design Guide and District Design Guide.
3. These policy breaches are such as to mean that the proposed development is not in accordance with the development plan as a whole. There are no material considerations which mean that the appeal should be determined otherwise than in accordance with the development plan.

**CONCLUSION**

1. Accordingly, the Council will invite the Inspector to recommend the refusal of planning permission.

**Ben Du Feu**

**Jack Barber**

Cornerstone Barristers

6th June 2023

1. South Cambridgeshire Local Plan, para 2.1. [↑](#footnote-ref-2)
2. ibid, para 1.5. [↑](#footnote-ref-3)
3. ibid, 2.2. See also policy S/2. [↑](#footnote-ref-4)
4. ibid, para 3.2. [↑](#footnote-ref-5)
5. Which is detailed in the Updated Main Statement of Common Ground. [↑](#footnote-ref-6)
6. A view shared by Historic England. [↑](#footnote-ref-7)