

APPELLANT'S HERITAGE PROOF OF EVIDENCE

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May 2023

APPEAL BY BROOKGATE LAND LTD

LAND NORTH OF CAMBRIDGE NORTH STATION, MILTON AVENUE, CAMBRIDGE

PLANNING APPLICATION REFERENCE: 22/02771/OUT

PINS REFERENCE: APP/W0530/W/23/3315611

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Dr Jon Burgess. I have been a Member of the Royal Town Planning Institute since 1987 and was one of the first members of the Institute of Historic Building Conservation. I have been a planner specialising in heritage issues for more than thirty years.
- 1.2 From 1981-5 I studied at Manchester University where I was awarded a BA (Hons) in Town and Country Planning together with a fourth year Bachelor of Planning qualification. Throughout the 1990s, I undertook post-graduate qualifications at De Montfort University, Leicester and was awarded a Diploma in Building Conservation and then an MA in Architectural Conservation before successfully completing a PhD in Architectural Conservation in 1999. My thesis was on the Victorian architects Lockwood and Mawson of Bradford and London.
- 1.3 After initially working at Fylde Borough Council as a Planning Assistant from 1985-6, I was offered the post of Graduate Planning Assistant (Conservation) at Peterborough City Council. I subsequently became Senior Conservation Officer until I left for Cambridge City Council.
- 1.4 In August 1994, I became Conservation and Design Manager for Cambridge City Council. I ran the Conservation Team and was actively involved in negotiating on the most sensitive applications in the city including those affecting the main Cambridge University Colleges and on major new developments.
- 1.5 I left Cambridge City Council in March 2004 to form QuBE Planning Ltd as one of two Founder-Directors of the company. Following the acquisition of QuBE's parent company by a multi-national concern in 2007, I resigned as Director and co-formed Beacon Planning Ltd in March 2008.
- 1.6 Having grown Beacon into one of the largest independent planning consultancies in the eastern region, we sold the company to Turley, a leading national planning consultancy in July 2018 and effectively became their eastern region office. I am now a Director and Head of Cambridge specialising in heritage planning issues.

- 1.7 During my career, both in local authority and consultancy, I have been involved in many complex schemes affecting listed buildings of all grades, scheduled ancient monuments, historic parks and gardens and conservation areas. These have included projects for the conversion and alteration of historic buildings themselves and those for new developments within their settings. As a consultant, I have worked with many leading architects and my clients have included most of the Cambridge Colleges, the University of Cambridge, the National Trust, Historic England and a number of local authorities and private companies. Many of the schemes I have been involved with have been winners of the Stirling Prize and other prestigious awards.
- 1.8 I am the Chair of the East of England Building Preservation Trust, an Assessor for the RIBA's Architects Accredited in Building Conservation scheme and have been an advisor on South Cambridgeshire District Council's Design Review Panel in the past.
- 1.9 I have acted as an expert witness on a number of occasions for a variety of different schemes in large and small settlements throughout the south and east of England.
- 1.10 I declare that the evidence which I have prepared and provided in this proof of evidence is given in accordance with the guidance of my professional institutions (the Royal Town Planning Institute and Institute of Historic Building Conservation). The opinions expressed are my true and professional opinions.

2. Background and Scope

- 2.1 I was appointed by Brookgate Land Ltd in December 2022 to assist with the (potential) appeal.
- 2.2 I was not personally involved in the heritage work which supported the application which is the subject of this appeal (CD1.31). That work was undertaken by a colleague within Turley's Cambridge Office who has since left the company. I did discuss the project with my Colleague and am fully aware of the site and its context. I have visited the site and the various viewpoints on several occasions before and since my appointment.
- 2.3 In writing section 4 of this proof, the assessment is therefore my own personal opinion, with reference where appropriate to the relevant conservation area appraisals and other documents.
- 2.4 My proof seeks to address Reason for Refusal No.2 'Heritage'. This reason alleges harm to the settings of both the Fen Ditton and Riverside and Stourbridge Common Conservation Areas. It also suggests that insufficient information has been provided to fully assess the impact on the setting of the Registered Park and Garden at Anglesey Abbey. Whilst agreeing the Heritage Statement of Common Ground, both the LPA and Historic England agreed with my assessment (included within Section 4 of this proof) and consequently I understand that this aspect of the Reason for Refusal has now fallen away. Although it is not mentioned in the reason for refusal, Historic England also suggested that there may be harm to the Bait's Bite Conservation Area. For completeness, I therefore consider that too.
- 2.5 My proof aims to follow the '*staged approach to proportionate decision-taking*' advocated in Historic England's Setting Guidance¹. The heritage assets potentially impacted by the proposals have been identified in the planning submission and are those which are considered in Section 4 of this proof (Step 1). In that section I consider how setting contributes to the heritage significance of the assets (Step 2). In Section 5 of the proof I consider the impact of the proposed development on that significance

¹ The Setting of Heritage Assets: Historic Environment Good Practice advice in Planning Note 3 (Second Edition): Historic England (2017) (CD 5.24)

(Step 3). The steps taken to modify the design to minimise this harm (Step 4) are considered in the evidence of the proposal's designers and in Section 7 of this proof. The final step will be the Secretary of State's decision based on the Inspector's determination of this appeal.

3. Brief Overview of the appeal scheme

- 3.1 To avoid repetition, I will not describe the Appeal scheme in detail but refer to the information within the original planning application and as agreed within the Statements of Common Ground (CD 6.06, 6.09 & 6.10).
- 3.2 In short, the Appeal scheme has two aspects. The outline application (with all matters reserved except access and landscaping) proposes three residential blocks and a further two commercial buildings (for offices and research and development respectively) all with potential flexible Class E and F uses at ground floor and with the necessary parking and other infrastructure. The second part is a full application for a further three commercial buildings and the construction of a mobility hub.
- 3.3 The building plots are illustrated on page 30 of the Design and Access Statement (DAS) (CD 1.03). Page 106 of the same document (CD 1.06c) identifies the names given to the building plots and provides an overview of their massing. Page 110 is particularly useful as it shows the proposed building heights of the existing buildings (the railway station, Novotel Hotel and One Cambridge Square) and the proposed plots.
- 3.4 As can be seen, the Novotel, which forms part of the eastern boundary of the site ranges from 17.7 to 25.8m in height, whereas the proposed Mobility Hub (S5) will be from 15.81m to 18.31m in height and the two blocks to the north (S6 and S7) will both range from 13.4m to 22.1m in height.
- 3.5 Behind the eastern edge, the recently completed One Cambridge Square (S2) reaches 30.2m in height whereas the proposed buildings which, with it, will define the west side of Station Row (S8 and S9) reach 23.9m and 25.8m respectively. The only proposed building which is taller than S2 is S4 which is immediately adjacent to it and will be 0.635m higher at its highest point.
- 3.6 The extensive evolution of the masterplan, which is described within part 5.1 of the DAS shows how the scheme has been modified to respond to concerns about the potential impact of the development on its surroundings. I will return to this in Section 7 of this proof when I consider how the heritage impact and LVIA work undertaken by the Appellant helped enhance the quality of the design and mitigated potential impacts (in line with Step 4 of HE's setting guidance (CD 5.24). The main point to note is that

the impact on heritage assets (and landscape) were a fundamental part of the iterative discussions with the LPA and other stakeholders. As the photo sheets appended to Mr Smith's Proof of Evidence show, development on the Site (and the wider site to be covered by the NECAAP) will be visible and so care was taken to keep the impacts on heritage assets to the lowest possible level commensurate with developing this highly sustainable site. This was achieved through such things as reductions and variations in building heights, stepping building elements back and ensuring that landscaping would help filter views of buildings from distance.

4. Heritage Assets

- 4.1 As confirmed in the Statement of Common Ground, there are no heritage assets within the appeal site.
- 4.2 Reason for Refusal No.2 identifies two heritage assets, the settings of considered to be impacted by the proposed development – the Fen Ditton Conservation Area (in South Cambridgeshire District) and the Riverside and Stourbridge Common Conservation Area (RASCCA -in Cambridge City). The reason for refusal also considers that insufficient information has been provided to assess any potential impact on the Registered Park and Garden at Anglesey Abbey (in South Cambridgeshire District). As Historic England have also mentioned the Bait’s Bite Lock Conservation Area (again in South Cambridgeshire) I will also consider that asset. These four assets, which I will consider in turn, are all ‘designated heritage assets’ within the meaning of Annex 2 of the National Planning Policy Framework (the NPPF).

The Fen Ditton Conservation Area

- 4.3 The Fen Ditton Conservation Area covers this relatively linear village which sits around 2.5 miles (4km) north-east of central Cambridge. The built form of the village essentially describes an L-shape, the result of the settlements’ history with the area around Green End to the north being the original settlement and High Street / High Ditch Road being the medieval expansion of the village, either side of Ditton Lane. The church sits at the elbow of the ‘L’. As the Conservation Area Appraisal for the village describes², the grouping of church, Old Rectory, war memorial and the enclosing trees and other buildings form the focal point of the village (para.3.4).

Heritage Significance

- 4.4 The Conservation Area Appraisal also describes how the *‘high proportion of good quality buildings and spaces means that the streetscene and townscape is of exceptional quality’* (para.3.3). The appraisal also notes the village’s two distinct character areas – Green End and the expanded medieval village which runs eastwards from the church (para 3.5).

² Fen Ditton Conservation Area Appraisal; South Cambridgeshire District Council (2005)(CD 5.07)

- 4.5 Despite being the older part of the settlement, Green End today has relatively few historic buildings and many of the houses date from the second half of the C20. Consequently, it has a rather suburban character (para 7.59). The High Street, by contrast has a greater concentration of historic buildings, including a number which are timber framed and thatched or with tiled or pantiled roofs. These sit happily with C19 gault brick properties often with shallower slate roofs. Beyond Ditton Lane, the street continues in similar character as High Ditch Road. However here are a greater proportion of converted agricultural buildings giving a more overtly rural flavour.
- 4.6 Section 8 of the appraisal summarises the key characteristics of the area. The first six of these relate to built form and the 7th to property boundaries. However, the agricultural character is also considered very important, particularly at the eastern end of the village. Glimpsed views of the river can be gained from the north end of Green End and the western end of High Street, and from the Wadloes Footpath which runs southwards from the High Street. Many of these views are heavily blinkered and between buildings, trees and walls.
- 4.7 The river was important to the early history of the village, which at that time encompasses a strip from the Church to Biggin Abbey. There were wharves on the river, though by the C14 links to the sea declined and once the railway was constructed in 1845, they became redundant. As we have seen, agriculture was equally important with crops grown from the C10 onwards and in the early years providing food for the Abbey at Ely.
- 4.8 The conservation area boundary largely embraces the built-up part of the village though it does also include the field immediately north of the High Street which runs east to Horningsea Road, the recreation ground and cemetery off Green End and the water meadows west of Green End and onwards south towards Stourbridge Common. The paddocks either side of the Wadloes Footpath are also included.

Contribution of Setting to the Heritage Significance

- 4.9 The appraisal comments that the village is surrounded by good quality agricultural land (para.5.3). This is particularly evident off High Ditch Road and Horningsea Road and also from the northern part of Green End. The appraisal also suggests that *'the attractive water meadows lie between the village and the river and these combined*

with the surrounding fields serve to visually separate the village from the city. The separation is enhanced by the boundary of the River Cam and the fields on the west bank' (para 5.4).

- 4.10 Ditton Meadows are an important aspect of the village's setting. The land is naturally low lying with a clear step down from the church at the west end of the High Street. Walking towards the village from the south, the view of the church rising from the trees is particularly striking. This view is also possible from Stourbridge Common though one is always aware of the housing on the west bank. When one crosses into the Fen Ditton Conservation Area a treed hedgerow funnels the view towards the church and has a much more intimate and bucolic feel. As one closes in on the end of the High Street, Riverside Cottage, seen beyond the remains of a former wharf is equally striking.
- 4.11 When heading down the Wadloes Footpath from the High Street, the vista out of the conservation area opens out as one approaches the C20 housing at Howard Road and Ditton Walk. As one looks west, the cycle bridge, railway beyond it and housing on the west bank are very visible and the character has a spacious but more urban feel.
- 4.12 The land between the houses and the river are also important from Green End. The first real glimpse of the river is over the gardens of the Plough PH. Even though the conservation area appraisal was written 18 years ago, it comments that *'from some points on the roadway there are views over the site to the northern fringe of Cambridge on the west side of the river'* (para. 7.68). The river bends north of here and 'Grassy Corner', well known to rowers on 'the Bumps' course, is generally defined by trees. However as one reaches the end of Green End, the only houses are on the east side of the road and there is a clear view across the meadow (or paddocks) to the river. The trees here are only on the west bank beyond the well-used towpath. The conservation area appraisal again comments that *'the first field on the west side of the road is still open grazing land, giving views to the river and beyond to the commercial development on the northern fringe of Cambridge'* (para 7.61).
- 4.13 At the extreme north end of the conservation area, Green End continues as a footpath towards Horningsea. The land rises and there are views down the river and of development on both sides of the railway on the west bank. Looking northwards the

scene is equally mixed, with a generally pastoral landscape but with the A14 always audible and then visible where the road crosses the river.

- 4.14 The way in which the setting of the Fen Ditton conservation area contributes to its heritage significance is in the way it ties the village to the agricultural land around it (and so explains the presence of some of its built form such as the converted barns etc) and recalls the former importance of the river to its early prosperity. The latter is now largely part of its historic interest as there are no buildings which relate to the former wharves and riverport.
- 4.15 Views to the river are therefore important, but within them views of development on the west bank and of urbanising elements has been a feature since at least the Victorian era (with the railway), the A14 (since the late 1970s) and of development on the northern edge of Cambridge (probably since the late C20 and certainly evident in 2005 when the conservation area appraisal was written). This was clearly not something considered to undermine the heritage significance of the area.

Riverside and Stourbridge Common Conservation Area (RASCCA)

- 4.16 This large conservation area effectively embraces the River Cam corridor almost from the centre of Cambridge north-eastwards until it reaches the City boundary and joins the Fen Ditton Conservation Area. Such a large area inevitably has a very kinetic and varied character all based along the river and the green 'wedge' it creates into the heart of the city. The conservation area appraisal describes it as a landscape feature and wildlife corridor (para 3.2).³

Heritage Significance

- 4.17 The heritage significance of this very large conservation area is inevitably very varied. Nearest the city, the area includes the Brunswick and Riverside residential areas which are comprised of quite uniform C19 gault brick and slate terraced houses. The former is separated from the river by Midsummer Common, whilst the latter runs downhill to the edge of its south bank.

³ Riverside and Stourbridge Common Conservation Area Appraisal; Cambridge City Council (2012) (CD5.08)

- 4.18 Stourbridge Common, the site of an ancient town fair was originally much larger and grew up around the leper hospital and Barnwell Abbey. Development of the land came following enclosure with the Brunswick Area c1820 to 1840 and the Riverside area mostly built from 1880-1910. The latter had also become something of an industrial area (boosted by the proximity of the railway) with brick pits, coprolite mining and later the City's pumping station and gasworks.
- 4.19 The remaining open area of Stourbridge Common runs either side of the railway line, the eastern section continuing to meet Ditton Meadows. The appraisal describes how the area becomes more rural as Fen Ditton is approached though *'much of it is well within the urban bounds of a City'*. (para 3.2).
- 4.20 The conservation area is described elsewhere as *'quintessential "town" Cambridge'* (para. 3.1) and one where trees soften and at times hide the built up area (para 3.2). Despite being 'town' rather than 'gown' the river is of course of great importance to the University Colleges and the Cam is well used by rowers. The boathouses along the north bank are a particular feature of the stretch opposite Midsummer Common.

Contribution of Setting to the Heritage Significance

- 4.21 As the Appraisal notes, *'there are no views of rolling countryside'* (para 3.2), the river and conservation area are the landscape feature, the setting is the backcloth of development which is often softened and sometimes hidden by mature trees.
- 4.22 Without question, the character has a more rural feel as one reaches Fen Ditton. That is because of the way the village emerges from the water meadows on the river's east bank. That view is in itself blinkered by Ditton Walk and adjacent residential development, whilst one is always aware of development on the north / west bank even after passing under the cycle / railway bridge. Even the towpath on the north side has a slightly municipal feel.
- 4.23 In essence, the setting of this conservation area contributes very little to its heritage significance.

Bait's Bite Lock Conservation Area

- 4.24 Originally this area was part of the Fen Ditton Conservation Area but was separated when it was reviewed in 2005 at which time Biggin Abbey was included to the area

closer to the river. Today it covers the area north of the A14 bridge to the point where the towpath on the west bank meets Fen Lane.

Heritage Significance

- 4.25 The conservation area appraisal⁴ describes how the lock with its cottages forms the centrepiece of the area and '*harks back to a bygone era*' (para 3.3), together with Biggin Abbey. Otherwise, the land is watermeadows and agricultural land with the river banks towpaths and trees. The river is described as a pleasant and quiet route to the city and the A14 an '*unfortunate intrusion*'.
- 4.26 The river was used for commerce from the Roman period but by the C17 was becoming dangerous for navigation. An Act of Parliament in 1699 led to the development of locks including one at 'Baitsbite' to moderate the flow. The lock (although a modern replacement), the lock-keeper's cottage and even Wildfowl Cottage (originally the Pike and Eel PH serving the river traffic) all owe their origins to the river.
- 4.27 Biggin Abbey dates to the C13 and was a summer residence of the Bishops of Ely. In later years it was turned into a farmhouse and today sits in a rather stark but dramatic setting of flat agricultural fields.
- 4.28 Closer to the river, trees are an important characteristic of the area, lining the riverbank and some of the field drains and with hedges and shrubs interspersed. They also help to soften the impact of the A14 though the road bridge, and pylons cut uncompromisingly across the landscape.

Contribution of Setting to the Heritage Significance

- 4.29 The A14 as it rises over the river means that the setting to the south is heavily compromised by the bridge structure and constant movement together with the perpetual noise, despite some screening trees. Although the railway runs west of the river, its impact is much less due to mature trees, though these do prevent easy views out from the river corridor except in gaps from the towpath on the west side. However, the best views tend to be eastwards, of Biggin Abbey surrounded by fields.

⁴ Baits Bite Lock Conservation Area Appraisal; South Cambridgeshire District Council (2006) (CD 12.05)

- 4.30 The view into the conservation area from Horningsea Road to the east features the red pantiled roof and prominent chimney stack of Biggin Abbey rising from encircling trees across an open arable field and in the distance the roofs of Wildfowl Cottage and the trees alongside the river (though the river itself cannot be seen from here).
- 4.31 The generally open agricultural land makes a general contribution to this rural conservation area though in places mature trees prevent long views. The A14 and electricity pylons are more harmful to the significance of the area.

Anglesey Abbey Registered Park and Garden

Heritage Significance

- 4.32 The Anglesey Abbey Registered Park and Garden (RPG) is Grade II* listed (List entry is Appendix 1 to this Proof). The grounds cover around 40ha and surround the Grade I Listed Abbey. This incorporates the remains of a C13 Augustinian priory which was converted to a house in the C17. The house was occupied by the first Lord Fairhaven from 1926 to 1966 and his influence on the house but especially the gardens and grounds, to which he added an outstanding collection of statuary, was profound. The house and gardens are now a National Trust property.
- 4.33 The gardens take a roughly rectangular form, the wider axis running west to east with a tributary of the River Cam (known as Bottisham Lode) to the north and the B1102 road to the south. The house sits towards the northern boundary closer to the eastern end of the site. Around 400m north-east of the house is Lode Mill, a fine C18 multistorey water mill (separately Grade II Listed).
- 4.34 The drives into the estate are both from the B1102. The main one is closer to the eastern boundary and is marked by a C19 lodge. The one which sits to the west is however the older one, being shown on the 1817 Ordnance Survey. The modern entrance is from the car park east of the gardens and through the modern visitor centre.
- 4.35 The majority of the gardens (as distinct from the wider parkland) sit east and north east of the house between the car park, main drive and the brook. These include the Monks Garden, Dahlia Garden, and Herbaceous Garden together with the more recent Winter and Skylight Gardens and the Heritage Orchard east of the mill.

- 4.36 The Rose Garden however sits immediately to the SW of the house and to the west of this is the Formal Garden. From the south front of the house to the road boundary however is the south lawn, laid with specimen trees and protected from the road by the mostly C19 South Glade. This is defined to the west by the Jubilee Avenue, originally laid out in the 1930s but replanted in 1977.
- 4.37 The parkland to the west of this was all farmland until Lord Fairhaven reclaimed it as parkland from the 1930s. Today, the Coronation Avenue runs east-west through the parkland. This was originally planted in 1937 with planes and chestnuts, though only the chestnuts survived storm damage in 1968. Parallel to the western boundary is the Cross Avenue of horse chestnuts also planted in 1937.
- 4.38 The Coronation Avenue continues west through the tree belts right to the western boundary of the site. This part was planted in 1939.
- 4.39 The heritage significance of the Anglesey Abbey RPG derives from its historic interest as a C13 priory (of which elements of the house and the earthworks associated with the fishponds remain) which was converted to a house in the C17, changed hands through the subsequent centuries until its acquisition by Huttleston Broughton, the first Lord Fairhaven in 1926. Whilst some elements of the C19 gardens and landscape remain, its principal interest stems from the endeavours of Lord Fairhaven between 1926 and 1966 who reshaped the gardens, expanded the parkland, planted a vast number of trees (including several avenues) and accentuated the whole by adding a nationally significant collection of statuary to enliven the vistas and views within the estate. Many of these are now individually listed.

Contribution of Setting to the Heritage Significance

- 4.40 The RPG description notes *'the c40ha level site lies surrounded by the flat, open Cambridgeshire fenland landscape, enclosed from it on all sides by dense perimeter plantations'*. This quite clearly demonstrates that the gardens were intended to be effectively self-contained. Whilst Lord Fairhaven went to significant pains to place statues and other features where they would terminate or enliven views, these were all against the backcloth of the tree belts, groves and spinneys which surround the estate. Whilst some historic parklands and the drives and avenues within them, were consciously designed to enjoy views beyond their estate boundaries out over

surrounding countryside and sometimes focussed on a church spire or other feature, this is not the case at Anglesey Abbey.

- 4.41 I would however accept that the RPG description is something of a simplification. Certainly at the eastern end of the site, views beyond the boundary are possible across the visitor car park and also towards Lode village. When following the path between Lode Mill and the house, views across the brook into the trees on the opposite bank are also possible (though views into farmland are not possible).
- 4.42 The RPG description also describes how the west end of the Coronation Avenue frames a '*view west over the surrounding farmland*'. This is effectively the one gap in the tree belt on the western side. However, this view is far from panoramic though the field, beyond, distant hedgeline and large fen-edge sky can clearly be seen as one nears the boundary. The Visitor Guidebook explains how Lord Fairhaven was intending to create a folly at the west end of the avenue, but sadly this aim was never realised before he passed in 1966.⁵
- 4.43 From within the gardens, as one looks east from the start of the avenue, the viewer is aware of the gap at the end into the open countryside. The view is oriented south-west – and so in the direction of Cambridge Airport and the Marleigh Development. When one reaches the end of the Avenue, the Trust have sat a bench adjacent to the perimeter path. This looks back into the gardens, not into the open countryside, emphasising that this gap is not a feature which intended to enhance the viewer's appreciation of the Gardens.
- 4.44 A hurdle defines the edge of the path, discouraging anyone from going towards the ditch which sits at the edge of the field. From here, nothing beyond the distant field boundary is readily visible, emphasising the rural setting.
- 4.45 In the context of the Registered Park and Garden, the avenue is one of several within the grounds and as a feature planted by Lord Fairhaven does contribute to the heritage significance of the gardens. The lack of an encircling tree belt allows a gap at the end of the avenue and views out to the surrounding agricultural land. This contributes in a limited way to the significance of the Avenue as the one view out from the gardens,

⁵ 'Anglesey Abbey: A Way of Life Secured': National Trust (2018) pp19-20

though this is not trained on a distant focal point, just an agricultural field and as I have explained was actually meant to have a folly at the end of it within the grounds. Buildings within Stow-cum Quy and further away around Cambridge Airport are not visible. The vista into the field is clearly not seen as important by the National Trust who prevent visitors from walking to the end of the avenue and with the bench on the perimeter path facing inwards to the gardens.

5. Potential Impact of the Appeal Scheme on Heritage significance

The Fen Ditton Conservation Area

- 5.1 As I have described in Section 4, the Fen Ditton Conservation Area is primarily centred on the historic village described by its two streets – High Street / High Ditch Road and Green End and with the church at the ‘elbow’ of the L-shape they form. In my opinion and based on my most recent visit to the village in March when the trees were just beginning to bud (see photographs in Appendix 3), the development will not be visible from High Street / High Ditch Road or from the area around the church and (leaving aside the water meadows) it will only be visible in views from the northern part of Green End. This appears to be agreed by Historic England, the GCSPS Conservation Officer and Cambridge Past Present and Future (CPPF). In my opinion this is important as it is the built form which is the heart and reason for the conservation area and this is entirely unaffected. Similarly, the contribution which the agricultural setting makes to the village’s heritage significance and is most apparent from around High Ditch Road will be unaffected.
- 5.2 As noted in Section 4, the river was important to the historical development of the village which at that time was largely the strip north of the village along Green End. It was a riverport which survived until the coming of the railway in the 1840s. Except for the medieval wharf which cuts from the river towards Hall Farm and the Church, nothing of this character remains.
- 5.3 I accept that the water meadows give Fen Ditton an attractive setting and the way the village and particularly the church rise from amongst the tree cover is a striking image. This view is gained when looking east or north-east from the meadows – in other words away from the Appeal site.
- 5.4 The meadows also contribute to the kinetic experience as one walks southwards along the Wadloes footpath towards Ditton Meadows. This path starts opposite the church and is an attractive footpath enclosed (by trees and hedges) and lined by paddocks which runs towards Ditton Meadows. When reaching Ditton Meadows, one is always aware of the large residential estates to the south but taking in the vista, one is also aware of the railway and cycle bridges and the residential development on the west

bank. Viewpoint 15 in the LVIA (CD1.43) gives a very honest view, looking directly at the appeal site, but the wider context is shown in Photo D in appendix 3. This view is of course looking away from the village. In my opinion, these general views out from the conservation area contribute little to the heritage significance of the Fen Ditton Conservation Area. They already contain numerous C20 buildings and structures (including those visible between the appeal site and railway line in Viewpoint 15). What they do contribute is the sense of space around the village and river and they serve as a reminder that one is close to the city.

- 5.5 In paragraph 4.10 of this proof I quoted the Fen Ditton Conservation Area Appraisal which describes how the water meadows separate the village from the city. The act of separation does not mean that there is no visibility of each from the other though.
- 5.6 Consequently, the fact that the proposed development will be visible will cause little harm to these aspects. In some views these will be filtered by trees especially those behind the towpath on the west bank.
- 5.7 Green End, as described in the Conservation Area Appraisal is actually the oldest part of the village, though today many buildings are modern. At its southern end, buildings are only on the west side of the road but after the Recreation Ground, houses sit on both sides. At the northern end, there are only houses on the east side of road as the river curves back to the east.
- 5.8 The first place on Green End where there is a view outwards towards the river is above the Plough PH (which sits down from the road). This is a view over the pub's outbuilding and its gardens can be seen adjacent to the river (Viewpoint 6 in CD1.43). Beyond, the recent development around Cambridge North station can be seen, as can industrial buildings on Cambridge Business Park. Buildings were clearly visible when the conservation area appraisal was written⁶ and so before the more recent development commenced.
- 5.9 Continuing north along Green End there is a pleasant view across the paddocks to the river. The hotel and office building are visible in this view, though very heavily filtered by trees. The proposed development would similarly be seen. Again, I note that the

⁶ Paragraph 7.68 (CD 5.07)

presence of ‘commercial development on the northern fringe of Cambridge’ is identified in the conservation area appraisal.⁷

- 5.10 The Fen Ditton Conservation Area continues northwards along the footpath beyond the metalled stretch of Green End. This path continues to Red House Close (a C19 cottage) and Poplar Hall (a remarkably hidden C17 farmhouse) and then runs under the A14 and on to Bait’s Bite. There is a stretch on this footpath where the slight elevation allows a view back to the village and its relationship to the river. The recent hotel and office building are apparent in this view as are the caravans and small scale industrial buildings and buildings on the business park. The proposed development will be apparent from here and will increase the sense of development on the west bank.
- 5.11 In the Officer’s Report for the One Cambridge Square and Novotel applications (CD 12.00 & 12.01), there was acknowledgement that there would be ‘less than substantial harm’ caused to the Fen Ditton Conservation Area (paragraph 11.7) but this was outweighed by the various public benefits. The comment in 11.2 that ‘*the height provides a city form that establishes a new urban status for the area*’ seems to me particularly relevant in showing the LPA’s aspirations for the area and acceptance that this new city quarter will be of more than domestic scale.
- 5.12 My colleague who undertook the initial appraisal considered that the development would cause a low level of harm to the significance of the Fen Ditton Conservation Area due to the increased sense of ‘urbanisation’ on its riverside setting. I agree with this assessment and explain why I consider this can be at a very low level of less than substantial harm in Section 7 of this proof.

The Riverside and Stourbridge Common Conservation Area (RASCCA)

- 5.13 This conservation area merges seamlessly into the Fen Ditton Conservation Area on Ditton Meadows. As noted in Section 4, this area covers the river corridor outwards from the edge of the city centre, includes the Brunswick and Riverside residential areas and the towpaths and boathouses (on the west bank).
- 5.14 As the viewpoint images show (see viewpoints 16, 21 and 22 in CD 1.43), from the southern and western parts of the conservation area, the proposed development will

⁷ Paragraph 7.61 (CD5.07)

not be apparent to any further extent than the present hotel and office building. The increased visibility only occurs after passing under the railway and cycle bridges and so is not dissimilar to that described in 5.4 above, particularly when looking into the RASCCA from the Fen Ditton Conservation Area.

- 5.15 Even from this part of Ditton Meadows, one is always aware of development along the west bank. The Conservation Area Appraisal (CD 5.08) suggests that the landscape becomes more rural as Fen Ditton is reached⁸ but this is only true when looking towards Fen Ditton (see paragraph 4.5 of the appraisal and Section 6 on page 32).
- 5.16 The proposed development will be visible from Ditton Meadows. Existing development is already visible on the north bank. In some senses this is quite an unusual conservation area in that it is predominantly the landscape features which are within the conservation area and it is the buildings of the town which form its setting. The visibility of buildings, in principle, does not therefore harm its character if anything it defines it.
- 5.17 I do accept however that the experience of walking eastwards through this long conservation area gives a feeling of gradually moving into a more rural landscape. In that context, the feeling of increased development of more than 2-3 storeys will cause slight harm to one's appreciation. However, in my view that sense is best appreciated when looking towards Fen Ditton, not when looking towards the north / west bank of the river where urbanising elements are already visible.
- 5.18 Consequently, just as my colleague did in the HS produced in support of the Application, I find that the harm to the significance of the RASCAA is at the very lowest end of the less than substantial harm scale.

Bait's Bite Conservation Area

- 5.19 This conservation area essentially focuses on the river but also includes Biggin Abbey. The stretch of the area along the river is very well enclosed by trees and planting. It is only at the south end, and when one is either very close or actually under the A14 road bridge that one gets a view towards the development site. One's senses are significantly impacted by the very busy road and its bridge structure and other

⁸ Para 3.2 and section 6

development around Cambridge North is clearly visible. Whilst the new development will be apparent, this does not harm the significance of the conservation area as the view outwards from it here is not something which contributes positively to the area.

- 5.20 The positive view from this part of the Conservation Area is looking north, away from the road and the proposed site and towards the buildings around Bait's Bite lock and Biggin Abbey.
- 5.21 From Bait's Bite lock itself, the feature from where the character of the area is best appreciated, the proposed development will not be visible due to the abundant planting along both sides of the river. If this was lost, then the A14 and other development along the northern edge of the city would all be very apparent in the foreground.
- 5.22 Biggin Abbey sits amongst open fields almost half-way between the river and the Horningsea Road; its striking pantiled roof emerging from encircling trees. Whilst there is an air of isolation, it is very close to the A14, the Horningsea Road and the slip road between the two and pylons march across the landscape. Fortunately, the A14 is quite well screened by mature trees (no trees could screen the pylons) and these would also prevent any views of the proposed development.
- 5.23 I note that Historic England consider that the proposed development will be visible from this conservation area and will consolidate '*the sense of a strident urban sprawl*' (CD 3.20) and that this will harm their setting and the way the assets are appreciated. I have not been able to identify which viewpoints they are concerned with and disagree with their assessment. I note that impact on this area did not appear in the reasons for refusal.
- 5.24 In my view, the fact that the proposed development will be more visible when walking out of the area and from areas where urbanising elements are already very apparent means that this will not harm the conservation area's setting and the way this contributes to the heritage significance of the area.

Anglesey Abbey Registered Park and Garden

- 5.25 I explained in some detail in Section 4, that there is only one place within the entire Anglesey Abbey grounds from which it would be theoretically possible to look towards

the appeal site. This would be from the extreme western end of Coronation Avenue. As the site is not on axis with this vista (it is several degrees to the north) such a theoretical view would only be possible if one walked beyond the avenue (and so virtually out of the RPG).

- 5.26 Having visited the site and walked to the extreme end of Coronation Avenue, in my view there will be no view of the proposed development. Even if there was, this would be 5km away and filtered by intervening landscape. It would be a minor incident on the skyline, off axis from the avenue and visible only from a tiny part of the extensive boundaries of the site. In my opinion, visibility would not equate to harm to heritage significance particularly when it is clear that the original design intention was that the avenue was terminated by a folly and visitors today are (understandably) encouraged to look into the gardens, not out across a field.
- 5.27 Consequently I do not feel that there is any harm to the heritage significance of the Anglesey Abbey RPG. In preparing the Heritage Statement of Common Ground, and having shared my assessment, The LPA and Historic England agreed with this (see Appendix 2).

6. Other Relevant Issues

- 6.1 It appears to be common ground between the parties that the Area Action Plan for North East Cambridge (NECAAP) should carry very limited weight in the determination of this inquiry. I note however that the LPA consider that the evidence base supporting the emerging NECAAP does carry some weight. It is not within the scope of my evidence to discuss the logic of this and so I consider the findings of the Heritage Impact Assessment⁹ (HIA) and the Townscape Strategy¹⁰ (TS) and how they relate to the Appeal site.
- 6.2 Section 1.2.1 of the HIA (CD 5.14) states that the assessment in that document is based on the Spatial Framework set out in the TS (CD 5.15). Figure 4.7 on page 51 of the TS includes general building heights for the various blocks and parcels. This shows buildings on the eastern boundary of the site as being up to 12m with blocks of up to 15m immediately behind. A potential 'local landmark' at 7/8 residential storeys is shown on the SW corner of the main eastern block. Blocks then rise to 18m then 21m into the site and with other local landmarks at various locations and a district landmark of up to 13 storeys towards the western part of the main site. My understanding is that the HIA assessments of impact were based on this and the likelihood of the development being visible is based largely on the VuCity representations in Appendix C of the HIA. In my opinion, one of the limitations of VuCity modelling is the accuracy of how trees and vegetation are represented.
- 6.3 The HIA recognises that *'the church¹¹, the village and their relationship with the meadows and the river will be maintained'* (para 8.4.9) and that the later medieval village would be unaffected (para.8.4.8). It does recognise the potential for 'the upper elements of buildings to be visible but concludes that any harm will be at the lowest end of the less than substantial harm scale (para 8.4.11).
- 6.4 With regard to the RASCCA, it identifies the key impact being from Ditton Meadows which is described as *'a very minor element of change in one portion of the*

⁹ North East Cambridge Heritage Impact Assessment; Chris Blandford Associates (Sept 2021)

¹⁰ North East Cambridge Townscape Strategy Final Report: Urban Initiatives Studio (October 2021)

¹¹ ie the Parish Church of St Mary Virgin, Fen Ditton

conservation area' (para 8.4.6). Again, this harm is considered to fall at the very lowest end of the less than substantial harm scale.

6.5 With regard to Bait's Bite Lock a similar conclusion is reached based on the '*taller building elements'* (Para 8.4.12) which I assume would include buildings of up to 13 storeys. I disagree with that conclusion which I think underestimates the tree cover which defines the river corridor as shown in viewpoint 7.

6.6 Even with the potential for a building rising to up to 13 storeys, the assessment considers that the proposals would be unlikely to harm the significance of Anglesey Abbey (para 8.5.3).

7. Heritage impact

- 7.1 In Section 2 of this proof I referred to the ‘steps’ in Historic England’s setting guidance (CD 5.24). Step 4 considers how enhancement can be maximised and any harms best mitigated. Turley worked closely with Bidwells who produced the LVIA and townscape assessment work, in consultation with the LPA and Historic England, to produce the supporting reports. There was then an iterative process with the architects and landscape architects to consider how the scheme might be modified to enhance the quality of the development, ensure it respected the character of contemporary Cambridge development and reduce any landscape and heritage harm.
- 7.2 A number of modifications were made, particularly to the buildings along the eastern edge of the site which is closest to the Fen Ditton and Riverside and Stourbridge Common Conservation Areas. These included reductions in building heights, providing variations in building heights (including constructing basement levels to achieve this), setting back the facades further from the eastern boundary and increasing gaps between them to allow more space for tree planting, adding planting on balconies etc and varying the material palette. These all raise the quality of the design, help articulate and soften the eastern edge and mean that its impacts on its wider surroundings are reduced. Further details can be found in Section 4 of our Cultural Heritage Statement (CD 1.31).
- 7.3 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. I would summarise this as follows:-

	RASCCA	Fen Ditton CA	Bait’s Bite CA	Anglesey Abbey RPG
Appellant	Very lowest end	Very lowest end	None	None
LPA	moderate	moderate	None	Not fully assessed#
CPPF	Assumed moderate	Assumed moderate	None	None

Historic England	moderate	moderate	moderate	Not fully assessed#
HIA*	lowest	lowest	lowest	None

*Based on heights within Townscape Strategy

Now agreed that there is no impact

- 7.4 Historic England are acknowledged as the public body which champions the nation’s historic environment and they are a statutory consultee. They were similarly consulted on the applications for the Novotel and One Cambridge Square applications and made similar comments to those made on this Appeal scheme. Those schemes were of course approved despite Historic England’s comments.
- 7.5 In paragraph 13.34 of the Committee Report (CD 4.00), the LPA suggest that our assessment (submitted with the application – CD 1.31) *‘Has underplayed both the contribution that the riverside conservation areas make to the local distinctiveness and the character of the city, and also the effect that development would have upon that character’*.
- 7.6 I am not sure what heritage asset they are suggesting is being harmed in this comment. Much of Cambridge City is covered by conservation areas but only the ones in the table above are under debate in this inquiry.
- 7.7 The committee report (CD 4.00) continues that *‘the proposals are considered to affect the rural setting of the Fen Ditton and RASCCA which affects their significance as the appreciation of the relationship between these areas and the river corridor, open space and views of meadows and fenland is affected’*. This comment is based on the Conservation Officer’s comments (CD 3.19) *‘though the impacts affect a limited number of views or vistas from or around these assets, the components affected are of fundamental importance to their character. For this reason, the degree of change involved – even if limited, has the potential to be of significant impact on the perception of these heritage assets as sitting within a non-urban landscape’*.
- 7.8 I disagree with this assessment. As I have described the development will not physically affect the meadows or open spaces or the way these spaces separate Fen Ditton from the city. They simply mean that new buildings will be visible in some of the views out from the heritage assets.

- 7.9 The officer concludes that *'harm already done to heritage assets does not provide any justification for these proposals. There is no basis in local or national policy for accepting harmful impacts on heritage assets because a lesser level of harm has already been done'*. Whilst I accept the basis of the point he is making, this argument is in my opinion flawed. As I have described earlier, the Fen Ditton conservation area is essentially a product of its built form and the quality of its townscape which will be unaffected. Whilst the water meadows and riverside location physically separate the village from the large Ditton Fields development and development on the opposite side of the River Cam, the Conservation Area appraisal accepted that even 18 years ago 'the rural setting' was already one in which the edge of the town was evident. I therefore disagree with the extent this can be considered a 'non-urban landscape' or 'rural character' and therefore that this is of fundamental importance to the character of the area.
- 7.10 Indeed as historic maps show (see CD 1.30), even from the early years of the C20, the appeal site was part of a railway sidings and there were ballast pits within the Site and brickworks, gravel pits and the sewage farm all present close by. Whilst I accept that these may not have included tall buildings, they are not particularly features of a rural landscape and they would have had a noticeable presence.
- 7.11 I also accept that the water meadows are an important aspect of the Fen Ditton Conservation Area. That is why they are included within the Conservation Area boundary. From these green spaces which sit between the village and the river, it will be possible to gain views out towards the appeal site and in some of these the proposed buildings will be visible, just as other buildings currently are. These are limited views, as all parties appear to accept, and from the vast majority of the conservation area (including from and around its key buildings) the development will not be seen at all.
- 7.12 In my opinion, the Appeal scheme will slightly impact the significance of the Conservation Area as it will add more buildings in views out from the area to its wider setting. They have little or no impact when looking towards the village however, and it is in these views that the surviving 'rural character' of the village is best appreciated and enjoyed.

- 7.13 As a result, in my assessment, the level of less than substantial harm is at the very lowest end.
- 7.14 In terms of the RASCCA, this is essentially a 'town' conservation area based on the river corridor. The juxtaposition of the green space with a setting of surrounding buildings is key. That is the character and this is a fundamental part of the City's character as this green corridor (often with grazing livestock within it) runs into and through the centre of the city.
- 7.15 In this context, the visibility of taller buildings in some views cannot, in my view, be significantly harmful. I accept that the river corridor does become gradually more rural as one heads north, but again the best way to appreciate this is to look towards Fen Ditton not towards the north bank and the appeal site. Otherwise, aspects of a more urban townscape are already present.
- 7.16 As a consequence, I cannot agree that the level of harm to the RASCAA is higher than a very lowest end of the less than substantial harm scale.
- 7.17 As described in Section 5, I do not recognise any harm to the Bait's Bite Lock Conservation Area or to the Anglesey Abbey RPG.

8. Assessment against policy and conclusions

- 8.1 The development site is not within a conservation area and there is no suggestion that the proposals are within the setting of a listed building. Consequently, the statutory tests within S72 and S66 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 do not apply.
- 8.2 Policy NH/14 of the South Cambridgeshire Local Plan (2018) (CD 5.00) is a multi-stranded policy which seeks to 'sustain and enhance' the district's heritage assets. The way it is written, no development which causes any harm (regardless of how small) could be approved. The supporting text in 6.49 does however recognise (in line with what is now para 202 of the NPPF) that proposals leading to less than substantial harm stand to be weighed against the public benefits of the proposal.
- 8.3 Others at this Inquiry will provide evidence which describes the design quality of this proposal and therefore will fully assess how the development meets the tests in Policy HQ1 (though I have commented in Section 7 with reference back to our earlier work). Strand b) of this policy requires designs to conserve or enhance historic assets and their settings and so largely echoes NH/14.
- 8.4 The reason for refusal also cites Cambridge Local Plan (2018) Policy 60 (CD 5.18.). As only the RASCCA falls within Cambridge City, I will consider it in that regard.
- 8.5 In line with strand a) of the policy, the appeal scheme has included a through visual assessment which assesses the impact on townscape, landscape and heritage assets (strand b). In the latter this has clearly included assessment from Stourbridge Common and Ditton Meadows.
- 8.6 In terms of strand c), the impact has been fully assessed and through the course of the design development, various amendments have been made to respond to comments and to seek to mitigate the impact of the development and enhance its quality (in line with Step 4 of Historic England's setting guidance). These have included variation of building height, stepping back areas of the facades and changes in materiality together with landscape enhancements and tree planting (strand e). Strand d) of the policy (relating to amenity and microclimate) is beyond the scope of my evidence.

- 8.7 Turning to the NPPF, I have acknowledged that the feeling of intensified, more urban development in occasional views out from the RASCCA and Fen Ditton Conservation Areas will cause a very low level of less than substantial harm to their heritage significance. In line with paragraph 202, this stands to be weighed in the planning balance and is undertaken by Mr Derbyshire in his proof of evidence.
- 8.8 I am aware of the High Court Appeal decision (confirmed in the Court of Appeal) in the matter of *The City of Newcastle upon Tyne and the Secretary of State for Levelling up, Housing and Communities and others*¹² as it appears to me there are some similarities with this Appeal. In that case, the Inspector's decision to approve a development despite (amongst other things) the impact on the setting of the Grade I listed St Ann's Church was overturned because she had allowed her findings about the constraints of the plot and likely difficulty of realising a less harmful design to influence her conclusions on the level of harm actually caused.
- 8.9 In my assessment, I have been clear that I accept that there will be a low level of less than substantial harm arising from the development. This level of harm is not reduced, in my opinion, because there is an aspiration for the wider area to become a new city quarter. There will be a level of harm and I have explained why I consider this to be at the lowest end of the less than substantial scale.
- 8.10 Whilst the fact that there is an aspiration to deliver a new city quarter in this area should not affect any assessment of harm, it must have relevance in this Inquiry because it is something which the LPA have already acknowledged in their approval of previous buildings on the site which they approved despite them causing a level (unspecified) of less than substantial harm to the Fen Ditton and RASC Conservation Areas.
- 8.11 The HIA which is part of the evidence base for the NECAAP (CD 5.14) was based on an assumption of buildings at 12-15m along the eastern boundary and with a landmark of up to 24m within it and a single building of up to 39m as a landmark on the wider site. There is no doubt in my mind that such a development would equally add visible

¹² ([2022] EWHC 2752 [Admin]) (CD 7.02) and [2023] EWCA Civ 359

'urbanising' elements. This level of harm was however considered to cause harm at the 'lowest' level of the less than substantial scale.

- 8.12 The Townscape Strategy (CD 5.15) which includes at Figure 4.7 the general heights strategy relied upon in the HIA was written in 2021, yet by then the LPA had already approved the Novotel and One Cambridge Square proposals (in 2018) which exceeded these heights. As I have described, the less than substantial harm was considered to be outweighed by the public benefits and the heights were considered appropriate to define this new urban area. This is not therefore in my opinion a case where an unfortunate existing building is being used to justify new but harmful buildings, but one where the existing built form is expressly considered by the LPA to set an appropriate scale and form for the large new development to be created across the NECAAP site.
- 8.13 I described earlier in my proof the iterative process between the designers and the LVIA / landscape and heritage advisors. It was recognised that the Appeal development, if it was to be of a scale and form suitable for the aspirations for this new highly-sustainable city quarter, then it would be visible from the Fen Ditton and RASC Conservation Areas. This is well illustrated in the appendices to Mr Smith's Proof of evidence. We therefore sought to minimise the harm on these heritage assets whilst ensuring that the design quality would be appropriate from within the development.
- 8.14 In my view this has been successful and the impact on the Fen Ditton and RASC Conservation Areas minimised.