

**NATIONAL INSTITUTE OF AGRICULTURAL BOTANY, HUNTINGDON ROAD
CAMBRIDGE, CB3 0LE**

Planning application 21/03609/FUL for retention of the former NIAB Headquarters building, the demolition of all other buildings and structures, and the erection of buildings with basements for 291 Build to Rent units (Use Class C3) including affordable housing and a 202 bed Apart-Hotel (Sui Generis) and associated facilities along with access, car and cycle parking landscaping and infrastructure works.

INTRODUCTION

We are residents of Howes Place and whilst we are not *per se* against the redevelopment of the former NIAB site, we are keen to minimise the HARM that any proposed development on this site would have on the heritage assets of Howes Place and on the amenity of the existing neighbouring residents and the future residents of any proposed development.

SUMMARY

We have reviewed the planning application for the proposed development and identified the individual and cumulative HARM that the proposed development would have on the heritage assets of Howes Place and on the amenity of the existing neighbouring residents and the future residents of the proposed development.

We note the following policies in the National Planning Policy Framework 2021 (NPPF) and Cambridge Local Plan 2018 (LP):

- Heritage assets are “an irreplaceable resource [which] should be conserved in a manner appropriate to their significance” (NPPF para 189).
- ‘Great weight’ must be given to ANY HARM to a heritage asset in decision making (NPPF para 199).
- ANY HARM should have a clear and convincing justification, and harmful development can only be approved where the public benefits of the development outweigh the heritage harm (NPPF para 202 and Local Plan Policy 61).

The NPPF places a particular emphasis on ‘high quality, beautiful and sustainable buildings’ (NPPF para 126). The NPPF requires:

- Development to be ‘sympathetic to local character and history, including the surrounding built environment and landscape setting,’ and to ‘function well and add to the overall quality of the area’ (NPPF para 130); and
- ‘Development that is not well designed TO BE REFUSED’ (NPPF para 134).

The following LP policies have the same effect:

- Development must ‘respond positively to features of historic and local importance’ (LP Policy 55), ‘use appropriate local characteristics to help inform the massing and scale of new development’ (LP Policy 55) and ‘have a positive impact on their setting in terms of height and scale’ (LP Policy 57).
- Conservation and enhancement of Cambridge’s historic environment (LP Policy 61).

CONCLUSIONS

Our review enumerates the individual and cumulative HARM the proposed development would have on the heritage assets and hence concludes that the planning application for the proposed development offends the requirements of the NPPF and LP on the following material planning grounds:

- The proposal is HARMFUL in heritage terms (NPPF para 189); and
- There is no clear or convincing justification for that HARM, other than the developer's ambition to overdevelop the site (NPPF para 202 and LP Policy 61).

Given the heritage HARM, the proposal cannot satisfy the following further material planning considerations:

- The requirement for development to be 'sympathetic to local character and history, including the surrounding built environment and landscape setting,' and to 'function well and add to the overall quality of the area' (NPPF para 130); and
- The requirement for development to 'respond positively to features of historic and local importance' (LP Policy 55), 'use appropriate local characteristics to help inform the massing and scale of new development' (LP Policy 55) and 'have a positive impact on their setting in terms of height and scale' (LP Policy 57)

In considering this application, we invite the Joint Development Control Committee to privilege the strong advice of these relevant NPPF policies to decision makers that:

- GREAT WEIGHT MUST BE GIVEN TO ANY HARM TO A HERITAGE ASSET IN DECISION MAKING (NPPF para 199)
- DEVELOPMENT THAT IS NOT WELL DESIGNED SHOULD BE REFUSED (NPPF para 134).

REVIEW OF THE PROPOSED DEVELOPMENT

To inform a balanced judgement regarding the scale of HARM and the significance of the heritage asset, our review refers to:

1. *Local Heritage Asset – Howes Place*: The architectural interest of the buildings, the grouping and street scene value of the buildings set within the formal landscaping of Howes Place and the importance of NIAB and the residential properties in Howes Place in the social and economic history of Cambridge.
2. *Local Heritage Asset – Context and Amenity of Residents*: Harm to the context of the heritage assets and the amenity of existing residents through the overbearing massing and height of the proposed development and location of a micro-brewery and bar alongside the heritage asset.
3. *Local Heritage Asset – Buildings, Grouping and Landscape*: Harm to specific elements of the built and landscape heritage assets. This harm would arise from proposals for the selective demolition of two houses at Nos. 14 and 15 Howes Place and felling of at least ten (10) pleached limes trees which are protected under TPO 10/1991. These houses and trees are essential parts of the built environment and the landscape setting of the local heritage asset.
4. *Local Heritage Asset – Setting*: Harm to the setting of the heritage asset by making Howes Place the back yard of the proposed development for commercial vehicles, drops-offs and pick-ups and cut through for pedestrians and cyclists, including electric cycle and scooter traffic, transitioning to and from the development and parts of Darwin Green to the city centre. Noting that Howes Place is a private, unadopted, unlit and narrow access. This imposes unnecessary harm to the setting as the development site is already served by purpose-built footpaths and cycle lanes on Lawrence Weaver Road and a traffic light controlled junction with Huntingdon Road.
5. *Amenity space*: Harm to the health and well-being of existing neighbouring residents and future residents of the proposed development through the under provision and inappropriate provision of amenity space within the proposed development.
6. *Affordable Private Rent dwellings*: Proposed under provision of 'Affordable Private Rent' dwellings.
7. *Car parking*: Proposed under provision of parking spaces for residents, visitors to the Apart-Hotel and employees of the Apart-Hotel, retail units, café, micro-brewery and bar and building maintenance contractors.

1. LOCAL HERITAGE ASSET: HOWES PLACE

The two storey residential properties running the length of Howes Place (Nos. 1 to 15) are identified as local heritage assets and are designated as Buildings of Local Interest within Appendix G of the LP due to:

- the architectural interest of the buildings;
- the grouping and street scene value of the buildings set within the formal landscaping of Howes Place; and
- the importance of NIAB and the residential properties in Howes Place in the social and economic history of Cambridge.

Percy Morley Horder designed and, in 1921, built the NIAB Headquarters building and Nos. 1 to 15 Howes Place as well laying out the landscaped gardens. Morley Horder was a noted Edwardian architect whose passion was the Arts and Crafts movement. He used the principles of historical vernacular architecture to create structures for modern purposes and married these with landscape gardens, occasionally working with landscape architect Gertrude Jekyll. He built a number of institutional buildings including Chapel Court at Jesus College, Cambridge and the Grand Lodge of the Freemasons on Bateman Street, Cambridge as well as private homes including Pinfold Manor, Walton-on-the-Hill, Surrey in 1913 for David Lloyd George.

Nos. 1 to 15 Howes Place were built as two storey semi-detached residential properties joined by linking gated brick walls. The architectural style and construction of the buildings matches those of the NIAB Headquarters building. Nos. 16 to 18 Howes Place were constructed between 1939 and 1948 and reflect the design of the Morley Horder buildings.

The E-shaped plan of the NIAB Headquarters building is enclosed on the south-western side with walls and gate piers forming a gravelled courtyard. The building is of pseudo 18th century polite architectural style with vertical sliding sashes in a symmetrical form. The NIAB Headquarters building is constructed of white brick under a hipped mansard plain tiled roof of two and a half storeys with a three-storey entrance.

The NIAB Headquarters building is set within its own landscaped gardens continuing the formal style of Howes Place with avenues of pleached lime trees and formal hedges. It is set back significantly from Huntingdon Road behind a gravel courtyard and was originally accessed by foot through the roadside hedge and picket gate. A large arch on the southern elevation allowed access to the courtyard from Howes Place increasing visual integration between Howes Place and NIAB.

Howes Place is located directly off Huntingdon Road, a major arterial road for commuters to / from the northwest of Cambridge. Despite this being a busy road, the set back of the buildings and landscaping of the area means that it retains a tranquil air.

Howes Place is a linear cul-de-sac enhanced by the form of landscaping, including pleached lime trees and formal hedgerows, which direct views along the street. Nos. 1 to 12 Howes Place were constructed to wrap around a small central green, set back from the southern side of the access, with Nos. 3 and 4 Howes Place and Nos. 9 and 10 Howes Place forming an H-shaped plan to negotiate the corners.

The green is laid to lawn and edged with a medium height evergreen topiary hedge on the western, southern, and western sides and pleached lime trees on the northern side. The green is separated from the houses by an access road and narrow gardens. It is probable that an additional residential development and green area were planned for the opposite side of the street, where the plan form of Nos. 14 and 15 Howes Place mirrors the strong visual corner to the green afforded by Nos. 3 and 4 Howes Place.

NIAB was founded in 1919 by charitable subscription, through an initiative of Sir Lawrence Weaver, the Commercial Secretary of the Board of Agriculture and Fisheries to:

- Improve the existing seeds, plants and crops, aiding the introduction or distribution of new varieties;
- Improve methods of husbandry; and
- Encourage the discovery, investigation of inventions and processes of benefit.

Nos. 1 to 15 Howes Place were constructed for the Housing Association for Officers Families (HOAF) and following the end of the First World War, a number of ex-servicemen were employed by NIAB.

The HOAF charity was founded in 1917 by Evelyn Elizabeth Brinton, Ernest Ridley Debenham and Lawrence Weaver. Evelyn Elizabeth Brinton, daughter of Sir Charles John Forbes 4th Baronet, wife of William Dodge James, and later wife of John Chaytor Brinton, is commemorated in a plaque on Nos. 5 and 6 Howes Place, which states: "Founder of the Housing Association for Officers Families. Chairman 1916 – 1929. She went about doing good."

King George V and Queen Mary visited NIAB and Howes Place on 18th October 1921 for a tour and formal opening of the development during which Queen Mary planted a Black Mulberry tree in the green of Howes Place, which remains to this day.

Policy 62 of the LP states:

"The Council will actively seek the retention of local heritage assets, including buildings, structures, features and gardens of local interest as detailed in the Council's local list and as assessed against the criteria set out in Appendix G of the plan. Where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset. Where an application for any works would lead to harm or substantial harm to a non-designated heritage asset, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset."

The two storey residential properties running the length of Howes Place (Nos. 1 to 15) are identified as local heritage assets and are designated as Buildings of Local Interest within Appendix G of the LP due to:

- the architectural interest of the buildings;
- the grouping and street scene value of the buildings set within the formal landscaping of Howes Place; and
- the importance of NIAB and the residential properties in Howes Place in the social and economic history of Cambridge.

This policy context confirms the significance of the heritage asset.

In this policy context, it follows that in considering the proposed development, considerable weight should be given to LP Policy 61 which states:

"To ensure the conservation and enhancement of Cambridge's historic environment, proposals should:

- a. preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas;*
- b. retain buildings and spaces, the loss of which would cause harm to the character or appearance of the conservation area;*

- c. *be of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality;*
- d. *demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside assessment of the potential impact of the development on the heritage asset and its context; and*
- e. *provide clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal."*

LP Policy 62 states *"Where an application for any works would lead to harm or substantial harm to a non-designated heritage asset, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset."*

2. LOCAL HERITAGE ASSET: HARM TO CONTEXT AND AMENITY OF RESIDENTS

The site context is defined by:

- The former NIAB Headquarters building which was built in the early 1920s. It is bounded by Huntingdon Road to the west, Howes Place to the south and Lawrence Weaver Road to the north. A Prior Approval consent 20/01501 for the conversion of this building into 68 dwellings has been implemented with the conversion works programmed for completion by December 2021. It is uncertain why this building and its grounds are included in the current planning application.
- To the rear or east side of the offices are the former NIAB laboratory and library buildings which were built in the 1960s. Prior Approval consents 20/03334 and 20/03335 for the conversion of these buildings into a total of 102 dwellings have been granted. The current planning application provides for demolition of these buildings and Nos. 14 and 15 Howes Place and redevelopment for a 202 unit Apart-Hotel.
- To the rear of the former NIAB laboratory and library buildings is previously undeveloped agricultural land which was part of the former NIAB estate for field trials. The current planning application provides for the development of 291 Build to Rent dwellings.

The Build to Rent part of the site is bounded to the east by the Darwin Green housing development – which was also previously agricultural land, part of the former NIAB estate – and to the south by Howes Place an existing street of two storey residential properties.

The proposed massing (scale and height) of the development amounts to the over development of the site which will harm the amenity of existing residents in neighbouring properties and future residents of the proposed development.

The setting of the local heritage asset would be further harmed by the placement of a micro-brewery and bar alongside an existing residential area.

The proposed massing (scale and height):

- Fails to contribute to and otherwise complement the local distinctiveness of the existing built form and scale of the two storey residential properties and open space along the length of Howes Place; and
- Respect the character, appearance and setting of the new housing to the east currently being developed at Darwin Green.

The parameter plan for Darwin Green sets a good place making precedent for the proposed development. The plan objectives have been successful in protecting the amenity of existing dwellings by limiting new housing at Darwin backing on to existing development to two storeys, providing for new dwellings beyond to be stepped up to four storeys in height and providing greater back-to-back distances than the norm.

There are stronger than normal place making grounds to apply a parameter plan to the proposed redevelopment of the former NIAB site to:

- Protect the amenity of existing and consented residential development bounding the site and guide higher density development to the centre of the site; and
- Ensure that any development proposals contribute fully to the protection and enhancement of Howes Place in accordance with the provisions of LP Policies 61 and 62.

In reality, and in the absence of a parameter plan, the proposed development amounts to a developer master class in building height inflation, the clear outcome of which would be harm to the amenity of existing residents in neighbouring properties and future residents of the proposed development.

The existing laboratory buildings facing Howes Place present a precedent for redevelopment in terms of its former use and height. The laboratory was complementary use to the residential use as it was open only during working hours and closed at weekends and bank holidays. As a result, there was minimal overlooking when residents were at home.

As a first step for the proposed development it would be reasonable to consider the possible options as follows:

- Convert the existing buildings into 102 Build to Rent dwellings as proposed in Prior Approval consents 20/03334 and 20/03335;
- Adopt the parameter plan principles applied to the development of the neighbouring Darwin Green and propose a two-storey residential redevelopment at a similar density and height of existing housing along Howes Place noting that this would have provided the opportunity to complete the 1921 masterpiece by mirroring the houses and green in Howes Place; or
- Redevelop the laboratory buildings in accordance with the precedent set by the 1960s buildings with due regard to the impact of introducing other uses on the amenity of Howes Place.

There is no evidence of an options assessment, but we do know a decision was made to select a reference height for public consultation purposes.

i) Selection of reference height

As shown in the section below showing development facing Howes Place, there are five benchmark heights:

8.2m – 1960s laboratory building main elevation facing Howes Place

10.1m – Nos. 14 and 15 Howes Place

11.6m – 1960s laboratory building end elevation facing Howes Place

12.7m – former NIAB Headquarters building (which is set back from Howes Place and has third storey dormer windows)

13.8m – 1960s laboratory building end elevation including roof top plant enclosure

The highest of the benchmark heights was selected as the reference height which is akin to selecting the top of a chimney or TV aerial as the reference height. This height was rounded up to 14m for the purposes of public consultation. During the consultation process, the developer confirmed the 14m height of buildings across the development site had been set with reference to the height of the 1960s laboratory building. The substantive height of this building is between 8.2m and 11.6m.

Howes Place
Existing & Proposed Parapet/Ridge Heights



NIAB 1960s Extension
Existing Roofscape



The photograph above of the existing roof scape shows the small roof top plant enclosure used to establish the 14m reference height, the 8.2m height of the south facing block and the 11.6m height of the east facing block which overlooks the two residential properties, Nos. 14 and 15 Howes Place shown on the bottom right corner of the photograph.

ii) *Apart-Hotel, inflate the reference height for planning application and development purposes*

The proposed height of the Apart-Hotel building has been increased from the incorrectly established 14m reference height to between 14.5m and 16m as set in the submitted application.

This is between 4.4m and 7.8m higher than the height of the buildings it is proposed to replace.

iii) *Build to Rent, apply the reference point for green field development*

The Build to Rent development is proposed on green field land and would face Howes Place and new dwellings at Darwin Green. If the parameter plan principles had been applied, as they are being applied to Darwin Green, then the reference height for the proposed development would have been 10.1m, in accordance with the existing residential properties in Howes Place.

In the absence of a parameter plan, the reference point of 14m was selected for what we now know to be public consultation purposes only.

The proposed height of the Build to Rent building facing Howes Places (Building F) has been increased from the incorrectly established 14m reference height to between 14.3m and 14.7m as set in the submitted application.

How to inflate development heights: The curious case of the Apart-Hotel facing Howes Place

Existing height: 1960s laboratory buildings	Reference height: a) Based on roof top plant enclosure b) Used solely for public consultation purposes	Apart-Hotel: a) Inflate height from 14m reference height to between 14.5m and 16m
8.2m to 11.6m	14m	16m

How to inflate development heights: The curious case of the Build to Rent development facing Howes Place

Existing height: Nos. 14 and 15 Howes Place and other residential dwellings in Howes Place	Reference height: a) Based on roof top plant enclosure b) Used solely for public consultation purposes	Building F: a) Inflate height from 14m reference height to between 14.3m and 14.7m
10.1m	14m	14.7m

Other buildings within the proposed development significantly exceed the 14m reference height referenced during the public consultation process, e.g. the proposed height of Building A is 18.65m and the proposed height of Building B is 18.15m.

There does not appear to be a reasoned justification for the departure from the parameter plan principles that the Local Planning Authority has applied to the neighbouring Darwin Green site.

These principles have shown to be effective in respecting the amenity of existing development along the site boundaries and enabling increased massing within the body of the site.

In this case a parameter plan would have enabled the Council to apply LP Policies 61 and 62 to protect and enhance the local heritage assets in Howes Place – failure to establish a parameter plan for the proposed development amounts to a failure of planning process.

The building height inflation described above would lead to over development of the site with consequent harm to the amenity of existing residents in neighbouring properties and future residents of the proposed development.

If all of the above was not bad enough, the proposal provides for the development of a micro-brewery and bar in close proximity to Howes Place. This introduces a commercial activity alongside an existing residential area that would operate during evenings and weekends and generate anti-social behaviour, noise and odour nuisance and make Howes Place the obvious point for dropping off and picking up users of the bar.

3. LOCAL HERITAGE ASSET: HARM TO BUILDINGS, GROUPINGS AND LANDSCAPE

The proposals are to inflict the following irreversible harm to key elements of the local heritage asset:

- Built assets: Demolish Nos. 14 and 15 Howes Place which with Nos. 1 to 12 Howes Place constitute the built environment element of the local heritage asset.
- Landscape assets: Fell at least ten (10) of the mature pleached lime trees which are protected under TPO 10/1991.

The Heritage Statement makes the case that Nos. 14 and 15 Howes Place have a lower degree of significance than the other Buildings of Local Interest in Howes Place however fails to recognise the significance of these properties within the overall setting and context of Howes Place.

These houses and trees are essential parts of the built environment and its landscape setting which as a single entity make up the local heritage asset. The loss of these houses and trees would result in harm to the character and appearance of the local heritage asset.

4. LOCAL HERITAGE ASSET: HARM TO SETTING

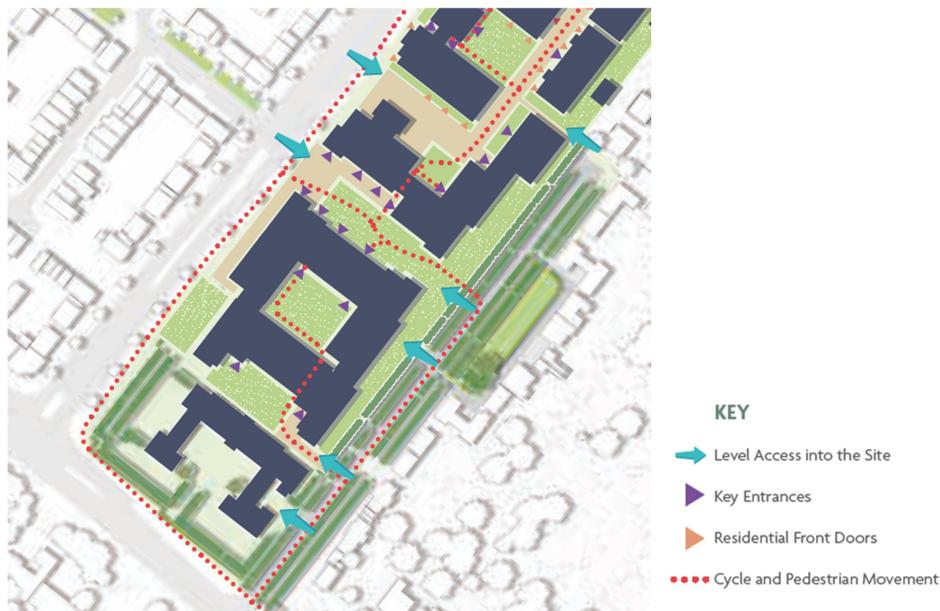
The site is bounded by Lawrence Weaver Road to the north. This road has been designed to serve development in Darwin Green including the proposed redevelopment of the former NIAB site. The road is well lit, has purpose-built footpaths and cycle lanes. It has a traffic light controlled junction with Huntingdon Road which provides from Huntingdon Road, dedicated right and left hand turns into Lawrence Weaver Road. There is also provision for a dedicated right turn into the proposed development along Lawrence Weaver Road.

Road safety, traffic management and sound place making would demand the site layout to be designed to ensure that all residents of the proposed development utilise this purpose-built infrastructure and no alternative desire lines be created to utilise routes with inadequate infrastructure. During the consultation process, the developer agreed that:

- Howes Place is substantially narrower than Lawrence Weaver Road;
- Lawrence Weaver Road is properly lit at night whereas Howes Place has no lighting;
- Lawrence Weaver Road has purpose built cycle lanes and Howes Place does not;
- Footpaths on Lawrence Weaver Road are wide and well made, whereas the footpaths on Howes Place are not; and
- Vehicles, cyclists and pedestrians entering and leaving the proposed development via Lawrence Weaver Road have much better 'lines of sight' than vehicles, cyclists and pedestrians entering and leaving the proposed development from Howes Place.

Once again, what was said in the consultation was for consultation purposes only. For planning and development purposes, road safety, traffic management and sound place making have not prevailed. The proposed layout would create a short cut (primary desire line) for pedestrians and cyclists, including electric scooter and cycle users, away from Lawrence Weaver Road towards Howes Place. This street being wholly inappropriate for such traffic as it is an unadopted, narrow, unlit private road with direct uncontrolled access on to Huntingdon Road.

The Design and Access Statement indicates that there are four level access points to / from the proposed development via Howes Place as follows:



It is proposed that these access points from south to north (bottom to top on the above plan) would have different functions as follows:

- i. Former NIAB Headquarters building: No apparent intended use noting that all vehicle, pedestrian and cycle access to the 68 dwellings in the converted offices was confirmed as being via Lawrence Weaver Road in the Prior Approval consent 20/01501.
- ii. Gap between former NIAB Headquarters building and proposed Apart-Hotel:
 - Pedestrian access to Apart-Hotel;
 - Access to underground cycle park for occupiers of the 68 dwellings in the former NIAB Headquarters building; and
 - Sub-standard access for refuse lorries and commercial vehicles with no provision for entering and leaving in a forward gear requiring vehicles to reverse into Howes Place.
- iii. Apart-Hotel: No apparent intended use although the planning application raises doubt as it provides for the creation of a wider bell mouth requiring the removal of pleached lime trees that are doubly protected by TPO and LP Policies 61 and 62.
- iv. Central open space: It is proposed to make this into a significant access by creating a wide bell mouth that would require the removal of pleached lime trees that are doubly protected by TPOs and LP Policies 61 and 62. This demonstrates the clear intention to create to a short cut (primary desire line) to and along Howes Place for the following users:
 - Residents of the proposed 202 unit Apart-Hotel, 297 Build to Rent dwellings and parts of Darwin Green to the north west of the site to use Howes Place transitioning to and from the City centre;
 - Drivers' dropping off and picking up point for residents of the proposed Apart-Hotel and Build to Rent dwellings; and
 - Drivers' dropping off and picking up point for wider members of the public using the micro-brewery and bar.

It is clear from the Design and Access Statement extract below that the introduction of cycle and pedestrian access to / from the proposed development via Howes Place will create a primary desire line along Howes Place for pedestrians and cyclists, including electric scooters and cycles, from the proposed development transiting to / from the city centre as indicated below.



It is also clear that residents of dwellings to the north west of Lawrence Weaver Road would when cycling to / from the city centre would also use the Howes Place short cut (desire line) particularly those wishing to avoid the traffic light controlled junction between Huntingdon Road and Lawrence Weaver Road.

The cycle routes planned for the Darwin Green development, shown on the extract from the Transport Statement below, are primarily intended to serve residents of the southern and eastern areas of the Darwin Green development.

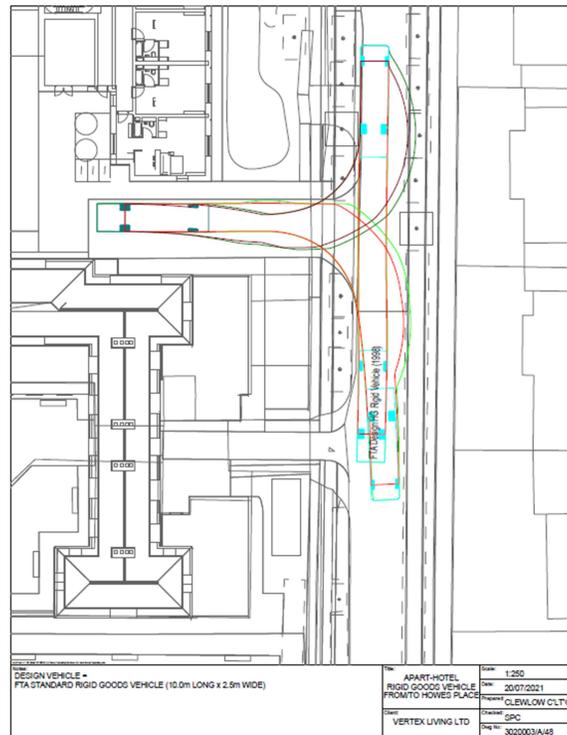


Having established Howes Place as a short cut (primary desire line) for pedestrians and cyclists, the proposed development adds a commercial service yard as a further conflict to the proposed multi-modal mix.

During the consultation, the developer stated the service yard to be used for refuse and other service vehicles for the Apart-Hotel would be designed to provide for these vehicles to enter and leave in a forward direction. Such a design would be in accordance with standard highway requirements in a new development.

Once again, a statement made in the consultation was made for consultation purposes only. The service yard proposed for planning and development purposes will require commercial vehicles to either reverse in or out of Howes Place.

The Transport Statement clearly indicates that the turning manoeuvres for refuse and service vehicles will be undertaken on Howes Place as follows:



To sum up, the consequences of the proposed overdevelopment of the site are overbearing massing (height and scale) and a layout to create a short cut (primary desire line) which would divert pedestrians and cyclists, including electric scooters and cycles:

- away from the existing fit for purpose dedicated footpaths and cycle lanes on Lawrence Weaver Road and traffic light controlled junction with Huntingdon Road; and
- to Howes Place, an unadopted, narrow, unlit private road with direct uncontrolled access on to Huntingdon Road noting that this access is so narrow a single parked commercial vehicle is sufficient to block the road.

This primary desire line combined with wider proposals for Howes Place would transform it from an access for 21 residential dwellings to a multi-use access. This would create conflicts between pedestrians and cyclists from over 600 dwellings, large commercial vehicles to serve the Apart-Hotel and microbrewery and bar, non-residential traffic linked to drop-offs to and pick-ups from the 202 unit Apart-Hotel, micro-brewery and bar and internet shopping deliveries to the 297 Build to Rent properties.

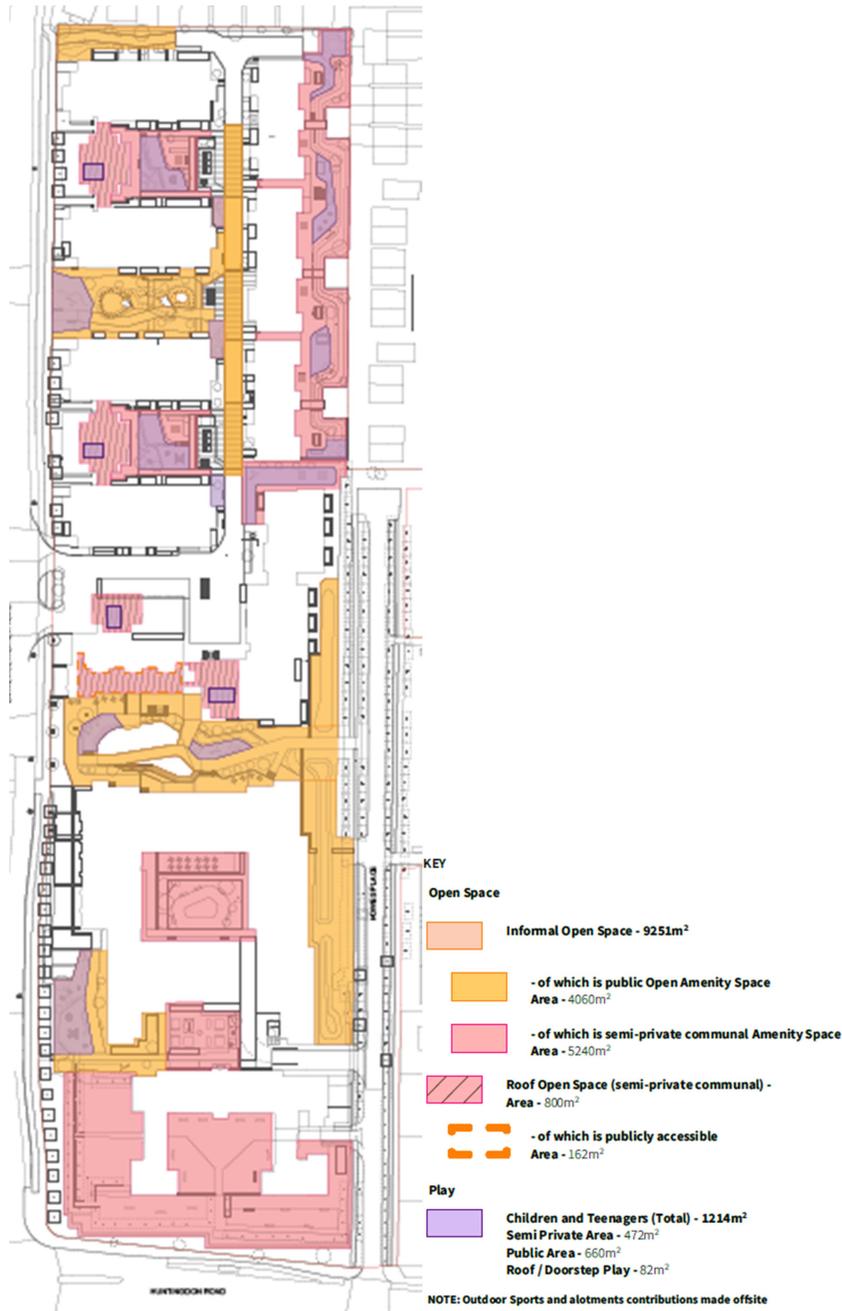
In addition to these conflicts, vehicles and cyclists when making right turns to enter Howes Place from the direction of the city centre or leaving Howes Place to go west towards Eddington (shops and facilities) would come into conflict with vehicles and cyclists travelling in both directions along Huntingdon Road.

These conflicts and safety risks can be designed out in their entirety by directing all vehicles, pedestrians and cyclists to use the existing purpose-built highway, footpaths, and cycle lanes along Lawrence Weaver Road and traffic management infrastructure notably the traffic light controlled junction with Huntingdon Road and dedicated turning lanes.

5. AMENITY SPACE

The adequate provision of fully accessible and immediately convenient amenity space is widely recognised as vital to good health and well-being. It is of serious concern that the developer's desire to over develop the site has prevailed over the health and well-being of future generations of residents of the proposed Build to Rent dwellings. This is a failure of planning process.

The Planning Statement seeks to demonstrate compliance with the Open Space and Recreation Standards in Policy 68 and Appendix I of the LP however the methodology adopted is flawed.



The purpose of the required amenity space is to serve the residents of the Build to Rent dwellings. It follows that the proposed amenity space should a) meet required standards, b) be conveniently located 'on the doorstep' and c) overlooked by residents for 'natural policing.'

The proposal fails to meet these basic requirements for the following reasons:

i. Under standard provision

The calculation of amenity space requirements is based on low occupancy levels for the Build to Rent dwellings. Elsewhere in the Planning Statement, the following dwellings are proposed:

No. of Dwellings	Beds	Persons
144	1	1
77	1	2
9	2	3
61	2	4

Requirement against proposed dwellings: 14,200 sqm

Proposed provision: 11,314 sqm or 79.67% of the requirement (comprising 9,251 sqm open space, 800 sqm roof open space and 1,214 sqm children and teenagers space.

ii. Creative counting of the provision

Turning to the proposed provision, creative counting has subordinated good place making to the long-term harm of future residents by including:

- 2,400 sqm: The existing gardens and courtyard of the former NIAB Headquarters building which exist for the benefit of future residents of the 68 dwellings, distant from the intended beneficiaries – the residents of the Build to Rent dwellings
- 1,000 sqm: The proposed internal courtyard of the Apart-Hotel, inaccessible to the intended beneficiaries – the residents of the Build to Rent dwellings.

Together these spaces account for over 30% of the amenity space that is supposed to be provided for and made available to Build to Rent residents on their doorstep.

Proposed spatial allocation of amenity space for the Build to Rent dwellings

Location	Semi-private communal space	Public open space	Open roof top space	Children's and teenager's space
Former NIAB HQ grounds and courtyard	2,400 sqm			
Apart-Hotel internal courtyard	1,000 sqm			
Central café, bar, shop areas and outside the Apart-Hotel		2,400 sqm		600 sqm (public access)
Build to Rent grounds, street, roof	1,840 sqm	1,660 sqm	800 sqm (public access to 162 sqm)	614 sqm
TOTALS	5,240 sqm	4,060 sqm	800 sqm	1,214 sqm

The proposed over development of the site has led to under provision of appropriately located amenity space on site, a need to double count provision that exists for the benefit of future residents of the 68 dwellings in the former NIAB Headquarters building and proposed for the users of the Apart-Hotel. Over development has also compelled a need to make contributions towards off-site provision of outdoor sports and allotments.

It is indisputable that the proposed development fails to meet the Open Space and Recreation Standards in Policy 68 and Appendix I of the LP and therefore residents of, and visitors to, the proposed development will inevitably seek amenity spaces beyond the confines of the proposed development.

The proposed cycle and pedestrian access to / from the development via Howes Place will provide free and easy access for the residents of, and visitors to, the proposed development to utilise the open amenity spaces that form part of Howes Place.

For over 100 years, the open amenity spaces that form part of Howes Place have been provided and maintained for the sole use and benefit of the residents of Howes Place and are a key contributor to the character and setting of the residential properties in Howes Place which have been designated as Buildings of Local Interest by the Local Authority.

It is also worthy of note that for at least 30 years, residents of Howes Place have contributed towards the upkeep and maintenance of the open amenity spaces that form part of Howes Place and this ongoing obligation is enshrined within the deeds for each property.

Whilst the developer advised residents of Howes Place during consultation that they would prevent residents of the proposed development from accessing the open amenity spaces that form part of Howes Place, it is clear that providing free and easy access for the residents of, and visitors to, the proposed development to utilise the open amenity spaces that form part of Howes Place will inevitably lead to the risk of conflict with the residents of Howes Place.

This risk can be almost entirely mitigated by directing all cyclists and pedestrians accessing the proposed development to use the purpose-built roadways, cycle lanes and footpaths on Lawrence Weaver Road and the traffic light controlled junction between Huntingdon Road and Lawrence Weaver Road.

6. AFFORDABLE PRIVATE RENT DWELLINGS: INADEQUATE PROVISION

It is proposed that the development of 291 Build to Rent dwellings will provide for 37 or 12.7% as 'Affordable Private Rent' dwellings. This would be below the 20% minimum requirement (or in this case 58) set out in Government guidance.

The developer has stated at section 5.0 of the Housing Report:

- In line with the draft Planning Policy which has been released as an annex to the Greater Cambridge Housing Strategy (2019-2023) and National Guidance, it is proposed that in relation to the delivery of affordable housing it is proposed that 20% of the Build to Rent units will be affordable. These will be offered at a 20% discount in relation to open market rents, as per the advice provided in the draft Planning Policy and National Guidance.*
- It has been agreed with the Local Planning Authority that the 20% figure would only be applied to the net additional number of once the extant Prior Approval consents in existence on the site are factored in. This would therefore mean that the 20% would be applied to the 291 Build to Rent units proposed less the 102 residential Build to Rent units which already benefit from Prior Approval. The two existing residential dwellings on the site at Nos. 14 and 15 Howes Place which are to be demolished as part of the proposals would also be deducted.*
- These 104 units are made up of the two existing dwellings and the following Class O Prior Approvals; 20/03335 (95 units within the 1960's building) and 20/03334 (7 units within the NIAB library building).*
- The consequence of this is that the 20% would be applied to 187 net additional Build to Rent units delivering 37 units which would be offered by the applicants on 20% to open market rent discount.*
- With regard to the above, planning policy allows affordable housing to be calculated on a net gain basis as set out in the Local Plan Policy 45. This would mean on the NIAB site that the applicants would deliver 37 units representing 20% of the net gain in number of units over those existing and those with Prior Approval.*
- Case law has established as long as there is a possibility (and not even a consent in place) that alternative proposal might be brought forward such a scheme has to be viewed material in a fallback sense.*
- The approach outlined above regarding the delivery of affordable housing has been agreed with the LPA and this was confirmed by the Case Officer within email dated 10/02/2021. A copy of this e mail is attached at Appendix 1. This approach has also been clearly outlined during all consultation which has taken place on the proposal to date.*

The 37 proposed dwellings would comprise 16 studios (43%), 12 one bed flats (32%) and 9 three person flats (25%).

In the first instance, the proposed application of fallback as described is the subject of agreement with the Council's officers. This does not constitute the agreement of the Local Planning Authority as it is not the subject of a formal decision by Councillors.

In making their 'agreement,' the Council's officers appear to have overlooked Lord Justice Sullivan's judgement in the Samuel Smith Old Brewery (2009) case (JPL 1326) that 'fallback' cases tend to be very fact specific. The role of planning judgment is vital. He added:

[it] is important...not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulation that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the Court.

It follows that the Local Planning Authority should be exercising its broad planning discretion based on the individual circumstances of this case.

The individual circumstances of the case are very different from those of the landmark Mansell v. Tonbridge case on two grounds; in situ development and planning obligations.

- i. In situ development: In the Mansell v. Tonbridge case, the matter concerned the in-situ redevelopment of some farm buildings – for which it was assumed conversion to residential would be granted – with new build dwellings. In the NIAB case, the proposal is to redevelop the laboratory and library buildings and Nos. 14 and 15 Howes Place with the 202 unit Apart-Hotel and apply the Prior Approval consents for conversion of the laboratory and library buildings to a previously undeveloped site. That is a material consideration.
- ii. Planning obligations: In the Mansell v. Tonbridge case, there were no affordable planning obligations to consider. The NIAB case is wholly concerned with reducing a planning obligation to provide a minimum of 20% of the dwellings for 'Affordable Private Rent.' This obligation is the product of an exemption to standard policy that applies to residential development. That is a material consideration.

The case law on which the Council's officers have relied does not address the 'particular circumstances' of this application. The case law therefore cannot reasonably be used to justify a reduction in the minimum possible provision of 'Affordable Private Rent.'

In the event of planning permission being refused on the grounds of insufficient provision of affordable housing, the developer's fallback would be to convert the laboratory and library buildings into Build to Rent dwellings. This is a highly unlikely scenario as demonstrated by the developer's preference to promote a 202 unit Apart-Hotel.

7. ON-SITE CAR PARKING: INADEQUATE PROVISION

The Transport Statement seeks to demonstrate that sufficient parking will be provided within the proposed development and concludes the following:

- The required number of parking spaces for the Build to Rent units is 144.
- The adoption of a car club scheme will reduce the required number of parking spaces for the Build to Rent units to between 114 and 124.
- The proposed provision of 110 spaces for the Build to Rent units, including 10 accessible spaces for blue badge holders and two spaces for car club vehicles, is both robust and likely to encourage future residents to be restrained regarding car ownership.
- The car parking provision of 28 spaces for the Apart-Hotel would be compliant.
- The car parking provision for staff and visitors will be 19 spaces.

It is considered that the reduction in the required number of parking spaces for the Build to Rent units from 144 to 110 spaces is overly optimistic and is reliant on a behavioural shift towards the use of a car club scheme and, more generally, regarding car ownership.

It is considered that the provision of 28 spaces for the Apart-Hotel is significantly underestimated and does not take account of the fact that the proposed development is located on the fringe of Cambridge and not within the city centre, with easy access to the train station and bus station. Car parking provision for the Premier Inn / Beefeater complex on Huntingdon Road and the former Felix Hotel on Whitehouse Lane, both of which are in close proximity to the proposed development, exceeded 1 space for every 8 guests as identified within the Transport Statement.

There is no assessment in the Transport Statement relating to the number of parking spaces required for staff employed in the Apart-Hotel and the communal facilities, e.g. the swimming pool, gym, café and micro-brewery and bar. This fails to comply with the requirement of 1 space for every 2 members of staff identified within Appendix L of the LP.

To sum up, it is considered that the proposed development fails to provide sufficient parking and therefore residents of, and visitors to, the proposed development will inevitably seek alternative parking provision beyond the confines of the proposed development.

The pedestrian access to / from the proposed development via Howes Place will provide free and easy access for the residents and staff of, and visitors to, the proposed development to utilise the parking spaces that are readily available in Howes Place, either on a regular basis or on an opportunistic basis.

The parking spaces that form part of Howes Place have been provided and maintained for the sole use and benefit of the residents of Howes Place and it is worthy of note that for at least 30 years, residents of Howes Place have contributed towards the upkeep and maintenance of the roadway and associated parking spaces and this ongoing obligation is enshrined within the deeds for each property.

Whilst the developer advised during the public consultation process that overflow parking on Howes Place by the residents of, and visitors, to the proposed new development is highly unlikely to occur as the proposed development provides sufficient on-site parking both for residents and visitors, it is clear that providing free and easy access for the residents of, and visitors, to the proposed development to utilise the parking spaces that are readily available in Howes Place will inevitably lead to the risk of conflict with the residents of Howes Place.

Whilst it is laudable that the developer will have in place a parking management plan and is prepared to enter into a binding agreement to monitor the situation on a regular basis for a period of up to three years, this is considered to be unworkable, unenforceable and a short-term solution to a long-term problem that can, and needs to, be designed out of the proposal. This is quite simply achieved by separating the site from Howes Place so that all vehicles, pedestrians and cyclists requiring access to the proposed development use the purpose-built, footpaths and cycle lanes on Lawrence Weaver Road and the traffic light controlled junction between Huntingdon Road and Lawrence Weaver Road.