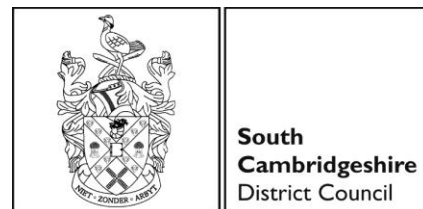


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29 January 2016

To: Chairman – Councillor Lynda Harford

All Members of the Planning Committee - Councillors Brian Burling, Anna Bradnam, Pippa Corney, Kevin Cuffley, Philippa Hart (substitute for Sebastian Kindersley), David McCraith (substitute for David Bard), Des O'Brien, Deborah Roberts, Tim Scott, Ben Shelton and Robert Turner

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 FEBRUARY 2016 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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#### AGENDA SUPPLEMENT

**Please do not print – paper copies will be available for the meeting**

	<b>PAGES</b>
<b>4. S/1527/15/FL - Guilden Morden (Three Tuns 30, High Street)</b>	<b>1 - 12</b>
Change of Use from A4 to C3	
<b>5. S/1714/15/FL - Dry Drayton (Land East and West of Battlegate Road, Childerley Farm)</b>	<b>13 - 24</b>
Solar Farm and Associated Development	
<b>6. S/0499/15/FL - Bourn (Former runway, Bourn Airfield)</b>	<b>25 - 30</b>
Part change of use of runway to external storage	

Two storey dwelling, associated works and access

### **EXCLUSION OF PRESS AND PUBLIC**

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

#### **Notes**

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

# Agenda Item 4

**From:** On Behalf Of Andy Shaw  
**Sent:** 03 November 2015 12:14  
**To:** Ward Rebecca  
**Cc:** Alan Boyd  
**Subject:** Three Tuns, Guilden Morden

Hi Rebecca

I understand that the review of the planning application for change of use of the Three Tuns, Guilden Morden has been postponed pending the review of additional relevant submissions. I am hoping that includes the Public House Viability Test (PHVT) submitted by the Guilden Morden Community Action Group (enclosed)?

The key to assessing pub viability is all about an objective determination of potential, and that is what CAMRA's PHVT is designed to do. Applicants may point to the failings of the last operator of a pub as evidence of lack of potential viability, but clearly that is a biased viewpoint. I sent the template to the Guilden Morden Community Action Group, because local knowledge is key to making an accurate assessment. I have reviewed their document and I believe that they have arrived at a fair and objective assessment.

I look forward to hearing from you on updates of SCDC Planning Development Committees plans to review this application either at their December or January meetings, since I plan to attend.

Cheers, Andy  
CAMRA National Director

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HEIDI ALLEN MP  
SOUTH CAMBRIDGESHIRE



HOUSE OF COMMONS  
LONDON SW1A 0AA

**APPLICATION ref. S/1527/15/FL:** Change of use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)

As Member of Parliament for South Cambridgeshire, I strongly object to the application before you.

At the heart of every sustainable village, I believe there is a strong and vibrant community. This planning application has galvanised residents of Guilden Morden to join together to oppose The Three Tuns being lost forever demonstrating overwhelming support for this property to remain a community facility.

The 8<sup>th</sup> Core Principle of the NPPF seeks to promote healthy communities and clearly identifies the role of the planning department in ‘facilitating social interaction’ to create healthy, inclusive communities by creating ‘a shared vision of [...] the residential environment and facilities they wish to see.’ Paragraph 69 of the NPPF goes on to emphasise planning decisions should aim to achieve places which promote ‘opportunities for meetings between members of the community who might not otherwise come into contact with each other.’ Clearly The Three Tuns is a facility that local residents feel passionately about; a meeting place for all members of the community; a valued facility that this council recognised should be retained for the benefit of the community when it rejected a challenge to the ACV earlier this year stating: *‘I conclude that, in my view, it is not unrealistic to think that there may be a time in the next five years when the use of the building as a pub might resume. I therefore uphold the listing of The Three Tuns as an Asset of Community Value.’*

Allowing change of use for village pubs is contrary to the NPPF and local policy SF/1 which states ‘Planning permission will be refused for proposals which would result in the loss of a village service, including village pubs,’ if it can be shown to represent a significant loss to the community. Ascertaining the viability of a business and quantifying whether it represents a significant loss of facility when that facility is no longer trading is difficult to ascertain and is highly subjective. However the level of community representation against this application from residents, the Parish Council and Ward Member in my opinion shows The Three Tuns ‘potential contribution to the social amenity of the local population’ in line with policy SF/1 paragraph 2 a. reasons for refusal. In addition the inability of local residents to access establishments with the same offering in surrounding villages by ‘local public transport services, or by cycling or walking’ further strengthens the case for refusal as does the lack of ‘any efforts to market the premises for a minimum of 12 months at a realistic price’ therefore I believe this application to be completely at odds with core principles of the NPPF and adopted local policy SF/1.

Furthermore without having actively marketed the business for a full 12 months in line with planning guidance for change of use, the local authority and local residents will never know if a suitable buyer may come forward, renovate the property and be able to successfully run it as a village pub with a food offering.

Therefore for the reasons stated above, I strongly oppose the application before you and urge members to refuse this application.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Heidi Allen', written over a light pink rectangular background.

Heidi Allen  
MP for South Cambridgeshire

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From: Ken Lock  
Sent: 29 January 2016 12:23  
To: Senior Ian  
Subject: Three Tuns Guilden Morden

Hello Ian,  
Following our telephone conversation yesterday, I confirm that whereas I had planned to attend the Planning Committee meeting on 4th November 2015 as an observer, I will be unable to attend the meeting rescheduled for next week as I will be out of the country and unable to alter my arrangements at short notice.

You may recall that following my comments to you last October, you suggested that I email you with my concerns which you would then forward to all interested parties and that it might be that the Chairman invites me to speak as a member of the community. I would, of course, have welcomed that opportunity had the Chairman offered it to me. Nevertheless, I would be grateful if you would now pass on the following to all interested parties as it is more or less sums up our concerns (concerns probably shared by many current objectors).

My wife and I have lived directly opposite The Three Tuns for over 28 years and whilst we understand that if its use as a pub has, without any doubt, no future as a pub then its future use is probably best as a single residential dwelling.

However, it is not unknown for professional surveyors/lawyers etc. to conclude their findings with opposing opinions. The opinion stated by the applicant would benefit substantially by the support of evidence showing that in accordance with planning guidelines for Change of Use, the property had been actively marketed for a period of 12 months and that no interest had been received. This evidence could have been obtained at little or no cost to the applicant, the planning process to date allowing more than adequate time to complete the process.

The decision of the applicant to proceed without such evidence invites speculation that no such evidence is available and that the market may disprove her stated opinion.

We will remain unconvinced that the Three Tuns has no future as a pub without proof from marketing. Accordingly we urge the Committee to defer any decision at this time and invite the applicant to return in 12 months or so with the results of her marketing.

Many thanks and kind regards,

Ken and Jackie Lock.  
Guilden Morden.

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## **CAMRA's Public House Viability Test Assessing Trade Potential**

### **1 Local Trade**

What is the location of the pub? Village, suburban, urban, town centre, isolated country?

***Village.***

What is the catchment area of the pub?

***Guilden Morden village and surrounding villages and towns.***

How many adults live within a one mile radius?

***Over 1,000 in Guilden Morden and Steeple Morden***

In rural areas, how many adults live within a ten mile radius?

***Over 50,000 - this includes Letchworth Garden City, Biggleswade, Royston, Sandy, Baldock, Potton, Gamlingay, Henlow, Ashwell and the Mordens***

Are there any developments planned for the area? Industrial, residential, strategic projects?

***Residential housing developments being built on the west side of Royston***

Is there daytime working population?

***The Mordens have a demographic profile that is supportive for a pub; it is an affluent area with a high proportion of large detached houses and has an above average proportion of experienced professionals working as consultants/directors who are based at home either part or full time; also a significant proportion are retired/semi-retired***

### **2 Visitor Potential**

Is the pub in a well visited/popular location? Is it in a picturesque town or village, on a canal/river side, on a long distance footpath, or on a cycle route?

***Walkers, cyclists, families and others regularly pass through the village and have had lunch at The Three Tuns.***

Does the pub appeal to those groups who regularly drive out to pubs?

***Yes. It is a traditional village pub with beamed ceilings, open fires, dining facilities and a large garden with play equipment for children.***

Is tourism encouraged in this area?

***Ashwell (within 3 miles) has a high number of tourists annually***

Has the pub ever been included in any visitor or tourist guide?

***Not yet.***

Does the pub act as a focus for community activities? Sports teams, social groups, local societies, community meetings etc?

***When the pub was open, it was host to many social groups and was the registered address of a local charity***

### 3 Competition

In rural areas, how many pubs are there within a one mile radius and within a five mile radius?

**Two within one mile and seventeen within five miles. Of the seventeen only 3 or 4 would be in direct competition - it is often difficult to get a table for lunch mid-week without booking.**

In urban areas, how many pubs are there within reasonable walking distance?

**N.A.**

Bearing in mind that people like a choice, does the pub, by its character, location, design, potentially cater for different groups of people from those of its nearest competitor(s)?

**Yes. The nearest competitor is a wet sales only pub that has no garden or commercial kitchen with a largely male customer base. It is not open at lunchtimes from Monday to Thursday. The Three Tuns was a family friendly pub open lunchtimes and evenings throughout the week with a large garden and a commercial kitchen serving food.**

If no, could the pub be developed to cater for different groups?

**N.A.**

### 4 Flexibility of the Site

Does the pub/site have unused rooms or outbuildings that could be brought into use? Function rooms, store rooms etc.

**There are upstairs rooms that could be used as function rooms, depending on whether the owner chose to use them for this purpose or as their main residential home. The storage shed could also be incorporated into the pub to enlarge the bar and improve the gents toilets.**

Is the site large enough to allow for building extensions?

**Yes.**

Have planning applications ever been submitted to extend/develop the pub building? If yes, when and what was the outcome?

**Yes, over 30 years ago. Extension to public bar since converted (approx. 7 years ago) into a dining room.**

If planning consent was not available for building work, is any adjoining land suitable for any other use? Camping facility etc.

**While the garden is not suitable for camping facilities, it is large enough to enable a conservatory or other extension to be added.**

Has the pub been well maintained?

**The building is Grade 2 listed, but has deteriorated slowly under brewery ownership with under-investment for over 20 years; since it was sold by Greene King in 2013, the building has been left vacant and has declined further.**

## **5 Parking**

Is there access to appropriate numbers of car parking spaces?

**Yes.**

If no, is there any scope for expansion?

***The existing car park could be expanded.***

## **6 Public Transport**

Is there a bus stop outside or near the pub and/or a rail station within easy walking distance?

***Bus stop outside.***

How frequent is public transport in the area?

***2 hourly during the day – no services in the evenings or Sundays.***

How reliable is the public transport in the area?

***Reliable.***

Has the pub made actual/potential customers aware of any public transport services available to/from it?

***Not known.***

Are there taxi firms in the locality?

***8 miles away in Royston.***

Has the pub entered any favourable agreements with a local taxi firm?

***Not known.***

## **7 Multiple Use**

In the light of government guidance through the National Planning Policy Framework (see the Appendix) what is the extent of community facilities in the local area – is there a shop, post office, community centre etc?

***There is a village shop but not a post office. There is a village hall.***

If the pub is the sole remaining facility within the area, is there scope for the pub to combine its function with that of a shop, post office or other community use, bed & breakfast or self-catering – especially in tourist areas?

***The pub could broaden its services in a number of areas – as a tea room, a cycling hub, a parcel drop, a library or a venue for car boot sales***

The following points are not currently applicable as the pub has closed and waiting for it to reopen.

## **Partial Loss**

(These questions come into play if the application seeks changes which would reduce the size of the pub or convert non-public areas, such as licensee

accommodation, to other uses). How would the proposals impact on the long-term financial health of the business?

***The current owner has applied for change of use for the building from a pub into a residential dwelling. A previous application to build housing on the pub garden was withdrawn. If either application were to be approved, a 160 year-old pub would be lost to the community permanently.***

Would a smaller pub still be able to attract sufficient trade? Would the smaller size make it less attractive to customers e.g. because there were fewer facilities?

***The long-term viability of the pub is dependent on having sufficient space for the garden, a commercial kitchen and a car parking area. Any reduction in size would be detrimental.***

Would any loss of licensee accommodation make the pub less attractive to potential future publicans?

***Yes. Any loss of licensee accommodation would put unnecessary restrictions on potential landlords with families.***

### **Competition Case Studies**

Are there any successful pubs in neighbouring areas of similar population density?

***Yes. Examples include the Pig & Abbot in Abington Pigotts (population 162) and The Chequers in Wrestlingworth (population 740). Both are villages that are smaller than Guilden Morden (population 929).***

What factors are contributing to their success?

***A traditional country pub atmosphere with attractive rooms, open fires, good beer, good food and good service.***

### **The Business Past and Present**

Having built up a picture of the business potential of the pub, it may be relevant to question why the pub is not thriving and why the owners are seeking change of use.

***The Three Tuns was sold by the brewery and was bought by a land speculator with no interest in The Three Tuns remaining a pub. An alternative buyer with a successful local catering business and the intention of re-opening the pub made a similar priced bid in 2013. This potential buyer has confirmed that they would bid again if the pub were to be put up for sale at a realistic price as a pub.***

Is the business run by a tenant or a manager?

***Previously run by a tenant. The building was allowed to deteriorate by the brewery.***

Does the pub management have local support?

***There is strong local support for re-opening the pub as evidenced by over 100 individuals objecting to the recent change of use application.***

Has the pub been managed well in the past?

**No – the key issues were a declining quality of food and service that was not sufficiently welcoming. In part these reflected the lack of resources provided under brewery ownership, but the tenant was also not sufficiently adept at business management or customer care.**

Is there any evidence to support this?

**Yes. The pub was often under-staffed and the level of skill applied in the kitchen was below average.**

Are trading figures available for the last four years and/or from previous management regimes?

**We only have access to figures supposedly from Greene King but Greene King would not confirm their accuracy. These show a decline in beer sales only.**

Have there been recent efforts to ensure viability? e.g. has the pub opened regularly and at convenient hours?

**Unfortunately The Three Tuns has been closed since January 2013. The current owner has stated that she has no intention of re-opening the pub.**

Has the focus/theme of the pub changed recently?

**No.**

Is the pub taking advantage of the income opportunities offered by serving food?

**It did when it was open and would do so again.**

How many times a day *was* food served?

**Lunchtime and evening throughout the week.**

How many times a week?

**Six with Sunday lunch up to 19.00 – later if pre-ordered.**

Were any catering facilities being optimised?

**To a limited extent with off sales of menu items (takeaways) and catering for special events (eg birthday parties).**

Has the rent/repair policy of the owner undermined the viability of the pub?

**Not known – but this seems probable.**

Are there any non-standard circumstances relating to local authority business / rates / taxes?

**Not known.**

Are there any possible unclaimed reliefs? e.g. where rate abatement is not granted automatically but has to be claimed.

**Not known.**

**Completed by Three Tuns Action Group  
October 2015.**

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# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 February 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/1714/15/FL

**Parish(es):** Dry Drayton

**Proposal:** Solar Farm and Associated Development

**Site address:** Land East and West of Battlegate Road, Childerley Farm

**Applicant(s):** Big60Million Ltd.

**Recommendation:** Delegated Approval

**Key material considerations:** Countryside  
Agricultural Land Classification  
Renewable Energy  
Landscape Character  
Heritage Assets  
Archaeology  
Ecology  
Biodiversity  
Trees and Landscaping  
Flood Risk  
Public Footpaths  
Highway Safety  
Neighbour Amenity

**Committee Site Visit:** 2 February 2016

**Departure Application:** No

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** Major Application of Local Interest

**Date by which decision due:** 2 October 2015 (Extension of Time Agreed)

### Update to Report

#### Paragraph 1 – Executive Summary

1. The latest guidance in a Written Ministerial Statement (WMS) dated March 2015 that reflects guidance in the National Planning Practice Guidance emphasises that the strategy for solar energy underlines the importance of focusing growth on domestic and commercial roof space and previously

developed land. Where a proposal involves agricultural land, it should be clear that it is necessary that poorer quality land is used in preference to land of a higher quality. Any solar farm involving the best and most versatile agricultural land would need to be “justified by the most compelling evidence”.

### **Paragraph 5 - National Guidance**

2. National Planning Practice Guidance - Renewable and Low Carbon Energy  
What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms? (Paragraph: 013 Reference ID: 5-013-20150327)  
Written Ministerial Statement – Solar Energy: Protecting the Local and Global Environment – 25 March 2015

Speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013

### **Paragraph 10 - Consultation**

3. **Boxworth Parish Council** – Please see attached appendix.

Members will be updated verbally of any further consultation comments received prior to the meeting.

### **Paragraph 53 - Planning Assessment**

4. The applicant has submitted an Alternative Site Assessment as part of the application that considers if there are any potentially more suitable sites situated on previously developed / non-agricultural land; or lower grade agricultural land (i.e. Grade 4 and below). This takes into account the advice in the NPPG and Ministerial Statement.
6. Commercial rooftops are not considered because there are no known rooftops of sufficient size in the area and it is considered that assessing the potential for development of multiple rooftops is not comparable or realistic when considered relative to a ground-mounted solar farm.
7. The methodology utilised to carry out the assessment is split into the following:-
  - i) definition of the search area;
  - ii) analysis of previously developed / non-agricultural land;
  - iii) analysis of lower grade agricultural land;
  - iv) long-list filtering to create a short list of sites; and
  - v) assessment of the short-list.
8. The search area is based on the requirement to connect the solar farm to the local electricity distribution network. A solar farm without a feasible grid connection is not viable. UK Power Networks, has provided a point of connection approximately 750m to the north-west of the site. There is sufficient capacity along the overhead line that runs for approximately 27 km between substations at Little Barford and Histon
9. An assessment of connection costs against possible output were undertaken. This determined that a connection anywhere along the 27 km overhead line



up to a distance of 7.37 km (from the overhead line) would be commercially viable. This is defined as the search area.

10. The search area covers land in a number of districts and is not restricted to South Cambridgeshire. Sites were assessed in relation to their constraints and size. This determined whether there were any feasible alternatives. 72 previously developed sites and 8 lower grade agricultural land sites were assessed. 71 of the 80 sites were ruled out as they would not be of sufficient size. The remaining nine sites were assessed further in relation to the following criteria: -
  - i) Is the land likely to be available, e.g. on the market or proposed for another use?
  - ii) Is the topography favourable?
  - iii) Distance from the potential point of connection – is the potential point of connection on-site or further away?
  - iv) Are there obstacles between the site and point of connection?
  - v) Shape of the site – is it regular/irregular?
  - vi) Is the land clear and developable?
  - vii) Are there any footpaths crossing the site?
  - viii) Flood risk areas - Zone 1.
  - ix) Any other relevant considerations?
11. A number of reasons have been put forward to justify the reasons why the development is necessary on this particular site and why the other sites on the list cannot be developed. The evidence submitted is considered substantial and is considered to reflect the guidance in the WMS and Planning Practice Guidance in determining whether development of this greenfield site is appropriate.
12. Whilst the comments of Boxworth Parish Council in relation to two Inspectors decisions are noted, each application site and its context will inevitably be different. To that extent each application needs to be determined upon its own merits. As the inspector notes in the second appeal decision mentioned by the parish Council, a WMS is capable of being a material consideration and the weight to be attached to a material consideration is a matter of judgement for the decision maker.
13. If that judgement concludes that the proposal is not justified by the most compelling evidence, this will clearly weigh against the proposal. It is not necessarily tantamount to refusal and will need to be weighed in the balance with all of the other material considerations. These have been set out in the main report. As rehearsed in paragraphs 7 – 11 above, officers have concluded that the evidence on the use of alternative sites is comprehensive and does not justify refusal on the grounds that the information is inadequate.

#### **Paragraph 71- Planning Assessment**

13. The Construction Traffic Management Plan confirms that access to the site is via St Neots Road. Condition i requires further details the proposed signage on the public highway, staff travel pick-up points and level of the traffic movements associated with the contractor parking to be agreed and would not change the access route. The development would need to be carried out in accordance with this document and no further condition is necessary.

### **Paragraphs 74 and 75- Planning Assessment**

14. Paragraphs 74 and 75 should be deleted. The access route for vehicles for maintenance of the site during operation would be via St Neots Road as per the construction and decommissioning route.

### **Paragraph 86 – Conditions**

15. The condition survey required by condition j relates to 5 metres either side of the crossing point on Battlegate Road.

**Report Author:**

Karen Pell-Coggins  
Telephone Number:

Principal Planning Officer  
01954 713230

## **Comments by Boxworth Parish to Amendments Relating to Solar Farm Planning Application – S/1714/15**

This response on behalf of Boxworth Parish relates to the revised transport and archaeological written scheme submitted by the applicant which was the subject of your letter of 19 January 2016. This response does not replace our earlier response and should be read in conjunction with it.

### 1) Transport Statement

We are happy that our concerns regarding the use of Boxworth as the main construction access have been recognised by the applicant and the revised Transport Statement does now exclude any construction or maintenance traffic from the village.

This removes this concern provided that this commitment is recognised through a condition attached to any planning permission specifically prohibiting any construction or maintenance traffic from accessing the site through Boxworth. All traffic must use the Childerley Hall access.

### 2) Impact on Best and Most Versatile Agricultural Land (BMV)

We outlined in our previous response how this application is in conflict with National Planning Guidance by using prime agricultural land rather than previously developed land or commercial roof space.

Our concerns and arguments remain as stated and to provide further support we would point you to two recent (January 2016) recovered appeal decisions dismissed by the Secretary of State.

The first of these (APP/P2365/W/15/3011997) relates to a 16MW solar farm proposed on 39 hectares of land near Ormskirk. The scheme would have sat in flat and low lying countryside adjacent to a large waste water treatment plant. Of the 39 hectares 67% was Grade 3b agricultural land below BMV quality. The SOS said in his judgement:

*The planning application was refused permission partly on the grounds that the applicant had failed to justify the loss of 39 hectares of BMV agricultural land, but it is now accepted that 67% of the site is of Grade 3b agricultural land, which is below BMV quality.*

*However, the Written Ministerial Statement of 25 March on solar and agricultural land said that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence, and Secretary of State notes that that the Inspector did not have sufficient information to*

*assess if alternative, non-agricultural sites in the wider Lancashire/North West England region would be suitable for a development of the size proposed. Whilst the Secretary of State acknowledges that the proposal would minimise the use of BMV land on the appeal site, it would still necessitate the use of about 13 hectares of Grade 1 agricultural land. He considers that the loss of so substantial an area of Grade 1 BMV, other than for sheep grazing, weighs against the proposal. In reaching this conclusion, the Secretary of State takes the view that 25 years is a considerable period of time and the reversibility of the proposal is not a matter he has taken into account in his consideration of whether the scheme should go ahead.*

In the proposed scheme here 77 hectares are BMV agricultural land. If the use of 13 hectares weighs against a proposal then the loss of 77 hectares must be given substantial weight as a reason for refusal.

The other issue relates to the necessity of using BMV agricultural land. In our previous response we pointed out the inadequacy of the applicant's assessment into alternative sites which only considered a small area rather than a broader assessment. This issue was raised in the second of the two appeal decisions for a similar sized scheme to the first appeal, again sited in Lancashire (APP/P2365/W/15/3002667). The Inspector said, in his report to the SoS:

*In coming to a conclusion on the necessity of using agricultural land any assessment must include the identification and assessment of the availability of previously developed land and the potential for using commercial roof-space. This is particularly so given the thrust of the March 2015 Written Ministerial Statement. At this point, I note that both the WMS and the update to PPG on solar farms postdate the 2 appeal decisions highlighted by the appellant as providing the most recent interpretation of policy by the SoS. Accordingly I have relied on the more recent WMS and PPG in coming to my conclusions. A WMS is capable of being a material consideration and the weight to be attached to a material consideration is a matter of judgement for the decision maker.*

*Whilst the appellant has attempted to undertake a proportionate assessment using the best information available, I consider a fundamental weakness in the SAS is the choice of study area. The assessment is solely restricted to the administrative area of West Lancashire. However, the appeal site is located close to the adjoining administrative areas of Sefton and St. Helens, where the appellant has undertaken specific assessments relating to land quality, adjoin the administrative areas of Wigan, Chorley, South Ribble and Fylde. Thus, given that sequential assessment must include the identification and assessment of previously developed land and the potential for using commercial roof-space and given that climate change is not purely a local issue, I consider that a proportionate assessment of these factors should, at a minimum, include the adjoining administrative areas. In this context, I consider that the SAS has not robustly demonstrated that the use of BMV agricultural land is necessary.*

*Notwithstanding my favourable conclusions regarding continued agricultural use and biodiversity improvements, this proposal would conflict with the objectives of LP Policy EN2 and Framework policy and PPG guidance in that it has not been shown that the use of BMV agricultural land is necessary.*

The situation here is even worse. The applicant has merely undertaken a superficial assessment of agricultural land within a very tightly defined area and made no effort to consider commercial roof-space at all. It should be noted that the first appeal talks about the North West England region as a suitable area for assessment. In this case not all of South Cambridgeshire District is assessed.

Thus, irrespective of any other issues SCDC must refuse this application, in line with recent decisions of the SoS, on the grounds of the lack of an adequate assessment of potential alternative sites that do not need the use of BMV agricultural land.

### 3) Landscape Character and Public Rights of Way

In the majority of recent appeal decisions for much smaller proposed schemes Inspectors and the SoS have found harm to local landscape character and the visual amenity of users of public footpaths, thus for example:

*The Secretary of State agrees with the Inspector's analysis at IR88-92 and for the reasons given in those paragraphs he too concludes that the proposal would result in some harm to the character and appearance of the surrounding landscape and significant harm to the visual amenity of users of the public footpaths through and around the site (3002667)*

*For the reasons set out in IR200-207 the Secretary of State agrees with the Inspector that the proposal would represent a major incursion of built form into the countryside and have a harmful effect on the local landscape character. Accordingly, he agrees that the proposal would result in significant visual harm when viewed from local vantage points. (3011997)*

This proposed scheme is located in a very unspoilt part of the countryside with extensive and well used footpaths surrounding and passing through the solar panel array. The significant harm cause to landscape character and recreational amenity are sufficient, in their own right, to warrant the refusal of planning permission for this application.

In conclusion although the applicant has mitigated the harm caused by directing construction traffic through Childerley Hall, the other conflicts with national, regional and local planning policy remain and mean that this application must still be refused. Boxworth Parish asks SCDC to refuse this application.

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Dear Member of the Planning Committee

**Solar Farm at Childerley – S/1714/15/FL**

Next Wednesday 3 February you will be determining the above application for probably the largest solar farm in the country. Your officer's report recommends approval but we consider that this conclusion has been reached as a result of an incorrect interpretation of national planning policy with regard to solar farms.

Your officer's report in point 1 of the Executive Summary states:

*The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.*

Unfortunately the National Planning Policy Framework is not the most recent interpretation of national policy and the more up to date Planning Policy Guidance and the Written Ministerial Statement (WMS) of March 2015 clearly set out the Government's position that solar farms should be sited on either previously developed / non-agricultural land or roofs of non-domestic buildings.

The detail of these policies is contained within the Boxworth Parish Council consultation response which is shown in full in the Officer's report.

The WMS states that:

*Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.*

*We are encouraged by the impact that the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the **most compelling evidence** (our bold).*

Since this planning guidance was implemented it has been reinforced by a number of recovered appeal decisions for solar farms determined by the Secretary of State. Two recent, January 2016, were refused partly because the appellant had not robustly demonstrated that the use of best and most versatile (BMV) agricultural land was necessary. More detail from these decisions is included in our most recent consultation response to supplementary information submitted by the applicant on 19 January, attached to this e-mail. It should be noted that your officer would not have seen this latest response before writing her report as the consultation period does not finish until Tuesday.

The application before you is 85% comprised of best and most versatile agricultural land – a total of 77 hectares. Interestingly in the two appeal decisions the area of BMV was only 17 hectares. This proposal is for probably the largest area ever put under solar panels with virtually all on BMV. The Dry Drayton consultation response highlights their concern about the size of the solar farm (bigger than Bar Hill) and significantly bigger than first planned. There is no justification in the application as to why the scheme is so big and the probable reason is to maximise profit.

Given that national planning guidance requires the most compelling evidence it is obviously vital that there is a robust and thorough assessment of potential alternative non-agricultural sites. However, there is no credible assessment carried out by the applicant who has ignored commercial buildings and limited the search area to a 7.4km radius of the power line that will connect the scheme to the grid. The two appeal decisions show clearly that this is totally insufficient and the assessment should have covered, as a minimum Cambridgeshire if not the East Region. The Appellant's consultants responsible for the assessment cite examples of other work where the methodology was acceptable. However these all relate to 2014, much smaller schemes, prior to



the new planning guidance, where the requirement for demonstrating need was much lower.

Further arguments showing how other factors put forward in your officer's report as mitigation, such as the lack of low quality agricultural land in the District, the size of the scheme and its reversibility can be given no weight in this determination are contained in the initial Boxworth consultation shown in your officer's report.

**There can be no doubt that this application should be refused on the conflict with Framework policy and PPG guidance in that it has not been shown that the use of BMV agricultural land is necessary.**

The access route for construction is now proposed to be through Childerley Hall. This is welcomed but this requirement has not been reflected in the conditions. Indeed there remains a condition (i) relating to Battlegate Road which seems at conflict with the stated intention that Battlegate Road will not be used for construction or maintenance work. A specific condition preventing any use of Battlegate Road needs to be inserted if permission is granted.

Recent appeal decisions for much smaller schemes have been dismissed due to significant harm being caused to landscape character, recreational amenity and cultural heritage. The height and scale of solar panels is similar from one scheme to another and with this site being located in one of the tranquil areas of countryside near Cambridge, with a well-used footpath running through the solar farm itself and a Grade II\* listed building and Grade II Registered Park and Garden on the immediate boundary the finding that any impacts are not significant and acceptable seems questionable. We believe that there will be significant harm caused by a massive solar farm in this location and this harm warrants refusal.

Overall there can be no question that this scheme, located as it is on high quality agricultural land, conflicts directly with national policy. There is no compelling evidence to show why such a huge scheme is needed or that there are no better alternatives in the wider east of the country. There will be significant harm and we ask that you refuse this application.

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Our Ref: B4xxx

Mr S Jones  
Bourn Parish Council

15 January 2016

Dear Steve

**Re: Planning application S/0499/15/FL – Proposed Container Storage Facility at Bourn Airfield**

Thank you contacting me regarding the planning application of which I was previously unaware, despite the fact that we are situated immediately adjacent to the application site and I believe should therefore have been notified of this by the local planning authority.

I have reviewed the acoustic impact assessment by Cundall reference 1011980-RPT-AS-001 Noise Impact Assessment (Rev A) dated 7/10/2015 and the subsequent addendum reference 1011980-RPT-AS-002 Noise Impact Assessment Addendum (also Rev A) dated 6/11/2015. I have also reviewed the transport statement reference 406.05090.00003 (Final Version) dated June 2015 and 'A Day in the Life of Proposed Storage Activity at Bourn Airfield' by Wincanton.

I have several queries or comments relating to the potential acoustic impact and the associated information that has been submitted in support of this proposal, which I will cover in no specific order.

The activity patterns set out in Wincanton's document differ significantly from those assumed in the acoustic assessments. I assume that Wincanton's data relates to this specific application whereas the acoustic assessments were based on more generic information. I have therefore assumed that, should the application proceed, it would incorporate the restrictions set out in Wincanton's document and have reviewed the information on this basis. If this is not the case and it is proposed that the use be less restricted than Wincanton has proposed, the acoustic implications of this would first need to be more thoroughly considered and assessed, taking account of the various queries and uncertainties in the existing acoustic assessments that I have identified below.

The acoustic impact assessment refers to BS4142: 2014 as being the appropriate standard for this assessment. As discussed, I was on the drafting panel of this edition and agree it to be most suitable.

As would be expected I am familiar with the acoustic environment in the vicinity of our premises during the day and, having hosted numerous Factory Acceptance Tests at our premises for clients' equipment, also during the night. Under 'normal' conditions the most significant sources of sound during the night are vehicles passing along Broadway and along the A428 to the north of Broadway, in addition to other sources such as occasional aircraft, distant plant, etc. During the day the sound level from road traffic is higher, and there is a greater range of additional sources of sound that also contribute to the acoustic environment, such as activity at our and other premises.

Given the significant distance between our premises and the A428, individual vehicles when passing along Broadway are more significant than the greater number on the A428, although sound from these two sources is also different. Vehicles on the A428 produce a relatively steady underlying sound level due to

the relatively high number of vehicles and the relatively consistent separation distance between vehicles at different positions along the A428 and our premises. However, the sound level from vehicles on Broadway rises relatively quickly as the vehicle approaches our premises and then falls as the vehicle recedes into the distance. In the area around Broadway to the south of the A428, the relative significance of these two sources of noise varies with distance from the two roads in addition to other factors such as time of day and meteorological conditions.

The background sound level ( $L_{A90,T}$ ) is the sound level exceeded for 90% of a time period T, so for a 15 minute (900 seconds) period, it effectively becomes the quietest 90 second sound level. This means that the Background Sound Level tends to omit any contribution from sporadic sources such as vehicles passing along Broadway because they are only of significance for much less than 90% of the time, whereas the Background Sound Level does include the relatively steady sound level due to vehicles on the more distant A428. This means that the Background Sound Level tends to fall with increasing distance from the A428.

Based on the sound level measurements obtained, the Noise Impact Assessment used Background Sound Levels of 32dBA at MP1 to the north of the application site, relatively close to the A428, and 44dBA at MP2 towards the south of the application site, relatively far from the A428 and close to our property. From my own experience and consistent with measurements I have taken during numerous Factory Acceptance Tests it is clear that this is not representative and that the (representative) Background Sound Level at MP2 should be similar to or lower than at MP1. The Noise Impact Assessment observes that the sound level at MP2 remained relatively steady over the 24 hour period, due to noise from a grain drier, but failed to recognise that this was not representative of normal conditions.

Section 5.1 of the Noise Impact Assessment provides some (limited) data regarding anticipated noise levels from the proposed development. It provides octave band spectra, which I assume are time averaged ( $L_{Eq,T}$ ) levels for two activities for what I also assume are representative durations. However, the Noise Impact Assessment provides negligible information regarding the character of sound from the proposed development, which is essential when considering the context. One significant omission is detail regarding the time history and particularly impulsivity of the sound. Some limited information is provided in Section 5.4.2 but this only explains why a correction of +6dB has been applied, without consideration of other factors such as how significant or otherwise sound from the site will be in comparison to the residual acoustic environment. From experience I would expect some sound events to be relatively impulsive (this is also indicated in the Noise Impact Assessment). In this case it is the maximum sound levels that must also be considered, particularly for residents sleeping indoors at night, potentially with open bedroom windows, because this has the potential to disturb sleep. However, the Noise Impact Assessment does not provide any information regarding this aspect.

Sections 5.2, 5.3 & 5.4 provide a brief summary of how the specific sound and rating levels (both averages) are calculated at the two receptor locations, but provides no significant detail regarding these calculations. BS4142:2014 requires that the Initial Estimate of the Impact be reviewed depending upon the context of the situation. In this case the most significant source of site noise at Little Common Bungalow is due to the movement of vehicles and the most significant component of residual noise will be road traffic, particularly on the A428. However, the Noise Impact Assessment fails to provide consideration of this context to inform understanding of the difference between Rating and Background levels prior to simply considering mitigation.

Section 7 addresses Uncertainty, claiming that variability in the sound source complexity 'has been robustly controlled'. However, the very limited sound source data is inadequate to properly understand the source characteristics or variability so this is not the case.

The Noise Impact Assessment Addendum continues to use the very limited background data obtained for the original assessment, inappropriately extrapolating this to a range of different locations. It simply compares the calculated Rating and Background levels, again failing to properly consider Context or Uncertainty. The calculation details are similarly vague although the sound contour plots provide a false sense of confidence in the data. Similarly the BS8233 assessments only provide a calculated average sound level inside the dwelling which is compared with guideline values, but without any consideration of the character of the sound.

The Wincanton document provides some helpful clarity but, as would be expected, does not provide any acoustic detail.

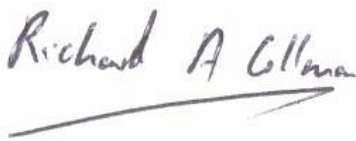
To summarise the above, I am concerned that the acoustic information provided to support the application is very simplistic. It fails to:

- properly assess the situation objectively or subjectively
- provide sufficient information to enable the analyses to be understood
- provide sufficient information to enable the likely acoustic impact to be understood

In view of these significant shortcomings I cannot form any opinion whether the proposal may or may not adversely affect the amenity of the occupants of neighbouring premises. This includes not only dwellings during the day and night, but potentially our premises. Whilst we are a potential source of noise, we also carry out occasional night time acoustic testing which requires low residual noise levels. It is unclear from the information submitted so far whether the proposed development may adversely affect our ability to continue to undertake this type of work.

Yours sincerely

for Acoustical Control Engineers



Richard A Collman BSc (Jt. Hons), CEng, MIOA, Tech IOSH  
Managing Director

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**Sent:** 22 January 2016 19:02  
**To:** Thompson David  
**Cc:** Swan Richard  
**Subject:** RE: Bourn Airfield

Hi David

I have had a look at Mr Collman's letter dated 15th January 2016 concerning the above application ( S/0499/15/FL) and have the following observations/comments.

With regard to points in paragraph 4, relating to data pertaining to this specific application and not previous data based on a larger site I can confirm that if this application were to proceed it would be my intention to incorporate the tougher restrictions suggested in my email to you dated 11th November 2015 by way of conditions.

I agree BS4142: 2014 is the most appropriate standard to use.

I agree with Mr Collman's observations made in paragraphs 5, 6 and 7

I agree with paragraph 8 regarding measured background levels not being representative at the measurement point MP2 due to the operation of the grain drier skewing the data. This issue was raised in my email to you dated 27th October 2015 in which I raised an objection to the proposal on a number of grounds. An addendum report has since been submitted covering those areas discussed at our meeting with the developers and acoustic consultant at SCDC offices on 2nd November 2015.

I agree with Mr Collman's observations in the first part of paragraph 9. However, the addition of a +6dB penalty for impulsivity is the method used in BS 4142 that takes into account the character of the noise compared to that in the acoustic environment. BS4142 is fundamentally an objective assessment of data (mostly), whereas the comments in Mr Collman's letter in paragraph 9 are more suited to a subjective assessment such as that used in statutory nuisance deliberations. I agree maximum noise levels are important but are not required in the BS 4142 assessment methodology, which compares a "rating level" expressed as an time weighted Leq against background.

In paragraph 10 I accept Mr Collmans comments in respect of the components of noise forming background and rating levels and their context. This again was something I commented on in my email of 27th October 2015. However, the lack of detail given in calculations was due in my opinion to the predictions being made using 3D sound modelling software (SoundPLAN 7.3) to predict sound propagation rather than "longhand" calculations using measured a data.

Paragraph 11 questions the claims made on "robustly" controlling the variability of the sound source.. The report does however qualify this by stating it only used the worst case measured and BS 5228 source data.

Regarding the comments made in paragraph 12 it was expected the same source data would be used but sound modelling software was used to predict levels at other locations, particularly towards the Highfields and Caldecote direction that were not previously considered.

Unfortunately, the prediction of noise levels is not precise and can be affected by a number of variables. The information submitted in the noise reports may appear simplistic to an expert requiring a greater depth of understanding compared to a lay-person. But the submission of a large quantity of data in such reports can make them unwieldy and difficult to follow. Provided the reports accurately summarise the findings that should be sufficient, with the proviso that the raw data could be made available if necessary.

In conclusion, I am in agreement with most of the points raised in Mr Collman's letter. But they are mainly about the content of the first noise report submitted. I was also of the opinion we should object to this application at that stage. However, following our meeting on the 2nd November 2015 and the submission of the Addendum Report in relation to a much reduced level of activity on site I withdrew that objection.

I hope the above is of assistance.

Many thanks

Nick

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# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 February 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/1883/15/FL

**Parish(es):** Madingley

**Proposal:** Two storey dwelling, associated works and access

**Site address:** Land adjacent 10 Church Lane

**Applicant(s):** Mr and Mrs Robinson

**Recommendation:** Refusal

**Key material considerations:** Principle of development. impact on character of the conservation area, and residential amenity

**Committee Site Visit:** 2 February 2016

**Departure Application:** No

**Presenting Officer:** Paul Sexton, Principal Planning Officer

**Application brought to Committee because:** At the request of the Councillor Burkitt

**Date by which decision due:** 7 October 2015

### **Update to report – Representations**

#### **Councillor Burkitt**

1. Councillor Burkitt has submitted revised comments for this application, which are attached as Appendix 1.
2. The revised comments replace those contained in paragraphs 10-16 in the main report.

**Report Author:**

Paul Sexton  
Telephone Number:

Principal Planning Officer  
01954 713255

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Merton House  
Grantchester  
Cambridge CB3 9NQ

[REDACTED]

[REDACTED]



Paul Sexton Esq,  
Principal Planning Officer (West)  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge CB23 6EA

By email: [REDACTED]

24 January 2016

Dear Paul,

#### **Erection of new dwelling in Church Lane, Madingley**

As Local Member, I write in support of this application, which I understand will be considered by February's Planning Committee.

I am afraid that I am unable to attend Planning Committee, so I should be grateful if this letter is either included in the agenda pack, or circulated to all members at the meeting.

My reasons for supporting the application are:

#### **1. Madingley Parish Council is not against it.**

The minutes of its meeting on 10<sup>th</sup> September 2015 record that *"it was agreed unanimously that the Parish Council would inform SCDC that the Planning Application would be left to the Planning Officer to make the final decision"*.

I have many conservation areas in my ward. Some planning applications lead to strong negative responses; when they don't, I regard that as very significant; I believe that, **in the absence of strongly-expressed opposition, the presumption should be in favour of the applicant.**

2. I appreciate that a former application was declined in 2000/2001 but:

- (a) this is a re-modelled application which addresses all of the previous concerns
- (b) since that date, SCDC has adopted a new Supplementary Planning Document (Development Affecting Conservation Areas, Jan 2009)

and I believe that **the re-modelled application accords with the NPPF and SCDC's new SPD.**

3. The application is for a small new house, in a gap in a row of existing houses. I believe that:
- (a) it is **not** in a particularly sensitive part of the village
  - (b) the gap is **small** and does not afford views through it, as **the land rises very sharply behind it (this, to me, is a key point)**
  - (c) the **design of the new house is of high quality** and respects the context of the other houses in the row.

I appreciate that PPG15 is no longer in force, but its text is perhaps a useful guide to the treatment of "gap sites" such as this. It stated at para 4.17 that "*Many conservation areas include gap sites ... that make **no positive contribution** to ... the character or appearance of the area; their **replacement** should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is ... that new buildings should ... be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.*"

4. This is an infill site, so paras 2.1 to 2.7 of SCDC's SPD "Development Affecting Conservation Areas, Jan 2009" applies. I believe the application meets the criteria for approval in all seven of those paragraphs, because:
- (a) the site is **large enough** to accommodate the small house proposed
  - (b) the site is **not open ground** and makes **minimal contribution** to the Conservation area and the wider setting
  - (c) the site is **not important** as regards the **pattern and rhythm** of the village
  - (d) there are **no vistas** through it
  - (e) the site is **not located adjacent** to a Listed Building

I therefore believe that the application meets the relevant criteria.

As an aside and away from planning law and policy:

- Madingley is a small village and I understand that the Parish Council has previously stated that it would benefit from a few extra houses and additional residents to slightly boost its population.
- the small size of the house would assist the demographic balance, as many other houses are large.
- being within easy cycling distance from Cambridge, it would be a sustainable development.

I therefore support the application.

Yours sincerely,

A black rectangular redaction box covering the signature of Francis Burkitt.

Francis Burkitt