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Contact Officer:

Sophie Butcher, Democratic Services Officer

20 April 2021

Dear Councillor

Your attendance is requested at a meeting of the **PLANNING COMMITTEE** on **WEDNESDAY 28 APRIL 2021 at 7.00 pm**. This meeting can be accessed remotely via Microsoft Teams in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authorities and Police and Crime Panel Meeting) (England and Wales) Regulations 2020.

If for any reason Councillors lose their wi-fi connectivity to the meeting and you are unable to re-join using the link on the Outlook Calendar invitation, please re-join using the telephone number +44 020 3855 4748. You will be prompted to input a conference ID: 988 899 117#.

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor Fiona White

Vice-Chairman: Councillor Colin Cross

Councillor Jon Askew

Councillor Christopher Barrass

Councillor David Bilbé

Councillor Chris Blow

Councillor Ruth Brothwell

Councillor Angela Gunning

Councillor Jan Harwood

Councillor Liz Hogger

Councillor Marsha Moseley

Councillor Susan Parker

Councillor Maddy Redpath

Councillor Paul Spooner

Councillor James Steel

**Authorised Substitute Members:**

Councillor Tim Anderson

Councillor Richard Billington

Councillor Dennis Booth

Councillor Graham Eyre

Councillor Andrew Gomm

Councillor Angela Goodwin

Councillor Steven Lee

Councillor Nigel Manning

Councillor Bob McShee

Councillor Ramsey Nagaty

Councillor Jo Randall

Councillor Tony Rooth

Councillor Will Salmon

Councillor Deborah Seabrook

Councillor Pauline Searle

Councillor James Walsh

Councillor Catherine Young

**QUORUM 5**



## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### Three fundamental themes and nine strategic priorities that support our vision:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
|                     | Making travel in Guildford and across the borough easier   |
|                     | Regenerating and improving Guildford town centre and other urban areas   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need       |
|                     | Creating smart places infrastructure across Guildford  |
|                     | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services             |

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

## AGENDA

**1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

**2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

**3 MINUTES (Pages 13 - 24)**

To confirm the minutes of the meeting of the Committee held on 31 March 2021 as attached at Item 3. A copy of the minutes will be placed on the dais prior to the meeting.

**4 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

**5 PLANNING AND RELATED APPLICATIONS (Pages 25 - 26)**

All current applications, except 20/P/01271, which are not included on the above-mentioned List, will be considered at a future meeting of the Committee or determined under delegated powers. Members are requested to consider and determine the Applications set out in the Index of Applications.

**5.1 20/P/01271 - 3, 4, 5 and 9 Midleton Industrial Estate Road, Guildford, GU2 5XW (Pages 27 - 44)**

**6 PLANNING APPEAL DECISIONS (Pages 45 - 48)**

Committee members are asked to note the details of Appeal Decisions as attached at Item 6.

### **WEBCASTING NOTICE**

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

## **NOTES:**

(i) Procedure for determining planning and related applications:

1. A Planning Officer will present the Officer's report virtually by sharing the presentation on Microsoft Office Teams as part of the live meeting which all committee members will be able to see online. For members of the public, able to dial into the meeting, copies of the presentation will be loaded onto the website to view and will be published on Monday 15 June prior to the meeting. Planning officers will make it clear during the course of their presentation which slides they are referring to at all times.
2. Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking (a maximum of two objectors followed by a maximum of two supporters). Public speakers will be sent an invite by the Democratic Services Officer (DSO) via Microsoft Office Teams to attend online or via a telephone number and conference ID code as appropriate to the public speakers needs. Prior to the consideration of each application which qualifies for public speaking, the DSO will ensure all public speakers are online. If public speakers cannot access the appropriate equipment to participate, or owing to unexpected IT issues experienced they cannot participate in the meeting, they are advised to submit their three-minute speech to the Democratic Services Officer by no later than midday the day before the meeting. In such circumstances, the Chairman or DSO will read out their speech.
3. The Chairman gives planning officer's the right to reply in response to comments that have been made during the public speaking session.
4. Any councillor(s) who are not member(s) of the Planning Committee, but who wish to speak on an application, either in or outside of their ward, will be then allowed for no longer than three minutes each. It will be at the Chairman's discretion to permit councillor(s) to speak for longer than three minutes. [Councillors should notify the Committee Officer, in writing, by no later than midday the day before the meeting of their intention to speak.] If the application is deferred, any councillor(s) who are not member(s) of the Planning Committee will not be permitted to speak when the application is next considered by the Committee.
5. The Chairman will then open up the application for debate. [Please see point 10. Councillor Conduct during remote access meetings of the Remote Meetings Protocol]. The Chairman will ask which councillors which to speak on the application and determine the order of speaking accordingly. Councillors should use the Chat function on MS Teams to indicate to the Chairman that they wish to speak. Note, that all messages put on the chat function are visible to all participants: Both the Chairman and DSO will keep a watch on the chat function to identify the order in which councillors wish to speak. At the end of the debate, the Chairman will check that all members had had an opportunity to speak should they wish to do so.
  - (a) No speech shall be longer than three minutes for all Committee members. As soon as a councillor starts speaking, the DSO will activate the timer. The Chairman will advise when there are 30 seconds remaining and when the three minutes has concluded;

- (b) No councillor to speak more than once during the debate on the application;
- (c) Members shall avoid repetition of points made earlier in the debate.
- (d) The Chairman gives planning officer's the right to reply in response to comments that have been made during the debate, and prior to the vote being taken.
- (e) Once the debate has concluded, the Chairman will automatically move the officer's recommendation following the debate on that item. If it is seconded, the motion is put to the vote. The Chairman will confirm verbally which councillor has seconded a motion. A simple majority vote is required for the motion to be carried. If it is not seconded or the motion is not carried then the Chairman will ask for a second alternative motion to be put to the vote.

In any case where the motion is contrary to officer recommendation that is:

- Approval to refusal, or;
- Refusal to approval;
- Or where the motion proposes additional reasons for refusal, or additional conditions to be included in any planning permission. The following procedure shall be followed:
  - Where the alternative motion is to propose a refusal, the proposer of the motion shall be expected to state the harm (where applicable) and the relevant policy(ies) to justify the motion. In advance of the vote, provided that any such proposal has been properly moved and seconded, the Chairman shall discuss with relevant officers and the mover and seconder of the motion, the reason(s), conditions (where applicable) and policy(ies) put forward to ensure that they are sufficiently precise, state the harm (where applicable) and support the correct policies to justify the motion. All participants and members of the public will be able to hear the discussion between the Chairman and the relevant officers and the mover and seconder of the motion. Following the discussion the Chairman will put to the Committee the motion and the reason(s) for the decision before moving to the vote. The vote will be taken in accordance with point 11 of the Remote Meetings Protocol.
- (f) A motion can also be proposed and seconded at any time to defer or adjourn consideration of an application (for example for further information/advice backed by supporting reasons).
- (g) Technical difficulties during the meeting (Point 12 of the Virtual Meeting Protocol will apply). If the Chairman or the DSO identifies a failure of the remote participation facility and a connection to a Committee Member is lost during the meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, provided that it remains quorate. If the Member who was disconnected is subsequently re-connected and they have missed any part of the debate on the matter under discussion, they will not be able to vote on that matter as they would not have heard all the facts.

6. Unless otherwise decided by a majority of councillors present and voting by roll call at the meeting, all Planning Committee meetings shall finish by no later than 10:30pm.

Any outstanding items not completed by the end of the meeting shall be adjourned to the reconvened or next ordinary meeting of the Committee.

7. In order for a planning application to be referred to the full Council for determination in its capacity as the Local Planning Authority, a councillor must first with a seconder, write/email the Democratic Services Manager detailing the rationale for the request (the proposer and seconder does not have to be a planning committee member).

The Democratic Services Manager shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request. The matter would then be placed as an agenda item for consideration at the next Planning Committee meeting. The proposer and seconder would each be given three minutes to state their case. The decision to refer a planning application to the full Council will be decided by a majority vote of the Planning Committee.

### **GUIDANCE NOTE For Planning Committee Members**

#### **Probity in Planning – Role of Councillors**

Councillors on the Planning Committee sit as a non-judicial body, but act in a semi-judicial capacity, representative of the whole community in making decisions on planning applications. They must, therefore:

1. act fairly, openly and apolitically;
2. approach each planning application with an open mind, avoid pre-conceived opinions;
3. carefully weigh up all relevant issues;
4. determine each application on its individual planning merits;
5. avoid undue contact with interested parties; and
6. ensure that the reasons for their decisions are clearly stated.

The above role applies to councillors who are nominated substitutes on the Planning Committee. Where a councillor, who is neither a member of, nor a substitute on the Planning Committee, attends a meeting of the Committee, he or she is also under a duty to act fairly and openly and avoid any actions which might give rise to an impression of bias or undue influence.

Equally, the conduct of members of any working party or committee considering planning policy must be similar to that outlined above relating to the Planning Committee.

#### **Reason for Refusal**

How a reason for refusal is constructed.

A reason for refusal should carefully describe the harm of the development as well as detailing any conflicts with policies or proposals in the development plan which are relevant to the decision.

When formulating reasons for refusal Members will need to:

- (1) Describe those elements of the proposal that are harmful, e.g. bulk, massing, lack of something, loss of something.
- (2) State what the harm is e.g. character, openness of the green belt, retail function and;
- (3) The reason will need to make reference to policy to justify the refusal.

### **Example**

The proposed change of use would result in the loss of A1 retail frontage at Guildford Town Centre, which would be detrimental to the retail function of the town and contrary to policy SS9 in the Guildford Local Plan.

### **Reason for Approval**

How a reason for approval is constructed.

A reason for approval should carefully detail a summary of the reasons for the grant of planning permission and a summary of the policies and proposals in the development plan, which are relevant to the decision.

Example:

The proposal has been found to comply with Green Belt policy as it relates to a replacement dwelling and would not result in any unacceptable harm to the openness or visual amenities of the Green Belt. As such the proposal is found to comply with saved policies RE2 and H6 of the Council's saved Local Plan and national Green Belt policy in the NPPF.

### **Reason for Deferral**

Applications should only be deferred if the Committee feels that it requires further information or to enable further discussions with the applicant or in exceptional circumstances to enable a collective site visit to be undertaken.

Clear reasons for a deferral must be provided with a summary of the policies in the development plan which are relevant to the deferral.



## **APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR CONSIDERATION BY THE PLANNING COMMITTEE**

### **NOTES:**

#### **Officers Report**

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site location plan;
- Site Description;
- Proposal;
- Planning History;
- Consultations; and
- Planning Policies and Considerations.

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in each report.

#### **Written Representations**

Copies of representations received in respect of the applications listed are available for inspection by Councillors at the plans viewing session held prior to the meeting and will also be available at the meeting. Late representations will be summarised in a report which will be circulated at the meeting.

Planning applications and any representations received in relation to applications are available for inspection at the Planning Services reception by prior arrangement with the Head of Planning Services.

#### **Background Papers**

In preparing the reports relating to applications referred to on the Planning Committee Index, the Officers refer to the following background documents:-

- The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, the Localism Act and other current Acts, Statutory Instruments and Circulars as published by the Department for Communities and Local Government (CLG).
- Guildford Borough Local Plan: Strategy and Sites 2015-2034.
- The South East Plan, Regional Spatial Strategy for the South East (May 2009).
- The National Planning Policy Framework (NPPF) (March 2012)
- The Town and Country Planning (General Permitted Development) Order 1995, as amended (2010).
- Consultation responses and other correspondence as contained in the application file, together with such other files and documents which may constitute the history of the application site or other sites in the locality.

## **Human Rights Act 1998**

The Human Rights Act 1998 (the 1998 Act) came into effect in October 2000 when the provisions of the European Convention on Human Rights (the ECHR) were incorporated into UK Law.

The determination of the applications which are the subject of reports are considered to involve the following human rights issues:

- 1 Article 6(1): right to a fair and public hearing

In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the hearing in certain circumstances (e.g. in the interest of morals, strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.)

- 2 Article 8: right to respect for private and family life (including where the article 8 rights are those of children s.11 of the Children Act 2004)

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

s.11 of the Childrens Act 2004 requires the Council to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Furthermore, any services provided by another person pursuant to arrangements made by the Council in the discharge of their functions must likewise be provided having regard to the need to safeguard and promote the welfare of children.

- 3 Article 14: prohibition from discrimination

The enjoyment of the rights and freedoms set out in the ECHR shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 4 Article 1 Protocol 1: protection of property;

Every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the state retains the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- 5 Article 2 Protocol 1: right to education.

No person shall be denied the right to education.

Councillors should take account of the provisions of the 1998 Act as they relate to the applications on this agenda when balancing the competing interests of the applicants, any third party opposing the application and the community as a whole in reaching their decision. Any interference with an individual's human rights under the 1998 Act/ECHR

must be just and proportionate to the objective in question and must not be arbitrary, unfair or oppressive. Having had regard to those matters in the light of the convention rights referred to above your officers consider that the recommendations are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

### **Costs**

In planning appeals the parties involved normally meet their own costs. Most appeals do not result in a costs application. A costs award where justified is an order which states that one party shall pay to another party the costs, in full or part, which has been incurred during the process by which the Secretary of State or Inspector's decision is reached. Any award made will not necessarily follow the outcome of the appeal. An unsuccessful appellant is not expected to reimburse the planning authority for the costs incurred in defending the appeal. Equally the costs of a successful appellant are not borne by the planning authority as a matter of course.

However, where:

- A party has made a timely application for costs
- The party against whom the award is sought has behaved unreasonably; and
- The unreasonable behaviour has directly caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process a full or partial award is likely.

The word "unreasonable" is used in its ordinary meaning as established in the courts in *Manchester City Council v SSE & Mercury Communications Limited 1988 JPL 774*. Behaviour which is regarded as unreasonable may be procedural or substantive in nature. Procedural relates to the process. Substantive relates to the issues arising on the appeal. The authority is at risk of an award of costs against it if it prevents or delays development, which should clearly be permitted having regard to the development plan. The authority must produce evidence to show clearly why the development cannot be permitted. The authority's decision notice must be carefully framed and should set out the full reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. The Planning authority must produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If the authority cannot do so it is at risk of a costs award being made against it for unreasonable behaviour. The key test is whether evidence is produced on appeal which provides a respectable basis for the authority's stance in the light of *R v SSE ex parte North Norfolk DC 1994 2 PLR 78*. If one reason is not properly supported but substantial evidence has been produced in support of the others a partial award may be made against the authority. Further advice can be found in the *Department of Communities and Local Government Circular 03/2009* and now *Planning Practice Guidance: Appeals paragraphs 027-064 inclusive*.

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## PLANNING COMMITTEE

Councillor Fiona White (Chairman)

\* Councillor Colin Cross (Vice-Chairman) (Acting as Chairman)

- |                                  |                             |
|----------------------------------|-----------------------------|
| * Councillor Jon Askew           | * Councillor Liz Hogger     |
| * Councillor Christopher Barrass | * Councillor Marsha Moseley |
| * Councillor David Bilbé         | * Councillor Susan Parker   |
| * Councillor Chris Blow          | * Councillor Maddy Redpath  |
| * Councillor Ruth Brothwell      | * Councillor Paul Spooner   |
| * Councillor Angela Gunning      | * Councillor James Steel    |
| Councillor Jan Harwood           |                             |

\*Present

Councillors Richard Billington, Ramsey Nagaty, John Rigg and Julia McShane, were also in attendance.

### **PL96 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

An apology for absence was received from Councillor Jan Harwood for whom Councillor Pauline Searle attended as a substitute.

An apology was also received from the Chairman, Councillor Fiona White. The Vice-Chairman therefore chaired the meeting on this occasion.

### **PL97 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

#### **20/P/01756 – (Page 85) – Food Store, Railton Road, Guildford, GU2 9LX**

Councillor Pauline Searle declared a non-pecuniary interest in the above application owing to being a ward councillor. She confirmed that she had come to the meeting with an open mind and would consider the application accordingly.

### **PL98 MINUTES**

The minutes of the Planning Committee held on 3 March 2021 were approved and signed by the Chairman as a true record.

### **PL99 ANNOUNCEMENTS**

The Committee noted the procedures for determining planning applications.

### **PL100 20/P/00737 - ORCHARD WALLS, BEECH AVENUE, EFFINGHAM, LEATHERHEAD, KT24 5PG**

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Ian Symes (Effingham Parish Council) (to object);
- Mr Roland McKinney (speaking on behalf of Crossroads Resident's Association) (to object) and;
- Ms Kay Collins (Agent) (In Support)

The Committee considered the above-mentioned full application for demolition of existing property and erection of 6 dwellings with a new access provided onto Beech Close' (amended

description with amended plans received 18 November 2000). The Committee was informed by the planning officer that the site was allocated for up to six new homes in the Effingham Neighbourhood Plan which allowed for the replacement of the existing house. The site was also located adjacent to Effingham Conservation Area. The brick walls along the site boundary were locally listed and formed part of the kitchen garden for the Effingham House Estate. The scheme had been amended and reduced the number of originally proposed properties from 8 to 6 resulting in a density of 16.2 dwellings per hectare. The proposal would have three four-bedroom houses and three, three-bedroom houses. The plots that shared a boundary with the road would follow the building line of the adjoining buildings along Beech Close and Beech Avenue. Changes in the built form were proposed with the width of the homes narrowed and the roof form was less bulky with the removal of flat roofed areas and increased gaps introduced between the buildings to reflect the local vernacular of the area. The beech hedge which was a feature of the site would be retained and the locally listed wall protected. A 1.2 metre gap was also proposed between the main building and the wall.

The Committee noted that Policy ENP-H2 of the Effingham Neighbourhood Plan required that at least 50% of market homes should have one or two bedrooms. This scheme did not meet that criteria and the applicant had therefore submitted a Viability Assessment Report on the grounds of financial viability. The applicant had concluded that not only was the site unable to viably support a smaller policy compliant scheme, but neither the proposed 6 no. detached house scheme nor the smaller 6 unit policy compliant scheme could afford to provide any element of affordable housing contribution, with the larger proposed scheme only remaining viable if the development was sold on the basis of 100% private sales. The Viability Assessment Report had also been independently reviewed by consultants appointed by the Council who also concluded that a smaller policy compliant scheme would not be viable. A financial contribution towards the provision of affordable housing in the local area had also been secured via S.106 contributions as detailed in the supplementary late sheets.

The Committee was concerned regarding the financial viability assessment, particularly the last-minute inclusion of the affordable housing contribution, which was included on the supplementary late sheets, published prior to the meeting. The Committee agreed that more time was needed to consider the implications of the affordable housing contribution as well as requesting comment by the Council's external consultant's, Dixon and Searle, on this extra component and how it would affect the overall profit obtained from this development.

A motion was moved and seconded to defer the application, which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Susan Parker	X		
2.	Christopher Barrass	X		
3.	Liz Hogger	X		
4.	Maddy Redpath	X		
5.	James Steel	X		
6.	David Bilbé	X		
7.	Marsha Moseley	X		
8.	Pauline Searle	X		
9.	Colin Cross			X
10.	Chris Blow	X		
11.	Jon Askew	X		
12.	Angela Gunning	X		
13.	Ruth Brothwell	X		
14.	Paul Spooner	X		
	<b>TOTAL</b>	<b>13</b>	<b>0</b>	<b>1</b>

In conclusion having taken account of the representations received in relation to this application, the Committee

RESOLVED to defer application 20/P/00737 to give the Committee more time to consider the implications of the financial contribution secured towards the provision of affordable housing in the local area.

**PL101 20/P/01569 - THE SHED FACTORY, PORTSMOUTH ROAD, RIPLEY, WOKING, GU23 6EW**

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Chris Arnold (to object);
- Ms Sally Hall (to object) and;
- Mr Andrew Badosz (Agent) (In Support)

The Committee considered the above-mentioned full application for change of use of the site from established garden shed business (Use Classes E (light industrial) and B8 (storage and distribution) with ancillary retail use (Use Class E) to car sales business (sui generis) for the display of cars for sale.

The Committee was informed by the planning officer that the site was located within the Green Belt and outside of the settlement boundary. It was accessed off Portsmouth Road and surrounded on all sides by residential dwellings. The site was currently comprised of a detached industrial building in the centre that was used for manufacturing sheds, a detached office building to the south and external storage and hardstanding across the front of the site which was used for the display of sheds. The proposed change of use would incorporate the existing single storey office which would be used as a sales and administration office for the sale of cars. The main workshop buildings would also be used for the car sales, preparation and cleaning of cars prior to sale. The hardstanding would be used for the display of cars for sale. The proposed opening hours were Monday to Saturday 9am to 5:30pm and Sundays and Bank Holidays 10am to 4pm. It was important to note that there were currently no conditions restricting the hours of operation of the existing shed factory business.

The Committee noted that the elevations of the workshop buildings within the site would remain unaltered. In the planning officer's view, it was considered that the proposed use would not significantly increase the level of activity on the site compared to the existing use. The site had an established light industrial use with retail sales and could therefore be used for alternative commercial uses which fell within the use classes without requiring permission. Conditions were recommended to restrict the hours of opening and to restrict the use of car sales only to ensure the impact on neighbouring residents was minimised. The proposed change of use of the site and re-use of existing buildings constituted appropriate development within the Green Belt and would also continue to provide employment on the site. The proposal would not have a materially greater impact on the openness or the character of the area when compared to the existing use. Subject to the recommended conditions, it was considered that there would not be a detrimental impact upon neighbouring amenity, would not be a material impact on the surrounding highway network and the application was therefore recommended for approval.

The Committee considered the application and whether it was possible to add two conditions, the first to include landscape and boundary treatments along the frontage so to break up the expanse of parked cars for sale. This would assist with the visual amenity from the public highway. The second condition related to the hours of operation at the weekend and bank holidays, specifically to request that no valeting or noisy operations took place during this time.

The Planning Development Manager confirmed that the additional conditions proposed could be implemented. It was also clarified that the proposed car sales business had submitted no plans for an additional car valet sub business to be run onsite. All valeting activities would take place within the existing buildings and was solely related to the cars being prepped for sale. Owing to concerns raised regarding lighting and the potential for light spillage to residential properties, the Committee agreed that a condition was added that required any light fittings to first be agreed in writing with the Local Planning Authority.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Colin Cross			X
2.	Chris Blow		X	
3.	Angela Gunning	X		
4.	David Bilbe	X		
5.	Paul Spooner	X		
6.	Pauline Searle	X		
7.	Susan Parker		X	
8.	Liz Hogger	X		
9.	Maddy Redpath	X		
10.	James Steel	X		
11.	Jon Askew	X		
12.	Marsha Moseley	X		
13.	Christopher Barrass		X	
14.	Ruth Brothwell	X		
	<b>TOTAL</b>	<b>10</b>	<b>3</b>	<b>1</b>

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 20/P/01569 subject to the conditions and reasons as detailed in the report and the amended condition 4 as well as additional conditions 5, 6, 7 and 8 as detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TS-01-01-020 REV PF1, TS-02-02-030 REV PF2 (existing) and TS-08-04-101 REV PF2 received 17 September 2020 and TS-02-02-030 REV PF2 (proposed) received 24 September 2020.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. The use hereby permitted shall not operate other than between the hours of 09:00 to 17:30 Mondays to Saturdays (inclusive) and 10:00 to 16:00 on Sundays or Bank or National Holidays.



Reason: To safeguard the residential amenities of neighbouring properties.

4. The premises shall be used for car sales (including car valeting / cleaning relating to the preparation of cars for sale) and for no other purpose (including any other purpose in Class E or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Any car valeting / jet spraying / car washing carried out on the site shall only be in connection with the preparation of cars for sale and not for any wider commercial use / purpose.

Reason: In granting this permission the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

5. No car cleaning including car valeting, jet spraying or car washing shall take place on Saturdays, Sundays or Bank / National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

6. The use hereby approved shall not be commenced until full details soft landscape proposals for the front and side boundaries of the site, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the commencement of the use hereby approved and retained. The landscaping proposals must not encroach within the visibility splays at the access to the site.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

7. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the commencement of the use. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

8. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In the interests of visual and/or residential amenity

**PL102 20/P/00481 - PLOT 5, GUILDFORD BUSINESS PARK, GUILDFORD BUSINESS PARK ROAD, GUILDFORD, GU2 8XG**

The Committee considered the above-mentioned full application for redevelopment to provide purpose-built student accommodation including 360 bedspaces, support ancillary student services (such as study spaces, gymnasium, games room, lounge areas, student hub) car and cycle parking, access and landscaping arrangements.

The Committee was informed by the planning officer that the site was allocated as a strategic employment site. It was located next to the railway line and was part of Guildford Business Park. The site was used as a surface car park and had extant planning permission for an office building. The proposal was for a purpose-built student accommodation scheme over 6-storeys. It would have 360 bed spaces and self-contained studios with gardens and some shared facilities. There would be no net loss of onsite car parking for the business park. The adjoining multi-storey car park would also be enlarged by having an additional storey.

The proposed building would appear as a stand-alone development with a distinctive character of its own and would not be incongruous in relation to the buildings on Guildford Business Park. Only 8 car parking spaces would be provided, 4 of which would be accessible. Two internal terraces were proposed for additional outdoor amenity space. There was an approved footbridge over the railway line for improved pedestrian accessibility to the University Campus. However, the bridge would only be built if the student accommodation was approved.

The Committee noted that an appeal decision for a very similar scheme on this site was dismissed by the Planning Inspectorate in October 2020 owing to the loss of employment space which was contrary to policy E3 of the Local Plan. The applicant was therefore invited to submit additional information to address these concerns. The applicant submitted a test of marketing and details of results from marketing for alternative employment uses which the Council independently assessed and was found that the site had in fact received a high number of queries and interest in the site for employment uses. Whilst the marketing for offices uses was active and comprehensive, the marketing strategy for non-office uses was not to the same level and was not active and comprehensive with little new information submitted since the determination of the appeal in October 2020.

The primary issue that had to be addressed was the loss of an employment site. The UK had a plan led system and evidence was required before land was designated to meet the objectives of the Local Plan. There was a need to manage the risk to economic health and limit further land take to compensate such losses. The site was a strategic employment site and protection had to be afforded to that. The test of marketing failed to satisfy the policy requirement that the land could not be used for other employment generating uses.

In addition, the applicant had failed to satisfy policy D2 in relation to energy hierarchy and ensuring sustainability amidst the backdrop of climate change. The applicant had stated that they would aspire towards a BREEAM 'excellent standard' but in their application was seeking to achieve BREEAM 'very good'. The BREEAM 'very good' accorded with the 2011 SPD and the requirement was now for an 'excellent' standard to be achieved as per Policy D2.

The Chairman permitted Councillor John Rigg to speak in favour of the development for three minutes regarding the application. He was of the view that the concept of a business park was outdated and too binary. Students would fill the space and the University represented fifty per cent of the economy in Guildford. There would be construction jobs which would provide employment. The 2009 position was not appropriate post Covid and the future should be for mixed development. This application should be the exception to the rule.

Mr Charles Streeten, a barrister from Francis Taylor Building had been invited to provide legal advice to the Committee. He advised that what was being suggested was that the local plan policies were not up to date and that members needed to be cognisant of taking this judgment. The planning system was a plan-led one under s38(6) and para 15 of the NPPF and if the policy for Strategic Employment Sites E3 was out of date, members would need to be consistent with this approach on future applications which could have significant legal consequences.

The Committee discussed the application and concerns raised that whilst the Local Plan had only recently been adopted, the requirement for employment land had potentially decreased, following the recent covid-19 pandemic, with the growing trend for companies to relinquish office space in favour of permitting their employees to work from home in the long term. The Committee noted that some of the existing tenants on the Business Park were leaving their premises owing to such reasons and that the proposal for university accommodation would create additional employment through the provision of construction jobs. It was also preferable to have student housing located close to the university campus as opposed to riverside locations which would be better suited for family homes. However, it was also noted that there was demand for light industrial uses and this site was the other side of the University campus.

The Committee also considered whether a departure from policy should be applied in this case given the rental costs were not high for offices on this site whilst the interest in office space was not forthcoming. The Committee considered whether the benefits afforded by the provision of a bridge that interconnected the town with the university should outweigh the policy reasons put forward to justify a refusal of this application.

The Committee also discussed their concerns regarding a potential departure in policy. It was acknowledged that the pandemic was an unusual circumstance, and policies should not be changed so quickly in response. Employment land would continue to be important. It was also noted that a lot of student accommodation had already been approved in Guildford, the demand for which had decreased owing to less foreign students coming to the UK. Brownfield sites were also needed particularly for light industrial businesses.

Mr Streeten advised that if there was a departure from the Local Plan, reasons would need to be given to explain the departure and that Policy E3 was out of date especially in the light of the recently refused appeal of 6<sup>th</sup> October 2020. There would be a precedent effect and under the duty to act consistently the Council would have difficulty arguing this in future. There would need to be some other material considerations which would need to be robust and justifiable. Student accommodation was not an employment use - these were B class uses such as light industrial. There was a separate local plan policy H1 for Student accommodation which guided such accommodation to on campus locations. Student accommodation on a Strategic Employment Site would not accord with policy.

The Planning Development Manager confirmed that if the application was approved, the departure from planning policy and the development plan would therefore necessitate that the application was referred to the Secretary of State.

A motion was moved and seconded to refuse the application which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	James Steel	X		
2.	Maddy Redpath	X		
3.	Jon Askew			X
4.	Ruth Brothwell		X	
5.	Susan Parker		X	
6.	Christopher Barrass		X	
7.	Colin Cross		X	
8.	David Bilbe	X		
9.	Chris Blow		X	
10.	Pauline Searle	X		
11.	Paul Spooner		X	
12.	Angela Gunning	X		
13.	Liz Hogger	X		
14.	Marsha Moseley	X		
	<b>TOTAL</b>	<b>7</b>	<b>6</b>	<b>1</b>

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to refuse application 20/P/00481 for the reasons as detailed in the report.

**PL103 20/P/01756 - FOOD STORE, RAILTON ROAD, GUILDFORD, GU2 9JX**

[Councillor Paul Spooner had to leave the meeting owing to a previous appointment and was not present for the consideration of this application or vote].

The Committee considered the above-mentioned full application for variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours.

The Committee was informed by the planning officer that the foodstore was located in the urban area of Guildford. The proposal sought to vary the approved hours from 7am to 10pm Mondays to Saturdays and 10am to 6pm on Sundays and 6am to 11pm seven days a week. The proposal also incorporated a variation to the hours of opening of the adjacent children's nursery and Nuffield Health Centre which had been previously approved under a separate Section 73 application. Therefore, the only change to be assessed under this proposal was the change in the opening hours for the foodstore.

The site consisted of a purpose-built retail building located within Elizabeth Park residential estate and was formerly occupied by a Budgens foodstore. Tesco's Express had recently taken over the premises. A parking area was located to the front and side of the store, a community centre was located to the north with a public square and open space to the side. Office units were located along Little Street. Nuffield Health Centre was located to the south of the site with the nearest residential properties being approx. 45 metres away. The Council's Environmental Health Officer had assessed the proposal and was not in objection to the proposed change to the opening hours of the store, subject to a condition to ensure that the hours of delivery were restricted to 7am to 10pm. The applicant had agreed to the condition being imposed and should be noted that a condition did not currently exist to restrict the hours for delivery.

In the planning officer's view, it was considered, that subject to the recommended condition restricting the hours of delivery, the proposed change of use to the opening hours would not have an unacceptable effect upon neighbouring amenities. The relevant conditions from the original 2002 permission would also need to be re-applied.

The Committee discussed the application and agreed that the extended hours proposed of 6am – 11pm, seven days a week, was unacceptable owing to the adverse impact it would have upon neighbouring amenities. The noise generated at anti-social hours by members of the public and staff coming and going from the store would affect the peace and quiet of the surrounding residential area.

A motion was moved and seconded to approve the application which was lost.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Maddy Redpath		X	
2.	Ruth Brothwell		X	
3.	Angela Gunning		X	
4.	Jon Askew		X	
5.	Colin Cross		X	
6.	Pauline Searle		X	
7.	Chris Blow		X	
8.	James Steel		X	
9.	Christopher Barrass		X	
10.	David Bilbe		X	
11.	Susan Parker			X
12.	Liz Hogger		X	
13.	Marsha Moseley		X	
	<b>TOTAL</b>	<b>0</b>	<b>12</b>	<b>1</b>

A subsequent motion was moved and seconded to refuse the application which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Jon Askew	X		
2.	Angela Gunning	X		
3.	James Steel	X		
4.	Marsha Moseley	X		
5.	David Bilbe	X		
6.	Pauline Searle	X		
7.	Maddy Redpath	X		
8.	Christopher Barrass	X		
9.	Ruth Brothwell	X		
10.	Liz Hogger	X		
11.	Chris Blow	X		
12.	Colin Cross	X		
13.	Susan Parker	X		
	<b>TOTAL</b>	<b>13</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to refuse application 20/P/01756 for the following reasons:

1. The proposed extended hours of opening, due to the noise and disturbance from comings and goings associated with the food store at unsociable hours including on Sundays /Bank Holidays, within a quiet residential area, would have a detrimental impact on the amenities enjoyed by neighbouring residents. The application therefore fails to comply with Policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and Para 127 of the National Planning Policy Framework.

2. A deed of variation to link the following obligations secured through application 02/P/01632 would have been sought from the applicant had the application been supported:

- Construction of a Community Facility on the village green of 390 metres square. This facility is to be rented at a peppercorn rent;
- Maintenance of the external fabric of the Community Facility by the developer in perpetuity;
- The use of the 'mixed-use' building as a Doctors' Surgery within 3 years of the start of the construction of this phase. After which, if unsuccessful, the building will revert to one of the alternative approved uses.
- Contribution of £100,000 towards the design, implementation and future maintenance of a bus priority feature within the site, if required within the five years following occupation of any part of the site.
- The provision, agreement and operation of a Travel Plan for employees of the development including a contribution of £2000 towards the supervision of the monitoring of the plan.

Without a completed deed of variation securing these contributions an objection is raised in accordance with policy ID1 of the 2019 Local Plan and the National Planning Policy Framework and the Planning Contributions SPD (March 2011).

**PL104 21/P/00068 - CARISWORTH, WOODSTOCK, WEST CLANDON, GUILDFORD, GU4 7UJ**

[Councillor Paul Spooner had to leave the meeting owing to a previous appointment and was not present for the consideration of this application or vote].

The Committee considered the above-mentioned full application for refurbished covered way roof and construct walls to enclose area including changes to fenestration.

The item had been referred to Planning Committee by the Council's Planning Development Manager because the application had been submitted on behalf of a member of staff.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTES LIST				
	Councillor	FOR	AGAINST	ABSTAIN
1.	Pauline Searle	X		
2.	Colin Cross	X		
3.	Susan Parker	X		
4.	Ruth Brothwell	X		
5.	Liz Hogger	X		
6.	Christopher Barrass	X		
7.	David Bilbe	X		
8.	Marsha Moseley	X		
9.	Angela Gunning	X		
10.	Jon Askew	X		
11.	Maddy Redpath	X		
12.	James Steel	X		
13.	Chris Blow	X		
	<b>TOTAL</b>	<b>13</b>	<b>0</b>	<b>0</b>

In conclusion, having taken account of the representations received in relation to this application, the Committee

RESOLVED to approve application 21/P/00068 subject to the conditions and reasons as detailed in the report.

**PL105 PLANNING APPEAL DECISIONS**

The Committee noted and discussed the planning appeal decisions.

The meeting finished at 9.22 pm

Signed .....

Chairman

Date .....

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**GUILDFORD BOROUGH COUNCIL**  
**PLANNING COMMITTEE INDEX**

**28/04/2021**

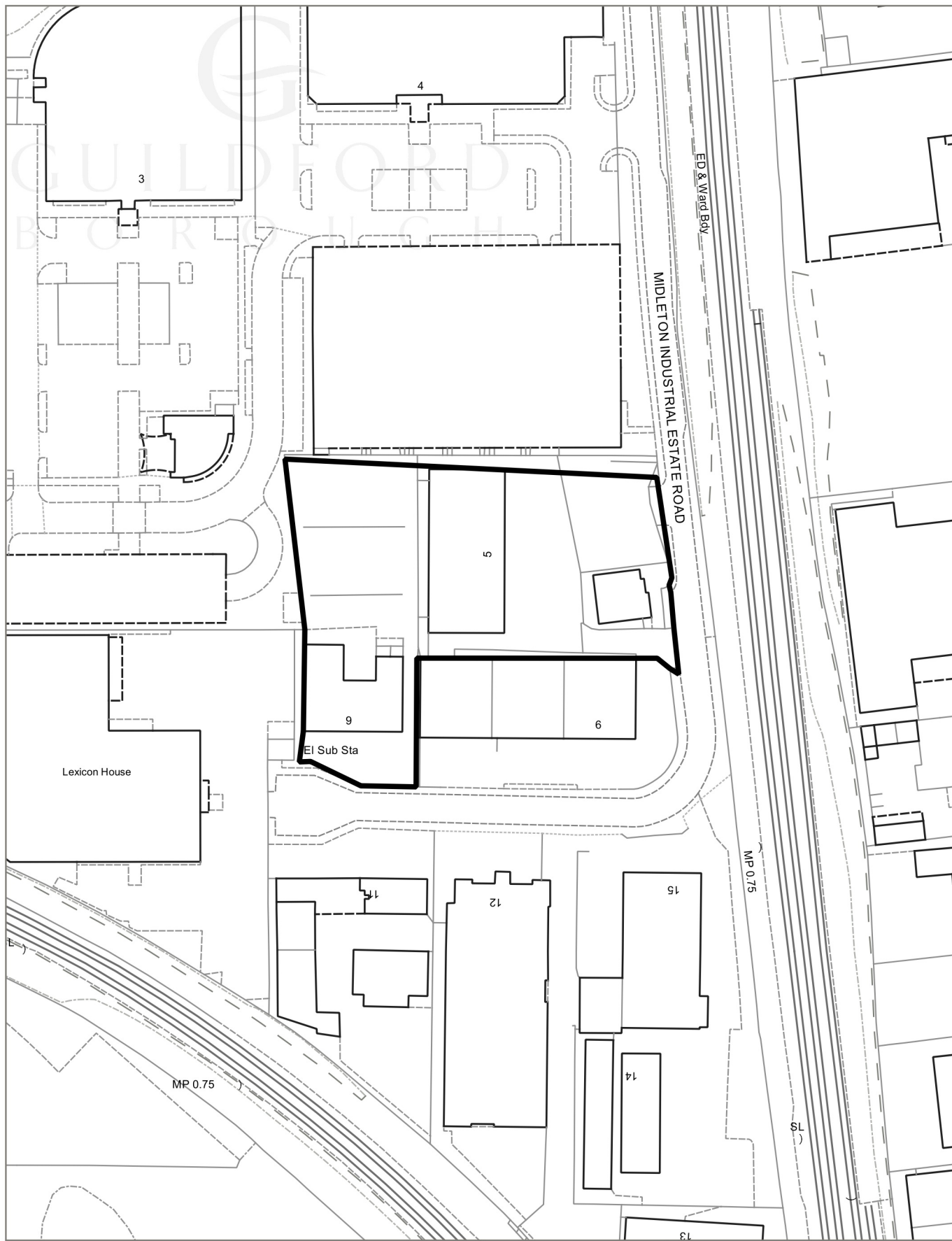
<b>Item No.</b>	<b>Parish</b>	<b>Applicant</b>	<b>Location</b>	<b>App.No.</b>	<b>Rec.</b>	<b>Page</b>
5.1	Onslow	Guildford Borough Council, Millmead House	3, 4, 5 and 9 Midleton Industrial Estate Road, Guildford, GU2 8XW	20/P/01271	S106	27.

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**Total Applications for Committee                    1**

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# 20/P/01271 - 3, 4, 5 & 9 Midleton Industrial Estate Road, Guildford



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This map is for identification purposes only and should  
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Print Date: 19/04/2021

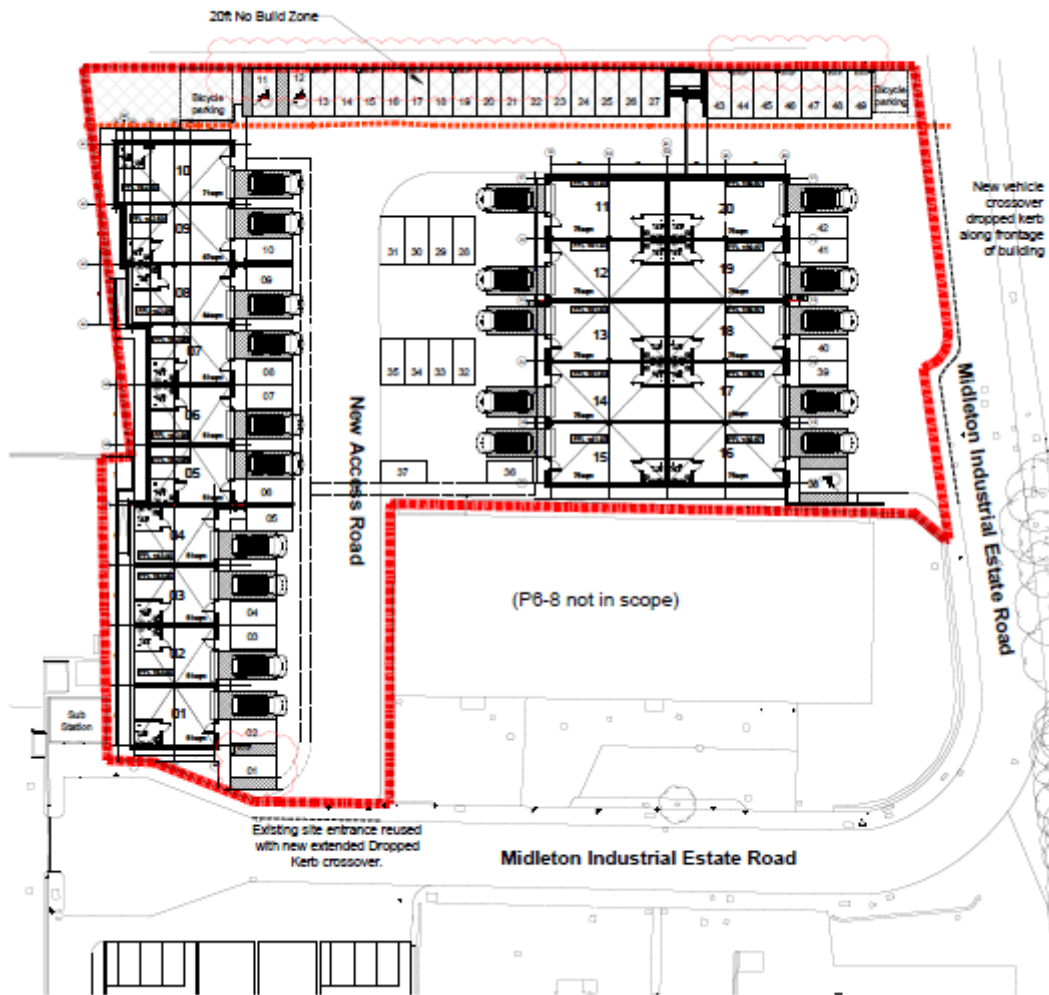


Page 27 Not to Scale



GUILDFORD  
BOROUGH

20/P/01271 – 3, 4, 5, & 9 Middleton Industrial Estate Road, Guildford



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**App No:** 20/P/01271 **8 Wk Deadline:** 28/05/2021  
**Appn Type:** Full Application  
**Case Officer:** John Busher  
**Parish:** Onslow **Ward:** Onslow  
**Agent :** Ms Horwood **Applicant:** Mr D Burgess  
Wilson Mason Guildford Borough Council  
8 New Concordia Wharf Millmead House  
Mill Street Guildford  
London GU2 4BB  
SE12BB

**Location:** 3, 4, 5 & 9 Midleton Industrial Estate Road, Guildford, GU2 8XW  
**Proposal:** Erection of 20 industrial units with two entrances off the Midleton Industrial Estate Road with car and bicycle parking facilities and landscaping around the perimeter following the demolition of 2 existing industrial buildings and associated drainage and accesses, and the levelling off of the site into two main areas.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because this is a major application and the applicant is Guildford Borough Council.

#### **Key information**

- demolition of existing industrial buildings
- creation of 20 new industrial (light industrial, B2 and B8) units
- 68 on-site parking spaces
- site is within the designated Industrial Strategic Employment Site

#### **Summary of considerations and constraints**

The principle of development has been found to be acceptable. The proposal would not have any materially harmful impacts on the character of the area, neighbouring amenity, surface water flood risk, highways and parking or trees and vegetation. Matters of contamination and sustainability have been appropriately addressed. The proposal is in compliance with both local and national planning policy and as such is recommended for approval, subject to a Statement of Intent securing a new crossing along Midleton Industrial Estate Road.

**RECOMMENDATION:**

(i) That a Statement of Intent be entered into which secures a contribution towards the provision of a new toucan crossing

If the terms of the Statement of Intent or wording of the planning conditions are significantly amended as part of ongoing Statement of Intent or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Director of Service Delivery. The preliminary view is that the application should be granted subject to conditions.

**Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SITE\_LOCATION\_PLAN\_6928-PL(00)01\_REV\_P1; EXISTING\_SITE\_PLAN\_6928-PL(1-)01\_REV\_P1; DEMOLITION\_PLAN\_6928-PL(1-)02\_REV\_P1; EXISTING\_ELEVATIONS\_PLOTS\_5-9\_6928-PL(2-)03\_REV\_P1; DEMOLITION\_ELEVATIONS\_PLOTS\_5-9\_6928-PL(2-)04\_REV\_P1; PROPOSED\_SECTIONS\_6928-PL(2-)10 REV P2; PROPOSED\_SECTIONS\_2\_6928-PL(2-)11 REV P2; 6928-L(9-)01 T2 Proposed Site Plan; 6928-L(1-)11 T2 Proposed General Arrangement; 6928-L(1-)12 T2 Proposed GA- Roof level; 6928-L(2-)01 T2 Proposed Elevations Units 01-10 and 6928-L(2-)02 T2 Proposed Elevations Units 11-20

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a staged discharge rate of 1.8 l/s 1 in 1yr, 3.6 l/s 1 in 30yr and 6.7 l/s 1 in 100yr + climate change.
  - b) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - c) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
  - d) details of drainage management responsibilities and maintenance regimes for the drainage system.
  - e) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

4. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

5. No development shall commence on site until a detailed Phase One survey, including historic investigation and detail on ground conditions to ascertain whether the site supports any soil or water contamination has been submitted to and approved in writing by the Local Planning Authority. If the Local Planning Authority consider that further investigation of the site is necessary, a detailed site investigation must be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. The investigation shall include relevant subsurface, soil gas and groundwater sampling together with the results of analysis and a risk assessment of the impact to receptors. and shall also be submitted to and approved in writing by the Local Planning Authority. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination and any remediation shall be carried out before the development is first occupied.

Reason: To ensure any contamination of the site is remediated and to protect existing/proposed occupants of the applicant site and/or adjacent land.

6. Any remediation scheme submitted in accordance with condition five (above) shall be carried out as detailed in the applicants submission. Documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

Reason: To ensure any contamination of the site is remediated to a 'suitable for use' standard and to protect existing/proposed occupants of applicant site and/or adjacent land.

7. Prior to any above slab level works, details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved drawing number 6928-L(9-)-01 T2, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.



9. The development hereby approved shall not be first occupied unless and until full details of the parking facilities for bicycles have been submitted to and approved in writing by the Local Planning Authority, in general accordance with drawing 6928-L(9-)01 T2. The approved cycle parking facilities shall be provided before the first occupation of the development and thereafter they shall be retained and maintained for their designated purposes.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

10. The development hereby approved shall not be occupied unless and until the charging points shown on drawing number 6928-L(9-) 01, T2 are provided with a fast charge socket (minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and thereafter permanently maintained.

Reason: To encourage the use of electric cars in order to reduce carbon emissions.

11. No part of the development shall be first opened for trading unless and until the proposed modified accesses to Midleton Industrial Estate Road have been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05 metre high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

13. The premises shall be used for light industrial, B2 and B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the use of the land is retained in an employment use in accordance with policy E3 of the LPSS.

14. The proposed development shall be carried out in accordance with the recommendations and measures set out in the submitted Energy and Renewables Statement (Rev 1, March 2021). A minimum 20% carbon reduction will be achieved through the implementation of the measures specified in the Energy and Renewables Statement. The use of materials, waste management, water demand reduction measures and measures that enable sustainable lifestyles shall be implemented in accordance with the Sustainability Statement. The required measures shall be put in place prior to the first occupation of the development and retained in perpetuity.

Reason: To ensure sustainability measures are met.

**Informatives:**

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk).
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.

3. If proposed site works affect an Ordinary Watercourse, Surrey County Council (SCC) as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on the SCC website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: [www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html](http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html) for guidance and further information on charging modes and connector types.

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs).

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme). The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

5. Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail strongly recommend the applicant / developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicant's expense.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

## **Officer's Report**

### **Site description**

The application site relates to plots 3, 4, 5 and 9 on the Midleton Industrial Estate. The site is located to the south of the A25 Midleton Road and is accessed via Midleton Industrial Estate Road. The application site only relates to a small element of the industrial estate and other applications have already been approved to modernise and redevelop some of the other existing units. While the site plays an important part in providing industrial land for the borough, the existing plots and buildings are below modern standards and are not of a size and type which meet modern business needs. The estate is designated as an Industrial Strategic Employment Site (for uses B1c, B2 and B8).

The site is bounded by railway track to both the eastern and south-western boundaries. To the east of the site, on the other side of the railway tracks is Woodbridge Meadows industrial area. To the west of the site is Guildford Business Park .

The existing buildings on the site are single storey structures. They have parking and storage areas around their perimeters. They are generally in a poor state of repair.

## Proposal

Erection of 20 industrial units with two entrances off the Midleton Industrial Estate Road with car and bicycle parking facilities and landscaping around the perimeter following the demolition of 2 existing industrial buildings and associated drainage and accesses, and the levelling off of the site into two main areas.

The proposal involves the demolition of all buildings on the site and the erection of 20 new industrial units designed in three blocks across the site. Proposed units 1-15 would be located on the western boundary of the site which is the higher side due to the treatment of existing ground levels. Units 1-15 would be accessed via an existing road which joins the Midleton Estate Road in front of existing Plot 9. Works to the mouth of the road and kerb treatment would also be required. Proposed units 16-20 are located on the eastern side of the site which has lower land levels. These units are to be built 'back to back', with units 11-15. This part of the site is accessed directly from the Midleton Industrial Estate Road.

The proposed length of units 1-10 is 64 metres, with a maximum ridge height of 9.4 metres and an eaves height of six metres. The proposed length of units 11-5 and 16-20 is 33 metres and these structures would have an eaves height of six metres and a ridge height of approximately eight metres.

The buildings would comprise of a steel structural frame with grey profile external metal cladding with vertical detailing.

## Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
19/P/02195	Redevelopment of part of existing industrial estate to form 15 new units following demolition of plots 12 - 15.	Approve	N/A

## Consultations

### Statutory consultees

County Highway Authority: No objection raised, subject to conditions and a legal agreement to secure a contribution of £110,000 towards the provision of a toucan crossing on Midleton Industrial Estate Road at its junction with Midleton Road.

Lead Local Flood Authority: No objections raised, subject to standard conditions.

Network Rail: No objections raised. Network Rail note that due to the close proximity of the proposed works to Network Rail's land and the operational railway, they strongly recommend the applicant / developer complies with a number of requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure. They also note precautions that need to be taken regarding drainage and the safe operation of the construction site. The applicant will be reminded of these issues via an informative.

Thames Water: No objections raised.

### Internal consultees

Environmental Health: Initially raised concerns that a contamination assessment, noise report and air quality report had not been submitted. The applicant later submitted both a noise assessment and an air quality report which were reviewed by the Environmental Health Officer. It has been confirmed that these reports resolve the previous concerns identified. [Officer Note: It is noted that a previous phase of the development was approved with a condition controlling contamination. The same approach could be adopted for this proposal].

### **Third party comments**

The Guildford Society: The following comments are noted:

- minimal information in the application as to how this phase fits with the overall redevelopment of the Midleton Industrial Estate;
- small industrial units tend to be disproportionately large generators of traffic movements, yet no details or analysis of the impact of the subdivision or expansion is provided. This is concerning as the only access is the Midleton Industrial Estate Road connecting with the southbound lane of the A25, Midleton Road which already has traffic congestion issues;
- the absence of a crossover means that much traffic accessing or egressing this estate will need to make a U-turn at what is already overloaded infrastructure;
- proposed units are far higher than the existing or neighbouring buildings. There are no drawings showing the comparisons between existing and proposed and importantly no views from outside the site to show the visual impact of these large blocks. Although located between two railway lines in plan, the site and its relatively high elevation is likely to impact important views across Guildford such as those of the Cathedral.
- the building forms of these blocks and their design quality should be reconsidered. A multi ridge design would reduce the height and apparent bulk and enable a better anaesthetic.

### **Planning policies**

#### National Planning Policy Framework (NPPF), 2019:

Chapter 2: Achieving sustainable development.

Chapter 6: Building a strong, competitive economy.

Chapter 8: Promoting healthy and safe communities.

Chapter 9: Promoting sustainable transport.

Chapter 11: Making effective use of land.

Chapter 12: Achieving well-designed places.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

Chapter 15: Conserving and enhancing the natural environment.

Planning Policy Guidance (PPG)

National Design Guide (NDG)

Guildford Borough Local Plan: Strategy and Sites (LPSS), 2015-2034:

P4: Flooding, flood risk and groundwater protection zones.  
E2: Location for new employment floorspace.  
E3: Maintaining employment capacity and improving employment floorspace.  
D1: Place shaping.  
D2: Climate change, sustainable design, construction and energy.  
ID3: Sustainable transport for new developments.  
ID4: Green and blue infrastructure.

Evidence base:

Employment Land Needs Assessment 2017

Guildford Borough Economic Strategy 2013 – 2031

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1: General standards of development  
G5: Design code  
NE5: Development affecting trees, hedges and woodlands

Supplementary planning documents:

Climate Change, Sustainable Design, Construction and Energy SPD 2020  
Guildford Town Centre Views SPD 2019  
Planning Contributions SPD 2017  
Guildford Landscape Character Assessment 2007  
Vehicle Parking Standards SPD 2006

**Planning considerations**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- the impact on neighbouring amenity
- the impact on flooding
- highways/parking considerations
- contamination issues
- the impact on trees and vegetation
- sustainability
- planning contributions and legal tests

The principle of development

The applications site falls within the Midleton Road Industrial Estate which is designated as an Industrial Strategic Employment Site (B1c, B2 and B8 use) within policy E3 of the LPSS. Policy E3 of the 2019 states:

E3(8) - the Strategic Employment Sites will be protected for either B1a and B1b use or B1c, B2 and B8 use in line with their designation above.



E3 (10) - on Strategic and Locally Significant Employment sites, employment floorspace will be protected and the loss strongly resisted....

This application proposes the redevelopment of the existing industrial site, incorporating the demolition of the existing poor quality buildings and their replacement with three buildings two be divided into 20 units. This is part of a phased programme of works which will modernise and improve the whole estate.

The proposed units range in size from 51 to 75 square metres. Together with the other phases of the redevelopment which have already been approved, the proposal would deliver a range of modern industrial units at a variety of sizes which will support the functioning, vitality and viability of the industrial estate into the future.

A condition is recommended to ensure the use of the buildings remain in either light industrial, B2 and B8 uses only, in line with the designation of the site as an Industrial Employment Site.

#### The impact on the character of the area

The proposal would introduce three new blocks of development on the site to provide 20 industrial units, following demolition of the existing buildings. Compared to the existing situation, the proposal results in a greater overall floor area and a larger concentration of buildings. The proposed structures would also be taller than the present buildings on the site and of a more modern appearance, finished with metal cladding.

The design of the proposed units are typical of industrial estates. The buildings would be constructed from a steel frame with grey profile external metal cladding with vertical detailing. At roof level there would be a number of roof lights to provide the units with daylight. To the front elevation of each unit would be a single access door and a loading bay roller shutter door. They would be basic and utilitarian in their appearance, but entirely appropriate for their function. The design would also be appropriate given their setting in an existing industrial estate. In terms of height, it is also noted that the structures would be higher than the existing buildings which occupy the site. The proposed buildings would have a maximum height of approximately nine metres, however, this would be at the apex of the ridge and the other units are not as high. The eaves heights would be approximately six metres, which is not excessive. Concerns have been raised regarding the impact of the proposal in views across the town and in particular of Guildford Cathedral. However, this is a generalised comment and does not offer any specific views for Officers to consider. Over and above what exists presently on the site, and on neighbouring sites, it is unlikely that the scheme would be harmful to any of the views contained within the Council's Town Centre Views SPD.

The parking arrangement, predominantly to the front of the units, would be in keeping with the character and layout of the surrounding industrial premises.

As such, it is concluded that the proposed development would not have an adverse impact on the context or character of the area and therefore is in compliance with policies D1 of the LPSS, G5 of the saved Local Plan 2003, and chapter 12 of the NPPF.

#### The impact on neighbouring amenity

The application site is located within an existing industrial estate and as such the proposed use would remain consistent with the surrounding industrial uses and are appropriate to be located on such a site. There are no immediate neighbouring residential properties and as such there would not be any significant materially harmful impact to neighbouring amenity. The Council's Environmental Health Officer (EHO) agrees with the findings of the submitted Noise Assessment and raises no objections in this regard. The EHO confirms that the report demonstrates that with normal use the site will not have a significant impact in terms of noise. However, the EHO does note that in paragraph 1.5 of the document an amended noise condition has been recommended. The EHO notes that this condition should be included as a precaution against additional noise which may occur particularly during the night. While this comment is noted the Local Planning Authority must be mindful of not placing potentially burdensome and unnecessary conditions which could have an impact on up to 20 new industrial units which form part of a strategic employment site. In addition, noise complaints are best investigated and dealt with through other legislation outside of the planning process. Given the EHO comments that the condition is only a precaution, it is recommended that it is not imposed as part of the permission.

The proposal is compliant with policy G1(3) of the saved Local Plan, 2003.

#### The impact on flooding

The application site is located in Flood Zone 1 and as such is at low risk of fluvial flooding. The application, is however, a major application and therefore requires a Sustainable Drainage System.

The Lead Local Flood Authority have assessed the information submitted and they are satisfied that the proposed drainage would be acceptable.

Therefore, the proposal is acceptable in this regard.

#### Highways/parking considerations

The proposal would increase the intensity of the site by introducing a greater number of units, albeit of a smaller scale to the existing. The proposal is therefore likely to increase traffic movements to the site. However, the access into the industrial estate services only the estate itself and no other uses. The access is taken from the A25, which it is acknowledged is a busy main road leading to the town centre and the A3. Even though the proposal would increase traffic on this road, it is unlikely to be to an extent which would result in a severe impact on the road network. The County Highway Authority has also not raised any objections to the proposal on highway capacity grounds.

In terms of highway safety, vehicles would be able to enter and leave the site in forward gear. In terms of pedestrian access the County Highway Authority has commented that a toucan crossing at the junction of Midleton Road/Woodbridge Road will be required. The County Highway Authority has requested a contribution of £110,000 to facilitate this work and this will be secured by a Statement of Intent. This will ensure safer access to the site for pedestrians.

The parking provision on site is 48 spaces and 20 spaces in front of the loading bays. This results in 68 spaces in total. The Council's Parking Standards set out a requirement for 69 parking spaces based on the calculation for B2 uses which equates to 1 parking space per 30 square metres of floor area. The proposal is slightly below this standard, but not to a level which would create any parking pressure in the surrounding area. Parking for cycles is also included in the proposals.

Therefore, given the above and that no concerns have been raised by the County Highway Authority, the proposal is deemed to be acceptable in this regard.

#### Contamination issues

As a result of the nature and use of the existing site there is a potential for contaminated land, the Council's Environmental Health Officer has recommended a condition be applied to any permission to secure the submission of a detailed Phase One survey to investigate the potential of the site for contaminated land.

#### Sustainability

The application is supported by the submission of both an Energy and Renewables Statement and a Sustainability Statement which detail how the development has been designed to be sustainable. Provided the development is carried out in accordance with these details then the proposal will be in compliance with policy D2 of the LPSS and the requirements of the NPPF.

#### Planning contributions and legal tests

The three tests as set out in Regulation 122(2) require s.106 agreements to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The County Highway Authority has requested a contribution of £110,000 to provide a toucan crossing to allow safer access for pedestrians. It is considered that this contribution is necessary, directly related to the development and reasonable and therefore they meet the requirements of Regulation 122.

#### **Conclusion**

The principle of development has been found to be acceptable. The proposal would not have any materially harmful impacts on the character of the area, neighbouring amenity, surface water flood risk, highways and parking or trees and vegetation. Matters of contamination and sustainability have been appropriately addressed. The proposal is in compliance with both local and national planning policy and as such is recommended for approval, subject to the completion of a Statement of Intent.

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**Planning Committee**

**28 April 2021**

**Planning Appeal Decisions**

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher ([sophie.butcher@guildford.gov.uk](mailto:sophie.butcher@guildford.gov.uk))

1.	<p><b>Mr James Bronk</b>  <b>1 Old Palace Road, Guildford, GU2 7TU</b></p> <p><b>20/P/00970</b> – The development proposed is demolition of existing garage. Erection of single storey rear extension and side extension plus alterations to the driveway.</p> <p>Delegated Decision: To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The appeal property is a detached two storey house in a relatively large garden within the built-up area of Guildford. Adjacent properties are mainly detached and semi-detached houses.</li> <li>• The extension would be L-shaped and positioned to the rear of the existing house. It would project some 5m from the existing rear wall in part. The side part of the extension would overlap the footprint of the existing garage, extending as far back as the rear wall of the garage.</li> <li>• As the garage is positioned a little way behind the house, this part of the extension would project some 9.5m behind the existing house.</li> <li>• The roof would be a combination of pitched and flat roofed elements with a maximum height of 4 metres, well below that of the roof of the existing house.</li> <li>• The extension would have a large footprint compared to the existing house. However, there would be ample garden space retained.</li> <li>• The side extension would not be more than half the width of the existing house which together with the L-shape of the design and relatively low roof heights, leads me to conclude that the proposed scale, proportion, and mass would not be out of keeping with the existing property as to justify with holding permission.</li> <li>• Parts of the roof would be flat but would predominantly be edged by elements of pitched/hipped roofs. Although this would make the roof more complex it minimises the overall height required and so would not be over dominant in relation to the host dwelling.</li> <li>• No part of the extension would be in front of the rear wall of the existing house. It would therefore not be visually intrusive in views from Old Palace Road. Nor would the extension be prominent in street scene views from Agraria Road or Iveagh Road due to the distances away, intervening buildings, and the relatively narrow gaps between them.</li> <li>• I find the proposal would accord with the preference for side or rear extensions set out in the SPD and would not adversely alter the street</li> </ul>	<p><b>*ALLOWED</b></p>
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	<p>scene.</p> <ul style="list-style-type: none"> <li>• I conclude the proposed extension would not have a harmful effect on the character and appearance of the host dwelling, the street scene, or the surrounding area. I therefore find no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, saved policies G5 and H8 of the Guildford Borough Council Local Plan 2003, or those principles of the National Planning Policy Framework that seek to ensure development has an acceptable effect on the character of the local area.</li> <li>• There would be some conflict with the written SPD in terms of closeness to the boundary. However, the SPD is for guidance and in many other respects the proposal complies with that guidance.</li> <li>• I have found no conflict with the development plan and no material considerations indicate that the decision should be otherwise than in accordance with it. The appeal should succeed.</li> </ul>	
<p>2.</p>	<p><b>Mr Tom Senior (Winter Park Farming)</b>  <b>Land known as Scouts Farm, West of A3, Grove Heath Road, Ripley, Surrey, GU23 6ES</b></p> <p><b>20/P/00922</b> – The development for which a certificate of lawful use or development is sought is the construction of an agricultural concrete hardstanding and an unbound access track.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issue is whether the Council’s decision to refuse to grant a LDC was well-founded. That turns on whether or not the agricultural hardstanding and an unbound access track benefitted from the planning permission granted by Article 3 and Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).</li> <li>• The appeal relates to an access track and hardstanding within a field measuring approximately 3.4 hectares, accessed directly off Grove Heath Road. The appellant explains that the business operations of the site can be split into two main categories: the growing of grass through the year which is then sold as hay; and the farming of honey via the keeping of bees in hives.</li> <li>• The appellant contends that the site already benefitted from an established agricultural use when he purchased it in August 2019. There is no requirement to demonstrate that the land has been used for agriculture for 10 years as suggested because the use of the land for agriculture is excluded from the definition of development under s55(2)(e) of the 1990 Act.</li> <li>• The appellant explains that both sides of the business have been operational on other land in Hertfordshire for a number of years prior to the purchase of the appeal site. This therefore provides a background and context to his intentions for the appeal site in that it points towards it being less likely that the agricultural activities taking place between August and December 2019 were on a ‘one-off’ basis.</li> <li>• I recognise that the keeping of bees to produce honey could potentially amount to hobby farming. However, the five hives with forage area on site and the income generated, in combination with the Hertfordshire site, do not indicate that to be so in this case. Moreover, I find it unlikely that hay farming would be pursued on a hobby basis.</li> </ul>	<p><b>*ALLOWED</b></p>

<ul style="list-style-type: none"> <li>• I am therefore satisfied, on the balance of probabilities, that the land was in use for agriculture for the purposes of a trade or business before the development was carried out, thereby meeting the definition of ‘agricultural land’.</li> <li>• I am also satisfied on the balance of probabilities that the agricultural concrete hardstanding and an unbound access track was reasonably unnecessary for the purposes of agriculture within the unit.</li> <li>• I find the appellant’s evidence to be sufficiently precise and unambiguous to demonstrate that at the time of the application the agricultural hardstanding and unbound access track benefitted from the planning permission granted by Part 6, Class B of the GPDO.</li> <li>• I therefore conclude on the evidence now available, that the Council’s refusal to grant certificate of lawful use or development was not well-founded and that the appeal should succeed.</li> </ul> <p><b>COSTS</b></p> <p>Mr Tom Senior for a full award of costs against Guildford Borough Council. The appeal was against the refusal of the Council to issue a certificate of lawful use or development to establish whether the construction of an agricultural concrete hardstanding and an unbound access track is lawful.</p> <ul style="list-style-type: none"> <li>• The key period for ascertaining whether the agricultural hardstanding and an unbound access track benefited from the planning permission granted by Part 6, Class B of the GPDO, is between August 2019 (when the applicant purchased the site) and December 2019 (when the development was carried out). Consequently, the Council did not act unreasonably by not taking into account some of the evidence relating to the applicant’s Hertfordshire site prior to August 2019, and the appeal site after December 2019.</li> <li>• Even if the Council had taken that evidence into account, I do not consider the appeal would have been avoided.</li> <li>• I note that the Council has since refusing the LDC application, granted planning permission for the erection of an agricultural building and twin wheel access track at the appeal site. However, it has not been specifically shown that by doing so the Council contradicted its position on its decision to refuse the LDC application.</li> <li>• I accept that the appellant will have been aware of the historic aerial photographs from the Council’s Officer Report for the previous LDC application and could therefore have requested them. The applicant contends that the site already benefited from an established agricultural use when he purchased it in August 2019. Some of the aerial photographs have since been provided and it is clear from the applicant’s response that they would not have changed the case made.</li> <li>• Consequently, I’m not persuaded that the unreasonable behaviour of not sharing photographs has caused the applicant to incur unnecessary or wasted expense in the appeal process and I have no further substantive evidence that the Council refused to communicate or work protectively with regard to the LDC application.</li> <li>• I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.</li> </ul>	<p><b>REFUSED</b></p>
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