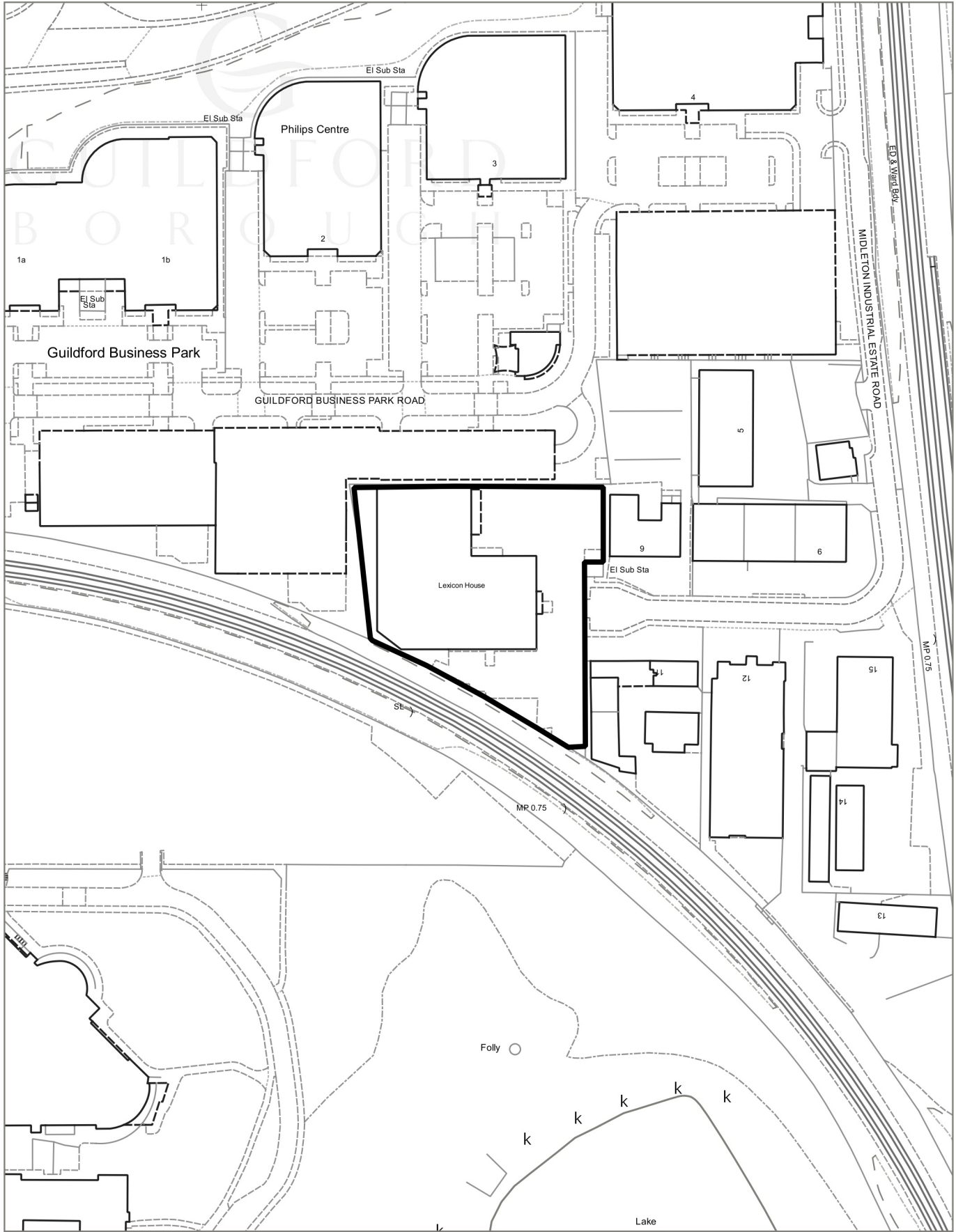


20/P/00141 - Lexicon House, 10 Midleton Industrial Estate Road, Guildford



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Print Date: 03/08/2020

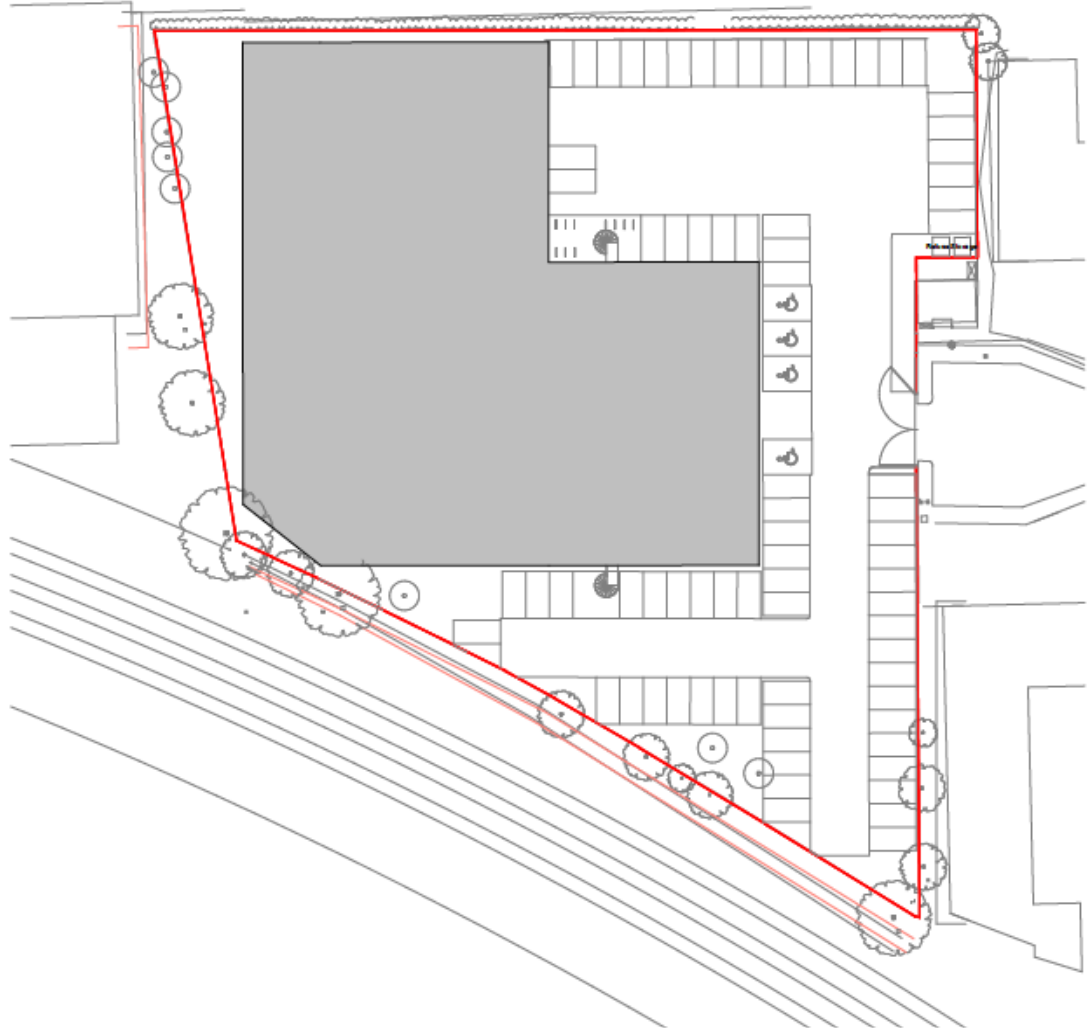


Not to Scale



GUILDFORD
BOROUGH

20/P/00141 Lexicon House, 10 Midleton Industrial Estate Road, Guildford



Not to scale



App No: 20/P/00141
Appn Type: Full Application
Case Officer: Becky Souter

8 Wk Deadline: 31/08/2020

Parish: Onslow
Agent : Mr. Fergus Sykes
Pegasus Planning Group Ltd
First Floor, South Wing
Equinox North
Great Park Road
Almondsbury, Bristol
BS32 4QL

Ward: Onslow
Applicant: AirHop Group c/o Agent

Location: Lexicon House, 10 Midleton Industrial Estate Road, Guildford, GU2 8XW

Proposal: Proposed change of use of the existing building from a flexible use for B1(b) (Research and Development), B1(c) (Light Industrial) and B8 (Storage and Distribution) to D2 (Leisure and Assembly); minor external alterations to fenestration.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because it is intrinsically linked to application 19/P/02195 for 12-15 Midleton Industrial Estate.

The application was deferred from 29 July meeting due to the number of items on the planning agenda and the lateness of the hour which meant the item could not be considered

Key information

- Existing use: B1(b), B1(c) and B8
- Proposed use: D2
- The proposed operator already exists on the industrial estate but its premises are being demolished as part of application 19/P/02195
- Minor external changes relating to new double doors on the western and south-western elevations
- Parking provision for 81 vehicles and 20 cycles

Summary of considerations and constraints

The proposal has not been found to have any unacceptable impact on the scale and character of the existing building or the surrounding area, neighbouring amenity, or highways and parking. There is a policy conflict over the loss of employment floor space, however, there are special circumstances in this case which mean that this harm can be mitigated through the grant of a personal permission secured by a S106 agreement.

RECOMMENDATION:

The recommendation is to approve subject to:

(i) That a S106 Agreement be entered into to secure:

- the use of the building to Airhop Ltd alone and no other individual or corporate person and
- an obligation to reinstate the former use if the operation and occupation by Airhop Guildford Ltd ceases.

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 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 Planning Development Manager.

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. This permission shall be personal to Airhop Guildford Ltd. and shall not take effect for the benefit of the land. Upon the aforementioned ceasing to use the premises for the use permitted, this permission shall cease and become null and void. All material and equipment bought on to the premises in connection with the use shall be removed.

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case

3. The development hereby permitted shall be carried out in accordance with the following approved plans: JEA-ADV-001C; JEA-PLA-001C; JEA-PLA-002C; JEA-PLA-003C; JEA-PLA-004C; JEA-PLA-005C; JEA-PLA-006C; JEA-PLA-007C; JEA-PLA-008C and JEA-PLA-009C received on 24/01/2020.

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

4. The development hereby approved shall not be occupied unless and until at least 15 of the available parking spaces are provided with a fast charge socket (7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainability and to reduce carbon emissions and promote sustainable transport.

5. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented prior to first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainability and to encourage travel by means other than private motor vehicles.

Informatives:

1. 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.

Pre-application advice was not sought prior to submission and there have been issues identified during the process, however, the Council has worked with the applicant and their agent to establish a way forward and overcome issues identified.

2. 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

Officer's Report

Site description.

The application site relates to a large industrial building located within the designated Strategic Employment Site of Midleton Industrial Estate.

The surrounding area is comprised of industrial units which make up the Industrial Estate. The immediate adjoining site at 11 Midleton is currently undergoing redevelopment to provide new modern industrial units and the site of 12-15 Midleton has submitted an application for redevelopment to form 15 new units.

Proposal.

Proposed change of use of the existing building from a flexible use for B1(b) (Research and Development), B1(c) (Light Industrial) and B8 (Storage and Distribution) to D2 (Leisure and Assembly); minor external alterations to fenestration.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/00142	Advertisement consent for one non-illuminated fascia sign.	Approve	N/A
19/P/02195	Redevelopment of part of existing industrial estate to form 15 new units following demolition of plots 12 - 15.	Pending	N/A
19/P/01738	Proposed change of use of the existing building from a flexible use as B1(b) (Research and Development), B1(c) (Light Industrial) and B8 (Storage and Distribution) uses to a flexible use including Use Class B1(b) (Research and Development), Class B1(c) (Light Industrial), Class B8 (Storage and Distribution) and Class D1 (Non-Residential Institutions) of the Use Classes Order 1987 (as amended) and the insertion of a mezzanine floor.	Withdrawn	N/A

Consultations.

Statutory consultees

County Highway Authority: A plan showing at least 15 parking spaces to have fast-charge Electric Vehicle charging points will be required. The submitted Travel Plan needs updating and amending to reflect additional points but this can be dealt with by condition which secures a detailed Travel Plan to be submitted pre-occupation.

Third party comments:

None received.

Planning policies.

National Planning Policy Framework (NPPF), 2019:

Chapter 6: Building a strong, competitive economy.

Chapter 9: Promoting sustainable transport.

Chapter 12: Achieving well-designed places.

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

E3: Maintaining employment capacity and improving employment floorspace.

D1: Place shaping.

ID3: Green and blue infrastructure.

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

G1 General Standards of Development

G5 Design Code

Supplementary planning documents:

Vehicle Parking Standards, 2006.

Planning considerations.

- The principle of development and the change of use
- The impact on scale and character
- The impact on neighbouring amenity
- Highways/parking considerations

The principle of development and the change of use

The applications site falls within the Middleton Road Industrial Estate which is designated as an Industrial Strategic Employment Site (B1c, B2 and B8 use) within Policy E3 of the 2019 Local Plan.

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....

The proposal seeks to change the use of the existing building from B1b, B1c and B8 to D2 use, however, this is contrary to policy and as such there is an in principle objection. Policy E3(10) does state that 'redevelopment or change of use to a non-employment use will only be acceptable if evidence is provided of active and comprehensive marketing of the site for its current use for a continuous period of at least two years for a Strategic Employment Site prior to submission of a planning application.'

This application was submitted with details of a marketing campaign but it was accepted in the accompanying Planning Statement at para 6.6 that the site has not been marketed for a 2 year period as per the policy requirement. Further, the information in the marketing statement would not accord with the detailed requirements of Appendix 4 of the Local Plan which sets out the information required to constitute evidence of active and comprehensive marketing. The building itself is one of the newer buildings within Midleton Industrial Estate and provides modern accommodation with the employment uses and therefore its retention is important, there is no argument over the quality of the premises.

This application has been brought about as a result of application 19/P/02195 for 12-15 Midleton Industrial Estate which seeks to redevelop that site (comprised of 5 buildings) into 15 new industrial units for use classes B1c, B2 and B8. The existing premises for the operator of this D2 use (Airhop) are to be demolished to facilitate the redevelopment for 19/P/02195 and as a result Airhop find themselves with no premises. This is a popular venue which employs many staff, predominantly part-time, and adds to the local economy. As the D2 operator already exists within the industrial estate allowing them to continue operating would not be detrimental to the functioning of the estate. However, the building they propose to occupy is of much higher quality for its designated employment uses and much larger than their existing premises, therefore, meaning a greater amount of designated employment floorspace across the Industrial Estate is lost to a D2 use. However, it is noted that Lexicon House has now been vacant for a significant period of time and owing to the specific facts of this case with the applicant being an existing operator within the estate, their displacement due to redevelopment, which will provide high quality industrial units, there is some scope to consider the grant of a personal permission to Airhop to allow them to remain in their established location albeit in a different unit. This application will become joined to the redevelopment application (via implementation) to ensure that there is not a situation whereby the existing D2 premises can be re-used whilst an additional D2 use is permitted to occupy a further building within the industrial estate. As such, provided a S.106 agreement can be secured to ensure that this permission is personal to Airhop, that it wouldn't allow for the creation of additional D2 uses and once their operation ceases they are obliged to return the building to its former use, it is considered that there are very special circumstances in this case to outweigh the policy objection.

The impact on scale and character of the existing site and the surrounding area

The proposal would only involve very minor changes to the external appearance of the building, the front elevation would remain as existing with no visible changes. The changes on the rear (western) elevation include the removal of both doors and formation of a centrally located pair of double doors and to the south-western elevation the replacement of a single door with a pair of double doors. No concern is raised in this regard.

The proposed use would increase the level of comings and goings to the site during the day, however, the operator already exists on the Industrial Estate and by virtue of them moving their operations into this building there would not be any harm to the character of the area.

Therefore, the proposal complies with policies D1 of the LPSS, 2015-2034, G5 of the saved Local Plan, 2003, and Chapter 12 of the NPPF, 2019.

The impact on neighbouring amenity

There are no residential properties in close proximity to the site, instead it is surrounded by industrial and commercial units and bounded by the railway along its south-western border. It is not considered likely that the level of noise generated by the premises would be materially greater than the existing use which is for B1(b), B1(c) and B8 and owing to its location and setting there would be no harmful to neighbouring amenity. The proposal is in compliance with policy G1(3) of the saved Local Plan, 2003, and the requirements of the NPPF, 2019.

Highways/parking considerations

There are no changes proposed to the existing access and the level of parking on site would be increased from 79 spaces to 81 spaces and 20 cycle parking spaces provided. The Council's Vehicle Parking Standards do not detail any requirement for this form of D2 operator and instead confirms that the assessment would be made on an individual basis. It is noted that the operator is moving its current premises from just two units away on the same industrial estate which only benefits from a few allocated spaces to the front of the premises with the remainder of parking situated to the rear of the unit shared with other units and no clearly marked spaces. The site itself is in a fairly sustainable urban location whereby customers will be able to walk or cycle to the venue and the level of parking provision is significant for a unit in this area. The surrounding roads are subject to waiting and parking restrictions which would prevent overspill on to the highway. The proposal has been accompanied by a travel plan, Surrey County Council Highways initially requested some amendments to this document to cover additional points, however, following further discussions with the Highways Department they have confirmed that this can suitably be dealt with through a pre-occupation condition. The provision of electric vehicle charging points is also required to support sustainable transport initiatives and as such the submission of a plan detailing the proposed locations of these points will also be conditioned.

Therefore, subject to the conditions, the proposal would be in compliance with policy ID3 of the LPSS, 2015-2034, and the requirements of the NPPF, 2019.

Conclusion.

The proposal has not been found to have any unacceptable impact on the scale and character of the existing building or the surrounding area, neighbouring amenity, or highways and parking. The policy conflict over the loss of employment floor space can be mitigated in this situation through the grant of a personal permission secured by a S106 agreement. Therefore, the application is recommended for approval.