

2016/0095

Reg Date 02/02/2016

Frimley

LOCATION: PLOTS B & C, TRADE CITY, FORMER BAE SYSTEMS, LYON WAY, FRIMLEY, CAMBERLEY

PROPOSAL: Erection of 2 No. light industrial/ground industrial/warehouse buildings, (Class B1C/B2/B8) and ancillary office accommodation with parking and landscaping. (Additional Information Rec'd 15/03/2016), (Additional info rec'd 07/04/16), (Additional plans/info rec'd 26/05/16). (Amended plans & information rec'd 03/06/2016), (Amended plans rec'd 07/06/16).

TYPE: Full Planning Application

APPLICANT: Kier Property Development Limited

OFFICER: Duncan Carty

1.0 SUMMARY

- 1.1 This is a full application for the erection of 2 no buildings with a commercial floorspace of 5,860 square metres, falling within light industrial (Class B1c), general industrial (Class B2) and storage and distribution (Class B8) uses within Trade City, formerly the BAE Systems site. The site is a part of the Lyon Way Business Park. Access to the site would be from Lyon Way. This proposal would provide an alternative development to that approved in outline form as a part of the earlier hybrid permission SU/12/0821 for the Trade City development. The proposal relates to Plots B and C of that development. The remaining vacant plot (Plot A) is the subject to application SU/16/0199, being reported elsewhere on this agenda.
- 1.2 The report concludes that there is no objection to the principle of the development and the opportunity to deliver economic development on this underused site should be given significant weight. The development would be sympathetic to the character of the Business Park and could be accommodated without causing harm to the residential amenities enjoyed by the occupants of the surrounding residential properties. The development would not increase the risk of flooding on this site or adjoining properties and it is considered that the biodiversity value of the site can be enhanced through a suitable landscaping plan. The development would include a suitable level of off street car parking, would not give rise to conditions prejudicial to highway safety. The application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site equates to two vacant plots (B and C) with a combined area of 1.5 ha site located at the west end of Trade City, within the Lyon Way Business Park. Plots D, E, F and G have been recently built at the site. Plot B is located in the north east corner of Trade City, with Plot C to the south with Plot G in between these plots.
- 2.2 Plot B shares its northwest boundary with the Albany Park Industrial Estate, the southwest boundary adjoins a railway line. Plot C shares its southeast boundary with the raised section of the A325 with the north east boundary with residential properties in Station Road and the southwest boundary also adjoins the railway line. The remaining boundaries for these plots are with other parts of Trade City.

- 2.3 A watercourse runs through the Trade City site which links to a watercourse running alongside the railway line. There is also a small pond, adjacent to No.47 Station Road, which falls within the boundaries of the wider site. The implementation (in part) of the hybrid permission SU/12/0821 has provided landscape and ecological enhancements around this watercourse. Access is from Lyon Way and this is the only vehicle or pedestrian access to the application site.
- 2.4 The site falls within an “Industrial Estates and Infrastructure” character area as defined by the Western Urban Area Character SPD 2012 within which such land is described as having “flat, low level, hard urban landscapes”.

3.0 RELEVANT HISTORY

The wider Trade City site has an extensive history, of which the following is most relevant:

- 3.1 SU/12/0821 Hybrid application (part outline, part full) for the erection of four Class B1c/B2/B8 buildings (A, B, C and G) together with parking and servicing areas layout and means of access to be considered, all other matters reserved. Full planning permission for the demolition of existing buildings and the erection of three Class B1c/B2/B8 buildings (D, E and F) together with parking and servicing areas. Approved in April 2013. Partly implemented (i.e. Plots D, E and F).
- Condition 3 of this permission limited the height and floorspace for outline units within this development.*
- 3.2 SU/13/0626 Removal of Condition 20 of hybrid permission SU/12/0821 to allow the removal of the restriction on operating hours for the approved development (with operating hours limited from 7am to 10pm Mondays to Saturdays only). Refused in November 2013 and subsequent appeal allowed in May 2014.
- Consequently, with conditions requiring the approval of noise insulation/mitigation for any general industrial use (Condition 12 of SU/12/0821) and noise attenuation for all uses (Condition 22 of SU/12/0821) and the provision of an acoustic fence (Condition 1 imposed by the Inspector for this appeal), the Inspector considered that a restriction on the operating hours of the (Trade City) business park was not required.*
- 3.3 SU/14/0257 Approval of reserved matters pursuant to hybrid planning permission SU/12/0821 in relation to the erection of Building G for Class B1c/B2/B8 purposes, matters to be determined include scale, appearance and landscaping. Approved in June 2014 and implemented.
- 3.4 SU/16/0199 Erection of 1 no. Class B1c/B2/B8 building and ancillary offices and accommodation with parking and landscaping. Being reported elsewhere on this agenda.

4.0 THE PROPOSAL

- 4.1 This proposal is to erect 2 no buildings for a commercial floorspace of 5,860 square metres, falling within light industrial (Class B1c), general industrial (Class B2) and storage and distribution (Class B8) uses, on vacant plots within the Trade City development. This is an alternative to the element of the hybrid permission, in that the current proposal would provide an amended layout and floorspace as follows:

	Plot B	Plot C
Approved max height*	13.5m.	13m.
Proposed max height	11.9m.	12m.
Approved floorspace*	2,930 sq.m.	3,555 sq.m.
Proposed floorspace	2,260 sq.m.	3,600 sq.m.
Approved width**	41.7m.	85.9m.
Proposed width	41.8m.	75.7m.
Approved depth**	61.3m.	36.2m.
Proposed depth	46.8m.	36.4-43.9m.

*As limited by Condition 3 of SU/12/0821

** As shown on the approved drawings for SU/12/0821

This provides a reduced size for Plot B and a minor increase (50 square metres) for Plot C. Plot B would have a reduced depth (by about 15 metres) and Plot C would have a reduced width (by 10 metres). Both buildings would have a reduced maximum height (by about 1-1.5 metres).

- 4.2 The proposal would provide parking at a level of 24 spaces for Plot B and 65 spaces for Plot C.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Environment Agency No objections.
- 5.3 Environmental Health No objections, subject to conditions.
- 5.4 County Local Lead Flood Authority No objections, subject to conditions.
- 5.5 Arboricultural Officer No objections.
- 5.6 Network Rail Comments awaited.

6.0 REPRESENTATION

At the time of preparation of this report, there were no representations in support and five representations have been received which raise the following objections:

- 6.1 Impact of additional traffic [*see Paragraph 7.6*]
- 6.2 Impact on flooding/drainage [*see Paragraph 7.7*]
- 6.3 Buildings too large [*see Paragraphs 7.3 & 7.4*]
- 6.4 Overbearing impact on residential properties [*see Paragraph 7.4*]
- 6.5 Visual impact of industrial appearance [*see Paragraph 7.3*]
- 6.6 Too close to residential boundaries [*see Paragraph 7.4*]
- 6.7 Impact on covenant allowing discharging of surface water into site [*Officer comment: This is a private matter*]
- 6.8 If approved, an acoustic fence is required for noise/security and floodlighting should not be directed towards rear gardens [*Officer comment: There is no justification for an acoustic fence to the boundary concerned, due to the orientation for the building in Plot C (see Paragraph 7.5) and lighting is dealt with by proposed Condition 12 below*]

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located within a Core Employment Area within the settlement of Frimley. As such Policies CP2, CP8, CP11, CP12, CP14, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.
- 7.2 Having regard to the above it is considered that the main issues to be addressed in determining this application are:
 - The principle of the development for the proposed uses;
 - The impact of the development on the character and the appearance of the area;
 - The impact of the development on residential amenities;
 - The level of parking and the impact of the development on highway safety; and
 - The impact of the development on drainage and flood risk.

7.3 The principle of the development for the proposed uses

- 7.3.1 The application site falls within a Core Employment Area as identified by the proposals map and Policy CP8 advises that, within such areas, development for light industrial, general industrial and storage/distribution uses will generally be encouraged and the policy seeks to prevent the loss of such uses within these areas. The retention of Core Employment Areas and redevelopment of underused sites within these areas is essential to ensure that the Council's jobs targets are met and to deliver economic development within the Borough.

7.3.2 The application seeks a mixed use development comprising light industrial, general industrial and storage/warehouse uses and while the exact split of these uses is currently unknown, all the proposed uses are appropriate uses for the Core Employment Area. In addition, the principle for such development was obtained through the hybrid permission SU/12/0821. Accordingly it is considered that the proposal meets the objectives of Policy CP8 of the Surrey Heath Core Strategy and Development Management Policies 2012 and accordingly no objection should be raised to the proposal on these grounds.

7.4 The impact of the development on the character and the appearance of the area

7.4.1 The application site is located on part of the Lyon Way Business Park, a development of mostly commercial buildings with large areas of car parking. The area has a distinctly commercial character, however, the business park benefits from a significant amount of landscaping which softens the appearance of the units.

7.4.2 The development proposes a commercial development providing two industrial/warehouse buildings. While the development would provide significant amounts of hardstanding for car parking and servicing, there will be scope for soft landscaping particularly around Plot C, which would be closest to residential properties in Station Road.

7.4.3 It is therefore considered that the development would contribute to the character and the quality of the Lyon Way Business Park and would not detract from the character or the appearance of the surrounding area. The development is therefore considered to meet the objectives of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and no objection should be raised on these grounds.

7.5 The impact of the development on residential amenities

7.5.1 While the application site is located within an existing business park, Plot C directly adjoins the rear boundaries of 11 residential properties on the south side of Station Road. Any development of this site should ensure that the residential amenities currently enjoyed by the occupants of these properties are protected.

7.5.2 The approved layout under hybrid permission SU/12/0821 showed that Plot C would be between 10 and 14 metres from the common boundaries with these residential properties, with the long rear gardens meaning that this building would be approximately 60 metres from the closest residential property. In addition the width of this building facing these properties would be 85.9 metres, with a maximum height of 13 metres imposed by Condition 3 of this hybrid permission. In comparison, the current proposal would provide a building with a similar level of separation (between about 11 and 13 metres to the mutual boundary) and a reduced width (75.9 metres) and maximum height (12 metres) which show a minor improvement for the current proposal against the approved scheme. In addition, landscaping is proposed to the rear of Plot C with the planting of Alder and Swamp Cypress trees to a planting height of approximately 2.5 to 3 metres, which will help soften the appearance of the proposed building for these residential properties.

7.5.3 Plot B lies some distance from the nearest residential properties in Station Road, with buildings (for Plots D-G) in between. The size and form of the development would not have any adverse impact on these properties.

7.5.4 The Council's Environmental Health Officer has raised no objection to the proposal on noise subject to conditions to control noise (if there is a general industrial user for Plot C (closest to residential properties, in a similar manner to Plots D-G, and a mitigation scheme (such as insulation) for each unit). The proposed building for Plot C has been orientated so that the servicing faces into the Business Park, and away from the residential properties in Station Road.

7.5.5 Condition 1 of the appeal for SU/13/0626 required the provision of an acoustic fence. This was required between Buildings E and F, on the basis that the servicing yard between these blocks would otherwise be open towards, and cause unneighbourly disturbance (i.e. overnight) to the residential properties in Station Road, in particular 49 Station Road. In all other locations the service yards are or are proposed to be shielded from these residential properties by the orientation of the buildings and no further acoustic fencing is therefore required. In the Inspector's decision, he indicated that the low level of car parking use (overnight) would limit any impact from noise on these residential properties. As such, no adverse impact from noise emanating from the site is envisaged to local residents.

7.5.6 Having regard to the above, and subject to conditions, the development proposed would not materially impact on the residential amenities enjoyed by the occupants of the surrounding residential properties. Accordingly, the development meets the objectives of the relevant section of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM10 of the South East Plan 2009.

7.6 The level of parking and the impact of the development on highway safety

7.6.1 The application site is accessed from Lyon Way and this access point would link to all the proposed buildings via internal subsidiary roads. Lyon Way links to the wider highway network at the Frimley Road and includes a traffic light controlled junction.

7.6.2 The County Highway Authority has considered the proposal and has advised that the development proposed would not result in conditions prejudicial to highway safety and that the development would not significantly adversely impact on the local highway network.

7.6.3 The development would include a total of 65 parking spaces, at an average of 1 space per 90m² of floorspace. The current maximum parking standards are 1 space per 30m-100m² for light and general industrial uses and 1 space per 100m² for storage/warehouse uses. Given the development is to deliver a mix of light industrial, general industrial and storage/warehouse floor space it is considered that the level parking proposed is acceptable and would meet the demand of the proposed development. The County Highway Authority has also considered this matter and has raised no objection to the development on these grounds.

7.6.4 In light of the above, it is considered that the application meets the objectives of Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.7 The impact of the development on drainage and flood risk

7.7.1 A watercourse passes through the site and this is a source of flooding to the site and some of the adjoining properties. Most of the southern section of the site (Plot B) is in Flood Zones 1, 2 and 3 and some of the northern section of the site is within Flood Zone 2. The applicant has provided a Flood Risk Assessment for the site and provided a drainage strategy for the development which seeks to demonstrate that, through mitigation and the design of the development and drainage requirements, the site could be developed without increasing the risk of flooding on the site and without increasing flood risk of the properties surrounding the site.

7.7.2 Since the consideration of the hybrid permission SU/12/0821, the Government introduced new guidance requiring, along with the responsibility for surface water drainage (i.e. the Local Lead Flood Authority (LLFA)) transferring from the Environment Agency to Surrey County Council, which has required greater scrutiny of the required drainage strategy prior to determination (rather than dealing later with these details by condition). This has provided more robustness in the decision making process on drainage matters.

7.7.3 The Environment Agency and the LLFA have considered the application and not raised any objections to the proposal on flooding or drainage grounds. Nevertheless, it is considered prudent that conditions are imposed to ensure that the flood Details of surface water drainage have been provided and the LLFA have raised no objections, subject to conditions.

7.7.4 It is therefore considered that, subject to conditions, the development meet the objectives of Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

8.0 CONCLUSION

8.1 There is no objection to the principle of the development and the opportunity to deliver economic development on this underused site should be given significant weight. The development would be sympathetic to the character of the Business Park and could be accommodated without causing harm to the residential amenities enjoyed by the occupants of the surrounding residential properties. The development would not increase the risk of flooding on this site or adjoining properties. The development would include a suitable level of off street car parking, would not give rise to conditions prejudicial to highway safety. The application is recommended for approval.

9.0 RECOMMENDATION

GRANT subject to the following conditions:-

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

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance 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 proposed development shall be built in accordance with the following approved plans: 1494-TP-PL-01, 1494-TP2-01 Rev. C, 1494-TP2-02 Rev. A, 1494-TP2-03 Rev. A, 1494-TP2-04 Rev. B and 1494-TP2-05 Rev. A, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. The building works, hereby approved, shall be constructed in external fascia materials as indicated on the approved drawing 1494-TP2-05 Rev. A.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. No development shall take place until a Method of Construction Statement, 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
- (f) hours of operation during the site clearance/preparation and construction phases
- (g) confirmation in writing that there will be no on-site burning of material during site clearance/preparation and construction phases

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor residential amenities not cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Building C shall not be occupied, in part or wholly, by a general industrial use (falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless a scheme has been submitted to and approved by the Local Planning Authority detailing noise insulation and mitigation measures to ensure that adjacent residential properties would not be impacted by the noise for the proposed use. Once approved, the insulation and mitigation measures shall be implemented prior to the first occupation of the unit for general industrial uses and thereafter retained unless the prior written approval has been obtained for the Local planning Authority.

Reason: In the Interests of residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. Prior to the commencement of the construction of each building or phase of development, a scheme shall be submitted to and approved by the Local Planning Authority to demonstrate that 10% of the energy demand of the unit or phase can be delivered through on-site renewable or low carbon energy sources. Once approved, the measures shall be implemented on site and shall be made operational prior to the occupation of the unit or phase.

Reason: In the interests of sustainability and to accord with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. Before Blocks B and C are occupied each unit shall be provided with at least one shower with changing and locker facilities per unit.

Reason: To promote sustainable travel choices and to accord with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
 3. A landscape management plan including maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. (i) No works pursuant to this permission shall commence until there has been submitted to and approved by the Local Planning Authority: a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011; and unless otherwise agreed in writing by the Local Planning Authority, a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011 identification of Potentially Contaminated Sites Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority, a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person (indicated above) that any remediation work required and approved under the provisions above has been implemented fully in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority, such verification shall comprise:

- (a) as built drawings of the implemented scheme;
- (b) photographs of the remediation works in progress; and
- (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

(iii) Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

Reason: To ensure that the risk from contamination can be managed and to accord with the National Planning Policy Framework.

12. No development shall take place until details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to the commencement of each building or phase of development, a scheme for the noise attenuation of the relevant building or phase of development shall be submitted to and approved in writing by the Local Planning Authority. The relevant building or phase of development shall be so constructed and completed with such measures as approved before the relevant building or phase of development is/are first occupied.

Reason: In the interests of residential amenities and to accord with the objectives of Policy DM9 of the Surrey Heath Core Strategy and Development Management

Policies 2012 and the National Planning Policy Framework.

14. No development shall take place until details of how the sustainable drainage system, including any temporary drainage requirements, will be provided, protected and maintained during the construction process, how the system will cater for system failure or exceedance events, both on and off site, and how pollution risk will be mitigated have been submitted to and approved by the Local Planning Authority. The sustainable drainage system shall be provided in accordance with the approved details.

Reason: To ensure that the proposal has a fully considered sustainable drainage system failure process to limit flood risk and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. No development shall take place until the following drawings are provided to and approved by the Local Planning Authority. These scaled drawings (with a scale bar) shall include a finalised drainage layout detailing sustainable drainage system elements, pipe diameters and their respective levels; and long and cross sections of each sustainable drainage system element including details of root barriers and flow restrictions. Associated calculations shall also be provided. The sustainable drainage system shall be provided in accordance with the approved details.

Reason: To ensure that the sustainable drainage system is designed to technical standards and to limit flood risk and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

16. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority to demonstrate that the sustainable drainage system has been construction in accordance with the approved details pursuant to Conditions 14 and 15 above.

Reason: To ensure that the sustainable drainage system is designed to technical standards and to limit flood risk and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.