

## 29 SEPTEMBER 2020 PLANNING COMMITTEE

6b PLAN/2020/0509

WARD: BWB

**LOCATION:** AIM Aviation Henshalls, Abbot Close, Byfleet, KT14 7JT

**PROPOSAL:** Change of use from Class B1/B2 (Business / General Industrial) to Class B8 (Storage or distribution) and alterations to the external appearance of the building and service yards, including new fencing (amended plans and additional info rec'd 19.08.2020).

**APPLICANT:** FedEx Express UK Transportation Ltd

**OFFICER:** Benjamin Bailey

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### **REASON FOR REFERRAL TO COMMITTEE**

The application is recommended for approval and involves development carried out on a site having an area of 1 hectare or more. It therefore falls outside of the Scheme of Delegation.

### **PLANNING STATUS**

- Urban Area
- Employment Area
- Surface Water Flood Risk (Medium - Partial)
- Adjacent to Group Tree Preservation Order (Ref: TPO/0022/2007)
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

### **RECOMMENDATION**

**Grant** planning permission subject to recommended conditions.

### **SITE DESCRIPTION**

The site contains a substantial building, fairly typical of warehouse type construction, and located within a significant area of industrial and commercial development in this northern part of Byfleet. Areas to the north, east and south of the building are laid to hard surfacing and function as yards / parking areas.

### **RELEVANT PLANNING HISTORY**

The site has a relatively extensive planning history, largely dating from the 1950s-1970s. The below is the most recent:

PLAN/2014/0086 - Variation of Condition 4 of PLAN/2013/0255. (Demolition of existing industrial floorspace and replacement with extension to existing industrial unit for Class B1 and B2 use with ancillary offices and associated access improvements, car and cycle parking, landscaping and bin stores). Permitted subject to conditions (23.04.2014)

COND/2013/0061 - Discharge of Conditions 2, 8, 11 and 13 of PLAN/2013/0255 (Demolition of existing industrial floorspace and replacement with extension to existing industrial unit for Class B1 and B2 use with ancillary offices and associated access improvements, car and cycle parking, landscaping and bin stores. Conditions discharged (29.08.2014)

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PLAN/2013/0255 - Demolition of existing industrial floorspace and replacement with extension to existing industrial unit for Class B1 and B2 use with ancillary offices and associated access improvements, car and cycle parking, landscaping and bin stores. Permitted subject to conditions (13.06.2013)

PLAN/2011/0461 - Erection of glazed front entrance porch. Permitted subject to conditions (02.08.2011)

PLAN/2010/0672 - Demolition of existing industrial units and construction of new two storey industrial units for B1, B2 and B8 uses and ancillary and associated uses. Permitted subject to conditions (28.09.2010)

### **CONSULTATIONS**

**County Highway Authority (SCC):** Having assessed the application on safety, capacity and policy grounds, raise no objections subject to recommended conditions (conditions 04-06 refer).

**Drainage & Flood Risk Team (second response):** As there are no below ground works, or external alterations (apart from the small ramps), there is no increase in impermeable area from existing and due to the proposed type of use, then they [the applicant] have demonstrated in this instance that it would not be reasonably practicable to undertake improvements to the existing drainage regime and are therefore compliant with NPPF and Woking Core Strategy Policy CS9.

**Lead Local Flood Authority (LLFA) (SCC):** Under local agreements, the statutory consultee role under surface water drainage is dealt with by Woking Borough Council's Flood Risk Engineering Team.

**Environmental Health:** Environmental Health have no objection to the change of use proposed, however, should permission be granted the following conditions are recommended (Waste and Recycling Management and Sound Equipment not Externally Audible) (condition 08 refers).

**Arboricultural Officer:** There are mature trees that could be affected by the breaking up and replacement of the concrete surfaces therefore full arboricultural information will be required at application stage. This should be produced in line with BS5837 and provided by a suitably qualified and experienced Arboricultural consultant.

*(Officer Note: Amended plans omit the initially proposed breaking up and replacement of the concrete surfaces to the south and north yards)*

**Contaminated Land Officer:** Based on the information available I have no comments to make re contaminated land.

**Elmbridge Borough Council:** No objection.

**Runnymede Borough Council:** No objection.

### **REPRESENTATIONS**

x53 addresses were directly notified of the application by neighbour notification letter. In addition the application was publicised via Site and Press Notices (as 'Major' development) and on the Council's website.

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x2 letters of objection have been received raising the following points:

- The road is far too small for articulated vehicles - it is a small double lane highway – an articulated vehicle will block access in and out
- The corner is far too tight for articulated vehicles to negotiate - they will most certainly cut into either footpath or our property (Canada Coachworks Ltd, Unit 3b Abbot Close)
- Can see damage being caused to vehicles parked by corner
- Customers will not be able to pull up throughout the day as lorries will be using the road
- People walking on footpath will be in danger due to the tightness of the turn
- A problem in one of the proposed loading bays and the whole of Dorset Way will be blocked
- Road will not be able to take the constant use of articulated vehicles and won't last long  
*(Officer Note: The internal estate roads (ie. Abbot Close, Dorset Way and Canada Road) are private and not publicly maintained; therefore any such damage would be a matter for the estate management/freeholder)*
- Nearly every day a member of staff is out on our forecourt on the corner either doing an estimate with a customer present or working on minor items; this will have to cease due to safety reasons and will have a big impact on our business let alone safety of staff and public
- The other businesses along Dorset Way haven't got our amount of parking and sometimes park outside their workshops; this will also have to cease as an articulated vehicle would not be able to pass
- Already a corner (junction of Bookers) has had the wall taken out and rebuilt several times because of the tightness of turn and that has a wider turning area
- Onerous pressure for vehicular access and parking on an already difficult and busy estate
- Already have a large warehouse distribution site (Ocado) that have their articulated lorries parked up / queuing to their site which frequently blocks access to our premises (The Value Window Company, Unit 2 Abbot Close)
- Bringing more articulated lorries to the estate can only cause more congestion which will hamper our day-to-day operation
- The scheme is showing parking spaces over our (Unit 2, Abbot Close) vehicular access leaving us land-locked with no vehicular access at all  
*(Officer Note: Amended plans omit the offending parking spaces in order that vehicular access is retained to Unit 2 Abbot Close)*

### **RELEVANT PLANNING POLICIES**

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

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong, competitive economy

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

#### Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS9 - Flooding and water management

CS15 - Sustainable economic development

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CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

### Development Management Policies Development Plan Document (DM Policies DPD) (2016)

DM2 - Trees and landscaping

DM7 - Noise and light pollution

DM8 - Land contamination and hazards

DM16 - Servicing development

### Supplementary Planning Documents (SPD's)

Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

### Other Material Considerations

Planning Practice Guidance (PPG)

Woking Strategic Flood Risk Assessment (SFRA) (November 2015)

## **PLANNING ISSUES**

1. The main planning considerations in determining this application are:
  - Principle of development / change of use
  - Design and character
  - Highways and parking
  - Neighbouring amenity, including noise
  - Arboriculture
  - Flooding and water management
  - Land contaminationhaving regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

### Principle of development / change of use

2. The site falls within the Urban Area and an Employment Area (Byfleet Industrial Estate), as designated by the Proposals Map, and has an existing lawful use falling within Class B1/B2 (Business / General Industrial). The proposed change of use is to Class B8 (Storage or distribution).
3. The NPPF, at paragraph 80, states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy CS1 of the Woking Core Strategy (2012) states that the Core Strategy will make provision for the delivery of, inter alia, 20,000 sq.m of warehousing floorspace to 2027.
4. Policy CS15 of the Woking Core Strategy (2012) states that to accommodate the predicted future growth in economic development required for Woking's economy to grow, ensure sustainable employment development patterns, promote smart growth and business competitiveness, and allow for flexibility to cater for the changing needs of the economy the Council will, inter alia, permit

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redevelopment of outmoded employment floorspace to cater for modern business needs. Whilst the proposal would not represent redevelopment *per se* it would nonetheless see a change of use, and associated external alterations, in order to cater for the changing needs of the economy, would enable the local economy to function efficiently and contribute to the region's long-term competitiveness, and therefore be compliant with this element of Policy CS15.

5. Policy CS15 also states that the Council will safeguard land within the employment areas for B uses except within the Butts Road/Poole Road and Forsyth Road employment areas. The proposed change of use from Class B1/B2 (Business / General Industrial) to Class B8 (Storage or distribution) would retain a B use within the Employment Area and therefore comply with Policy CS15. Overall the principle of development / change of use complies with Policies CS1 and CS15 of the Woking Core Strategy (2012) and the NPPF.

### Design and character

6. Policy CS21 of the Woking Core Strategy (2012) requires proposals for new development to create buildings and places that are attractive with their own distinct identity and which should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. SPD Design (2015) provides more detailed design guidance. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development.
7. The site falls within the Urban Area and an Employment Area (Byfleet Industrial Estate), as designated by the Proposals Map. Byfleet was separated from the rest of Woking Borough by the M25 in 1983 and now has a significant area of industrial and commercial development in its northern part, within which the site is located. Properties within this significant area of industrial and commercial development are of fairly typical warehouse type construction, utilising sheet metal cladding and occasional brickwork areas; the application premises are typical of this appearance.
8. The physical works (other than works internal to the building to facilitate the change of use) proposed under the application consist of the following:
  - New 2.4m high palisade security fencing to Canada Road, including sliding gate (and rising security barrier) and new 6.0m wide security gates (to boundaries of south yard);
  - New 45,000 litre diesel tank (located within south yard);
  - New loading doors formed (for 7.5t vehicle use); each trailer loading bay to have 2350mm wide door opening (south elevation);
  - New independent steel framed canopy over 7.5t vehicle bays (south elevation);
  - Form new roller shutter access door, including ramped access from yard and external bollards (south elevation);
  - New loading doors formed (for dual trailers / 7.5t vehicle use) to existing; each trailer loading bay to have 2350mm wide door opening, 1100mm loading dock depth at loading doors (north elevation);

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- Install new fire exit door (north elevation);
  - Form new opening and install roller shutter access doors with new ramp (north elevation);
  - Existing hinged gates to be removed (retaining posts) and new sliding gate installed together with security barrier (north yard);
  - New steel bollards (in north yard); and
  - Re-marking of parking spaces in south, east and north yards.
9. The proposed external alterations would alter the appearance of the existing building, although the building is substantial enough in size that the proposed changes would not alter its appearance to a significant extent. The most readily apparent changes would occur to the south and north elevations, mainly through the formation of new loading doors (to both elevations) and the addition of a new steel framed canopy (to the south elevation). The resulting appearance would remain typical of the existing warehouse type construction and remain clearly appropriate and in character with the industrial and commercial nature of the Byfleet Industrial Estate within which the site is located. The addition of 2.4m high palisade security fencing, and associated gates, to enclose the southern yard (Canada Road side) would be readily apparent although would also remain typical of, and in character with, the industrial and commercial nature of the area.
10. Overall the proposal is considered visually acceptable and both the physical works, and the proposed change of use, would remain appropriate and in character with the industrial and commercial nature of the Byfleet Industrial Estate within which the site is located. The proposal therefore complies with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF in this regard.

### Highways and parking

11. Policy CS18 of the Woking Core Strategy (2012) aims to locate most new development in the main urban areas, being served by a range of sustainable transport modes, and states that Transport Assessments will be required for development proposals, where relevant, to fully assess the impacts of development and identify appropriate mitigation measures. The site falls within the Urban Area and is well located in terms of sustainable transport availability.
12. Paragraph 108 of the NPPF states that, in assessing specific applications for development it should be ensured that, inter alia, appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. The application has been submitted with a Transport Statement (TS), dated June 2020. The site is located on the western side of Oyster Lane (A318) within an existing industrial estate and is located within approximately 400m walking distance of Byfleet and New Haw railway station (outside of Woking Borough). Access to the site is achieved via the existing entrance to Byfleet Industrial

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Estate along Abbot Close off Oyster Lane (A318). Several points of access lead into the site from the private (and not publicly maintained) internal estate roads, including from the north (Dorset Way), south (Canada Road) and west (Abbot Close). No change to the existing vehicular access is proposed.

### *Parking*

14. Policy CS18 of the Woking Core Strategy (2012) states that maximum car parking standards will be implemented for all types of non-residential development; accordingly SPD Parking Standards (2018) sets out maximum parking standards for Class B8 (Storage/distribution) use as per the following table. SPD Climate Change (2013) sets out electric vehicle parking provision. The existing building comprises circa 6,938 sq.m floor area (including a mezzanine of 382 sq.m which is to be removed as part of the proposals); the proposed floor area is therefore 6,556 sq.m:

Type	SPD Maximum Standard	Applicable MAXIMUM Standard	Proposed
Car	1 space per 70 sq.m (maximum)	94 spaces	74 spaces (including disabled and e/v – 65 'standard' spaces)
Lorry	1 space per 200 sq.m	33 spaces	30 spaces
Type	SPD Minimum Standard	Applicable MINIMUM Standard	Proposed
Disabled	1 space per disabled employee, plus 2 bays, or 5% of total capacity, whichever is greater	2 spaces	2 spaces
Cycle	1 space per 500 sq.m (minimum of 2 spaces)	14 spaces	14 spaces
Electric vehicles	5% of total parking spaces active and 10% of total passive	5 active and 2 passive	5 active and 2 passive

\* All Gross Floor Area (GFA)

15. The site currently includes parking for 185 cars. A considerable reduction in parking is proposed and the existing parking areas will be re-marked to provide a total of 74 car parking spaces (including 2 disabled spaces and 7 electric vehicle (e/v) charging spaces (5 active and 2 passive)), located close to the main reception. The proposed parking provision is considered sufficient to serve the proposed use. As can be seen in the preceding table the number of car and lorry parking spaces would both fall within the maximum standards set out within SPD Parking Standards (2018). The number of proposed disabled spaces also accords with the SPD. Parking provision can be secured via condition 04.
16. The proposed use would be served by 14 cycle parking spaces, which accords with SPD Parking Standards (2018) and can be secured via condition 05; Cycle parking would be located to the east of the building, close to an entrance leading to offices and staff facilities.

### *Servicing*

17. All servicing and delivery activities associated with the proposals will be

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undertaken on-site. Swept paths are contained within appendices to the TS demonstrating that 16.5m articulated vehicles (that is Max Legal Length (UK)) would be able to enter, turn and exit the north yard in a forward gear; vehicles of this length would only enter/exit the north yard because the south yard would be used by 7.5t vehicles (ie. Box Vans) and the east yard only for parking purposes. A swept path is also provided demonstrating that 7.5t vehicles (ie. Box Vans) would be able to enter, turn and exit the south yard in a forward gear.

18. Whilst the comments contained within the x2 letters of objection are noted the internal estate roads, including Abbot Close, Dorset Way and Canada Road, are already used by larger vehicles, including HGVs, associated with the industrial estate. As discussed previously HGVs would only enter/exit the north yard because the south yard would be used by 7.5t vehicles (ie. Box Vans) and the east yard only for parking purposes. During the course of the application the applicant has submitted a further swept path analysis which demonstrates that 16.5m articulated vehicles (that is Max Legal Length (UK)) would be capable of entering the estate from Oyster Lane (A318) and navigating the turns (ie. Abbot Close and Dorset Way) between the estate access road and the north yard without encroaching beyond the carriageways of the internal estate roads.
19. Whilst isolated examples of some rather indiscriminate parking adjacent to the internal estate roads (ie. Abbot Close and Dorset Way) was observed during the site visit these are private carriageways, are not publicly maintained, and therefore any indiscriminate parking is a matter for estate management/freeholder to enforce if required. Whilst the passage of 16.5m articulated vehicles along the internal estate roads may temporarily preclude the passing of other vehicles such inconvenience would be short lived and not give rise to significant highway safety issues given the private nature of the internal estate roads, and also would not be wholly unexpected in a clearly commercial and industrial setting such as this.

### *Trip Generation – Existing*

20. In relation to the existing lawful use the TS contains the following table which provides a summary of the trip rates extracted from TRICS and traffic attraction associated with 6,938 sq.m (including 382 sq.m mezzanine) of B1/B2 uses. Figures in brackets refer to Heavy Goods Vehicles (HGVs):

Time Period	Trip Rate (per 100 sq.m)		Traffic Generation (6,938 sq.m)	
	Arrivals	Departures	Arrivals	Departures
Weekday AM Peak (08:00-09:00)	0.403 (0.039)	0.070 (0.031)	28 (3)	5 (2)
Weekday PM Peak (17:00-18:00)	0.059 (0.000)	0.328 (0.000)	4 (0)	23 (0)
Daily	1.726 (0.315)	1.777 (0.311)	120 (22)	123 (22)

21. The existing lawful use has the potential to generate 33 vehicle movements in the weekday morning peak hour and 27 vehicle movements in the weekday evening peak hour. A total of 120 arrivals and 123 departures have been forecast to occur across a typical day. Focusing on movements by HGVs, the



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existing use is forecast to generate 5 HGV movements during the morning peak hour, with a total of 44 movements by such vehicles across a typical day.

### *Trip Generation – Proposed*

22. In relation to the propose use the TS contains the following table which provides a summary of the trip rates extracted from TRICS relevant to the identified B8 employment categories. Figures in brackets refer to Heavy Goods Vehicles (HGVs):

Time Period	Commercial Warehousing (per 100 sq.m)		Parcel Distribution (per 100 sq.m)	
	Arrivals	Departures	Arrivals	Departures
Weekday AM Peak (08:00-09:00)	0.430 (0.060)	0.134 (0.060)	0.067 (0.000)	0.367 (0.000)
Weekday PM Peak (17:00-18:00)	0.060 (0.007)	0.336 (0.081)	0.500 (0.067)	0.300 (0.000)
Daily	2.249 (0.718)	2.253 (0.631)	3.466 (0.334)	3.834 (0.333)

23. The TS also contains the following table which outlines the traffic attraction associated with 6,556 square metres of B8 uses, based on the TRICS trip rates set out in the preceding table.

Time Period	Commercial Warehousing		Parcel Distribution	
	Arrivals	Departures	Arrivals	Departures
Weekday AM Peak (08:00-09:00)	28 (4)	9 (4)	4 (0)	24 (0)
Weekday PM Peak (17:00-18:00)	4 (0)	22 (5)	33 (4)	20 (0)
Daily	147 (47)	148 (41)	227 (22)	251 (22)

24. On this basis a commercial warehousing use has the potential to generate 37 vehicle movements in the weekday morning peak hour, 26 vehicle movements in the weekday evening peak hour and a total of 295 movements across a typical weekday. In terms of HGV movements, the table indicates potential for 8 HGV movements during the weekday morning peak hour, 5 during the evening peak hour and 88 daily movements during the week.
25. In the event the subject building is used for parcel distribution within Class B8, the table identifies that circa 28 vehicle movements could be generated in the weekday morning peak hour, 53 vehicle movements in the weekday evening peak hour with a total of 471 movements across a typical weekday. In respect of HGVs, there would be no movements during the morning peak hour, 4 during the weekday evening peak hour and 44 across a typical weekday.
26. The TS also contains the following tables which compare the existing and future vehicles movements associated with the site, as well as the net change in vehicle movements as a result of the proposed change of use. Figures in brackets relate to HGVs.

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<b>Industrial Unit to Commercial Warehousing (Class B8)</b>				
<b>Scenario</b>	<b>Land Use</b>	<b>Morning Peak Hour</b>	<b>Evening Peak Hour</b>	<b>Daily</b>
Existing	B1 Business/ B2 Industrial	33 (5)	27 (0)	243 (44)
Future	B8 Commercial Warehousing	37 (8)	26 (5)	295 (88)
Net Change		+4 (+3)	-1 (+5)	+52 (+44)

<b>Industrial Unit to Parcel Distribution (Class B8)</b>				
<b>Scenario</b>	<b>Land Use</b>	<b>Morning Peak Hour</b>	<b>Evening Peak Hour</b>	<b>Daily</b>
Existing	B1 Business/ B2 Industrial	33 (5)	27 (0)	243 (44)
Future	B8 Parcel Distribution	26 (0)	53 (4)	471 (44)
Net Change		-7 (-5)	+26 (+4)	+228 (0)

27. Use within Class B8 for commercial warehousing purposes is anticipated to result in an uplift of 4 additional vehicle movements in the morning peak hour, a reduction of 1 vehicle movement in the evening peak hour and a daily increase (on weekdays) of 52 vehicle movements. Use within Class B8 for commercial warehousing could also increase peak hour HGV movements by between 3 and 5 vehicles, with an increase of 44 HGV movements across a typical weekday.
28. Use within Class B8 for parcel distribution could result in a small decrease in movements during the weekday morning peak hour (-7), an additional 26 movements in the evening peak hour and an increase of 228 vehicle movements across a typical weekday. In relation to HGVs the TS assessment indicates a reduction of 5 HGV movements in the weekday morning peak hour, a slight increase (+4) of HGV movements during the evening peak hour and overall no additional daily HGV movements on weekdays.
29. The TS sets out that further analysis is typically required where proposals generate greater than 30 two-way vehicle movements during any one hour on any link or junction. Whilst use within Class B8 for commercial warehouse purposes has the potential to generate 37 two-way vehicle trips during the morning peak hour, and use within Class B8 for parcel distribution purposes 53 movements in the evening peak hour, it is noted that these uplifts (+4 and +26) do not exceed this assessment threshold when compared to movements generated by the existing lawful use, such that the level of traffic generated by the proposed change of use is not material to the extent that it would have a detrimental impact upon the operating capacity of the local highway network and therefore does not require further assessment.
30. The County Highway Authority (SCC) have assessed the application on safety, capacity and policy grounds, and raise no objections subject to recommended conditions in respect of cycle parking and electric vehicle provision (conditions 04-06 refer).
31. Overall the proposal accords with Policy CS18 of the Woking Core Strategy

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(2012), SPD Parking Standards (2018) and the provisions of the NPPF and the highways and parking implications are considered acceptable.

### Neighbouring amenity, including noise

32. Policy CS21 of the Woking Core Strategy (2012) states that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. SPD Outlook, Amenity, Privacy and Daylight (2008) provides detailed guidance on neighbouring amenity impacts.
33. Policy CS21 also requires proposals for new development to be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases.
34. Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of, inter alia, noise pollution. Paragraph 180 of the NPPF sets out that planning decisions should ensure that new development is appropriate for its location and, in doing so they should, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy DM7 of the Development Management Policies DPD (2016) states that proposals for noise-generating development will be subject to a case-by-case analysis with reference to expert advice from the Council's Environmental Health team.
35. The site is relatively centrally located within an Employment Area (Byfleet Industrial Estate), as designated by the Proposals Map, representing an area of significant industrial and commercial development. To the east the closest residential properties are Nos.126/A, 128, 130 and 132 Oyster Lane, approximately 95m distant from the site boundary and with existing intervening built development (particularly in the case of No.130 and No.132). To the north the closest residential properties are Nos.133 and 135 Oyster Lane, in excess of 160m from the site boundary with existing intervening built development. To the west the closest residential properties are located on the opposite side of the M25 and in excess of 220m distant, again with existing intervening built development. To the south the closest residential properties are those fronting Chertsey Road (No.107) and Oyster Lane (No.118A); these properties are in excess of 140m distant, again with existing intervening built form.
36. Given the significant separation distances to residential properties, combined with the relatively minor nature of the external alterations, no significantly harmful impact, by reason of potential loss of privacy, loss of daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, would arise to residential properties.
37. The Council's Environmental Health team have no objection to the change of use proposed, however recommend, should permission be granted, that conditions relating to waste and recycling management provisions and sound equipment not being externally audible. Condition 08 refers in terms of sound equipment not being externally audible. It is not considered to meet the tests for

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planning conditions (as per NPPF Paragraph 55) to require details of waste and recycling management provisions.

38. Given the location of the site relatively centrally within an area of significant industrial and commercial development, combined with the significant separation distances and existing intervening built development to residential properties, it is not considered necessary to restrict hours of operation through planning condition. The closest residential properties are those to the east (Nos.126/A, 128, 130 and 132 Oyster Lane), which are approximately 95m distant from the site boundary and with existing intervening built development (particularly in the case of No.130 and No.132). Whilst there is a direct line of sight between Nos.126/A, and to a lesser extent No.128 Oyster Lane, and the eastern side boundary the eastern yard would be used only for car parking purposes with the north and south yards, which are further distant from residential properties, used for loading. For these reasons it is not considered to meet the tests for planning conditions (as per NPPF Paragraph 55) to restrict operating hours for noise reasons.

### Arboriculture

39. Policy CS21 of the Woking Core Strategy (2012) requires the retention of any trees of amenity value. Policy DM2 of the Development Management Policies DPD (2016) states that development proposals should allow for the retention of the best tree specimens, should not result in the loss of trees or groups of trees of significant amenity value and that trees to be retained will be required to be adequately protected to avoid damage during construction.
40. There is a Group Tree Preservation Order close to part of the western site boundary (Ref: TPO/0022/2007). The application as initially submitted included, via annotation on the proposed plans, the excavation and laying of a new concrete slab to both the south and north yards. These works have been omitted from the application by way of amended plans, although such works could likely be undertaken as 'permitted development' under the provisions of Article 3, Schedule 2, Part 7, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hard surfaces for industrial and warehouse premises). The works which form part of the application, as amended, would have no adverse arboricultural implications although an informative is recommended to remind the applicant of the provisions of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended) in the event 'permitted development' works under Part 7, Class J are undertaken.

### Flooding and water management

41. Paragraphs 155-165 (inclusive) of the NPPF relate to planning and flood risk. Policy CS9 of the Woking Core Strategy states that the Council will determine planning applications in accordance with the guidance contained within the NPPF, that the Council expects development to be in Flood Zone 1 and that the Council will require all significant forms of development to incorporate appropriate sustainable drainage systems (SUDS) as part of any development proposals.
42. The NPPF and the PPG set out that flood risk must be taken into account at all stages of the planning process, avoiding inappropriate development in areas at

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risk of flooding and directing development away from those areas where risks are highest. A site-specific Flood Risk Assessment (FRA) is required, inter alia, for proposals of 1ha or greater in Flood Zone 1.

43. The application involves development carried out on a site having an area greater than 1ha and therefore has been submitted with a site-specific Flood Risk Assessment and Drainage Statement (dated June 2020), which establishes that the site is located within Flood Zone 1 (low risk) and that the nearest watercourse to the site is a tributary of the River Wey located 0.2km west of the site; for these reasons the site is at very low risk of flooding from rivers and the sea. The FRA also establishes that the site is underlain by geologies not generally susceptible to groundwater flooding, that there is no record of the site being affected by groundwater flooding and therefore the site is at very low risk of flooding from groundwater. The Strategic Flood Risk Assessment (SFRA) identifies that the site is largely not at risk of surface water flooding although some limited areas are identified as being at medium risk (ie. 1 in 1000 year) of surface water flooding. The FRA also establishes that the site is at low risk of flooding from infrastructure failure and flooding from artificial sources (ie. reservoirs).
44. The FRA establishes that the site is currently developed, can be described as completely brownfield and is currently completely hardstanding. The proposed development will not have an increase in the amount of hardstanding/impermeable areas on site.
45. The Lead Local Flood Authority (LLFA) (Surrey CC) state that under local agreements, the statutory consultee role under surface water drainage is dealt with by Woking Borough Council's Drainage and Flood Risk Team. The Drainage and Flood Risk Team comment that as there is no below ground works, or external alterations (apart from the small ramps), there is no increase in impermeable area from existing and due to the proposed type of use, then the applicant has demonstrated in this instance that it would not be reasonably practicable to undertake improvements to the existing drainage regime and the application is therefore compliant with NPPF and Policy CS9 of the Woking Core Strategy (2012) in respect of flooding and water management.

### Land contamination

46. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, remediating contaminated land, where appropriate. Paragraphs 178 - 179 (inclusive) of the NPPF relate to, inter alia, land contamination and advise that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from, inter alia, land contamination. Policy DM8 of the Development Management Policies DPD (2016) sets out a framework of considerations for land contamination in planning decisions.
47. The site appears on the Council's records as suspected contamination, with the area being used for agriculture up until 1948 when it became industrial/commercial use. The Contaminated Land Officer comments that based on the information available they have no comments to make regarding contaminated land.

**LOCAL FINANCE CONSIDERATIONS**

48. The proposal does not relate to Class C3 or Class A1 uses and is therefore Nil rated on the Council's CIL Charging Schedule. The proposal would not be Community Infrastructure Levy (CIL) liable.

**Conclusion**

49. Overall the principle of development / change of use is acceptable, the proposal is visually acceptable and both the physical works, and the proposed change of use, would remain appropriate and in character with the industrial and commercial nature of the area within which the site is located. Highways and parking, neighbouring amenity (including noise), arboriculture, flooding and water management and land contamination implications are acceptable.
50. The proposal accords with Policies CS1, CS9, CS15, CS18, CS21 and CS25 of the Woking Core Strategy (2012), Policies DM2, DM7, DM8 and DM16 of the Development Management Policies DPD (2016), SPD's Design (2015), Outlook, Amenity, Privacy and Daylight (2008) and Parking Standards (2018), Sections 2, 4, 6, 9, 12 and 14 of the NPPF, the PPG and SFRA and is recommended for approval. In considering this application the Council has had regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. In making the recommendation to grant planning permission it is considered that the application is in accordance with the Development Plan of the area.

**BACKGROUND PAPERS**

x2 Letters of objection  
Consultee responses  
Site & Press Notices ('Major' Development)

**RECOMMENDATION**

**Grant** planning permission subject to the following conditions:

01. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

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

02. The development hereby permitted must be carried out only in accordance with the following approved plans numbered / titled:

20034100 01 Rev B (Site Location Plan), dated 28/05/2020 (rec'd by LPA 19.08.2020)

20034100 02 Rev A (Existing Ground Floor), dated 12/06/2020 (rec'd by LPA 19.08.2020)

20034100 03 Rev K (Proposed Ground Floor), dated 17/08/2020 (rec'd by LPA 19.08.2020)

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20034100 04 Rev A (Existing First Floor Plan), dated 12/06/2020 (rec'd by LPA 19.08.2020)

20034100 05 Rev A (Proposed First Floor Plan), dated 12/06/2020 (rec'd by LPA 19.08.2020)

20034100 06 Rev E (Existing and Proposed North and East Elevations), dated 20/04/2020 (rec'd by LPA 19.08.2020)

20034100 07 (Existing and Proposed South and West Elevations), dated 13/02/2020 (rec'd by LPA 19.08.2020)

20034100 08 Rev E (Proposed Fencing), dated 11/08/2020 (rec'd by LPA 19.08.2020)

20034100 09 Rev F (Existing and Proposed North Yard Works), dated 17/08/2020 (rec'd by LPA 19.08.2020)

20034100 10 Rev D (Existing and Proposed South Yard Works), 11/08/2020 (rec'd by LPA 19.08.2020)

20034100 11 Rev C (Existing and Proposed East Yard Works), dated 28/07/2020 (rec'd by LPA 19.08.2020)

20034100 12 Rev F (Proposed Parking Allocation), dated 17/08/2020 (rec'd by LPA 19.08.2020)

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The external finishes of the development hereby permitted must be as set out in Section 7 (Materials) of the submitted application form and as annotated on the approved plans listed within condition 02 of this notice.

Reason: To protect the visual amenities of the area in accordance with Policy S21 of the Woking Core Strategy (2012), SPD Design (2015) and the provisions of the NPPF.

04. The development hereby permitted must not be first occupied unless and until space has been laid out within the site (where external to the building envelope) in accordance with the approved plans listed within condition 02 of this notice for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, including disabled parking spaces. Thereafter the parking and turning areas must be permanently retained and maintained for their designated purposes. In addition the service areas shown on the approved plans listed within condition 02 of this notice must be reserved exclusively for the loading and off-loading of delivery and service vehicles and must at no time be used as a general car parking area for other visitors or for employees.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF.

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05. The development hereby permitted must not be first occupied unless and until the following facilities have been provided in accordance with the approved plans listed within condition 02 of this notice for:

- (a) The secure parking of at least 14 bicycles within the development site,
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower.
- (c) Facilities within the development site for cyclists to store cyclist equipment.

Thereafter the said approved facilities must be permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF.

06. The development hereby permitted must not be first occupied unless and until at least 5% of the proposed parking spaces are provided with active charge sockets and 10% with passive electric vehicle charging points. Thereafter the electric charging sockets/points must be permanently retained and maintained for the lifetime of the development hereby permitted unless replaced by a more advanced technology with the same objective.

Reason: To encourage modes of travel by electric vehicle in accordance with the NPPF, Policy CS18 of the Woking Core Strategy (2012) and SPDs Climate Change (2013) and Parking Standards (2018).

07. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order(s) revoking and/or re-enacting that Order with or without modification(s)) no additional floors, including mezzanine floors (other than as shown on the approved plans listed within condition 02 of this notice), shall be erected within the application site without express planning permission from the Local Planning Authority first being obtained.

Reason: To avoid the over-intensification of use of the development site in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the provisions of the NPPF.

08. No sound reproduction equipment which conveys messages, music or other sound by voice or otherwise which is audible outside the premises shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: To protect the environment and general amenity of the area from noise in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016) and the NPPF.



**Informatives**

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (NPPF).
02. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
03. The applicant is advised that Advertisement Consent under the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) may be required for any new signage on the premises.
04. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands of electric vehicle charging points and that any power balancing technology is in place if required.  
Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
05. The applicant is reminded that there is a group Tree Preservation Order close to part of the western site boundary (Ref: TPO/0022/2007). Therefore any potential works undertaken as 'permitted development' under the provisions of Article 3, Schedule 2, Part 7, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hard surfaces for industrial and warehouse premises) must have sufficient regard to the protected status of these nearby trees under the provisions of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended).