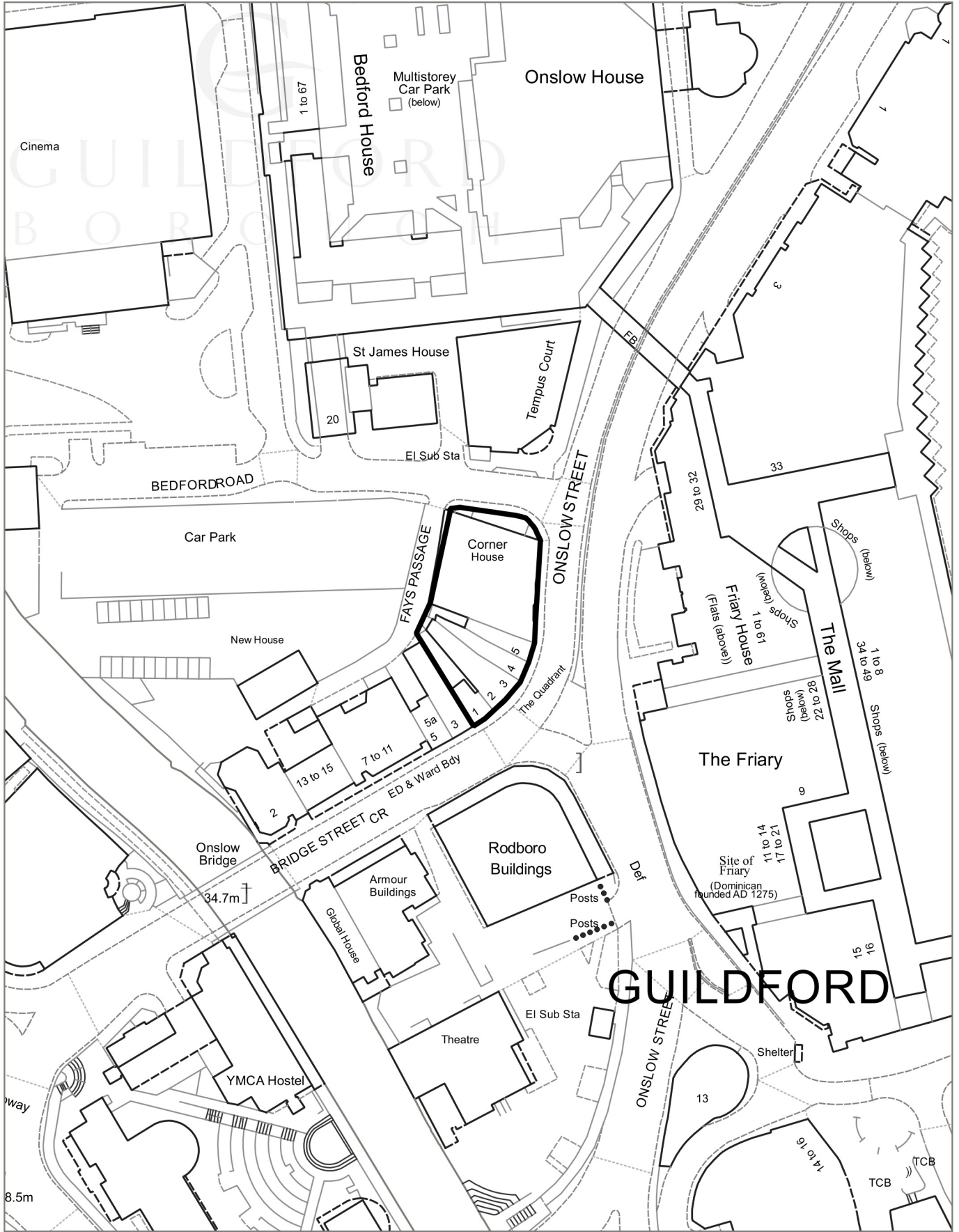


19/P/01974 - 1-5 The Quadrant, Bridge Street And The Casino Nightclub, Onslow Street, Guildford



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Print Date: 10/07/2020

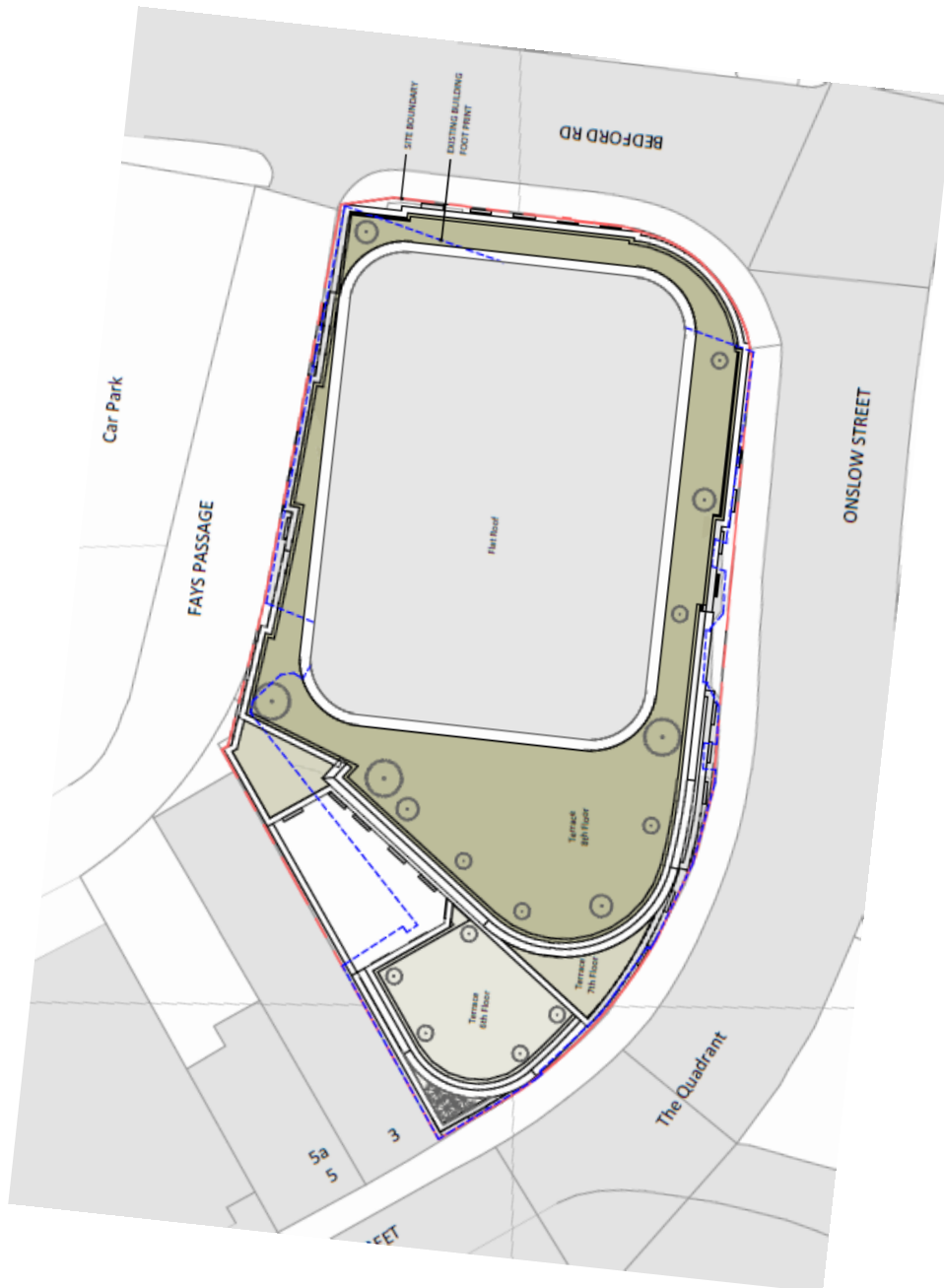


Not to Scale



GUILDFORD
BOROUGH

19/P/01974 1-5 - The Quadrant, Bridge Street and The Casino Nightclub, Onslow Street, Guildford



Not to scale



App No: 19/P/01974 **8 Wk Deadline:** 14/02/2020
Appn Type: Full Application
Case Officer: Kelly Jethwa
Parish: Friary & St. Nicolas **Ward:** Friary & St. Nicolas
Agent : Mr. Andy Ryley **Applicant:** Star Oyster Ltd
PRC Architecture & Planning c/o Agent
Ltd
24 Church Street West
Woking
GU21 6HT

Location: 1-5 The Quadrant, Bridge Street and The Casino Nightclub, Onslow Street, Guildford, GU1 4SQ
Proposal: Redevelopment of the site to provide a 10 storey building plus two basement levels, for use as shop (A1), financial and professional services (A2), restaurant and cafe (A3), drinking establishment (A4), office (B1a), nightclub, casino (sui generis), assembly and leisure (D2 - including cinema, concert hall, and bingo hall) and student living accommodation (sui generis), ancillary cycle and refuse storage; landscaping and incidental works following demolition of all existing buildings.

Executive Summary

Reason for referral

The application has been referred to the Planning Committee because more than 20 letters of support have been received, contrary to the officer recommendation.

Key information

The application site is a group of locally listed buildings. The buildings directly abut the public footpath on Bridge Street, Onslow Street and Bedford Road. The site is prominent in several views through the town centre and is located in the Bridge Street Conservation Area. The site affects the setting and significance of a number of heritage assets.

This is a full application for demolition of the existing building and redevelopment for a ten-storey building comprising a mix of uses. With a two-level basement, new retail, leisure and restaurant/bar floor space and seven floors of student accommodation.

This would be a car-free development with cycle parking for students in the basement.

Summary of considerations and constraints

The site has extant planning permission for a mixed use redevelopment as a technical start has been made. A scheme (18/P/01668) for a 14 storey building (12 storeys above ground) was the subject of a Public Inquiry in 2019 and this appeal was withdrawn by the appellant before the Inspector concluded the Public Inquiry

It is acknowledged that the existing buildings whilst important, due to their contribution of the Bridge Street Conservation Area, there is an opportunity for a redevelopment which could relate well to the site allocation at Bedford Road and replacement Walnut Tree Bridge.

The proposal is for a tall building in the historic part of the town centre, in the conservation area and opposite the Grade II list Rodboro buildings. The development would also affect the significance and setting of several heritage assets in the surrounding area.

The proposed development is within the flood plain therefore, it is required to demonstrate why it is sequentially preferable and then to demonstrate it would have wider sustainability benefits through the 'exception' test.

This is a redevelopment and with the adoption of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, major development is required to a sustainability statement which takes into account sustainable design and construction, the energy and waste hierarchies, measures for climate change adaption and a 20% reduction in carbon emissions.

The proposed development would result in a high quality, tall building which would fail to respect the townscape and would cause less than substantial harm to heritage assets.

The proposal would result in a poor living environment for the students, would not be sequentially preferable in an area of high flood risk, which would not be outweighed by the benefits identified, there is inadequate information on drainage and does not respond to the requirements for sustainable design and construction.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The proposed development would be experienced as a single, large and dominant structure. It would not be of a high architectural quality or design and would be significantly out of scale with the surrounding townscape. The evidence details harm to the character of the surrounding area as well as harm to the wider built environment, given the prominence for the building in a number of important views.
By virtue of this and the:
 - a) height and scale;
 - b) overbearing mass of the single built form;
 - c) unrelieved and unarticulated elevations;
 - d) absence of a clear sense of hierarchy;
 - e) absence of any assessment of the light spill from the glazed elevations;
 - f) failure to respect the building line due to the overhang above the ground floor level;
 - g) 7 storey blank elevation to Fays Passage; and
 - h) plant and equipment visible over the roof parapet wall.

This development would not result in a building typology that is resonant with the local character and distinctiveness of this location in Guildford, which is a historic town centre.

The submitted Design and Access Statement does not provide a sufficient explanation of principles that inform the design and layout. The analysis shows an understanding of local architectural style, character, grain, context and setting. However, there is no reference to this, in the design development process. Furthermore, the applicant has failed to take the opportunities available through the Design Review process to improve the design quality of this proposal. This would be contrary to D1 and S3 of the Guildford Borough Local Plan: Strategy and

Sites (LPSS) 2015-2034 and policy G5(2), (3), (4), (5), (7) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) in that it is not of a high standard of design and fails to respond to its local context. It would be harmful to the character of the area and would be harmful to the surrounding townscape. The proposal would also conflict with the paragraphs 127 and 130 NPPF, which seek to deliver high quality design, as well as guidance in the PPG and National Design Guide (NDG).

2. The proposed development would result in a prominent, isolated tall building of considerable mass and scale which would be visually dominant and detract from the Guildford as a historic, river valley, county town. It does not respect the existing rhythm and grain of surrounding development. Applying the approach set out in paragraph 195 of the National Planning Policy Framework (NPPF), the proposed development would result in less than substantial harm to the Bridge Street Conservation Area and the Rodboro Buildings. This harm would be at the higher end of the range of less than substantial harm. Other harm is identified, and quantified, in respect of the setting of the churches of St Mary and St Nicholas in views from Guildford Castle, settings of Holy Trinity and Guildford Castle as landmarks within the Town Centre Conservation Area when seen from high points east of the Cathedral of the Holy Spirit, the Treadwheel Crane, Onslow Bridge and the Wey and Godalming Navigations Conservation Area. The proposal conflicts with policy D3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and policies HE4, HE7 and HE10 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007). Special regard must be given to the need to preserve heritage assets as required by Section 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990 and substantial weight should therefore be accorded to any harm to the significance of a designated heritage asset. Whilst some public benefit would result from the development, including the provision of new housing, commercial floor space, pedestrian safety improvements and regeneration, these would not outweigh the less than substantial harm to the significance of the heritage assets. The proposal would conflict with national policy on the historic environment as set out at paragraphs 189-202 of the NPPF and the guidance in the PPG.
3. The proposed development provides a poor-quality living environment for the future occupants of the student accommodation by virtue of the fully glazed elevations to the corner studios on the north east and south west elevations, lack of functional and accessible outdoor amenity space and the noise and disturbance that would be experienced by occupants of rooms adjoining the terraces on the sixth and seventh floors. Accordingly, the proposal would be contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflict with paragraphs 124 and 127 of the NPPF and the National Design Guide (NDG).
4. The site is at a high risk of flooding and both the development plan and the NPPF seek to ensure that new development is location towards areas of lower flood risk. The applicant has not demonstrated that there are no sequentially preferable sites that could accommodate the development, nor has it demonstrated that there are wider sustainability benefits for locating the development in an area of high flood risk; or that the development would be safe in the event of a flood, or that suitable access and egress could be provided in an emergency. Accordingly, the proposal would be contrary to Policy P4 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and would conflict with paragraphs 155 and 158 to 163 of the NPPF and the PPG.

5. The proposed drainage system does not meet the requirements for sustainable drainage systems. In the absence of information on the receiving sewer, feasible drainage plan and maintenance details. The proposal is therefore contrary to Policy P4 of the Local Plan and the objectives of paragraphs 163 and 165 of the NPPF and PPG.
6. The proposals involve a complete redevelopment of the land and the NPPF seeks to avoid increased vulnerability to the range of impacts arising from climate change and to reduce greenhouse gas emissions. The applicant has not demonstrated in detail that sustainable design and construction principles would be incorporated, the application of the energy and waste hierarchies, measures for climate change adaptation and ability to achieve at least a 20% reduction in carbon emissions. Accordingly, the proposal would be contrary to Policy D2 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and would conflict with paragraph 153 of the NPPF and advice in the PPG and the National Design Guide (NDG).
7. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat, disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.
8. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This may include, but is not limited to the following:
 - Financial contribution towards SANG and SAMM (in accordance with the updated tariff);
 - a contribution of £50,000 towards the delivery of the Council Bike Share scheme or alternative sustainable transport scheme;
 - a contribution of £200,00 towards the delivery of Sustainable Movement Corridor;
 - provision of Car Club membership for each occupant of the proposed development;
 - a contribution of £150,000 towards Environmental Improvements in the vicinity of the site; and
 - occupation restrictions to students in full time education at institution within the Borough of Guildford.

Accordingly, the proposal would be contrary policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, Planning Contributions SPD 2017 and the NPPF.

Informatives:

1. This decision relates expressly to drawing(s):

<u>Date received</u>	<u>Drawing no.</u>	<u>Plan</u>
15 Nov 2019	PL_001	Location Plan
15 Nov 2019	PL_002	Site Plan
17 Apr 2020	PL_005 REV A	Amended Street Elevations - 1
15 Nov 2019	PL_006	Street Elevations - 2
17 Apr 2020	PL_101 REV A	Amended Basement - 2
17 Apr 2020	PL_102 REV A	Amended Basement - 1
17 Apr 2020	PL_103 REV A	Amended Floor Plan - Ground Floor
15 Nov 2019	PL_104	Floor Plan - Typical Floor (1st To 3rd Floor)
15 Nov 2019	PL_105	Floor Plan - Typical Floor (4th And 5th Floor)
15 Nov 2019	PL_106	Floor Plan - 6th Floor
15 Nov 2019	PL_107	Floor Plan - 7th Floor
15 Nov 2019	PL_108	Floor Plan - 8th Floor
15 Nov 2019	PL_109	Floor Plan - 9th Floor
15 Nov 2019	PL_110	Floor Plan - 10th Floor - Roof Plan
15 Nov 2019	PL_120	Elevation - A
15 Nov 2019	PL_121	Elevation - B
15 Nov 2019	PL_122	Elevation - C
15 Nov 2019	PL_123	Elevation - D
17 Apr 2020	PL_124	Section
15 Nov 2019	PL_125	Outline Comparison
15 Nov 2019	PL_130	Typical Bay Elevation
15 Nov 2019	PL_131	Materials
15 Nov 2019	PL_140	Area Schedules
15 Nov 2019	PL_150	Typical Cluster Bedroom Layout
15 Nov 2019	PL_151	Typical Studio Layout
15 Nov 2019	PL_152	Typical Common Room/Kitchen Layout

2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

In this case some limited pre-application advice was sought and provided which addressed potential issues and suggested amendments to overcome concerns raised during the Inquiry in 2019. However, the application has not been submitted in accordance with that advice, the application was considered to be unacceptable and no further amendments were sought.

Officer's Report

Site description

The application site is located on the junction of Onslow Street and Bedford Road and comprises a number of linked buildings currently containing a nightclub, bar, gaming centre and a retail unit. The buildings on site vary in height between three and single-storey and are Locally Listed for their group value. Corner House and the Nightclub building are three storey brick built buildings dating from the early 1900's while the Quadrant comprises a single storey central section with symmetrical two-storey wings. The buildings currently appear in a poor state of repair although there is no evidence, they are not structurally sound.

The buildings on site directly abut the public footpath on Bridge Street, Onslow Street and Bedford Road although there is no vehicle access to the site from these roads and the site is currently serviced from Fays Passage which is to the rear of the site. The site is almost entirely covered by the existing buildings and does not include any open space or landscape features. The site is generally level although the southeast corner of the site is marginally higher where the road ramps up along Bridge Street.

The site is located within the Bridge Street Conservation Area and the site is extremely prominent in the street scene as you approach Guildford from Woodbridge Road, when exiting the one-way system and for pedestrians travelling between the Town Centre including the Bus Station and the Railway Station. It is also an important site in the street scene on the approach coming down from the Farnham Road and into Bridge Street. The ground is much higher at this point and drops in levels to the Quadrant site. The site also has a strong presence from the Wey and Godalming Navigations Conservation Area to the rear of the site as there are clear views from the river towards this group of buildings. Given the topography around the town, the sites is also visible in a number of longer range views from the hills surrounding the town.

Proposal

Redevelopment of the site to provide a 10 storey building plus two basement levels, for use as shop (A1), financial and professional services (A2), restaurant and cafe (A3), drinking establishment (A4), office (B1a), nightclub, casino (sui generis), assembly and leisure (D2 - including cinema, concert hall, and bingo hall) and student living accommodation (sui generis), ancillary cycle and refuse storage; landscaping and incidental works following demolition of all existing buildings.

These are some of the key elements of the proposal:

- total of 12 floors, of which two would be within a basement
- seven of the floors (first through to seventh) would be entirely dedicated to student accommodation (267 single occupancy rooms comprising 40 studios and 227 shared clusters) with a common room at the centre of each floor and terraces on the sixth and seventh floors
- the lower and upper basement would include the two separate leisure spaces (over both basement levels), toilets, office, back of house facilities, stores/plant, bin stores and cycle storage with access by stairs, good lift and four passenger lifts
- ground floor is shown to provide retail space (482sqm), leisure space lobbies and entrances and accesses to other levels
- eight floor is shown to provide a restaurant/bar (300sqm) and a roof garden
- ninth floor is shown to provide a nightclub of broadly similar scale to the built form
- widened 3m footway on Bridge Street, Bedford Road and Onslow Street and would include a new route through the building linking Onslow Street to Fays Passage
- No vehicle parking is provided with the building to be serviced directly from Fays Passage
- A total of 267 cycle parking spaces are provided which are all located in the lower basement and would be accessed by a lift.

The applicant has set out these amendments to the appeal withdrawn under 18/P/01668:

- Maximum building height reduced from 14-storeys above ground to between 6-10 storeys above ground,
- All elevations redesigned,
- Four cantilevered upper floors removed,
- Ground floor shopfronts redesigned,
- Student living accommodation reduced from 318 units to 267 units,
- Revised material palette.

Relevant planning history

18/P/01668 - Redevelopment to provide a 14-storey building comprising a mix of uses, with either retail (A1); or financial and professional services (A2); or restaurant and cafe (A3); or drinking establishment (A4); nightclub, casino (sui generis) or offices (B1); or leisure (D2 - including cinema, concert hall and bingo hall) on the lower ground and ground floors, and student accommodation (sui generis) on the upper floors; and a leisure unit at roof level, ancillary secure cycle and refuse storage and landscaping following demolition of all existing buildings.

Appeal against non-determination; appeal withdrawn during the public inquiry that opened on 03/09/2019.

Reasons for refusal had the Council been able to issue a decision:

1. *The development would be of a height and scale which would be entirely at odds with the character of the area in which it sits and would form an incongruous addition that would overwhelm the surrounding buildings. The design of the building is poor with little meaningful articulation and limited architectural detailing. The carved out sections serve only to give the building an unbalanced and awkward form, which lacks design quality, articulation or elegance. The development would be harmful to the character of the area and would be a detrimental and alien townscape feature when viewed in both short and long range views. Accordingly, the application is contrary to Policy G1 and G5 of the Local Plan 2003, would be contrary to Policy D1 of the emerging Local Plan and would conflict with the objectives and policies of Chapter 12 of the NPPF.*
2. *The proposed development would result in the introduction of a stark and incongruous building which fails to respond to the character of the Bridge Street Conservation Area or the scale, architectural character or detail of the Listed and Locally Listed buildings in the vicinity of the site. It would also be damaging to views within the Conservation Area, such as from Onslow Bridge and to views such as from the junction with Friary Street and Onslow Street. The development would therefore result in less than substantial harm to this designated heritage asset and fails to preserve or enhance the character or appearance of the Conservation Area. Accordingly, the proposal is contrary to policies HE4 and HE7 of the Guildford Local Plan 2003, policy D3 of the emerging Local Plan and the objectives of paragraphs section 16 of the NPPF. It is not considered that the public benefits arising from the scheme would outweigh this harm. Insufficient evidence has been provided on the effect of the proposals on the Wey and Godalming Conservation Area, other designated heritage assets and their settings.*
4. *The proposed development would result in a significant intensification of the use of a site that is at high risk of flooding and would introduce a considerable quantity of overnight accommodation. It has not been demonstrated that the proposed development can be practically made safe from the risk of flooding, that the risk of flooding can be suitably managed and given a safe means of access and egress provided in the event of a flood, or that the development could not be provided on a site at lower risk of flooding. The proposal is therefore contrary to Policy P4 of the emerging Local Plan and the objectives of paragraphs 158 to 163 of the NPPF.*

Prior to the opening of the public inquiry, the Appellant submitted revised plans and it was agreed in a Statement of Common Ground dated August 2019 between the Council and the Appellant that the Council would not progress the following three Reasons:

- Reason 3 - Quality of the living environment of the student accommodation,
- Reason 5 – Cycle parking location,
- Reason 6 – Impact on the Thames Basin Heaths Special Protection Area.

16/P/00662 - Variation of condition 22 (drawing numbers) of planning consent 03/P/02069 approved at appeal on 29/11/2004 to approve revised drawings showing the removal of the double height lower basement, addition of two setback floors of the building, revisions to the design to incorporate the need to cater for progressive collapse and internal layout changes.

Refused 27/06/2016, Appeal Dismissed 04/01/2017

16/P/00151 - Application under section 73 of the Act for the variation of Condition 22 of Planning Permission 03/P/02069 (approved on appeal Ref: APP/Y3615/A/03/1133941) for a casino complex incorporating uses within Classes A2, A3 and D2 following demolition of all existing buildings, to allow the amendment of the approved plans and to alter the external appearance and finishes of the development.

Granted 20/04/2016

08/P/00211 - Application for a Certificate of Lawfulness to confirm that planning permission 05/P/01705 (alternative A) has been commenced before 12th July 2011 and that the planning permission remains extant.

Granted 19/05/2008

05/P/02456 - Certificate of lawfulness to confirm that planning permission 03/P/02069 allowed on appeal was commenced before 29th November 2009 and that the planning permission remains extant.

Granted 22/02/2006

05/P/01705 - Planning application to use the building granted under 03/P/02069 flexibly as either:

a) Use as a casino complex (i.e. the use permitted on appeal) incorporating uses within Classes A1 (retail), A2 (Financial & professional services - including betting office), A3 (restaurants & cafes), A4 (drinking establishments), D2 (assembly & leisure - including cinema, concert hall, bingo hall or casino, and dance hall) and night club;

b) Use as a leisure complex, which incorporates uses within Classes A1 (retail), A2 (financial & professional services - including betting office), A3 (restaurants & cafes), A4 (drinking establishments), A5 (hot food takeaways) D2 (assembly & leisure - including cinema, concert hall, bingo hall and dance hall), theatre, cabaret/live entertainment, night club and conference uses.

Non-determination appeal, scheme (a) Allowed 12/07/2006, scheme (b) Dismissed

03/P/02069 - Redevelopment to provide a new 8 storey (including two basement levels) 27m high from (ground level) leisure and entertainment complex to accommodate casino and uses within use classes A2, A3 and D2 following demolition of all existing buildings.

Refused 25/11/2003, Appeal Allowed 29/11/2004

Consultations

Statutory consultees

County Highway Authority (CHA): No objection subject to conditions in relation to footway improvements, pedestrian link, construction transport management plans (CTMP), delivery arrangements, cycle storage and a travel statement.

Environment Agency: no objection, subject to a mitigation condition in relation to finished floor levels at the access points to the basement

Natural England (NE): holding objection as the following information is required:

- Evidence that the applicant is complying with the requirements of Guildford's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)); and
- a detailed air pollution assessment which takes the recent judgments regarding air pollution impact on the nearby designated sites, namely Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC

[officer comment: the applicant has not submitted a Habitats Regulations Assessment (HRA) and without a S106 for mitigation under the avoidance strategy and impact of traffic pollution, they have submitted a holding objection due to the lack of information, which could be addressed with the submission of additional information]

Surrey County Council - Lead Local Flood Authority (LLFA): holding objection and have raised the following matters:

- Details of receiving sewer
- A feasible drainage plan
- Details of maintenance of SuDS features

Historic England: has raised the following matters and concerns:

- height of the proposed building
- harm to the setting and significance of heritage assets
- misleading comparison to consented scheme next to the station
- disagree that the scale of the proposal would not detract from heritage assets
- high and overbearing presence within the Conservation Area
- negative impact on scheduled monument
- impact on longer views in Guildford town

Gardens Trust: has raised the following matters:

- slightly closer in the view from the Jellicoe Roof Garden, a site included on the Historic England Register of historic parks and gardens but of less mass and lower because of the topography
- A minor adverse impact would still seem to apply but at the lesser end of the scale in the context of the many modern buildings in sight

Internal consultees

Head of Environmental Health and Licensing: No objection, subject to conditions in relation to ventilation, construction management, noise management and make the following comments:

- Measures to mitigate nuisance from leisure/retail units to residential flats
- WC provision determined by capacity of restaurant, leisure, staffing and nightclub/casino
- the impact of traffic on air quality on the approach roads is an on-going concern
- this facility would attract a lot of visitors both day and night
- recent noise monitoring exercise did not include any night-time readings when this facility would have the greatest impact

Recycling and Waste Projects Officer: objects and has raised the following matters:

- whole development would be subject to commercial waste collections
- servicing for the student flats the swept path uses a medium sized refuse vehicle that some commercial contractors may not have
- The swept path shows the vehicle going off the public highway part of Fays Passage onto private land
- The swept path shows the vehicle making an unreasonable amount of shunting turns in a space surrounded by private vehicles
- The swept path shows vehicles parked where the vehicle would turn but it is unrealistic
- The parking is far more expansive than what is mapped
- There are bins stored along Fays Passage (on the private land part) that would restrict any collection vehicle going down to turn
- It would be inappropriate for a large vehicle to reverse into Fays Passage

Non-statutory consultees

Thames Water: no objection and has made the following comments:

- In terms of foul water sewerage network infrastructure capacity
- In terms of water network and water treatment infrastructure capacity
- Advance notice if using mains water for construction purposes
- within 15m of Thames Waters underground assets

County Archaeologist: no objection and has made the following comments:

- previous archaeological investigations in the immediate vicinity
- examination of geotechnical boreholes, indicate extensive depths of disturbed ground
- relatively low level of activity which has occurred on the site itself throughout its history
- the report proposes that no further archaeological mitigation is required.

Surrey Police: have made the following comments:

- request consideration is given to making it a condition that a Secure by Design accreditation
- meeting to facilitate an early application for the Secure By Design Accreditation and Public Spaces Safety environmental needs could be met

Surrey and Sussex Policing: financial contribution not justified.

National Trust: no response

Amenity groups / Residents' associations

Victorian Society: no response

Twentieth Century Society: no response

Holy Trinity Amenity Group: Object and have raised the following matters:

- Harm to the heritage assets - Bridge Street Conservation Area, 3 and 5 Bridge Street.
- Harm to the character of the area
- Cumulative impact with station redevelopment

Guildford Society: Object and have raised the following matters:

- Overdevelopment
- Cantilevering, overbearing impact
- Scale, massing and height
- Harm to setting of heritage assets
- Harm to long range views from penthouse
- Impact of poor air quality
- Scale on narrow foot way oppressive
- Reduction in pavement space
- Unsafe access and egress in a flood event
- Unsound flooding sequential test
- Flooding exception test not met
- Conflict of uses – substandard occupier amenity

Guildford Resident Association: object and have raised the following matters:

- Out of character - scale, height, proportions and materials
- Harm to setting of heritage assets
- Loss of public thoroughfare to Bedford Wharf
- Harm to Corridor of the River Wey
- Alternative scheme preferred – wider pavement
- Harm to long range views
- Light pollution from upper glazed floors
- Unsafe access and egress in a flood event
- Displace groundwater folding risk
- Not compatible use in the floodplain
- Increase flooding risk
- Clarification on use classes
- Conflict of uses – substandard occupier amenity
- Crime fears

Merrow Residents Association: object and have raised the following matters:

- Harm to setting of heritage assets
- Unsafe access and egress in a flood event

Third party comments

19 letters of representation have been received from 15 properties raising the following objections and concerns:

- Out of character – height, scale, overhang/cantilever, market town, materials
- Conflict of uses – student accommodation and nightclub
- Unsafe access and egress in a flood event and fire
- Inadequate infrastructure – GP
- Alternative scheme preferred – comprehensive redevelopment with Bedford Wharf
- Overdevelopment
- Speculative – increase land value
- Set a precedent
- Increase traffic congestion
- Air quality
- Site accessibility/ permeability
- Harm to setting of heritage assets
- Height of building is inappropriate / excessive
- Building would be bulky / overbearing / imposing
- of building would be out of keeping with the area
- Not suitable for student housing / should be provided on campus

- Risk of flooding
- Tall buildings are a fire risk
- Harmful to the Conservation Area
- Site is better suited to traditional residential accommodation
- Harmful landscape / townscape
- Impact on views into and across town
- Premature in advance of Local Plan
- Loss of light

24 letters of support have been received from 24 properties outlining the following positive comments:

- Redevelopment needed
- Appropriate size
- Meet identified need for student housing
- Negligible highways impact
- Benefits to town centre – economic, jobs
- Enhance town centre uses
- Landmark/gateway building
- Good design
- High rise a way forward

Pre-submission engagement

Pre-application advice

Pre-application engagement took place between the withdrawn of the appeal for the 14-storey building (18/P/01668) in September 2019 and the submission of this scheme for the 10-storey building in November 2019. However, this was not concluded and did not take into account all the matters raised by the Council prior to the re-submission.

Design Review Panel

The proposals have not been subject to any assessment by the Guildford Design Review Panel. This would provide a critical assessment from peers in the industry on the design concepts and justification for the approach based on their understanding of the locality.

Instead the applicant commissioned and undertook their own independent Design Review Panel after the application had been submitted. The feedback from this review has NOT been provided to the Council and therefore the process has provided no meaningful input to the proposal.

Furthermore, the Council considers that Design Review processes should take place prior to the submission of the application, at an early stage to inform the evolution of the design. By failing to do so the applicant has failed to engage appropriately and fails to follow the steps set out in the national Planning Practice Guidance regarding Design Review.

The NPPF makes clear that workshops and design review panels are particularly important for significant projects and that these are of most benefit when used as early as possible in the evolution of schemes. Policy D1(16) of the LPSS also advises that the Council would expect large schemes to be subject to Design Review.

Community involvement

The planning statement in para 5.4-5.5 sets out that the following engagement took place:

- Revised proposals to the local community including the Guildford Society and the Guildford Vision Group
- Press release in Guildford Dragon and Guildford News and announced on Eagle Radio for public exhibition
- 12-14.11.2019 public exhibition
- Shop window display at no. 1 The Quadrant
- Webpage on Agent's website
- Individual letters advising of the proposals were also sent to owner / occupiers in the vicinity

[officer comment: no details have been provided of the list of all groups and individuals consulted, all publicity for the public exhibition, what the feedback was received and how this feedback was collated and examined and how the scheme responded to this. Also, the public exhibition was held the day before this application was submitted to the Council]

Planning policies

National Planning Policy Framework (NPPF) 2019:

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

National Design Guide (NDG)

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

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25.04.2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

Policy S1 Presumption in favour of sustainable development

Policy S2 Planning for the borough - our spatial strategy

Policy S3 Delivery of development and regeneration within Guildford Town Centre

Policy H1 Homes for all

Policy H2 Affordable homes

Policy P4 Flooding, flood risk and groundwater protection zones

Policy P5 Thames Basin Heaths Special Protection Area

Policy E3 Maintaining employment capacity and improving employment floorspace

Policy E6 The leisure and visitor experience

Policy D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic environment

Policy ID3 Sustainable design, construction and energy

Policy ID4 Green and blue infrastructure

Evidence base:

West Surrey Strategic Housing Market Assessment (SHMA) 2015

West Surrey SHMA Guildford Addendum Report (SHMA Addendum) 2017

South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

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

Policy G1 (3), (4), (8), (13) General standards of development

Policy G5 (2), (3), (4), (5), (7), (8), (9) Design code

Policy G7 Shopfront design

Policy G11 The corridor of the River Wey and the Guildford and Godalming Navigations

Policy H4 Housing in urban areas

Policy HE4 New development which affects the setting of a listed building

Policy HE7 New development in conservation areas

Policy HE9 Demolition in conservation areas

Policy HE10 Development which affects the setting of a conservation area

Policy NE4 Species protection

Policy R2 Recreational open space provision in relation to large new residential developments

Supplementary planning documents:

Guildford Town Centre Views SPD 2019

Surrey County Council Vehicular and Cycle Parking Guidance 2018

Planning Contributions SPD 2017

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Sustainable Design and Construction SPD 2011

Guildford Landscape Character Assessment 2007

Vehicle Parking Standards SPD 2006

Residential Design SPG 2004

Surrey Design 2002

Urban Design Compendium 2000

Bridge Street Conservation Area Character Appraisal 2003

Draft Climate Change, Sustainable Design, Construction and Energy SPD 2020

Historic England Advice Notes

Tall Buildings: Historic England Advice Note 4

Managing Significance in Decision-Taking in the Historic Environment: Historic England GPA2

The Setting of Heritage Assets: Historic England GPA 3 (second Edition)

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment English Heritage (Historic England)

National Trust

Planning Guidance for development next to the River Wey & Godalming Navigations 2011

Other documents

Guildford Town Centre masterplan study 2015 - in December 2014 the Council commissioned Allies and Morrison Urban Practitioners and the final Masterplan report was published for consultation in October 2015 but was not progressed further and has not been adopted for planning purposes. This is founded on established principles of good urban design and may form part of an evidence base for future SPDs or guidance. However, the masterplan does not form part of the Development Plan and has not been adopted. It carries very little weight in decision making.

Town Centre Regeneration Strategy 2017 - sets out a long term approach to delivering development in the Town Centre. It focuses on proving homes and commercial development, realising improvements in public spaces, transport, shopping and leisure experience, while protecting the unique and historic character of the Town. This does not form part of the Development Plan.

Planning considerations

As a recently adopted plan and in accordance with paragraph 74 of the NPPF, the Council is able to demonstrate a five-year housing land supply with an appropriate buffer. This supply is assessed as 6.84 years based on most recent evidence as reflected in the GBC LAA (2019). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2019 measurement is 83%. For the purposes of NPPF footnote 7, this is greater than the threshold set out in paragraph 215 (45%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

The main planning considerations in this case are:

- the principle of development
- the design quality and its impact on the character of the area and the surrounding townscape
- the impact on the setting and significance of the heritage assets
- the impact on residential amenity and the quality of the residential accommodation provided
- the impact on highway safety and the level of parking provided
- the impact on flooding and drainage
- the impact on air quality
- sustainable design and construction
- the impact on the Thames Basin Heaths Special Protection Area
- Legal agreement
- the 'fall back' position

The principle of development

The application site is located within the urban area, and within Guildford Town Centre. The application site currently comprises a nightclub, which is an entertainment facility for the purposes of Policy E6 of the LPSS which states that the loss of leisure and entertainment facilities would be resisted to align with the aims of the Council's Visitor Strategy (2014-2020) to actively promote and sustainably develop Guildford's visitor economy.

The application proposes the demolition of the existing buildings and the erection of a large new building which the application documents state would include student accommodation as well as a mix of other uses which is described as shop (A1); financial and professional services (A2); restaurant and café (A3); drinking establishment (A4); office (B1a); nightclub, casino (sui generis); assembly and leisure (D2 - including cinema, concert hall and bingo hall). To be provided as follows: Retail Units (ground floor) 482.43sqm GIA and Nightclub/ Casino/ Drinking Establishment/ Leisure 2,154.93sqm GIA. However, how this floorspace would be divided into these uses has not been provided.

As set out in the proposals section of this report, the majority of the floors of the building would be dedicated to student accommodation with the non-residential uses on the ground floor, two basement levels and the two top floors which would both be set in from the floor below.

No assessment has been made in respect of the potential impact of the loss of the existing entertainment use (1,926sqm GIA) either in respect of the need for the facility, the alternative provision available or on the impact on the night-time economy as part of the redevelopment of the site. Accordingly, in order to ensure a suitable provision of entertainment facilities were retained in the redevelopment, it would be appropriate to have a planning condition to limit the use of upper and lower basement and the ninth floor to leisure (D2) or nightclub use. This area would include the back of house (BOH), whilst the floor space may not be directly comparable, the quality of the provision would be greater in a modern building and would therefore, be a suitable replacement for the existing entertainment use. Given this site is within the Town Centre the other uses proposed are acceptable in principle and for the same reasons, there is no requirement for a sequential assessment of the potential retail or office accommodation.

The principle of student accommodation is also acceptable, and the site is located in a sustainable location close to the University of Surrey, the University of Law and the Academy of Contemporary Music. Planning permission has recently been granted for a number of large student accommodation schemes. There are a number of accommodation options currently available, these are summarised in Table 1 below. There have also been a number of other applications for student accommodation some of which are consented and under construction. This is summarised in the Table 2.

Table 1

Site:	Bed spaces	Notes
Stag Hill Campus, Stag Hill, Guildford	2,830	Predominantly en-suite cluster rooms with shared cooking facilities
Manor Park Campus, Egerton Road, Guildford	2,315	Predominantly en-suite cluster rooms with shared cooking facilities
Hazel Farm, Cumberland Avenue, Guildford	349	Predominantly en-suite cluster rooms with shared cooking facilities
Sub total	5,494	
Private / Third Party		
Site:	Bed spaces	Notes
Scape, Walnut Tree Close, Guildford	141	Includes a mix of en-suite cluster rooms and studios
The YMCA, Bridge Street, Guildford	112	Includes catered en-suite cluster rooms. Is available to students as well as other occupants for short / medium term tenancies.
Sub total	233	
Total	5,727	

*as of September 2019

Table 2

Planning		Permissions	
Ref:	Site:	Bed spaces	Status / Notes
18/P/01155	Kernel Court (Scape 2), Walnut Tree Close, Guildford	403	Under construction
18/P/02100	Just Tyres, Walnut Tree Close, Guildford	83	Permission granted, yet to commence.
18/P/02226	Bishops Nissan, Walnut Tree Close, Guildford	361	Under construction
18/P/02391	1 & 2 Ash Grove, Guildford	88	Permission granted, yet to commence.
19/P/00535	Land at Guildford College Campus, Stoke Road, Guildford	533	Under construction
Sub total		1,468	
Site Allocations			
Ref:	Site:	Bed spaces	Status
Policy A18	Land at Guildford College, Lido Road, Guildford	≈ 200*	Planning Permission Granted (17/P/00509)
Policy A34	The University of Law	≈ 112	
Sub total		312	
Total*		1,580	

*not included in total to avoid double counting

As can be seen from Table 1 there are currently a range of accommodation options available for students in Guildford and the University of Surrey has undertaken significant investment in new student accommodation at its Manor Park. When combined with the additional development underway as set out in Table 2 this provides for 7,307 bed spaces.

The Councils Strategic Housing Market Assessment (SHMA) identifies that the number of full time students at the University of Surrey is expected to grow over the next ten years and this is reflected in the Guildford Market Report on. This growth is however uncertain, and students would be able to access purpose-built student accommodation.

Policy H1 states that purpose-built student accommodation would be encouraged on campus locations where appropriate and sets an expectation that approximately 60% of full time Guildford based University of Surrey students are to be provided accommodation on campus. Of the 40% of students that are not expected to be provided accommodation on site, some may seek private purpose-built student accommodation close to campus while others may seek alternative types of accommodation. Many students, through personal choice, may prefer to live in shared houses in the town or to live with family or friends in the area. The SHMA indicates that only 50-60% of full time students would seek purpose built accommodation as a first choice and the impact of students seeking shared houses is reflected in the Councils Objectively Assessed Need.

Therefore, whilst there may be some demand for additional purpose-built student accommodation, there is no pressing or urgent need. There is however no planning policy restriction on student accommodation and the Local Planning Authority cannot withhold permission on the basis that an alternative use may be preferable without justification. There is no evidence to suggest that the proposed scheme, in combination with the approved development, would result in such an oversupply or overconcentration of student accommodation such as to give rise to any identifiable planning harm as a result of the principle of development.

Having regard to the above, and subject to suitable conditions to secure an appropriate mix of the proposed uses, there is no objection to the principle of the development.

The design quality and its impact on the character of the area and the surrounding townscape

Para. 124 of the NPPF states that, “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Para. 127-131 then go on to set out the considerations in decision-making.

The National Design Guide (NDG) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The 10 characteristics form the priorities of what is recognised to contribute to well-designed places. They all contribute towards the cross-cutting themes for good design set out in the National Planning Policy Framework.

In the introductory text to LPSS policy D1: Place-making (para. 4.5.1) sets out the Borough’s vision, which is consistent with the NPPF:

“The design of the built environment has a direct effect upon how places are used. The relationship between buildings, spaces and landscape as well as detailed design and materials are all relevant factors. Good design would influence how people move around our settlements, how they interact and how places make people feel. We place a high value on the importance of good design in the built environment and making places better for people. It is important and fundamentally affects people’s lives on a day to day basis.”

Policy D1 is a strategic design policy which details key aspects of urban design including the creation of distinctive local character, safe, connected and efficient streets, a network of green spaces and public places, fosters crime prevention, access, inclusion, and other factors designed to support healthy communities. These objectives would allow the Council to achieve development that has a properly founded, locally distinctive sense of place and relates well to the surrounding built and natural environment.

The saved policies in G5 of the 2003 LP are a design code, those parts of the policy that have not been superseded by the LPSS remain relevant, until more detailed design policies are released. G5 also states that regard should be given to the Surrey Design Guide as a strategic document, which focuses on design principles.

Context and identity

The National Design Guide (NDG) includes the following as examples of a baseline for understanding the local context and an analysis of local character and identity:

- the relationship between the natural environment and built development;
- the typical patterns of built form that contribute positively to local character;
- the street pattern, their proportions and landscape features;
- the proportions of buildings framing spaces and streets;
- the local vernacular, other architecture and architectural features that contribute to local character.

The application site is located in a key town centre location that is highly visible on both approach and departure from the town centre by road as part of the one way system, and is on a heavily trafficked pedestrian route between the town centre and the railway station on Bridge Street and Onslow Street. The north and west boundaries of the site are street frontage, while on the opposite side of both streets are large-footprint retail (The Friary Centre) and commercial buildings (Tempus Court) and also Fays Passage to the west, a cul-de-sac which functions as a service lane for all the existing retail businesses along Onslow Street and Bridge Street, the other side of which is currently Bedford Road Car Park. There is no connection between Onslow Street and Fays Passage.

Bedford Road is an attractive route for pedestrians heading for the station across the existing pedestrian bridge over the river. This route is not heavily trafficked, and sections are pedestrian only allowing for the riverside environment to be experienced with a greater degree of tranquillity despite the close proximity to the town centre.

The site itself reads as part of a continuous terrace of buildings along Onslow Street, which follows the traditional pattern of Guildford with a consistent building line that closely follows the movement route to help create a human-scale sense of enclosure and overlooking onto the street. This pattern is not followed by surrounding buildings, including The Friary Centre and Bedford Road Car Park, and hence this terrace appears as a remnant of the historic townscape pattern amidst large scale and less sensitive redevelopment which does not follow the finer grain of the historic streetscape. This sharp contrast in urban grain creates the effect of the town centre appearing as a series of different areas with sharp differences in character between them.

The site itself represents one of the few remaining pockets of finer urban grain along Onslow Street, providing a visual diversity and density to that stretch of Onslow Road, and helping to generate a more human sense of scale to the street frontage while reflecting the more general feel of the town centre.

A prominent pattern in Guildford is the use and form of building corners in the creation of townscape. Many corners, such as the site, but also the Rodboro Buildings as well as in the historic corners around North Street, feature buildings whose frontages adopt a close curving line to the street and form terraces to create the impression of consistent block structures.

Some newer developments, including Bridge House and the Debenham Store, have adopted this approach to create landmark or statement corners as a way of articulating shifts in movement, although these sometimes do not respond closely to the street line.

The location of the site on the bend of a major through-route and on the corner of an important side street leading to the river, provides good visual exposure from the north and south. Given the visual prominence of the site, a local identity building may be appropriate. However, this does not necessitate or justify excessive height, or visually dominant structure that would dwarf the existing identity building on this route – the Rodboro Buildings - which itself also provides a strong link to the town centre's history.

This is a historic part of the town centre and is mostly formed by low density, small footprint, vertically elongated buildings with refined detailing. The existing buildings on the site generally conform to this character and contribute to the character of the area despite their current somewhat dilapidated state. Buildings directly adjoin fairly narrow footpaths which give the streets a sense of enclosure and reinforce the character of the area. The Design and Access statement submitted contains an analysis of the context and the Council also commissioned a Townscape Analysis report of the 18/P/01668 as part of their evidence at the appeal.

The site is one of the relatively few examples of traditional fine-grain footprint terraces in the area and provides half of the street's fine-grain typology, as well as including a number of locally listed structures, albeit somewhat altered from their original appearance.

Page 14 of the DAS includes some analysis of the fine urban grain and frontage proportions, to assist in considering appropriate dimensions for the suggested vertical break-up of the proposed building. However, there is a lacuna in the analysis undertaken which fails to explain how the assessment of the streetscape has informed the final design.

The design development process is on pages 28-43. However, this does not successfully reflect the points noted in the analysis. For instance, it is noted that in general building heights of newer, commercial developments in the local context tend to be 6-8 storeys high and then fails clearly to establish why this proposal should then be 10 storeys high. The typologies referred to on page 29 of the DAS make no reference to the analysis of the local streetscape and refer instead to buildings that are located outside of Guildford. It appears that it is the design concepts of these buildings which have informed the design evolution.

Height

The site itself is located on the river plain at one of the lower points of Guildford. The buildings on site are currently between 1 and 4 storeys, as are buildings opposite both Onslow Street and Bridge Road. The buildings to the north, which exhibit a substantially different built form, are slightly taller at between 5 and 6 storeys.

In terms of footprint the proposal removes the fine grain of the relatively narrow footprints of 6 existing buildings, which currently follow a curving street frontage, set to the back of a minimal (approximately 1.4m) pavement and providing a variety of shopfront-type frontages. These are now largely used for an internally-focussed function (nightclub) with little or no active frontage usage.

The Design Development section continues on page 30 of the DAS to say that 'consideration was given to the permitted scheme' including its 'overall scale', however the following pages on design development ignore the height above ground level of the extent schemes (6 storeys for 03/P/02069 and 05/P/01705). Instead the concept evolution is based on a taller building (10 storeys) being acceptable with no attempt to justify this in relation to its immediate townscape or heritage context as shown on pages 31-33 of the DAS.

The only reasoning for this approach is on page 69 of the DAS, where it is stated that "commercial storeys are higher than domestic scale buildings so, for example, the 5 storey Tempus Court to the north of the site, is a building of substantially larger scale compared to the 4 storey buildings on the north side of Bridge Street." This is an over-generalisation and does not justify an arbitrary approach. In sensitive locations such as this context is important. Taking into account the points recognised in the townscape analysis of the DAS, context has had a limited and insufficient influence on the actual design of the proposed development.

The height of the proposal rises to more than 64.7m AOD. In comparison, the Rodboro Building is 47.3 AOD, Tempus Court is 54.7m AOD and 3 & 5 Bridge Street which is 47.3 AOD.

The justification from the applicant for a 10 storey building is that this is a 'landmark site' and this would be a 'landmark building in its own right, designed within the context of its setting'. Officers consider that whilst a local identity building could be suitable on this site, the creation of such a building neither necessitates nor justifies excessive height.

Even at the nearby Guildford Station redevelopment, the general height of buildings approved would be mainly below 8 storeys - taller than nearby buildings but consistent with existing C20th/C21st mainly office developments around Guildford town centre. The tallest block there would rise to up to 10 storeys. This is appropriate in that location where the tallest part of the building will act as a marker for the station itself and its plaza area, adding an important wayfinding element to the town. It is notable that, in that case the proposals were revised during the course of the application to reduce the height of the tallest buildings from 15 storeys to 10 storeys in a less sensitive location to respond to the townscape. The site in this case is more sensitive and does not justify the same sort of 'wayfinding' design.

The topography of the town is also a factor, historically the more important and taller buildings are usually located on the tops of hills (e.g. the Cathedral and the Castle, as well as Holy Trinity Church, located at the top of the High Street and further elevated on a small rise to the side), and the built form then steps down hillsides with the overall building heights also similar or dropping down, emphasising the topography (e.g. the High Street).

When taller buildings are located on lower levels this can produce a 'flattening' effect when viewed from outside the town, a loss of built form hierarchy and 'canyon' streets at the lower levels of a town centre. This is something to be generally avoided.

Further, part of Guildford's identity is as a valley town, surrounded by clearly visible green hills. The extant scheme at 8 storeys would not break the skyline in the view from the Castle Motte looking north west, reinforcing the point that it is at an appropriate maximum height. From the same view point the proposed development would remove from view an area of verdant hillside and would significantly undermine the perception of Guildford as a valley town because of its over-scale height.

Overall the building reads visually as a single object, except up close at ground level. Its relatively large footprint combined with its excessive height (10 storeys above ground level in an area of predominantly 2/3-5/6 storey buildings) gives it an unjustifiably dominant and overbearing scale in its context. It results in an incongruous development, out of character in relation to the existing built form and overwhelming to the historic, present and likely future context.

Such a major scale shift is neither justified nor warranted in this location or any other town centre site nearby.

CGI images have been provided of the existing, permitted, appeal and proposed developments. From close range, urban context view 3 (across Onslow Street at street level) and view 4 (looking south along Onslow Street) are relevant.

View 3 is at street level and although the human eye would be able to look up and take in the whole building, this image expresses the lower 5-7 floors. The fact that the full height of the adjoining buildings (Tempus Court and 3 Bridge St) can be seen, but the proposal's full height cannot, reinforces the over-scale nature of this building. This view also demonstrates the large scale of the panels of brickwork which do not express an appropriate verticality or appropriately reflect anything like the existing urban grain, while the glazed sections add a commercial feel to the overall structure.

View 4 shows the building rising above the pedestrian bridge across Onslow Street (between Bedford Road Car Park and The Friary Centre) and clearly considerably higher than Tempus Court just in foreground. The fully glazed upper levels and the glazed 'identity corner' are clearly shown. The lack of articulation to the corner reinforces the overbearing scale of the building and fails to respond to its site at the street intersection.

Quality of the architecture and built form

Given the context of the area described above and the prominence of the site in the townscape, an important experience of the built form of this site is from within the street and immediate neighbourhood.

Scale relates to both footprint (two-dimensional plan area) and three dimensional bulk and massing.

The approach to the massing and form of the development does take some conceptual cues from the permitted scheme and proposes continuing the existing terrace on Bridge Street (with a ground floor inset), then stepping the additional heights away from this area to place the tallest elements to the north, although those elements are much taller than the permitted scheme. This stepping approach is in principle supported from previous proposals, discussions and appeal processes and this is explored on page 33 of the DAS. Whilst an approach which involves 'stepping' is in principle legitimate, such an approach cannot be used to justify excessive height. The height of the steps must be appropriate to the context and location.

In addition to the overall height, there are other areas where the massing contributes to the impression of an overbearing building. The setback ground floor is a positive element in terms of enabling the footpath widening and the continuity of the retail use at ground floor is more attractive than the blank windows at present. However, the ground floor is shown as only having a 4.0m floor to floor height at the Bridge Street end, giving this floor a 'squashed' and out of proportion appearance in relation to the mass of the building above.

A consequence of the building overhanging, (to achieve the enlarged pavement), is that the street-side elevations would be pushed out beyond their traditional back of pavement line, beyond the line of Tempus Court to the north and dominating the view looking in this direction. This also occurs in the opposite direction looking south towards the Rodboro Buildings, an important feature in both townscape and heritage terms. The proposal reduces the extent of the view towards this important heritage asset and would have a significant and negative impact, in this context, on both scale and form.

Another problematic area of massing is the south corner where there is an angled return (two bedrooms deep) in the plan to create an enclosed lightwell area (open above the existing neighbour). This creates a 7 storey blank wall immediately adjacent to the two storey rear structure (roller shutter on ground floor with floor space above) on Fays Passage (of no.3 Bridge Street). This part of the adjacent site is unlikely to be redeveloped with a building of much greater height than the existing situation, meaning that this featureless elevation would remain as a stark, blank projection and would add to the overbearing impact resulting from the proposed height and scale of the proposed development.

The rounded corners would be used (to the major corner and as setbacks from Bridge Street buildings, plus the inset top floors), allowing the form to connect with adjacent buildings and to follow the boundary more clearly on its street edges. However, the actual design of the rounded corners, comprising mostly continuous glass fails to take into account the identified role of both curving and corner buildings currently in Guildford as set out on page 18 of the DAS.

For example, the form of the Rodboro Buildings follows the street curve which is a clear and logical response. However, it then reverts to a more usable orthogonal structure to the rear and to the sides. This site has a reflecting curved front boundary and it would be understandable if this edge also followed the existing line and was subservient to the street line, however this continues around to the south-west, which necessitates the further exposure of a utilitarian party wall.

The two upper floors have a significantly smaller footprint than the rest of the building, however, as this is a two storey mass and entirely glazed it would read very strongly at night, given its intended night-time use – which is likely to emphasise the over-height scale and mass of the proposal.

The main view along Onslow Street is where the main mass of the building would have the greatest impact. Whilst there would be some setback adjoining Bridge Street, a large proportion of the building frontage to Onslow Street would be seen at 10 storeys with no significant setback until the seventh floor. The top floors would be set in and back from the lower storey.

While the area around the site has both a mixed architectural history and a range of existing built form, the site itself is part of the only coherent, and locally important, 'joined up' curving terrace of separate buildings

The buildings on the site and adjacent to it along Bridge Street respond to the line of the street and contribute to the continuous curving line of the street. The proposal would completely destroy this important part of Guildford town centre's 'urban style' by breaking the continuity of the curve.

In relation to its close and adjacent neighbours, the proposed scale of the building is completely at odds with the existing local character and would overwhelm these smaller, lower scale buildings.

Appearance

Apart from its height the major point to make about the proposal's appearance is that it clearly looks like a large single building and, in contrast to claims made to the contrary in the DAS, the design does not break down vertically to reflect the buildings currently on the site in any legible way.

The ground floor street elevations are largely continuous glazing with vertical divisions at use/lease boundaries. This is not inappropriate for a largely retail frontage on a busy town centre street, but it does not "recreate the original grain of the site", as suggested in the DAS page 34.

Above the ground floor the façade is broken into large panels of brick slips separated by vertical curtain wall glazing sections. While brick is an appropriate material and the 'punched windows' are appropriate for buildings in residential use, the brick panels' 'floating' quality presents a commercial style to the elevations. This is compounded by the vertical curtain wall glazing elements.

The vertical glazing breaks the brick panels into smaller areas to some extent, but this does not, as claimed, create "the appearance of a group of buildings" (page 84 DAS) nor do the elevations "continue the rhythm and scale of... 3 & 5 Bridge St" (page 91 DAS) which present traditionally articulated and detailed frontages with essential differentiation between them. The scale of this site and proposed building's functions may not lend themselves to being broken into a number of smaller forms, which may suggest that it would be better to look to larger footprint local buildings (e.g.: Rodboro Buildings) for more relevant design references.

The use of glazed curtain walling to the curved corners could be suitable to the setback areas on the south of the building and to the top floor (subject to management of light spill). However, this would be an inappropriateness finish to a student bedroom. Regardless, the identity corner at the Onslow Street/Bedford Road intersection would be poorly served by this very simplistic treatment and does not fulfil its potential 'identity' status.

The corner of Fays Passage, while not an identity location, is also shown as completely glazed on two sides of the student room on each floor. As previously this is not an appropriate finish to a student bedroom.

Materials

Brick is the predominant material throughout Guildford, and in particular on older buildings. Around the site itself, red brick dominates as characterised by the Billings building as well as on the more modern Bedford House. The Rodboro Buildings feature a patterned mix of red and yellow bricks, together with tiled ornamentation to create a rich language of building.

Newer developments, especially those around the site, feature a less consistent mix of materials and approaches which to a degree diminish the coherence of the area. The use of large areas of glazing in the proposed development contrasts heavily with the neighbouring pattern of window articulation. It should be noted that other modern buildings, such as the Debenhams, manage to create large glazed facades but without losing the sense of rhythm in the elevation, through the use of vertical articulation, mullions, etc.

In order to 'harmonise with the adjacent buildings' there would need to be some sense of connectivity between these and the proposal - this could be through scale and form (not demonstrated, see above), architectural rhythms in windows or materials or use of materials and colours. The adjacent buildings are considerably smaller in height and footprint; they are made of brick and have clearly articulated windows. It is not possible to find harmony in a relationship between the over-scaled and crudely articulated proposed scheme and the adjacent brick built structures.

In principle, it is entirely acceptable to use contemporary architecture and modern materials for a new development in a conservation area and/or adjacent to heritage buildings. However, it is essential that any new building in this context be of demonstrably very high quality design.

The use of brick as an external material would respect the wider context, however panels of brick slips separated by sections of glazed curtain walling do not offer the quality of building which is appropriate in this location in Guildford. Further, the quality of brick slip systems can vary greatly, and no details have been given as to whether this would be a natural brick. For the avoidance of doubt, a synthetic brick would be unacceptable in the conservation area.

Detailing

A notable element of materiality is the articulation of depth in the facades, which is often used to accentuate the apertures and provide a sense of rhythm and sculptural form.

The setbacks and overhangs of the proposed building are spatial details and the design development does provide some justification for the approach taken.

The external finishes would appear very flat with little depth expressed anywhere, even at window junctions. There is no positive response to the robustly detailed older buildings adjacent to the site.

While designing a completely fresh modern building is an acceptable and potentially compelling approach to development in a conservation area, the modernity must be presented with more justification and with well-designed detailing to inform a building of genuine architectural quality. That is not true of the proposed development.

The scale of each part of the proposal is crude and simplistic with none of the elegance or thoughtfulness seen in older buildings in the conservation area. The simplicity of the Rodboro Building's form, for example, is supported by a greater complexity of repeated detail at the windows, creating a pleasing structure of architectural rhythms, which clearly relate to function and human scale. Without relying on excessive push and pull of the facade, the Rodboro Building instead uses subtle insets and protrusions which help establish a rhythm to the street scene. By contrast the repetitive windows in the proposed scheme would have no visual articulation and are set into over-large forms which seem arbitrary and unrelated to any formal use.

No large scale section plans have been provided to understand how shadow play, cills, headers, window frames and depths of reveal would work. Whilst it would not be unreasonable to require this information by condition. In this case, due to the scale of the proposed building and location in the conservation area this should have been provided at the application to ensure that the facades would not be flat and be functional in terms of shading, rainwater run-off, wall to ceiling junctions (where a suspended ceiling), any flashing required etc. In the absence of this, it is not possible to judge the impact of the exterior detailing on the streetscene and when seen in short and longer range views.

From the building section plan (PL_124) a parapet wall only 0.5m in height would be erected, this may not be high enough to obscure plant and equipment and would affect the appearance of the building in the conservation area.

Landscaping

The analysis below relates to elements of landscaping within the proposal, as distinct from the broad concept of 'landscape' of which 'townscape' forms part. As the building occupies almost all of the site (not inappropriate in its urban context), any landscaping is necessarily restricted to roof areas. The lower 'terraces' relating to student uses are opportunistic rather than design-led and arise from the location of stepped setbacks to the south. The sixth floor terrace would be at the end of corridors which provides access to student clusters and the seventh floor terrace be in two part with a thin strip in between them running across the frontage of student bedrooms, which would again be off a corridor. The accessibility and permeability of these outdoor spaces would affect their use given the adjoining bedrooms and as they are disconnected from the common rooms on these floors.

The upper roof level opening from the rooftop leisure use could be pleasantly used for outdoor dining, however there may be issues with night-time noise and light spill. In this case there would only be an opportunity for planter-based greening and the detail and maintenance would be required.

The DAS simply states (p.88) that the rooftop areas present "an opportunity for soft planting". This does not really seem to qualify as a strategy and clearer details of use and treatment should be required, potentially as part of a sustainability strategy.

The rooftop terrace has no covering with no micro-climate studies of any of these spaces, to assist in understanding how these spaces could work for active use and what the impacts of wind, noise (outward), sun and air quality performance would be. The external appearance would also be affected by the use of large umbrellas for outdoor seating or dining.

The terraces areas would also be required to be used for plant and equipment, whilst generally it is not unusual not to provide this information, given that this would affect the amount, shape and quality of the outdoor space for the terrace uses it is a matter which in a case like this should be taken into account.

Robustness and adaptability

No reference has been made to designing for climate change adaption and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience. For example, there is no explanation in this context of the approach to overhangs, which especially given the large glazed opening to some bedrooms and how this would affect thermal comfort, should have been provided. Therefore, in the absence of details on future robustness and adaptability, the building could require changes in response to climate change rather than these features being designed in.

The NDG refers to long-term stewardship, easy to use and look after and adaptable. No management plan has been provided for the student accommodation to manage student occupation (this could include: moving in, cleaning arrangements, use of communal areas, window dressing, standard furniture etc.) remote working with developing technologies and high speed digital connectivity. Also, there is no explanation of how the communal areas would have a sense of ownership. Whilst they are in a central location on each floor, so would have regular footfall, there is no concept of how these spaces would be accessible, shared spaces or be adaptable to a variety of activities.

There is an opportunity for community management rather than a management company that is detached from the student housing (as there would be no onsite manager/caretaker), but insufficient details of how this could be achieved have been provided.

In summary, the proposal would be a dominating and bland insertion into the townscape in this area. The development proposed would not contribute to 'repairing' the local urban grain or urban form, to which it is accepted there has been some damage. Rather, the proposal is out of scale in relation to its immediate neighbours, including the Rodboro Buildings opposite. It's supposed public benefits are limited (pavement widening) and could be provided equally by a different development approach which responds more clearly to local character and distinctiveness.

The building would be of an incongruous scale, height and massing for its context and it would be experienced as a single, large and dominant structure in the townscape. While the use of brick as a main cladding material is appropriate, the combination of the large scale 'floating' panels of brick above the inset glazed ground floor and glazed panels between the brick, together express a bland and commercial style; without any meaningful articulation or sense of hierarchy.

An analysis of the context of the surrounding area has been undertaken, however, the concepts deriving from that analysis have not meaningfully informed the final design. Instead the building typology has been based on modern commercial buildings that do not reference the historic town centre location.

The proposed development would also potentially have a significant impact on night-time views and includes a high level of glassing on the upper floors that would be occupied and illuminated at night. There is no assessment in the application of the impact on night-time views and this has significant potential to add to the harm identified above.

Overall, it is concluded that the development would have a significant adverse impact on the character and appearance of the local area and would harm the townscape quality of the town centre from a number of important views. Accordingly, the application is contrary to Policy G1 and G5 of the Local Plan 2003, would be contrary to Policies S3 and D1 of the LPSS and would conflict with the policies of Chapter 12 of the NPPF.

The impact on the setting and significance of the heritage assets

Statutory and development plan requirements and guidance.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

One of the planning objectives of the NPPF is the conservation of the built and historic environment as part of delivering sustainable development. The planning system should play an active role in guiding development to sustainable solutions (paragraph 9) that achieve economic, social and environmental gains in an interdependent and mutually supportive way. For the historic environment this means that a decision-maker should identify and assess the particular significance of the heritage assets that are affected by a proposal. They should take account of this assessment to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal (paragraph 190).

It is recognised that the setting of a heritage asset may change over time, but even where the setting of a heritage asset has in the past been compromised to some degree by unsympathetic development, to accord with NPPF policies consideration still needs to be given to whether additional change would further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's designed landscape or the removal of structures impairing views of a building (Good Practice Advice #3 December 2017 Page 4 bullet titled Cumulative Change).

The development proposed represents a major intervention into a sensitive historic context and visual intrusion into the setting of several designated heritage assets, including those at high grades. The harm caused to these assets is less than substantial, although in the case of two assets, The Bridge Street Conservation Area and the Rodboro Buildings, this harm is towards the upper end of the scale. In order to conserve the designated heritage assets in a manner appropriate to their significance, the harm to these and other assets has to have clear and convincing justification and be weighed against claimed public benefits.

Government policy is that heritage assets should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, where conservation (for heritage policy) is defined as "the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance." (NPPF Glossary Annex 2 page 65).

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraphs 193 and 194).

Historic England Good Practice Advice in Planning #2 Managing Significance in Decision Taking in the Historic Environment provides information to assist local authorities and other interested parties on implementing historic environment policy in the NPPF and Planning Practice Guidance (PPG). The general advice is that development proposals affecting the historic environment are much more likely to gain necessary permissions if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. Understanding the nature of that significance is important to understanding the need for and best means of conservation where conservation (for heritage policy) is defined as “the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.” (NPPF Glossary Annex 2 page 65).

The overall approach is thus clear. Harm should be avoided with great weight given to the conservation of heritage assets. Significance of heritage assets can be harmed directly or through development in their setting. Any harm to heritage assets requires clear and convincing justification and, depending on the asset, substantial harm should be exceptional or wholly exceptional. Should the proposal result in substantial harm then the test set out in paragraph 195 would apply. If the harm is less than substantial then the approach in paragraph 196 would apply.

Policy D3 is consistent with the NPPF and requires “Development of the highest design quality that would sustain and, where appropriate, enhance the special interest, character and significance of the borough’s heritage assets and their settings and make a positive contribution to local character and distinctiveness would be supported”. Paragraph 4.5.54 also states that “New development must conserve heritage assets in a manner appropriate to their significance.”

Saved policies HE4, HE7, HE8 and HE10 have regard to the statutory duty to preserve the setting and preserve or enhance the character or appearance of that area under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Guildford Town Centre Views Study describes how Guildford is located at a gap in the North Downs and at a meeting point of major historic routes and that the town contains a wealth of heritage assets. The landscape setting to the town comprises wooded undulating and picturesque countryside that is designated for its landscape qualities in the Surrey Hills Area of Outstanding Natural Beauty (AONB). The topography provides for strong and dramatic visual links between the town and its countryside setting and the surrounding landscape was the source of many of the materials used in its historic buildings. The SPD sets out a list of viewpoints that help to reveal how Guildford developed and demonstrate the importance of its relationship with the countryside beyond. It is intended to assist in managing change so as to retain the special character that exists, including the ability to appreciate key heritage assets, and would be used by the council and developers to fairly assess the impact upon development proposals on the identified important views.

The impact of the proposed development upon other heritage assets would be on their settings. The contribution made by setting to the significance of a heritage asset can be physical, perceptual and associational. In assessing whether, how and to what degree setting makes a contribution to the significance of a heritage asset, the starting point is an understanding of the asset itself. Consideration of potential attributes of the physical surroundings and how you experience the asset are in the checklist provided in the Good Practice Advice #3 and help to identify how the setting contributes to that significance.

Impact on the heritage assets

The impact of the proposed development upon heritage assets other than those of which the site itself forms part would be on their settings. The contribution made by setting to the significance of a heritage asset can be physical, perceptual and associational. In assessing whether, how and to what degree setting makes a contribution to the significance of a heritage asset, the starting point is an understanding of the asset itself. Consideration of potential attributes of the physical surroundings and how you experience the asset are in the checklist provided in the Good Practice Advice #3 and help to identify how the setting contributes to that significance.

The proposals represent the insertion of a tall building, which should require considerable care and be based upon an analysis of impact. The Historic England Tall Buildings Guidance states, "If the building is not in the right place and well designed a tall building, by virtue of its size and widespread visibility, can also seriously harm the qualities that people value about a place... One of the principal failings in the design of certain tall buildings was a lack of understanding of the nature of the area around them, and the impact they would have on both specific features of the historic environment and its general character."

At paragraph 4.1a applicants are advised they should "Identify the zones of visual influence of a proposal, which then help to understand the character of the areas that may be affected and determine which individual heritage assets are likely to be affected, this includes considering recognised views and the settings of heritage assets".

These are the heritage assets affected by the proposals:

- Bridge Street Conservation Area
- The Wey and Godalming Navigations Conservation Area
- Guildford Town Centre Conservation area
- Onslow Bridge (listed Grade II)
- Rodboro Buildings (listed Grade II)
- Treadwheel Crane (Scheduled Ancient Monument and listed Grade II*)
- Guildford Castle Keep(s) (Scheduled Ancient Monument and listed Grade I)
- Cathedral of the Holy Spirit, Stag Hill (Listed Grade II)
- Church of St Mary, Quarry Street (Listed Grade I)
- Holy Trinity Church, High Street (listed Grade I)
- Church of St Nicholas (Grade II*)

Bridge Street Conservation Area

This is designated for its special character and appearance as a Victorian commercial area developed adjacent to the railway. It retains architectural coherence through a largely consistent urban grain and common materials including brick slate and tile. The buildings on the proposed development site are identified as positive contributors to the character of the conservation area and are also locally listed. These would be demolished.

In the conservation area appraisal, it clear that the area is the hub of late C19th and C20th industrial and commercial expansion of Guildford following the arrival of the railway. The construction of Onslow Bridge (listed Grade II) at the heart of the conservation area was required to improve access to the new station and was on land given by the 4th Earl of Onslow. The key characteristics of the appearance of the conservation area includes development three to four storeys high and predominantly of brick. Three of the four corners to the junctions at either end of Bridge Street are faceted or "curved". The grain of development is predominantly traditional with a back of pavement building line.

Bay widths along Bridge Street are between 6 and 7 metres, articulated with pilasters or piers and crowned with pitched roofs, often gable end to the street or the Navigation. The use of projecting bay windows at first floor is also notable.

Historically, the majority of the buildings of historic interest within the conservation area also have a coherence as they were constructed in a 30 year period, from Onslow Bridge in 1882 through to the Electricity Generating Works (now the Electric Theatre) in 1913. The original uses of the buildings including former warehouses, mineral water works, and car manufacturing also shared characteristics and would have presented a bustling and busy environment for those entering the town, distinct from the character of the High Street.

One impact of the proposals upon the conservation area would be the loss of two locally listed buildings which contribute positively to its special character and appearance. The loss of these buildings was accepted in principle through the grant of planning permission for the scheme under 03/P/02069. However, the current proposal under consideration would exacerbate the harm to the conservation area because of its height, materials and incoherent design.

The proposed building is on a substantial plot currently occupied by three of the larger buildings of the conservation area in terms of footprint. The upper student accommodation levels would project forward, oversailing the ground floor and presenting an unattractive exposed soffit to view, for which no details on materials, finish or lighting have been provided. Floors 6-10 facing Bridge Street are then set back arbitrarily. On Onslow Street the setbacks are eliminated, and articulation provided mainly by blocks of brickwork and curtain wall glazing.

The articulation of mass is crude in comparison to that elsewhere in the conservation area and the building disrupts the coherence of materials, height and architectural form that characterises the conservation area. The new building would also have little connection to other buildings within the conservation area in terms of architectural character and usage. The view along Bridge Street from the west would also be significantly altered, with the new build dominating a streetscene which is currently still predominantly late Victorian and Edwardian in character.

In the Guildford Town Centre Views SPD viewpoint 7, the town centre approach from Farnham Road, is in the setting of the conservation area. The proposed development would be on the edge of the view cone and would be competing with existing historic landmarks.

The harm to the significance of this designated heritage asset, the conservation area, is less than substantial, but given the magnitude of the impact which would be experienced across the whole of the conservation area would be at the significant end of less than substantial harm.

The grain and rhythm of the development in the conservation area is disrupted and the new building would dominate its immediate surroundings particularly in Bridge Street. This fails to preserve the character and appearance of the conservation. The harm in my view is less than substantial and of a moderate degree.

Onslow Bridge

This is a key building in the conservation area, listed Grade II, and one whose setting is experienced in two very different ways. Historically the structure is important for the illustration it provides of the importance of connecting the town to the new railway. It therefore has functional relationships and associations with the other heritage assets in the conservation area e.g. the Rodboro Buildings and the former Central Hall (now The Drink). Architecturally the bridge illustrates the Gothic Revival style, (more properly Tudor or Perpendicular in this instance) one of the two prevailing styles usually employed in the nineteenth century for public buildings and structures. This is seen to greatest effect from the river or Navigation. This view and experience of the bridge would be radically changed by the visual intrusion at high level of the upper storeys of the proposed development appearing above the roofs of the buildings along Bridge Street to the north.

Whilst there may be some difference in judgement as to the extent of the contribution of the bridge, there is a relationship between the site and the bridge, and the former does make a contribution as part of its setting. This is not recognised in the applicant's heritage statement

The bridge is also experienced by visitors and residents of Guildford when travelling from the west from Farnham or the Station on Walnut Tree Close. In this experience there is a strong visual connection between the architecture of the bridge and the architecture of the Victorian and Edwardian commercial buildings that frame its approaches. From the elevated approach at the Farnham Road junction with Walnut Tree Close, the grain and coherence of the architecture in the setting of the bridge is particularly noticeable and makes a positive contribution to appreciating and understanding the historic significance of the bridge as well as its architectural interest. It is this contribution of the setting of the listed bridge in this view that would be most harmed.

The impact upon the contribution made by the setting is appreciable and comprises loss of the near contemporaneous locally listed buildings and the visual dominance of the new development. This would affect the experience of the bridge as a pedestrian route through the conservation area of clearly Victorian/Edwardian commercial character. The impact is less than substantial and of a lesser degree.

Rodboro Buildings

These are listed Grade II. The Rodboro Buildings were possibly the first purpose-built car factory in the country. The building is, however, far from being just a utilitarian structure as the manufacturing process was carried out on the upper floors with showrooms along the ground floor. There is a clearly visible architectural hierarchy between the faceted elevation fronting Bridge Street and extending along Onslow Street, which includes rubbed brick headers to the fenestration, terracotta decoration and giant pilaster piers and the plainer elevations to the rear and west sides. The design of the building was clearly carefully considered, and it was meant to make a statement in the townscape. The original display windows were blocked during the 20th century before the building was listed and the ground floor was subsequently altered to form an arcade and allow a footpath to be inserted as part of a road widening scheme in the 1990's. The RPS assessment incorrectly states that the arcade/'loggia' was to shelter for customers to view the cars in the shopfront and that larger vehicles such as charabancs and fire engines were not produced on this site.

The impact of the proposals upon the contribution made by the current setting to the ability to appreciate the significance of the listed building would be dramatic. At present, the setting contributes positively to an understanding of the historic interest of the heritage asset where it has retained its Victorian and Edwardian industrial and commercial character, which reflects the former uses of the Rodboro Buildings. The listed building, constructed 1900-1903, was almost contemporaneous with the buildings on the opposite side of the road; The Central Hall Picture Palace (formerly the Drink and now the Casino) of 1908; Shelveys Mineral Water Factory (now the Corner House) of 1905; and The Quadrant 1912-3. All share a common palette of materials and, with the exception of the central section of the Quadrant, were all of similar scale and height and these elements of the setting of the heritage asset make a positive contribution to appreciation of its architectural interest.

The eastern part of the setting of the listed building was formerly the premises of the Friary Brewery, demolished to make way for the shopping centre, whilst to the north, beyond the corner building, Bedford Road was originally laid out as terraces between 1905 and 1913. The construction of the shopping centre, Onslow House and the Bedford Road car park have eroded the historic coherence of the setting to the Rodboro Buildings. However, the general height of the Friary Centre is consistent with historic commercial development when seen in views from within the Bridge Street conservation area. The most harmful element of the shopping centre to the contribution made by the setting of Rodboro Buildings to the north is the concrete and brick clad footbridge crossing over Onslow Street between the centre and the car park. This obscures some mid-range views looking south at the façade of the listed building. Bedford Road car park and Onslow House are both of significantly greater scale and height than the Rodboro Buildings and are prominent features in its setting, although their negative impact is mitigated a little by their distance and relationship to the heritage asset.

The proposed development would dominate the immediate setting of the Rodboro Buildings from all directions. From the north looking south along Onslow Road the height and mass of the building would draw the eye and cut off the majority of the view to the wooded backdrop of the town visible beyond to the south. From the east, the current relationship between the Rodboro Buildings and the Quadrant/Corner Building would be destroyed and the new development would dominate the area. From the west looking along Bridge Street the contribution made by the consistent scale and character of the buildings along Bridge Street would also be radically changed by the insertion of the new building, changing the skyline and distracting from the Rodboro Buildings.

From the south the Rodboro Buildings would again be completely visually dominated. The proximity of the development to the heritage asset means that in this view it appears visually attached and its dimensions, scale, massing and proportions would overwhelm appreciation of the listed building. In contrast to the current setting where the Rodboro Buildings remain a significant presence and component in the townscape, despite changes to its setting, if this development proceeds then the heritage asset would appear visually isolated in its immediate context.

The setting of Rodboro Buildings extends south to the Portsmouth Road, where it can be seen again in context with the other buildings along Bridge Street as you descend into the town centre. There are particularly clear views of the building from Park Street and the car park between the Town Bridge and The George Abbot public house, adjacent to the church of St Nicholas. These views enable an appreciation of the massing and volumes of the listed building; particularly its roof forms, which appear to form the skyline in the view from the car park. The skyline is defined by the horizontal roof line of Onslow House with its glazed upper storey immediately above the roofs of the Rodboro Buildings in the views as you descend Portsmouth Road. However, the hipped roof of the Onslow Street range of the listed building is still currently easily discerned against clear sky.

The proposed development would fill the sky space above the listed building eroding the ability to appreciate its rooflines and form and eroding its prominence in these views. These views are the ones that are best for allowing appreciation of the expanse and form of the roofs of the Rodboro Buildings as one composition from mid-distance. The new building would appear to rise directly behind the heritage asset visually dominant, incongruous and very conspicuous, towering above it.

The harm caused by the proposed development to the contribution made by the current setting of the Rodboro Buildings to its significance is extensive. It would not be possible properly to appreciate the listed building with the distracting presence and visual competition caused by a poorly designed development. The harm, whilst less than substantial in terms of the NPPF, would be at the upper end of that spectrum.

The Treadwheel Crane

On the wharf at the foot of the High Street is a scheduled ancient monument and a listed building. Its significance is primarily as a very rare survival of a former industrial structure with technological interest. Although relocated, the structure remains alongside the Navigation with which it had a functional relationship. The setting of the crane extends to the Bridge Street conservation area and the Rodboro Buildings.

The best way to experience the setting of the crane is via the Navigation and the elevated views from the Town Bridge looking north where it can be seen in relation to the Navigation and the industrial and commercial buildings on the south side of Bridge Street. This view illustrates three centuries of industrial development including the Crane, the Electric Theatre and the Rodboro Buildings, with The Billings visible in the background. This illustrates and emphasises the importance of the contribution of the scale of development in conserving the ability to appreciate the significance of the Crane.

The impact of the proposed development rising significantly above the existing development along the south side of Bridge Street in the setting of the Crane would be conspicuous, incongruous and distracting. The new building would dominate the skyline; dwarfing both the Electric Theatre and also the Rodboro Buildings in this view. It would be very prominent and distract from the appreciation of these assets through its dimensions, scale and massing; which would be exacerbated by the reflectiveness of its materials.

The change to the still appreciable historic industrial character of the setting, which contributes to an understanding of the evolution of the town and the historic significance of the Crane itself would be very noticeable and causes harm. That harm is less than substantial in terms of the NPPF and at the middle range of the scale.

Guildford Castle

This is a Scheduled Ancient Monument and also a listed building. An unusual illustration of castle development in that it contains a motte, a Shell Keep and a Tower Keep, it was deliberately sited to dominate the town and control a crossing point of the River Wey. The topography of Guildford plays a major part in the contribution made by the setting of the castle to its significance and understanding that significance. Located adjacent to the Saxon church of St Mary, these two buildings are the earliest above-ground structures that illustrate the origins of the settlement.

An important way to appreciate this strategic siting and intended dominance of the monument and listed building is from the castle and its motte looking north, west and south. There is a strong appreciation of the wooded surroundings of Guildford and its position within the natural topography illustrates the reasons for its development and why it looks the way it does.

The dominance of the castle was also originally expressed through its materials including expensively worked stone and also its scale in relation to other buildings in the town. This tradition continued over centuries and is particularly legible in Guildford, with the erection of the Abbot's Hospital; Holy Trinity Church and Tunsgate at the upper end of the High Street; and the Friary (now demolished) and St Nicholas Church at the lower end of the town being obvious examples.

In the views south from the castle motte the proposed development would not be appreciable, but in views west it would appear at the edge of the panorama. The most obvious impact would be experienced in views north-west across the town. This elevated view reveals the tight grain of the historic centre, with its densely packed development and in the distance, positioned on the high point of Stag Hill, the cathedral. The predominant tight grain and modest scale of the historic development contrasts with and contributes to the intentional prominence of the castle.

This view will change somewhat with the construction of the Station redevelopment. However, the massing of that development steps down as it extends across the centre of the view immediately below the cathedral. This design helps to maintain the visual balance between the scale of development in the historic town centre and the ability to appreciate the cathedral at the summit of Stag Hill beyond.

The proposed development would rise significantly above the prevailing height of the development in the historic core of the town and appear as a dominant feature to its townscape character. It would present a visual challenge and distraction in this key view which illustrates the relationship between the castle and historic buildings in the town centre. It is harmful to the contribution made by that historic setting to an understanding and appreciation of the significance of the monument.

The impact of the new development would result in the introduction of substantial development that is visually prominent and challenges the heritage assets for attention. Unlike the station redevelopment which would present a consistent development in the foreground of the view but is clearly separate from the historic core of Guildford, the proposed development would appear in the middle of the town being both conspicuous and incongruous in the view. This would cause harm to the significance of the castle, as a result of the impact of the contribution made to that significance by its setting, which illustrates the evolution of the town and particularly the ability to appreciate the tower of Holy Trinity Church. The harm is less than substantial, although because this is one of the few places from which to appreciate the tower of Holy Trinity in the wider setting of Guildford, particularly in association with the castle, that harm is certainly significant.

The churches of St Mary and St Nicholas, the other two significant ecclesiastical buildings in the historic town, would also be harmed. The proposed development would impact on their setting because of the conspicuous challenge to and distraction from the appreciation of their stone towers that results from the proposed development. The tower of St Mary was raised in the 19th Century to make it visually more prominent when the east end of the building was remodelled to allow for widening of Quarry Street.

The proposals would harm the ability to appreciate the historic legibility of the evolution of Guildford as illustrated by the church towers, with that of the cathedral beyond, in views from the castle and its motte. The crude massing and reflective nature of the materials, particularly at the upper levels, would compete with the historic townscape; in particular the contribution it makes as part of the setting to the very significant heritage assets of St Mary's and St Nicholas. The degree of harm is less than substantial in terms of the NPPF but not minor. These are heritage assets of the highest order. They also sit within a designated heritage asset- the Town Centre Conservation Area- and failure to preserve the contribution made by the current setting to those assets also represents harm to the conservation area.

The Cathedral of the Holy Spirit (listed Grade II) on Stag Hill, would be harmed by the introduction of significant new development in the middle ground of views from the castle and its motte, which illustrate the historic roofscape of the town centre. As stated above the station redevelopment would be a consistent height below the cathedral in the centre of the view, whilst the proposed Casino development would be experienced as part of the historic centre in a closer visual relationship with the Cathedral. The development would rise to the height of the taller elements of the station development but would be located directly below the cathedral and so would partially block views of a section of Stag Hill and the wooded lower slope. This harm is less than substantial.

One of the best illustrations of the intended visual dominance of the cathedral in terms of its landscape context and relationship with the town is found when looking north-west from the elevated viewpoint on Pewley Hill, the site of an historic telegraph station. The development interrupts that progression and appears taller than the largest block of the station redevelopment and, importantly appears to be in closer proximity to the Cathedral. It rises prominently in the foreground, presenting the full extent of its eastern elevation and largely unrelieved mass to the viewer in serious competition with the heritage asset.

The Wey and Godalming Navigations Conservation Area

The River Wey was one of the first British rivers to be made navigable linking Guildford to the River Thames and was enabled by Act of Parliament in 1651. It opened to barge traffic in 1653 and the route was extended to Godalming, further south. In recognition of its historic importance in 1999/2000 it was jointly designated a conservation area by the five Surrey boroughs through which it passes. The designation was an acknowledgement of the difficulties experienced by the National Trust in ensuring that the special character of the waterway, especially in historical and landscape terms was given due recognition when preparing development proposals.

The development site falls within that stretch of the Navigation between Town Bridge and Woodbridge Bridge where the planning guidance seeks to resist increased building heights adjacent to or within the setting of the Navigations. This is to sustain its unique green and tranquil character.

The Navigations continue to be used by residents and visitors alike as a major route into Guildford and particularly for boating. The site falls within its setting and the scale of the proposal would have an impact upon the rural character of the conservation as experienced from Dapdune Wharf heading south and particularly in the stretch of the River Wey north of Bridge Street and west of Bedford Road Car park where its route mirrors that of Walnut Tree Close.

The river corridor is an important key view in the Views Study SPD which presents an attractive informal and still rural scene. The site is in the background setting of this view but also appears in views further south as you move along the corridor. The development would represent a major increase in the scale of development within the setting of the Navigation and would rise above the tree screen particularly in winter. The impact on the setting of the heritage assets adjacent to the Navigations in the town centre itself, with which it has strong functional and cultural connections.

Development within the setting of a conservation area does have harm to its significance. There would be harm to the setting of this conservation area and how it is experienced due to the visual intrusion and change in the skyline of the Townscape.

Town Centre Conservation Area

Although located outside of the town centre conservation area the development site is located within the historic county town of Guildford, which can be regarded as an extensive heritage asset in its own right. As the Historic England GPA #3 states "Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting as would the hamlet village or urban area in which it is situated (explicitly recognised in Green Belt designations).

The hills which contain the historic town and its listed buildings make a positive contribution to its character enabling an enjoyment and appreciation of its evolution. The proposed development has taken little account of the historic architectural hierarchy or evolution of the town, in terms of its scale, mass, height, materials or location. Rather the proposal attempts to stand in isolation, prominent and visually intrusive. The most obvious example of this is the way the proposed building almost completely severs the visual relationship between the Bridge Street conservation area and the wooded hills which forms its' setting to the south. In summary, this is not a design that has been informed by its sensitive historic context.

The primary focus of the appraisal provided by the applicants is on the heritage issues raised by the proposal and it is upon this that the analysis provided in the Heritage and Townscape Visual Impact (HVIA) Statement by RPS (ref JCH 00979 dated November 2019) focuses; the HVIA primarily considers the current proposals and how they may affect the setting and significance of the surrounding heritage assets, rather than providing a comparison with the previous consented and non-consented schemes for the site. However, the Design and Access Statement (DAS) by PRP Architects and the Planning Statement by Peter Pendleton Associates have also been considered.

The Heritage Statement has been produced in advance of a detailed verified views analysis, which raises questions about the robustness of the conclusions regarding impact. In the context the appraisal within the statement, it appears that no independent assessment has been provided by RPS other than from specific viewpoints, despite their own explicit acknowledgement that views are kinetic and, presumably, that they appreciate views are only one element of experiencing the setting of a heritage asset and its contribution to significance. Notwithstanding this, no other assessment or analysis of impact beyond reliance on the identified viewpoints for townscape assessment has been provided.

As an example, there is no description of the contribution of the setting to the Rodboro Buildings from the south and how the current clear sky contributes to appreciation of the aesthetic or architectural qualities of the building itself and its place within the conservation area as experienced from these locations. In considering impact of the proposed new development there is no clear consideration of issues such as proximity to asset; position in relation to key views to, from and across; degree to which location would physically or visually isolate asset; prominence dominance or conspicuousness of development; competition with or distraction from the asset; diurnal or seasonal change etc. all of which are referenced within the Historic England guidance (Assessment Step 3 Checklist). Without that type of analysis any statements regarding there being no harm to the contribution made by setting to the significance of the listed building(s) are not properly evidenced and carry limited weight..

Townscape assessment

It is recognised that the setting of a heritage asset may change over time. However, even where the setting of a heritage asset has been compromised in the past by unsympathetic development, to accord with NPPF policies consideration still needs to be given to whether additional change would further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's designed landscape or the removal of structures impairing views of a building.

The use of a ZTV model has been provided in recognition of the fact that this is an application for a tall building; the 1km radius appears appropriate in this instance. However, where views have not been included no justification for their exclusion has been provided. For example, the Sydenham Road area has been omitted and there are clear views across the churchyard of Holy Trinity towards the cathedral which pass directly over the site. Certainly, the previous proposals would have been clearly appreciable in this view, and it would be helpful to know this has been considered and what impact the amended proposals would have.

The townscape analysis does not address the impact of 20th century development and how the new development would be seen in conjunction with this earlier large-scale development. This is an issue that is referenced in Historic England guidance with regard to setting of heritage assets, where it is stated that even in circumstances where setting has been previously harmed, assessment of the impact of the individual proposal still has to take place in order to comply with the NPPF. Just because there is large scale development already within the town centre does not provide justification for further development of that kind if it results in exacerbating existing harm or results in additional harm.

The applicant states that no views were requested at different times of year or day by the Council. The onus is not on the Council to request details every relevant issue. Recent large scale applications to the Council, including the station redevelopment, have provided this information and from the DAS submitted it is clear that the applicant has referred to the documents submitted in relation to that application and would no doubt, therefore, have been aware that this was provided in that case and is necessary for assessing tall buildings in a historic town centre.

The Views Study comprises illustrations of 10 views using the baseline photographs taken in June 2019. These have had the new amended proposals then inserted. In addition, there appear to be 3 further views from the south on Onslow Road looking north along the side of the Rodboro Buildings. These do not have any information on the baseline camera angles etc as provided for the other views. No analysis or assessment is provided in the document itself. The views are used in the Design and Access Statement in the section relating to appearance, scale and massing but notably not in the parts which deal with heritage assets.

Viewpoints analysis

The amended proposals would be visible and appreciated in views 2; 3; 4; 6; 7; 8; 9; and 10. These are all from fixed viewpoints and do not demonstrate the kinetic experience which is important in relation to the Rodboro Buildings in particular. In all of the viewpoints from which the amended proposals can be seen the visual impact and prominence of the proposal is greater than the "extant" consented scheme. In the majority of cases this results in greater distraction within the setting of heritage assets and harm to the ability to appreciate them.

The visual impact of the amended proposals upon the Bridge Street Conservation Area are provided in views 2; 4; and 6 and the three additional views from the south, which demonstrate that in terms of height and mass, the proposed building is unprecedented within the conservation area. It is visually dominating and would be perceived as one single development that is alien to the grain of the conservation area. It fails to respect the appearance of the conservation area (e.g. plot width, consistent heights, roof forms etc). The harm caused to the special character and appearance of the conservation area is less than substantial and of a moderate degree.

The visual impact on the Rodboro Buildings is demonstrated in views 4; 6; and 10 and the three additional views from the south. The visual dominance of the building in close proximity to the listed building is clear and distracts from the ability to appreciate the intended architectural interest of the building. If views from the northern end of Portsmouth Road (not provided) are taken into account, which affect the ability to appreciate the roof forms and mass of the listed building, the harm being caused to the ability to appreciate the Rodboro Buildings is less than substantial and of a moderate degree.

The impact upon the Treadwheel Crane is illustrated in views 6 and 10. The distraction from appreciation of what is a modest structure by the introduction of substantial development into current clear sky space would represent some harm. The extent of the harm is not fully demonstrated because the element of the new building that has the impact is the glazed upper section, the visual prominence of which would change dramatically at different times of day and in different seasons. The harm is less than substantial but of a lesser extent.

The impact upon the setting of the Castle and the Cathedral has only been partly illustrated with one zoom shot across the Town Centre Conservation Area and views 8 and 9. The lack of illustration of impact from views of the cathedral from the Sydenham Road area and the absence an illustration of the impact at different times of day and season of the year means that an assessment can only be partial. On the basis of the current information there would be impact and harm caused by the visual prominence of the development distracting from the intentional landmark buildings of the historic town. That harm is less than substantial, currently towards the lower end of the range although on fuller assessment it may prove to be greater. These impacts affect assets of the highest grade.

Any assessment of impact of the proposals should follow a logical process and be without prejudice to the council's position regarding the weight to be attached to the "fall back" position. It should start by assessing the current position; then consider the impact of the consented development or 'fall back'; and then consider the proposed development against both the current position and the fallback. This should be done consistently and should not be confined to just using the viewpoints identified for townscape analysis. For example, consideration of views along Sydenham Road and above Sydenham Road are important to understanding the contribution made by setting to the visual prominence of the Cathedral and still remain to be assessed.

The definition of setting in the NPPF does not rely on distance and the GPA 3 on setting of heritage assets states on page 5 in connection with designed settings that "Reference is sometimes made to the 'immediate', 'wider' and 'extended' setting of heritage assets, but the terms should not be regarded as having any particular formal meaning. While many day-to-day cases would be concerned with development in the vicinity of an asset, development further afield may also affect significance, particularly where it is large scale, prominent or intrusive".

The amended proposals would clearly be read and appreciated as one building of considerable mass and scale. Although there is some greater articulation of mass at the upper levels and an attempt has been made to provide a transition in height and scale adjacent to retained buildings on Bridge Street this is of limited success. The ground floor of the new development is appreciated as one more or less continuous glazed element. The grain and rhythm of the development in the conservation area is disrupted and the new building would dominate its immediate surroundings particularly in Bridge Street. This fails to preserve the character and appearance of the conservation area and the harm at present in my view is less than substantial but at the middle of that scale.

The development site is in a conservation area and falls within the setting of designated heritage assets, several of which are listed at high grade. The contribution made by the setting of these assets includes enabling an appreciation of their intended visual prominence and dominance over the town.

The existing local and special character of the conservation area is the setting for two listed buildings on Bridge Street and the development site also falls within the setting of the River Wey and Navigations Conservation Area and the Town Centre Conservation Area.

The impact of the development upon the natural topography; urban grain; significant views of skylines; streetscape and character; and landmark historic buildings and areas and their settings have not informed the proposed design.

Less than substantial harm has been identified to the heritage assets listed below and the degree of this has been attributed:

- Bridge Street Conservation Area – moderate
- The Wey and Godalming Navigations Conservation Area - moderate
- Guildford Town Centre Conservation area - moderate
- Onslow Bridge (listed Grade II) - lesser
- Rodboro Buildings (listed Grade II) - significant
- Treadwheel Crane (Scheduled Ancient Monument and listed Grade II*) - moderate
- Guildford Castle Keep(s) (Scheduled Ancient Monument and listed Grade I) - moderate
- Cathedral of the Holy Spirit, Stag Hill (Listed Grade II) - moderate
- Church of St Mary, Quarry Street (Listed Grade I) – moderate
- Holy Trinity Church, High Street (listed Grade I) - significant
- Church of St Nicholas Grade II* - moderate

This harm to the historic environment of Guildford and its heritage assets has to be given great weight so that they are conserved in a manner appropriate to their significance. Any harm has to be clearly and convincingly justified.

Overall, the development would cause 'less than substantial harm' to the heritage assets as outlined above. The NPPF makes clear that, even where the level of harm is less than substantial, great weight should be given to the conservation of heritage assets and that in such circumstances the harm caused should be weighed against the public benefits of the scheme.

The applicants Heritage Statement accepts that there would be less than substantial harm however, it concludes this would be to the lower end or where the document is silent appears to have overlooked that harm. As set out, the Council does not agree with this position.

Balancing public benefits

The planning statement identifies 10 benefits:

1. Regeneration of a town centre site
2. Commercial uses in the town centre
3. Improvements to pedestrian safety
4. Reduce the demand for student housing elsewhere
5. Reduce the demand for building new homes on the Green Belt
6. Construction employment and overall economic benefits
7. Operational phase employment
8. Increase the vitality of the Town Centre including the night-time economy
9. A financial contribution to the Thames Basin Heaths Special Protection Area (TBHSPA)
10. A financial contribution to alternative/green transport

However, benefits 2, 9 and 10 are simply requirements of other policies. 9 and 10 in particular are required to outweigh or avoid other harms resulting from the proposed development and do not represent any meaningful benefit. The proposal must provide these to comply with the development plan.

The site is located on the primary pedestrian route between the Town Centre and the railway station; pedestrians can choose to use either Bridge Street or Onslow Street and Bedford Road to travel between the two destinations however, the pavements on both routes are narrow. The proposal would improve the Onslow Street / Bedford Road route, and this would be a benefit of the scheme. Benefit 3 carries moderate weight in favour of the scheme.

Benefit 4 is an unevidenced assertion. In the absence of evidence, it is not accepted that the proposal would result in any material benefit in terms of housing need. The Council has a five year supply of housing and, as explained above, there is no pressing or urgent need for student housing. Thus, whilst the use proposed is in principle acceptable, the provision of student housing is not a significant benefit.

As set out in Tables 1 and 2, there are provisions in the plan and other consented developments which will meet the demand for student housing.

Benefit 5 is also unsubstantiated as demand is affected by varying factors beyond the scope of this development (as has been seen with the fall in university attendance and intake during the COVID-19 pandemic)

The Council's Green Belt policy is robust. Through the recently adopted LPSS there is provision for a planned supply of housing. The majority of student accommodation that has recently come forward has not been located within the Green Belt and the Council would reject any suggestion that the proposed development is likely to avoid harm to the Green Belt from other developments.

Benefit 6 would result from any regeneration of the site – or indeed in repair and refurbishment; whilst benefits 7 and 8 need to be considered with caution and in the context of the extant scheme. There are no heritage benefits identified to balance against the heritage harm and the wider planning benefits are essentially 1 and 3. It is noted that no evidence has been submitted by which to assess this economic benefit, but in any event the development is not of a scale such that this benefit would be significant.

Benefit 1 would happen as a result of the extant permission and therefore the only wider public benefit that would be delivered as a result of this scheme and could therefore be relied upon to justify the additional harm it causes, is that relating to the footpath.

In any event, the regeneration value of the proposed development is limited given the poor quality of this proposal.

Given the substantial weight to be attached to any heritage harm (as per Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust & SSCLG [2014]) the benefits relied upon in support of the grant of planning permission fall far short of outweighing the heritage harm identified.

The proposal is therefore contrary to policies HE4, HE7, HE10 of the saved Guildford Local Plan 2003, policy D3 of the LPSS and the relevant policies objectives of paragraphs section 16 of the NPPF.

The impact on residential amenity and the quality of the residential accommodation provided

One of the 10 characteristics in the NDG is 'Homes and Buildings' which is concerned with (para. 120) "Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them." The quality of the internal space, external environment, interaction between public and private space and servicing are all relevant. This is particularly important in a mixed use development.

Ground Floor:

This level has connections to the lower levels of the building and to the existing terrace of shops. The student and leisure use lobbies are appropriately located on the less 'retail favourable' corners, while service and cycle store access is located to the rear. A fire exit from basement areas could cause issues here. An access/egress strategy would assist in understanding how all the entry/exit point and escape stairs are intended to operate.

Basement Levels:

In the two basement levels the uses are unclear in large part due to the vague descriptions e.g. BOH ('back of house') so it is not clear what the uses would be. Direct stair access to/from Fays Passage is on the upper basement level and no numbers are stated; access by lift to/from the student floors is also provided which makes cycle use more attractive. However, no details are provided to show that this can accommodate the 267 cycle parking spaces proposed.

More detail is required on the uses and functions of the basement floor(s), including an understanding of the levels around the building, as the ground is falling to the west and this does not seem to be recognised in terms of access from/onto Fays Passage.

Upper Floors - Student Uses:

There would be natural light to all rooms (although one or two of these have questionable window locations), clearer circulation routes and larger common areas with some natural light.

However, the numbers of bedrooms per common room are very high on the lower levels (up to 32 bedrooms without their own internal kitchens on lower floors), leading to high pressure on the kitchen spaces shown. This would lead to a poor internal environment for occupants and issues with overcrowding, occupants forced to stay in their rooms or excessive noise and disturbance due to the large number of bedrooms.

The corner studio rooms with entire walls of glazing (particularly to the NE and NW corners) are an inappropriate approach to these major architectural elements of the proposed building as well as being inappropriate for bedroom functions – the floor to ceiling glazing is likely to make the rooms difficult to use and potentially could have furniture and personal belongings pushed up against it, a potentially unsightly view from a major arrival street and public space. In addition, such glazing affords little privacy for the occupants and could lead to window coverings that would detract from this intended design feature.

The area of the common spaces would be satisfactory for student needs. Although it is not clear, where laundry facilities would be located for the students.

The proposed rooftop terrace for student use on the sixth floor is poorly located with no associated communal space overlooking it. This is a potential space for student anti-social behaviour and could cause disturbance to the one bedroom that overlooks the space.

The terrace areas on the seventh floor (it is not clear if these are meant to be accessed by students) are very small and not associated with an internal common area as above.

Top floors - Leisure Uses:

Servicing and access would be provided via the two passenger lifts coming from the main entry on the Onslow Street corner.

These two levels also include two escape stairs (with no access doors shown), one of which is clearly the student bedrooms escape route, therefore it is questionable where these are both needed at the top levels. A clear presentation of an escape strategy for all the different uses throughout the building has not been provided in the DAS

Noise and odours

The site is located on Onslow Street which is a busy thoroughfare and is a source of noise and air pollution. It is however noted that the residential accommodation is located on the second floor and above and traffic noise and vehicle emissions at the relevant façade would be significantly reduced given the height these units would be above the street.

The proposed development would potentially include a number of noise generating uses, such as a nightclub, drinking establishments and leisure uses. While these uses would be subject to licensing, it is considered reasonable, in the event planning permission is granted, to include a planning condition to secure a detailed noise management scheme for the proposed commercial units and measures to prevent noise breakout. This would ensure that the occupants of the student accommodation, and those in the vicinity of the site, would not be subject to noise and disturbance from the proposed commercial uses.

It is likely that mechanical ventilation will be required as it will not be possible to have openable windows due to the noise and air pollution from the busy road below. Further details of this can be required by condition.

The commercial uses may involve cooking operations and external plant and equipment which would require planning permission in its own right. It is not therefore, necessary to require a condition for these. However, the student accommodation would have cooking areas and no details have been provided of methods for odour management and ventilation, so further details of this could be secured by condition.

Neighbour amenity

The application site does not directly adjoin any residential properties with the closest existing residential units being those at St James House and Friary House. The development would be visible from a number of properties within these developments but there would be sufficient separation between the proposed development and the existing properties for it not to be considered overbearing or unneighbourly. The intervening distance is also sufficient to ensure that the development would not result in any material overlooking or result in a material loss of privacy for the existing occupants.

Given the location, shape and access to the outdoor terraces on the sixth and seventh floors, these would not allow them to be used as functional outdoor space. Furthermore, the fully glazed corner studios would result in a poor living environment.

Overall, the residential accommodation and the internal layout is of poor quality and poor design which would not provide an appropriate residential environment that the future occupants of the development may reasonably expect to enjoy. Accordingly, the development fails to meet the objectives Policy D1 of the LPSS and the objectives of paragraph 124 and 127 of the NPPF.

The impact on highway safety and the level of parking provided

Vehicular access

The application site is bounded on three sides by public highways with Onslow Street to the east, Bedford Road to the north and Fays Passage to the west. The site does not have a specific access to the highway, but it is currently serviced from Fays Passage. The proposed development would not include a vehicle access and would retain a service access to Fays Passage. Given there is no new access proposed and no alterations to the surrounding road network are required it can be concluded that the development would not alter the safety of the existing highway network in this regard.

The County Highway Authority has considered the application and has advised that they have no objection to the application on highway safety, policy or capacity grounds and have advised that the development would not result in an increase in vehicle movements over and above the existing use or the extant planning permission. It is also noted that the site is in a highly sustainable location close to both the railway and bus stations and a short walk to the University of Surrey, so there would be little need for future residents to have any reliance on private motor cars for transport.

No car parking is proposed. Given the nature of the uses and the location of the development this is considered to be acceptable. An amendment to the existing Traffic Regulation Order should be sought to ensure that the occupants of the student accommodation would not be eligible for on-street parking permits and if the application was acceptable in all other respects, this could be secured through a s.106 agreement.

Cycle parking

Cycle parking is provided in the basement and Surrey County Council note that an adequate number of spaces have been provided. However, the plans do not show that 267 cycles could be stored in this space. The transport statement states that there would be 151 spaces and the planning statement states that there would be 151 spaces. Therefore, this needs to be clarified and 267 would be required to make the proposal acceptable, so further details would be required by condition to show of the space allocated could accommodate this.

It is acknowledged that access to the basement for cycle parking would be via the goods elevator which is accessed from Fays Passage. There are a number of concerns regarding this arrangement. The location of cycle parking in a basement would not be exceptional (compared to other schemes) and does ensure that ground floor active frontage space is not compromised by space given to such a functional use. However, accessibility and ease of usability are essential characteristics of cycle storage if it is to be used and not become wasted, empty space.

The access to the bin store from the rear of the building, beside the services access points into the retail buildings is far from ideal. Particularly at night, this could be an unpleasant and forbidding experience when one is waiting for the goods elevator to the basement cycle store. The cycle store is also disconnected from the main elevators to the student residential uses within the building, meaning that residents would have a time consuming and impractical route between their room and their bike in the basement. This is not to mention the fact that the goods elevator would be shared with the leisure and retail uses within the building, for example, for movement of refuse bins etc. These issues would be disincentives to use a bicycle, especially for shorter, more opportunistic journeys. This proposed movement route requires the use of at least three separate modes of movement - either three separate lifts or a combination of lifts and stairs. This is an off-putting and convoluted process which is likely to discourage casual cycle use and requires building in at least an extra five to ten minutes of time involved in leaving the building. This decreases the likelihood of cycle use. This is a failure of the proposed scheme and the harm arising from the location and operation of the student cycle store would be weighed in the balance.

Safety and surveillance of the cycle store is also a consideration and the goods elevator and access route are accessible by non-students and the entry/exit from the goods lift would not be overlooked by the student entrance area nor any other 'management' location and has direct access from a quiet, service lane with public access, thus making cycles in the storage facility vulnerable to potential unauthorised removal or damage.

The cycle storage for students would be in the same location as the scheme (18/P/01668) that was taken to public enquiry in 2019; this had the access from a student entry foyer to open off the pedestrian route through the centre of the building. The lift core was also changed to connect continuously through the building from the lower basement, entry foyer, common room level and bedroom levels. Therefore, this reason for refusal was withdrawn by the Council.

Overall, the current proposal would allow passenger lift access from all levels of student accommodation to the lower basement and the goods lift from the ground level from Fays Passage. Whilst the issues raised above are not ideal, and are matters which weigh against the grant of permission, on balance and in light of its acceptance that the revised cycle parking for the appeal proposal was acceptable, the Council accepts that there is adequate access to cycle parking

Highway improvements

The proposal also includes the widening of the pavement to a 3m footway offers an improvement over the existing situation although a wider 4m route would have been preferable given the likely increase in movements between the town and the new developments on Walnut Tree Close.

Having regard to all of the above it is concluded that the development would not give rise to conditions prejudicial to highway safety and would secure a modest improvement to the pedestrian environment for those using Onslow Street and Bedford Road.

The development would provide suitable, accessible cycle parking, to promote the full range of sustainable transport choices available and not cause an adverse impact on highway safety or capacity. Accordingly, the development would comply with Policy ID3 of the LPSS and the NPPF.

The impact on flooding and drainage

The appeal site is located in close proximity of the River Wey which is a source of flooding to the application site. Largely located within Flood Zone 3 with a small area to the south east boundary of the site located within Flood Zone 2. The application is supported by a Flood Risk Assessment.

The NPPF makes clear that development should be directed away from areas at the highest risk of flooding and requires a sequential approach the location of development with lower areas of risk considered before higher risk areas. Paragraph 158 makes clear that development should not be permitted if there are reasonable alternative sites for the proposed development at a lower risk of flooding. Where it is not possible to locate development in lower areas of flood risk development must pass the exception test.

Policy P4 of the Local Plan states that development in areas at high and medium risk of flooding, including the 'developed' flood zone 3b, will be permitted where the vulnerability of the proposed use is appropriate for the level of flood risk. Policy P4 also requires that the development can be made safe and flood resilient and flood warning and evacuation plans are in place where necessary.

The existing use of the building as a nightclub and entertainment venue is defined as a 'more vulnerable' use by the Planning Practice Guidance (Paragraph: 065 Reference ID: 7-065-20140306). The proposed development would predominately comprise student accommodation, leisure uses, drinking establishments, restaurant, a nightclub and office. The majority of these proposed uses would also be categorised as 'more vulnerable', with some of the uses categorised as less vulnerable.

While the vulnerability category of the proposed use would not increase the development would be significantly more intensive than the existing development and would introduce a significant quantity of overnight residential accommodation which is not currently present. In the event of a major flooding event, the disruption to people living in the development would be far more significant to their day-to-day lives than were the current development to flood. It would also place a greater burden on emergency responders and potentially the Council to find temporary accommodation for those displaced by the flooding.

While the development does not introduce a use that is higher vulnerability than the existing uses, the proposed development comprises a use that is not suitable for the current level of flood risk. It would also significantly increase the quantum of development within an area at high risk of flooding. The characteristics of the development are also very different from the existing use as would be the human impact of a flood event which may result in people being evacuated from their homes; this is not the case with the existing uses.

The NPPF advocates a Sequential Test to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonable, available sites appropriate for the proposed development in areas with a lower probability of flooding.

Sequential test

Guidance on applying the sequential test to planning applications is contained at paragraph 34 of the PPG. This advises that the area to be applied for the sequential test should take account of local circumstances and should relate to the catchment area of the development. In this instance, where the development is predominantly for student accommodation, this should be a location within walking or cycling distance of the educational institutions concerned, or a location well served by sustainable transport options.

None of the documents submitted with the planning application, have undertaken any form of sequential assessment to ascertain whether there is a more suitable site in flood risk terms to deliver the proposed development.

The applicant states that because extant permission exists for 'more vulnerable use' the application of the sequential test is not necessary and nor does the first part of the exception test. The applicant has not made any assessment of whether there is a sequentially preferable site for the student accommodation. It is noted that new student accommodation has recently been approved on Walnut Tree Close and at Guildford College. The LPSS includes the allocation of two sites for purpose-built students' accommodation and includes a policy to encourage more of this type of development to be provided on the University of Surrey campus. The approach taken to site selection, as detailed in the Sustainability Appraisal was to reduce the risk of flooding to new development and the resulting detriment to public well-being. The LPSS acknowledges flooding as a constraint and has allocated the development needed to areas of lower flood risk.

Without evidence of any sequential assessment, it is not possible to conclude whether there are reasonably available alternative sites to deliver the proposed development. In the absence of such assessment, the proposal fails to meet the requirement for a sequential approach required by the NPPF and policy P4 of the LPSS.

Exception test

The first element of the exception test is to demonstrate that the development would deliver wider sustainability benefits that outweigh the flood risk. Paragraph 37 of the PPG advises that the criteria for this assessment should have regard to the objectives of the LPSS Sustainability Appraisal.

The applicant has stated the proposals would generate employment, contribute to vitality and viability of the town centre, improve pedestrian safety and relieve pressure on homes and green belt through providing student accommodation. However, there is no reference to the LPSS Sustainability Appraisal. There is no other information provided to suggest that there are wider sustainability benefits that would arise for locating the development on this site that could not be delivered on a site at lower risk of flooding. In the absence of an assessment of the sustainability benefits of the scheme, against relevant criteria, the proposal fails the first part of the exception test.

For the second element of the Exception Test to be passed, it should be demonstrated "that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall".

The Environment Agency (EA) have commented based on the submitted Guildford Casino Site, Onslow Street, Guildford Flood Risk Assessment (Final Report v1.5), compiled by Weetwood Services Ltd (dated 14/11/2019). The EA notes the FRA's statement that the built footprint would be further reduced from that existing on site as a result of the changes made. The understanding is that, aside from those incorporated into the proposed built outline in figure 9 of the FRA along the site's north-west boundary, there would be no alterations made to external ground levels. On the basis of the information submitted the EA have advised that the proposed development would only meet the National Planning Policy Framework's requirements in relation to flood risk if a suitably worded condition is attached to ensure that the development is carried out in accordance with the mitigation measures detailed in the FRA. Were the application found to be acceptable flood mitigation measures (both implementation and retention throughout the lifetime of the development) could be controlled by condition.

For the development to be safe for its lifetime it should also be demonstrated that safe access and egress can be provided in the event of a flood. Accordingly, it is necessary to ensure robust flood warning and evacuation plans are in place to manage the development in the event of a flood.

The applicant has not proposed any form of management plan for a potential evacuation in the event of flood, stating that this could be the subject of a condition. The information provided in the FRA indicates that there would be up to 0.95 metre of flood water during the 1 in 100 year plus 35% event. This would be considered to be a 'danger for most people' and the water velocities are high enough for it to be considered to be on the cusp of being a 'danger for all' which would include the emergency services. The FRA also advises that to protect the development from development the ground floor levels should be set no lower than 32.76 m AOD which the topographical survey shows would be nearly a metre higher than the adjoining land. It is not clear from the information provided how access would account for this change in levels. There is also no information within the Design and Access statement to demonstrate how all areas of the building would be accessed, including by those with disabilities.

It has therefore not been demonstrated on the evidence available that the development would be safe in the event of a flood, or that suitable access and egress could be provided in an emergency. The development therefore also fails the requirements of the second part of the exception test as set out in the NPPF and policy P4 of the LPSS.

Surface water flooding

The boundary of the site with Fays Passage has a low surface water flooding risk. Based on the following information provided: Flood Risk Assessment, Weetwood, November 2019, revision 1.5, document reference: 3943/FRA/Final/v1.5/2019-11-14; SuDSmart Pro, GeoSmart Information, November 2019, document reference: 70873R4; Surface Water Drainage Pro-Forma; significant issues have been identified.

The Lead Local Flood Authority is not satisfied that the proposed drainage system in its current form meets the requirements in NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems. It would appear that the drainage system has had little regard to being a sustainable drainage system. There are opportunities to include various innovative SuDS features within the development that would intercept rainfall, enhance biodiversity and re-use rainwater. It appears that the drainage system proposed has been an after-thought and not considered during master planning.

It has therefore not been demonstrated that the proposed development can be practically made safe from the risk of flooding, that the risk of flooding can be suitably managed with safe means of access and egress provided in the event of a flood, or that the development could not be provided on a site at lower risk of flooding. The proposal is therefore contrary to Policy P4 of the Local Plan and the objectives of paragraphs 158 to 163 of the NPPF.

The impact on air quality

The applicant has submitted an up to date air quality assessment. The Council's Environmental Health Officer is satisfied that this is well researched and does not dispute any of the conclusions.

The scale of the proposal would mean that the impact of the construction and demolition phase would be greater, such as dust nuisance. Therefore, the details on construction emissions are welcome. To ensure that adjoining uses and occupants would not be harmed environmental management at the construction stage would be appropriate and can be secured by condition.

Town centre air quality has been of continuing concern due to the impact of traffic on air quality on the approach roads. The proposed development would be car free once complete. However, the increased leisure, restaurant and bar uses would attract visitors who would travel by car. This would be a car free development with only cycle parking for the students and some on street (with what appear to be Sheffield bike stands). Therefore, any visitors would come at the day and evening time would have to use the existing public car parks. As the predicted nitrogen oxides and particulate matter fall within acceptable levels, the proposal would not have an adverse impact.

Sustainable design and construction

The NPPF emphasises the need to plan proactively for climate change and new developments are required to meet the requirements of paragraphs 150 through climate change adaption, provision of green infrastructure and reduction of greenhouse gas emissions. Paragraph 153 then states new development should comply with local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy D2 of the LPSS is the Council's policy to require new development to take sustainable design and construction principles into account, including by adapting to climate change, and reducing carbon emissions.

The Council has carried out a public consultation on its Draft Climate Change, Sustainable Design, Construction and Energy SPD 2020. This carries limited weight in decision making. However, the guidance supplements policy D2 and is closely aligned with that policy.

The information about energy provision is acceptable and is the only element of compliance with Policy D2 that can be ascertained, however, is incomplete without the details on the commercial elements.

The Sustainability Statement makes no reference to policy D2 (it only refers to the 2011 SPD). The full application was submitted after the adoption of the LPSS in April 2019, therefore, has to comply with the requirements.

Energy

CHP

The scheme falls within a District Heat Priority Area so should consider (C)CHP distribution networks as a primary source of energy. The scheme proposes a building level CHP system, which D2 allows for at para 4.5.36. However, the system should be capable of expanding to connect with other networks and heat sources in the future (also set out in 4.5.36). No details have been provided on this.

20% carbon reduction

Retail units falling within Use Classes A1, A2, A3 and A4 in Guildford Town Centre are not subject to the 20% carbon reduction requirement. Therefore, if the units at ground floor are proposed for retail, information setting out how these will achieve the 20% carbon reduction will not be required. However, they still need to follow the energy hierarchy, which means low carbon design must be prioritised before carbon emissions are reduced further through the use of low and zero carbon energy.

The Energy Statement states “For this project, the commercial units on the basement, lower basement and ground floor will be sold or let as a Shell for the incoming occupier to fit-out. Therefore, as those units would not have certain systems installed at the point the building is to be offered to the market, the model used to derive the aforementioned outputs should assume efficiencies for those services.” Given this, it is not clear how the developer can be certain what sort of carbon reduction will be achieved for the whole development (i.e. if the commercial units performed poorly on energy, this would mean the building as a whole may not meet the 20% carbon reduction), or whether the design of the aforementioned units has followed the energy hierarchy. Therefore, there is a lack of certainty that the 20% carbon reduction would be met, or the energy hierarchy followed.

Alongside this, the Sustainability Statement states that the design of the building is not yet set and that issues such as thermal bridging (bottom of page 4) would be addressed by the design team. As design is not finalised where it relates to energy efficiency, it is not possible to determine that the scheme would be compliant with the policy requirements.

Notwithstanding the reservations above, a carbon reduction greater than 20% is proposed for the development as a whole. Energy would be provided by CHP and air source heat pumps (ASHP), both of which would be considered low carbon technologies, with a gas boiler as backup. However, the use of ASHP would require plant and equipment and no details have been provided, so further details would be required by condition to ensure their appearance and impact on occupiers would be acceptable.

D2 does not specify technologies so this is acceptable. While CHP may be gas fired, it operates at a high efficiency and there is an opportunity to replace the gas turbine with a zero carbon engine when the turbine comes to the end of its life (c.15-20 years after installation).

Energy hierarchy

Under the energy hierarchy, the scheme should follow a fabric first approach, reducing emissions as far as possible through design and fabric before moving on to low carbon energy. The Energy Statement provides figures for Target Emission Rate (TER) (the baseline upon which the 20% carbon reduction must be achieved) and Building Emission Rate (BER) (the emission rate of the proposed building). However, the BER has only been provided for the scheme after the provision of low carbon energy is factored in, so officers are unable to see how much of the carbon reduction comes from fabric.

In order to see whether the scheme has followed the hierarchy, the Energy Statement should set out:

- The TER
- The BER before low carbon energy is applied (i.e. without the CHP or the ASHP, assuming a communal gas boiler – see draft SPD para 4.51)
- The BER after low carbon energy is applied (this figure has been provided in the Energy Statement)

Alongside this, some commentary would be helpful setting out how fabric efficiency has been maximised. At present, the fabric efficiencies are provided, and the Energy Statement shows that efficiency has been enhanced beyond the minimum standards in building regulations, but this does not mean that fabric efficiency has been maximised.

In the absence of this information it is not possible to confirm that the carbon reduction has followed the energy hierarchy.

Sustainability statement

The sustainability statement refers back to the 2011 SPD, does not refer to policy D2 and does not explain how they have incorporated the measures set out in policy D2(1)(a) to (e), D2(2) and D2(3). None of this information has been provided.

Materials and waste

Regarding construction materials, page 8 states “The design team will refer to [the Green Guide to Specification] guide in order to select the highest rated building elements that are best suited to the proposed development.” As the applicant has not decided on the final approach it is not possible to be satisfied that this requirement has been met.

There is some mention of the possible reuse of crushed material (which is positive) but, again, no commitment or proposal. There is no information about other types of waste that are likely to arise from the development or how it would be reused, recycled or otherwise diverted from landfill in line with the waste hierarchy, wherever possible.

Landform, layout, building orientation, massing and landscaping

Limited information has been provided, with some references to the use of planting on the roof to create thermal mass. Some commentary is needed about e.g. how the internal layout reflects solar receipts. Again, this cannot be confirmed as the detailed design work has not been done yet.

Water

The Sustainability Statement incorrectly refers to the SPD and the Code for Sustainable Homes Level 3 requirement (which was in the Sustainable Design and Construction SPD 2011 before it was amended in 2015). It should instead refer to policy D2 and the national Optional Technical Standard requirement it implements, though in practice this is the same standard (110 litres per person per day). It states that water efficiency measures are yet to be decided and the water calculation is yet to be produced, so it is not possible to judge compliance at this stage.

Sustainable lifestyles

Page 5 sets out some options for encouraging energy efficiency from occupants. However, it states that implementation would not be considered until the design stage. Again, it is not possible to know whether the policy has been met until the applicant makes clear what measures it intends to implement. There is a commitment on page 10 for recycling storage, which would be a sustainable lifestyle measure.

Climate Change Adaptation

Some units in the development are at high risk of overheating, shown in the BRUKL report in Appendix F of the energy statement. The Energy Statement states, “As the development is still in preliminary stage, the client intends to eliminate the risk.” And the Sustainability Statement states “Overheating will be assessed as part of the SBEM assessment which will highlight any potential risk for overheating. The design team will be required to select a suitable ventilation method for all zones to combat any summer overheating which may be present”.

Further details are required on how the applicant would address the overheating issue adequately and what overheating measures they have identified.

Overheating is a key climate change risk in the South East Region and development proposals must include adaptations that reduce this risk, especially where modelling shows that overheating is likely. The proposal has not provided sufficient details to be satisfied that it would meet the requirements of policy D2 of the LPSS in relation to sustainable design and construction and climate change adaptation and paragraph 153 of the NPPF.

The impact on the Thames Basin Heaths Special Protection Area

The application site is located within 2.5km of the Thames Basin Heaths Special Protection Area (TBHSPA) the closest part of which is Whitmoor Common SSSI. Natural England advise that new residential development in proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes 267 (a mix of single and studio) student bed spaces and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.

The Council has adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development. Contributions are based on the expected occupancy of the development however the strategy advises that applications for student accommodation should be determined on a case by case basis.

Student accommodation does not impact on the SPA in the same way as traditional residential housing. Natural England has advised that 65% of visitors to the SPA visit to walk dogs and 75% of visitors arrive by private car. Given that students are very unlikely to have dogs or have access to private cars Natural England have advised it is appropriate to reduce the contributions required to SANG and SAMM by 75%. The calculation is as follows:

The SANG tariff for the year 2018/2019 is as below:

Potential Bedrooms	Expected Occupancy	SANG tariff 2020/21
Cost per occupant		
1 bedroom / studio	1.41	£3,850.13
2 bedrooms	1.98	£5,406.56
3 bedrooms	2.53	£6,908.38
4 bedrooms	2.99	£8,164.45
5 or more bedrooms	3.43	£9,365.93

Potential Bedrooms	Expected Occupancy	SAMM tariff 2020/21
1 bedroom / studio	1.41	£411.01
2 bedrooms	1.98	£577.16
3 bedrooms	2.53	£737.48
4 bedrooms	2.99	£871.56
5 or more bedrooms	3.43	£999.82

SANGS Calculation

40 (studios) x £3,850.13 = £154,005.20 (25% = £38,501.30)

45.4* (clusters of 5 or more bedrooms) x £9,365.93 = £425,213.22 (25% £106,303.31)

Total with student accommodation discount: £144,804.61

SAMM Calculation

40 (studios) x £411.01 = £16,440.40 (25% £4,110.10)

45.4* (clusters of 5 or more bedrooms) x 999.82 = £45,391.83 (25% £11,347.96)

Total with student accommodation discount: £15,458.06

The discounted SANG and SAMM payment: **£160,262.67**

*227 cluster bedrooms [227/5 = 45.4 clusters of 5 or more bedrooms]

In the absence of a completed planning obligation to secure SANG and SAMM contributions it is not possible to conclude that the development would not harm the integrity of the TBH SPA and therefore would not meet the objectives of the TBHSPA Avoidance Strategy, Policy P5 of the LPSS and Policy NRM6 of the South East Plan 2009. For the same reasons the development fails to meet the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Air pollution

Natural England have raised concerns regarding the potential impact of air pollution on the Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC; as air pollution modelling has not been provided, in the submitted Air Quality Assessment.

Natural England have stated that in order to satisfy the Habitats Regulations, a detailed air pollution assessment is required which takes the recent judgments into account. Currently there is no information or detailed assessment as to whether the proposal will have an impact on the nearby designated sites.

The Air Quality Assessment document does not model how many annual average daily traffic (AADT) movements there would be as a result of this specific proposal. They recognise that the student accommodation in itself is unlikely to lead to a significant increase in vehicle movements. However, the non-residential uses including a shop, a restaurant, cafe, a drinking establishment, office, nightclub, casino, cinema, concert hall, bingo hall etc. could lead to vehicle movements. To satisfy the requirement of excluding significant adverse impacts on the basis of the best scientific knowledge available, the applicant must establish whether those uses would result in a greater number of vehicle movements which would be likely to have significant effects upon the integrity of the designated sites. We would expect this to be covered within a Habitats Regulations Assessment (HRA).

The applicant has not submitted an HRA and the site is not allocated in the LPSS. The assessment of road traffic emissions is a required by the by the Conservation of Habitats and Species Regulations 2017 and in response to the High Court judgment in *Wealden v SSCLG* [2017] ('the Wealden Judgment 2017'). In the absence of this information, Natural England have raised an objection and the in the absence of the HRA and modelling there could be a harmful impact on the Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC from air pollution. The development would not therefore meet the objectives of the TBHSPA Avoidance Strategy, Policy P5 of the LPSS and Policy NRM6 of the South East Plan 2009. For the same reasons the development fails to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

Planning contributions and legal tests

The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S.106 agreements to be:

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

Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

As the application has been deemed to be inappropriate for a number of reasons, the applicant has not been invited to enter into a legal agreement. However, had the application been acceptable, the following would have been negotiated.

Thames Basin Heaths Special Protection Area

The development is required to mitigate its impact on the TBH SPA in accordance with the TBH SPA Avoidance Strategy SPD and the Planning Contributions SPD. Without this contribution, and as already set out elsewhere in the report, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Sustainable travel improvements

The Local Planning Authority would also have sought a contribution towards the Guildford Community Bike Share Scheme. The contribution towards this project would make travel by bicycle an even more attractive option and would further reduce the reliance on private motor car transport. It would also give residents who do not own a bicycle a greater chance of being able to use a bicycle for travel around the town. The contribution would meet with the aims and objectives of policies ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Car club

A contribution would have been sought towards increasing the current car club which is in operation in the town. As an example, this contribution could be used to provide additional spaces in the vicinity of the site. This requirement would be necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Environmental improvements

A contribution would have been sought to provide improvements and upgrades to the surrounding area. This could include improvements to the area around Bedford Wharf Plaza or works to the River Wey towpath which would both see an increase in activity as a result of this proposal. The contribution would help to mitigate the impact of development on these routes due to increased usage and would enhance their character and usability. The contribution is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

Other contributions

As the application was deemed to be unacceptable in a number of areas, Heads of Terms were never agreed with the applicant and further discussions on these would need to take place between the Council, the applicant and consultees. It is reasonable to expect that a development of this scale would generate a requirement for a number of other contributions not set out above. If the reasons for refusal could be overcome, the Local Planning Authority would welcome early engagement with both the applicant and consultees to ascertain which additional contributions would be required and their value.

The 'fall back' position

The site benefits from two extant planning permissions for redevelopment, both for a casino complex, with the most recent of these being allowed on appeal on July 2006 (planning application 05/P/01705 refers). A Certificate of Lawfulness confirming that the development had lawfully been commenced was issued on the 19.05.2008. While there are two planning permissions the development approved by these permissions is identical. The presence of an extant planning permission may be a material consideration in the determination of subsequent applications where there is a real prospect of a fall back development being implemented.

In this instance while the (later) permission was implemented by digging a trench to contain part of the foundations of the building prior to 19th May 2008 there has been no further work undertaken since this date. Furthermore, the applicant has previously cited uncertainties in respect of gambling legislation that made the scheme "too risky for funders". It should be noted that Guildford Borough Council is not one of the local authorities permitted to issue a casino licence therefore, even though the planning permission has been granted, the Licensing legislation prevents the Council issuing a license for its operation.

For weight to be attributed to the 'fall back' position there should be a realistic prospect that the fall-back position would be implemented. The Council would also need to consider the comparative impact of the fall-back compared to the proposed development. Where there is a high likelihood that a less desirable scheme would be implemented in the event permission was to be refused, a fall-back position would potentially be a very significant material consideration.

In this instance, the lack of progress since the permission was technically implemented, past issues of deliverability, and restrictions of the current gambling legislation suggest it is very unlikely that the extant scheme would be built out. Moreover, the extant scheme is very different from the scheme the subject of this application in terms of both its physical characteristics and the intended land use. For this reason, the extant planning permission should be given very little weight in the consideration of the current application.

Conclusion

The application seeks to demolish the existing locally listed buildings and replace them with a ten-storey building with two basement levels. The building would predominantly comprise student accommodation but would also include potential leisure, retail, office and commercial uses. The site is located in a prominent corner location in the Town Centre, is within the Bridge Street Conservation Area and is surrounded by a number of other heritage assets. While the existing buildings reflect the historic grain and scale of the town centre, which forms part of the character of the area, the proposed building would be entirely at odds with the prevailing pattern and character of the surrounding development in terms of its scale, mass, height and appearance. It would cause significant harm to the character of the area and would be a damaging and incongruous feature in both short range views and in longer range views across the town. It would also cause harm to the significance and setting of designated heritage assets.

The development is considered to be of a poor standard of design both architecturally and functionally. The building lacks the elegance expected of a tall building in a conservation area and appears poorly conceived paying no regard to the architecture of its surroundings or its context.

Internally the student accommodation would provide a poor living environment due to the fully glazed windows to corner studios and the relationship of the external terraces on the sixth and seventh floors.

The site is also in an area which is at a high risk from flooding and the development would result in a significant intensification of the use of a site and would introduce a considerable quantity of overnight accommodation. It has not been demonstrated that the proposed development can be practically made safe from the risk of flooding, that the risk of flooding can be suitably managed and safe means of access and egress provided in the event of a flood, or that the development could not be provided on a site at lower risk of flooding.

The proposed scheme has not provided sufficient details in relation to a detailed drainage strategy and to the sustainable design and construction principles which would be incorporated, the application of the energy and waste hierarchies, measures for climate change adaption and ability to achieve at least a 20% reduction in carbon emissions.

In the absence of a completed planning obligation it cannot be determined that the development would not adversely impact on the Thames Basin Heaths Special Protection Area.

The considerable harm resulting from the proposal is not outweighed by any over-riding benefits identified by the applicant and therefore for all of these reasons the development is considered to be contrary to the Development Plan and is contrary to the policies and objectives of the NPPF.