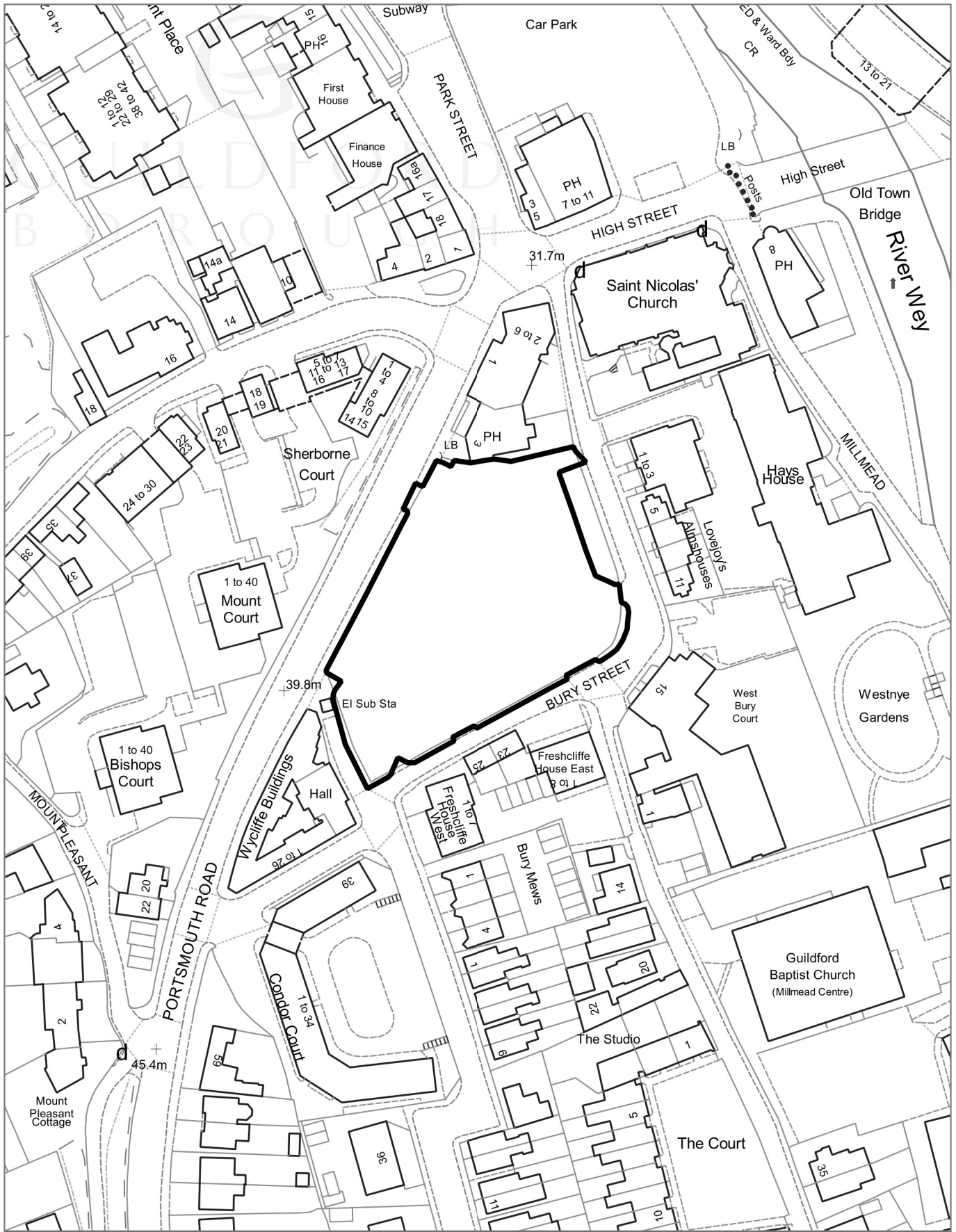


# 21/P/01811 - Guildford Plaza (former Burymead House), Portsmouth Road, Guildford



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Print Date: 21/01/2022



Not to Scale



**GUILDFORD**  
BOROUGH

**21/P/01811 – Guildford Plaza (former Burymead House), Portsmouth Road, Guildford, GU2 4DH**



**Not to scale**

**App No:** 21/P/01811  
**Appn Type:** Full Application  
**Case Officer:** John Busher  
**Parish:** Friary & St. Nicolas  
**Agent :** Mr D Maher  
Barton Willmore  
26 Kings Hill Avenue  
Kings Hill  
West Malling  
ME19 4AE

**8 Wk Deadline:** 28/02/2022

**Ward:** Friary & St. Nicolas  
**Applicant:** Tiger Developments Ltd  
c/o Agent

**Location:** Guildford Plaza (former Burymead House), Portsmouth Road, Guildford, GU2 4DH

**Proposal:** Erection of four buildings of between 4 and 6 storeys to provide up to 301 units of Co-Living accommodation (Sui Generis) together with associated communal facilities, basement level to provide access, vehicle and cycle parking, plant and refuse enclosure, with associated groundworks and landscaping.

## **Executive Summary**

### **Reason for referral**

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

### **Key information**

The application site covers an area of approximately 0.37ha and is located close to Guildford Town Centre. It is sited east of Portsmouth Road with Bury Street (a one-way street) running adjacent to the site to the south and east. To the north is The Cannon Public House and the Wycliffe Buildings are to the south west of the site. Between 1960 and approximately 2000, the site was occupied by Burymead House, an office building of up to ten storeys in height, which was occupied by the Electricity Generating Board. The building was demolished around 2000 in anticipation of the redevelopment of the site and the site has been vacant and enclosed by construction hoardings ever since. There are significant level changes within the site with the land rising from north to south along the Portsmouth Road (travelling away from the Town Centre) and there are further falls from the Portsmouth Road boundary down towards Bury Street.

It is located within Guildford Town Centre and within the Millmead and Portsmouth Road Conservation Area. There are a number of listed buildings close to the site, including those in Bury Street (1-3 Bury Street, Almshouses 5, 7, 9 and 11 Bury Street and numbers 23 and 25 Bury Street) and the Wycliffe Buildings, located immediately to the south-west of the site, as well as numbers 2, 4 and 6 High Street to the north of the site (all Grade II listed) and the Grade II\* listed Church of St Nicholas to the north east of the site.

The surrounding area is of a mixed-use character, including residential, commercial, a public house and a Church. Bury Street is predominantly residential in character, although some of the buildings have been converted to office uses. There are a number of two storey buildings immediately facing the site, with a scattering of higher buildings ranging from three to five storeys. Portsmouth Road is commercial in character between Wycliffe Building and High Street and typically has higher storey buildings.

The proposed development is for the provision of 301 Co Living studios in four buildings (or blocks) of between four and six storeys in height, arranged around a central courtyard. The 301 bedspaces consist of 249 studio units which will have their own small kitchenette and en-suite facilities. In addition to this, 13 cluster apartments are also proposed, which have groups of four studios set around a communal kitchen and lounge..

A total of 67 affordable bedspaces are proposed, which has been increased as a result of officer negotiation from the 36 originally proposed.

The lower ground floor of the proposed development would contain the majority of the communal facilities, including: communal lounges and kitchens; dining areas; a concierge; gym and well-being; exercise studios; storage / shower rooms / WCs; lounge / co-working areas; coffee bar; meeting rooms; 25 kitchen points; communal dining areas (75 covers); private dining area (12 seats) and laundry facilities. Additionally, the basement level, which extends under Blocks A and B, below the central courtyard, would provide areas for limited vehicular parking, cycle parking and refuse store as well as other facilities for storage and plant.

Outdoor amenity space would be provided by way of an upper and lower courtyard. A small number of units would have a step out balcony with some others having a Juliette balcony.

It should also be noted that there are two extant planning permissions in place for this site which are material considerations in the assessment of this application. This includes a large office development which was approved by the Council in 2008 and a more recent assisted living development which was approved in 2018. These permissions will be discussed in detail below.

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

The application site has been vacant for many years and is now allocated in the LPSS for either C3 (residential) or C2 (accommodation for older people).

Against the backdrop of the extant permissions, the proposed buildings are considered to be acceptable. The height and mass of the four blocks have been assessed in relation to their impact from a wide range of viewpoints and found to be acceptable.

It is acknowledged that the proposal would result in some harm to the significance of designated heritage assets. However, as the height, bulk and massing of the proposal does not materially differ from the 2018 extant scheme, the level of harm remains the same as that scheme - less than substantial and at the lower end of this range. The report concludes that the public benefits of the proposed scheme would outweigh this harm, even when considering the great weight and importance which must be afforded to any heritage harm and the higher graded buildings in the area.

The report also concludes that the design, appearance and detailed façade treatment of the development is of high quality, the living conditions of adjacent occupiers would be protected from undue harm and the living standards of future occupiers would be satisfactory (in terms of overall residential quality).

Although not in accordance with the adopted Local Plan which allocates the site for either C2 or C3 uses and taking into account a non-compliance with policy H1(4), Officers consider that there are material considerations which are sufficient to outweigh the conflict with the development plan taken as a whole. The proposed dwellings would make a positive contribution to the demand and market for smaller rented accommodation in the Borough. The provision of 67 units on site for discounted market rent would help to address affordability issues in the Borough. Overall, the scheme would provide a modern, quality form of co-living accommodation which would help to address some of the housing shortages and provide more choice in the local housing market. Officers consider that this is a significant benefit of the scheme. The proposal would also bring back into effective use a brownfield and long-term derelict site in a highly sustainable location. The proposals would contribute to and result in numerous economic benefits to the town of Guildford and the wider area. This would include direct economic benefits including the creation of construction and operational jobs at the site. Indirect benefits would include increased footfall and expenditure in the Town Centre and wider environs. The proposals would thus contribute to consolidating the economic role of Guildford in the wider area. The proposal would also secure contributions to improved facilities in the area, including towards the Council's Sustainable Movement Corridor. The environmental impacts, including noise, air quality, land contamination and flooding, are acceptable subject to mitigation proposed through a combination of conditions and s.106 agreement.

The applicant has agreed to a range of financial contributions and other necessary obligations which will be set out in the report and secured by a s.106 agreement.

As set out in the report, the proposal is deemed to be acceptable, and the application is therefore recommended for approval.

### **RECOMMENDATION:**

**(i) That a s.106 agreement be entered into to secure:**

- **provision of not less than 67 units to be provided at a Discounted Market Rent;**
- **arrangements to secure the letting of the 67 affordable units, and in a situation where they are not, a mechanism for the Council to be compensated for any under provision of affordable units;**
- **a SANGS contribution and an Access Management and Monitoring Contribution in accordance with the adopted tariff of the SPA Avoidance Strategy to mitigate against the impact on the Thames Basin Heaths Special Protection Area;**
- **contribution towards NHS Primary Care;**
- **contribution towards policing infrastructure;**
- **on-site car club provision (provision of two cars);**
- **car-club membership for all new residents;**

- on-site cycle hire scheme;
- bus shelters with Real Time Passenger Information;
- variation to TRO to preclude future occupiers from obtaining a parking permit;
  
- upgrade the existing pelican crossing on Portsmouth Road;
- contribution towards wayfinding signage;
- a 6 metre area of land (4 metre wide by 1 metre deep) fronting Portsmouth Road to be dedicated to Surrey County Council in order to provide land for a bus shelter;
- contribution towards the implementation of the Council's Sustainable Movement Corridor; and
- management plan to be agreed (including pulling the bins out to the designated areas, engaging with Designing Out Crime Officer)

If the terms of the s.106 or wording or the planning conditions are significantly amended as part of ongoing s.106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Head of Place / Director of Service Delivery. The recommendation is to approve planning permission, subject to conditions.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1138\_100 p13 Proposed basement floor plan
- 1138\_101 p13 Proposed lower ground floor plan
- 1138\_102 p13 Proposed ground floor plan
- 1138\_103 p13 Proposed upper ground floor plan
- 1138\_104 p13 Proposed first floor plan
- 1138\_105 p13 Proposed second floor plan
- 1138\_106 p13 Proposed third floor plan
- 1138\_107 p13 Proposed fourth floor plan
- 1138\_108 p13 Proposed roof plan
- 1138\_205 p13 Proposed perimeter elevation
- 1138\_206 p13 Proposed perimeter elevation
- 1138\_210 p14 Block a elevation

1138\_211 p14 Block b elevation  
1138\_212 p14 Block c elevation  
1138\_213 p14 Block d elevation  
1138\_301 p13 Sections aa & bb  
1138\_302 p13 Sections cc & dd  
1138\_002 rp12 Existing site survey plan  
1138\_003 rp12 Site demolition plan  
1138\_010 rp12 Proposed block plan  
1138\_100 rp13 Proposed basement floor plan  
1138\_101a rp12 Proposed lower ground floor plan (site context)  
1138\_101 rp13 Proposed lower ground floor plan  
1138\_102a rp12 Proposed ground floor plan (site context)  
1138\_102 rp13 Proposed ground floor plan  
11381138 P13 Unit Schedule

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

3. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details and samples of the proposed external surface materials of the buildings and all areas of hardstanding materials including colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory and to protect the character of the Conservation Area and setting of adjacent listed buildings. It is considered necessary for this to be a pre-commencement condition as the use of satisfactory external materials goes to the heart of the planning permission.

4. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until further details of the design, construction, and material of the balconies, juliet balconies and windows (depth of reveal, method of opening, details of head and side casing, and cills) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be at a scale of not less than 1:20 sample elevations, horizontal/vertical frame sections (including sections through glazing bars) not less than 1:2. The development shall be carried out in accordance with the approved details. Sample panels of all proposed external wall finishes, not less than 1 metre square, showing proposed brick, brick bond, pointing and paint finish, shall be constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall remain on site until the completion of the development for comparison. The development shall be carried out in accordance with the approved sample panel.

Reason: To ensure that the external appearance of the building is satisfactory and to protect the character of the Conservation Area and setting of adjacent listed buildings. It is considered necessary for this to be a pre-commencement condition as the use of satisfactory external materials goes to the heart of the planning permission.

5. No development shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until details of all external chimneys, aerials, antennas, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the neighbouring listed buildings and the Conservation Area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) no pipework, flues or vents other than those shown on the drawings, or agreed by other conditions attached to this decision, shall be installed or erected on the buildings hereby approved.

Reason: To ensure that the external appearance of the building is satisfactory and to protect the character of the Conservation Area and setting of adjacent listed buildings.

7. Window positions, balconies and juliette balconies shall only be located on the approved buildings in accordance with the details shown in the following drawings:

1138\_210 p13 Block a elevation  
1138\_211 p13 Block b elevation  
1138\_212 p13 Block c elevation  
1138\_213 p13 Block d elevation  
1138\_301 p13 Sections aa & bb  
1138\_302 p13 Sections cc & dd

Reason: In the interests of residential amenity and privacy of the adjacent properties.

8. No part of the development hereby approved shall be first occupied until further detail of the proposed hard and soft landscaping scheme, including; amended plans to show the changes to the layout of the upper and lower ground floor levels and details and samples of the hard landscaping materials, walls/retaining walls and pedestrian gate/fencing, has been submitted to and agreed in writing by the Local Planning Authority. The agreed hard and soft landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented in full prior to the occupation of the development hereby approved.



All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and to protect the character of the Conservation Area and setting of adjacent listed buildings.

9. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Bury Street has been constructed and provided with visibility zones in accordance with the approved plans, in reference to appendix C of the Transport Assessment, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high within the site or at its boundaries.

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

10. The development hereby approved shall not be first occupied unless and until existing accesses from the site to Bury Street and Portsmouth Road have been permanently closed and any kerbs, verge, footway, fully reinstated.

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

11. The development hereby approved shall not be first occupied unless and until the proposed footway improvements have been implemented in accordance with the plans which are to be submitted to and approved in writing by Local Highway Authority, and thereafter permanently maintained.

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

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved drawing number 1138\_100 Rev P13 for vehicles / cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

13. Prior to the first occupation of the development hereby approved, details of the provision of two car club vehicles shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include details of how the car club scheme will be managed and operated, confirmation that all residents will be able to avail of the car club for the duration of their residence and where the cars will be parked when not in use. The car club shall be implemented in accordance with the agreed details before the development is first occupied and it shall be retained for the lifetime of the development.

Reason: To promote the use of sustainable methods of travel.

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

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

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

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

15. Prior to the first occupation of the development hereby permitted, details of the electric charging points (fast charge socket - 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) to be provided for all of the car parking spaces in the basement shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be installed before first occupation and shall be retained for the lifetime of the development.

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

16. The development hereby approved shall not be occupied until a scheme (which is in general accordance with the Transport Assessment (Curtins ref: 77453 Revision: 02 Issue Date: 12 August 2021) specifying arrangements for deliveries to and removals from the site, to include (but not limited to) details of: (a) design of delivery areas and (b) specifications for lorry parking and turning spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development and shall be retained for the lifetime of the development.

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

17. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include: a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+30% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.3l/s for the 1 in 1 year rainfall event and 16.8l/s for the 1 in 100 year (+CC) rainfall event. b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk. d) Details of drainage management responsibilities and maintenance regimes for the drainage system. e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

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

19. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

20. Prior to the commencement of development hereby approved evidence that the development is registered with a BREEAM Certification Body, and a BREEAM pre-assessment demonstrating a strategy to show that an 'Excellent' rating shall be achieved must be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.

21. Following a period of 18 months after first occupation of the building, a BREEAM Final (Post-Construction) Certificate, issued by the BRE (or equivalent authorising body), must be submitted to the Local Planning Authority and approved in writing to demonstrate that an Excellent rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To ensure that the development achieves BREEAM Rating level (Excellent) (or any such equivalent national measure of sustainability for building design that replaces that measure) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM Assessor and to ensure that the development contributes to mitigating and adapting to climate change.

22. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

Reason: To improve water efficiency in accordance with the Council's 'Climate Change, Sustainable Design, Construction and Energy' SPD 2020.

23. The mitigation and enhancement measures identified within section 6 of the Ecological Appraisal report (Aspect Ecology, August 2021) shall be implemented in full prior to occupation of the development. The mitigation and enhancement measures shall be retained for the lifetime of the development.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

24. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- risk assessment of potentially damaging construction activities;
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication; and
- use of protected fences, exclusion barriers and warning signs.

Reason: To ensure that satisfactory measures are put in place for addressing potential contamination and ecological issues before and during development to protect important local ecological features. It is considered necessary for this to be a pre-commencement condition because the management of the construction needs to be considered before construction commences.

25. No above ground works shall take place (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK - Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on protected species, in particular bats, resulting from the proposed development works.

26. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 1330 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

27. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: To ensure that any archaeological remains are assessed. This is a pre-commencement condition as this information needs to be submitted before the site is disturbed by construction work.

28. A Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing. The Remediation Strategy shall be in accordance with the methodology set out in the Geo-environmental desk study (048638-BHE-XX-XX-RP-YG-0001 REV P02 4 August 2021) clause 7.4.1. Documentary proof shall be provided to the Local Planning Authority together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

Reason: To ensure any contamination of the site is remediated to a 'suitable for use' standard and to protect proposed occupants of the application site. This is a pre-commencement condition as this information needs to be understood before works begin on-site.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

30. Before the first occupation of the development hereby approved, the mitigation measures set out in Section 6 of the submitted MZA Acoustics Report should be installed in full and made operational. These include:
- a. the building envelope including glazing and ventilation (6.1 and 6.2)
  - b. plant noise emission limits for the air source heat pumps and the other service equipment (6.3 and 6.4.2)

The agreed details shall be retained for the lifetime of the development.

Reason: As occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic to an unacceptable degree.

31. No development shall commence (excluding ground works and construction up to damp proof course (dpc) and the construction of the access) until a scheme including plans, has been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be made available for use on the first occupation of each building.

Reason: To ensure that the new development is provided with high quality broadband services and digital connectivity.

32. Before the development hereby approved is commenced, a plan showing the location of the 16 Building Regulations 'accessible and adaptable dwellings M4(2) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to provide a flexible housing stock to meet a wide range of accommodation needs.

### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
- Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

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

In this case pre-application advice was sought and provided which addressed initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have worked with the applicant to overcome these issues and the proposal is now deemed to be acceptable.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)
3. The applicant and any associated contractor is recommended to seek Prior Consent (section 61 Control of Pollution Act 1974) approvals to control noise/vibration levels and hours noisy construction for the various phases of the development. This matter will be dealt with outside of the planning process and currently exists with the Head of Environment and Regulatory Services.
4. Thames Water Informatives:

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

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

## **Officer's Report**

### **Site description**

The application site covers an area of approximately 0.37ha and is located close to Guildford Town Centre. It is sited east of Portsmouth Road with Bury Street (a one-way street) running adjacent to the site to the south and east. To the north is The Cannon Public House and the Wycliffe Buildings are to the south west of the site. Between 1960 and approximately 2000, the site was occupied by Burymead House, an office building of up to ten storeys in height, which was occupied by the Electricity Generating Board. The building was demolished around 2000 in anticipation of the redevelopment of the site and the site has been vacant and enclosed by construction hoardings ever since. There are significant level changes within the site with the land rising from north to south along the Portsmouth Road (travelling away from the Town Centre) and there are further falls from the Portsmouth Road boundary down towards Bury Street.

It is located within Guildford Town Centre and within the Millmead and Portsmouth Road Conservation Area. There are a number of listed buildings close to the site, including those in Bury Street (1-3 Bury Street, Almshouses 5, 7, 9 and 11 Bury Street and numbers 23 and 25 Bury Street) and the Wycliffe Buildings, located immediately to the south-west of the site, as well as numbers 2, 4 and 6 High Street to the north of the site (all Grade II listed) and the Grade II\* listed Church of St Nicholas to the north east of the site.



On the opposite side of Portsmouth Road, to the south west of the application site are residential buildings varying in height between three and ten storeys accessed from The Mount and Mount Pleasant.

The surrounding area is of a mixed-use character, including residential, commercial, a public house and a Church. Bury Street is predominantly residential in character, although some of the buildings have been converted to office uses. There are a number of two storey buildings immediately facing the site, with a scattering of higher buildings ranging from three to five storeys. Portsmouth Road is commercial in character between Wycliffe Building and High Street and typically has higher storey buildings.

The only trees of note on the site are located on the south-east corner of the site and are considered to be of moderate quality.

The site is listed on the Council's Brownfield Register which lists Previously Developed Land (PDL) which could be developed again.

## **Proposal**

Erection of four buildings of between 4 and 6 storeys to provide up to 301 units of Co-Living accommodation (Sui Generis) together with associated communal facilities, basement level to provide access, vehicle and cycle parking, plant and refuse enclosure, with associated groundworks and landscaping.

The proposed development is for the provision of 301 co-living studios in four buildings (or blocks) of between four and six storeys in height, arranged around a central courtyard. The 301 bedspaces consist of 249 studio units which will have their own small kitchenette and en-suite facilities. In addition to this, 13 cluster apartments are also proposed, which have groups of four bedrooms set around a communal kitchen and lounge.

A total of 67 affordable bedspaces are proposed. This matter will be discussed further in the report below.

Block A - would be located on the western part of the site, along the Portsmouth Road frontage. It would comprise five floors of accommodation above ground floor level with a large extent of communal facilities provided at lower ground floor level.

Blocks B / C - would be located on the north-east and south-east parts of the site respectively, along the Bury Street frontages. These blocks would contain three to four floors of accommodation above ground level, respectively.

Block D - would be located in the south-west part of the site, adjacent to the convergence of Portsmouth Road, Millmead Terrace and Bury Street. Block D would comprise five floors of accommodation above ground floor level.

The lower ground floor of the proposed development would contain the majority of the communal facilities, including: communal lounges and kitchens; dining areas; a concierge; gym and well-being; exercise studios; storage / shower rooms / WCs; lounge / co-working areas; coffee bar; meeting rooms; 25 kitchen points; communal dining areas (75 covers); private dining area (12 seats) and laundry facilities.

Additionally, the basement level, which extends under Blocks A and B, below the central courtyard, would provide areas for limited vehicular parking, cycle parking and refuse store as well as other facilities for storage and plant.

Outdoor amenity space would be provided by way of an upper and lower courtyard. A small number of units would have a step out balcony with some others having a Juliette balcony.

It is noted that a viability report has been submitted with the application. This was on the basis that the proposal provided only 32 affordable units. Through negotiation, Officers have now managed to increase the number of affordable units to 67, which is policy compliant (this will be discussed in greater detail below). As the scheme is now considered to be policy compliant in this regard, a viability assessment is no longer required.

### Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
21/N/00033	Non-material amendment of application 17/P/00920 approved 14/03/18 to re-word conditions 5 and 6 to allow discharge of these conditions prior to any slab level work.	Approve 02/06/2021	N/A
17/P/00920	Proposed assisted living accommodation for older people (Sui Generis) comprising 100 apartments, communal facilities including residents lounge, guest suite, health and well-being facilities, café/restaurant, staff offices, basement car parking, cycle parking, bin storage, plant room, associated hard and soft landscaping, and groundworks (amended description, amended plans and documents received 17/08/2017) (additional elevational drawings received).	Approve 14/03/2018	N/A
16/P/00923	Proposed assisted living accommodation for older people (sui generis) comprising 103 apartments and communal facilities including; residents lounge, guest suite, health and well-being facilities, restaurant, staff offices, surface and basement car parking, cycle parking, bin storage, plant room, associated hard and soft landscaping, and groundworks.	Withdrawn 29/07/2016	N/A

15/P/00924	Variation of condition 9 (vehicular access), 12 (travel plan), 14 (details of the craftsman/artistic feature) and 17 (details of positioning of the external terracotta cladding tiles) and removal of condition 16 (flood compensatory storage works) of planning application 10/P/00803 approved 20/07/2010.	Approve 14/07/2015	N/A
10/P/00803	Application to extend the time limit for the implementation of 06/P/01430 allowed on appeal 08/02/08 for erection of 3-5 storey building for B1 office use, subdivided into two separate office units, internal courtyard and other associated landscaping and basement car parking incorporating 66 car parking spaces and 40 cycle parking spaces.	Approve 21/07/2010	N/A
07/P/02464	Erection of office building arranged over 5 floors, 4 storeys with a recessed 5th floor fronting Portsmouth Road stepping down to 3 storeys on Bury Street frontage, with open atrium through centre of building and 62 car parking spaces, 74 cycle parking spaces & 10 motorbike parking spaces within basement level, new access off Bury Street & associated landscaping.	Refuse 25/01/2008	N/A
06/P/01430	Erection of 3-5 storey building for B1 office use, subdivided into two separate office units, internal courtyard and other associated landscaping and basement car parking incorporating 66 car parking spaces and 40 cycle parking spaces. (as amended by plans received 29/09/06)	Refuse 02/10/2006	ALLC 08/02/2008
00/P/02042	Erection of new office building with associated car parking and landscaping (As amended by plans received 22/03/01).	Withdrawn 29/07/2005	N/A
99/P/00065	Conservation Area Consent for demolition of existing office building and erection of new office building with associated car parking and landscaping.	Refuse 23/03/1999	N/A

99/P/00064	Demolition of existing office building and erection of new office building with associated car parking and landscaping.	Refuse 23/03/1999	ALLC 17/08/1999
95/P/01644	Conservation Area Consent for demolition of existing office building and erection of new office building with associated car parking and landscaping (as amended by plans received 01/07/98 and 06/08/98).	Approve 04/01/1999	N/A
95/P/01643	Demolition of existing office building and erection of new office building, with associated car parking and landscaping (as amended by plans received 01/07/98 and 06/08/98).	Approve 04/01/1999	N/A

## Consultations

### Statutory consultees

Historic England: In January 2018, in response to a consultation on 18/P/01155, Historic England advised that, in their view, the proposed development would result in harm to the historic environment, namely the conservation area and the setting of listed buildings, but concluded that such harm was at a less than substantial level in NPPF terms. In response to the current application Historic England says: 'the current application proposes a similar scale and massing to the previous consented scheme. Historic England therefore repeats its previous advice that your Council needs to be satisfied that all harm has been minimised through high quality design and it is for you to judge whether the public benefits of permitting development are sufficient to outweigh any remaining harm, as required by paragraph 202 of the NPPF'.

County Archaeologist, Surrey County Council: No objection subject to a condition to secure the implementation of a further programme of archaeological work.

Lead Local Flood Authority, Surrey County Council: Following receipt of amended information, Surrey County Council, as Lead Local Flood Authority, is satisfied with the proposals subject to conditions.

Thames Water: Thames Water have provided standing advice only in relation to flood risk and groundwater protection.

County Highway Authority, Surrey County Council: No objection subject to conditions and contributions being secured through a legal agreement for off-site improvements.

Health and Safety Executive (HSE) (fire safety): The HSE raised some concerns in particular with regard to cooking facilities within the proposed apartments and the potential that escape routes for occupants may be compromised particularly on upper floors. [Officer Note: The Applicant responded to these concerns with additional fire safety information. The applicant has reviewed this matter and considers that the proposed layout meets standards set out in the Building Regulations. Nonetheless, it has prepared a revised 'alternative cluster layout' for these areas which provides a reconfiguration of the kitchen area and entry doors to the associated co-living units. This reconfiguration is also addressed in the updated "Fire Statement Form" (dated 21 Dec 2021). Officers are satisfied that this matter has been adequately addressed as far as it relates to planning].

Environment Agency: No objections raised. Council referred to standing advice.

Natural England: No objection subject to a s.106 agreement to secure the necessary mitigation against the impact on the Thames Basin Heaths SPA.

#### Internal consultees

Environmental Health: No objection subject to conditions

Cleansing Manager, Operational Services: No objections raised.

#### Non-statutory consultees

Council for British Archaeology: Considers that the proposed methodology in the submitted Written Scheme of Investigation to be sound. They recommend that the inclusion of a public participation strand should be required as part of an appropriate WSI for the archaeological works that development of this site will entail.

Surrey Police, Designing Out Crime Officer: Following concerns raised by the Police further information has been submitted by the applicant which addresses the issue of security for lower/ground floor window. The applicant states that 'provisionally the scope of the Secure By Design requirements to windows will be allocated to the external perimeter of the development where it is not possible to provide defensible space or a buffering zone of planting'. Affected windows would be provided with metal guard railing (height shown up to 1500mm above grade) with detail and finish to match Juliette balcony guarding.

#### Amenity groups/Residents associations

The Victorian Society: The Victorian Society in principle accepts the proposal to redevelop the site for housing and other uses. However, they have raised concerns about how the proposal will affect the setting of various listed buildings, chiefly the Wycliffe Buildings and Caleb Lovejoy Almshouses. They recommend that the massing of blocks C and D are reduced so that they react more sensitively with the scale of the Caleb Lovejoy Almshouses. We recommend that the height of block D is reduced to the same level, or less than that of the Wycliffe Buildings so the dramatic effect of its design can continue to be appreciated.

The Guildford Society: Raise an objection. The society are of the opinion that several matters require clarification. These relate to mass and scale, flexibility for future uses, transport and access, drainage and the impact of plant and equipment on the design and appearance.

Flower Walk Resident's Association: Object on the basis of increased occupancy levels, intensification of development beyond the capacity of the site, focus on active travel and modal shift is naïve, no cycle lanes in the vicinity of the site.

Extinction Rebellion - Guildford Planning Scrutiny Group: Object for the following reasons:

- failure to install PV panels;
- lack of natural ventilation or shading to windows;
- welcome the emphasis on active travel but consider that cycle parking is inadequate and cycle route into town centre is unattractive and
- more consideration needs to be given to increase biodiversity.

Guildford Bike Users Group: Object. It is noted that the proposal will encourage cycling more than anticipated and cycling infrastructure will need to be greatly improved; insufficient cycle parking; cycle hire scheme should be part of the proposed town wide bike share scheme; proposal should be linked to other cycle improvements schemes in the vicinity.

### **Third party comments**

21 letters of representation have been received raising the following objections and concerns and are summarised below:

- parking provision inadequate for this number of proposed units. There are already too few street parking spaces in the area;
- the proposal does not provide for a wider pedestrian thoroughfare between the proposed site at the rear elevation of Wycliffe Buildings [Officer Note: Pedestrian access is provided through the site between Bury Street and Portsmouth Road];
- the footprint of the development needs to decrease somewhat to allow for more light and space between the two buildings;
- out of character for the area overly sized and dwarfs many of the buildings around it;
- cramming that many people into the building will result in excessive noise from tenants and guests, additional noise, waste from bins, traffic and disturbances etc given the proximity to public houses and the town, so many reasons this is a bad and ill thought idea and one thought out purely by greed of developers;
- impact of traffic for the duration of the build; [Officer Note: A Construction Transport Management Plan is recommended to address this];
- large number of vacant buildings in Guildford - why are these not earmarked instead for re-purposing to accommodate 300 young professionals;
- noise disturbance - generally a quiet residential area;
- noise pollution;
- traffic increase - from residents, visitors and staff;
- development is a contradiction of the Council's policy on scale, proportion and form (policy G5(2) of the 2003 Plan). The proposed height and density should be revised accordingly;
- impact of development on existing listed properties;
- visual amenity - current design and layout fails to integrate with its surroundings and maintain the historic character of the Guildford landscape in this area in accordance with Guildford Borough Council policy;
- loss of light - detrimental impact on the natural light received to the rooms at the adjoining properties;
- loss of privacy from new dwellings onto existing dwellings;

- light pollution - unlike commercial development where lights are off at evenings and weekends the proposed development is residential which could mean the potential for light pollution to intrude into residents' rooms at all hours of the night;
- flooding risk - potential increase in run-off from the site into the bottom of Bury Street;
- St Nicholas and the Caleb Lovejoy Cottages are dwarfed by the development;
- concern about the vulnerability of the residents of the existing cottages;
- ugly view from the High Street looking over this very massive build; and
- proliferation of blocks of residential units for younger, transient population.

Further representations were received concluding that the proposal 'sounds like a promising development' and another welcomes a housing project for this age group of 23-30 year olds.

## **Planning policies**

### National Planning Policy Framework (NPPF):

Chapter 1. Building a strong, competitive economy

Chapter 2. Achieving sustainable development

Chapter 3. Plan-making

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 7. Ensuring the vitality of town centres

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

### South East Plan 2009:

Policy NRM6 Thames Basin Heath Special Protection Area

### Guildford Borough Local Plan: Strategy and Sites 2015-2034:

The policies considered relevant to this proposal are set out below.

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 D1 Place shaping

Policy D2 Sustainable design, construction and energy

Policy D3 Historic Environment

Policy ID3 Sustainable transport for new developments

Policy ID4 Green and blue infrastructure

Site allocation A1: The Plaza, Portsmouth Road

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

Policy G1 General standards of development

Policy G5 Design code

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 HE10 New development which affects the setting of a conservation area

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

Policy NE4 Species protection

Supplementary planning documents:

Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Planning Contributions SPD

Vehicle Parking Standards SPD

Residential Design SPG

**Planning considerations**

The main planning considerations in this case are:

- the principle of development and the fallback position
- affordable housing
- accessible units
- the impact on the scale and character of the existing site, surrounding area
- heritage impacts on the adjoining listed buildings and the Conservation Area
- the impact on neighbouring amenity
- amenity of future occupants / living environment
- daylight and sunlight
- highway / parking considerations
- flooding and surface water drainage
- environmental health matters
- archaeology
- trees and landscaping
- ecology
- sustainable design and construction
- the impact on the Thames Basin Heaths Special Protection Area
- s.106 considerations
- planning balance and conclusion

**The principle of development and the fallback position**

This is a brownfield site located in close proximity to the Town Centre that has been vacant for almost 20 years. The NPPF, at paragraph 119, promotes the effective use of land by reusing land that has been previously developed. Paragraph 120 states that both planning policies and decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. The proposed redevelopment of the site is therefore supported by the NPPF.



The site is very well located, in close proximity to key services and facilities in the Town Centre and benefits from good levels of accessibility via walking, cycling and public transport modes. Both Guildford Railway and Bus Stations are within walking distance of the site.

It is considered that the planning permissions for both the office proposal (10/P/00803) and the assisted living scheme (16/P/00923) have been implemented and therefore these planning consents remain extant. This 'fallback position' is a significant material consideration in the assessment of this application and they must be considered as part of the assessment.

The principle of the redevelopment of this site has already been established, bringing forward the regeneration of a vacant site. The fallback position, taking account of the extant assisted living

(Sui Generis) permission, acknowledges that there would be less than substantial harm to heritage assets from that proposal.

The site is allocated in the adopted Local Plan (allocation A1) for either approximately 90 homes (C3) or accommodation for older people (C2). The allocation requires the following:

- (i) development proposals must be sensitive to the scale and heights of nearby Listed Buildings, and views of the church tower (St Nicholas Church, Bury Street, Guildford) and views into and out of surrounding conservation areas;
- (ii) achieve flood risk betterment, appropriate mitigation and flood risk management, and have regard to the recommendations of the Level 2 SFRA; and
- (iii) avoid development within flood zone 2 (medium risk).

The following opportunities and key considerations are also set out in the allocation.

#### Opportunities

- (i) this triangular plot lends itself to an innovative design to address the street scene on all elevations
- (ii) improvements and reinstatement for pedestrian access and public realm
- (iii) help to reduce flood risk in the local area

#### Key considerations

- (i) close proximity to Listed Buildings
- (ii) within the Millmead and Portsmouth Road Conservation Area
- (iii) views on the skyline from the Conservation Area
- (iv) flood risk (a small part of the site is within flood zone 2 – medium risk)
- (v) principal aquifer

The NPPF makes clear that in taking decisions on planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development. It further advises that, for decision-making, this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

In this case, there is an up-to-date development plan however the proposed development is contrary to it as it does not propose development in accordance with the allocation (co-living rather than C3 or C2). Section 70(2) of the Town and Country Planning Act 1990 and S38(6) of the Planning and Compulsory Purchase Act 2004 require the Council to make its determination in accordance with the Development Plan unless material planning considerations indicate otherwise. Therefore, it is necessary to consider whether there are material planning considerations which are sufficient to outweigh the conflict with the development plan when taken as a whole.

The proposed 301 co-living units secure the equivalent of 167 new homes (based on the Government's Housing Flow Reconciliation guidance as referred in the Housing Delivery Test - Measurement Rulebook). The total occupancy of the proposed development would be significantly higher than if the site was developed for either 90 C3 dwellings or the extant assisted living permission and therefore, while not in strict accordance with the allocation in the adopted Local Plan, it would in broad terms meet the objective of the policy which is to deliver additional residential accommodation in this sustainable town centre location. The co-living accommodation in particular would provide for an innovative type of residential living that is only available in one other scheme in the Borough and would diversify the towns existing housing offer providing a greater range of types of accommodation. It is therefore considered that while the development does not strictly provide C3 or C2 accommodation, it generally meets the objective of the adopted Local Plan policy and should be supported (subject to the other considerations and assessments to follow).

In their submitted Socio-Economic Benefits Statement the applicant argues that their proposal will make a positive response to the demand for smaller rented accommodation in the Borough. Their evidence states that there are an estimated 11,000 households renting in Guildford with an additional 2,000 households projected to be renting by 2024. They identify five major employers in Guildford, which between them employ approximately 12,000 staff, all located within a 15 minute cycle of the application site. The applicant engaged with a number of businesses including those within the Surrey Research Park and responses indicated that the accommodation offered by this development is desirable. This could include staff relocating to the area as well as placement staff (for three to six months as an example). For staff relocating to the area, co-living provides a flexible option and enables residents to meet others within the community, before settling on a more permanent choice of residence in some instances.

The co-living market is directed towards single people seeking an aspect of communal living whilst being able to reside in their own private residence. This is how the model differs from other rented accommodation such as Houses in Multiple Occupancy (HMOs) and Built to Rent. Also, affordability issues in the Borough makes it more difficult for people to access the housing market, particularly for first time buyers.

It is noted that co-living currently lacks a clear universal definition in planning terms. However, it is generally understood to be a large scale purpose-built managed rental block, comprising small private living units with extensive communal facilities, under a single professional management. It does not fall within a traditional residential use class, but is classed as a 'Sui Generis' use, that is, in a class of its own. Whilst Local Plan policy H1 seeks to ensure that a choice of homes is available in the Borough that will address the need for homes of different sizes and tenures, there is no specific policy reference to Co-living.

Large-scale purpose-built shared living, as proposed here, is a relatively new approach to housing provision and there is currently no national policy or guidance to manage the delivery of this type of housing. A key feature of the product is that the residential offer includes a small private room with access to functional communal spaces and facilities. Co-living is a relatively dense form of development in terms of the number of individual households per hectare. Developments such as this proposal are likely, but not exclusively, to be occupied by a relatively homogeneous group of tenants, because the product provides single-person units that are likely to appeal to adults who do not cohabit or have dependent children and, because the development would be of a single tenure, are likely to be occupied by working adults. For these reasons it is important to consider how such a development would contribute towards the overall provision of housing in the Borough and towards achieving balanced, sustainable and inclusive neighbourhoods as required by policy H1.

Co-living developments do not provide self-contained accommodation and all tenants would rely on well-managed communal facilities and services. In order to ensure consistent, transparent, high-quality and cost-effective services and management, it is important that such developments are retained under single management. Such schemes are also likely to have a relatively high frequency of residents moving in and out. The applicant has proposed a minimum tenancy of three-month duration. A management plan is therefore important to ensure that acceptable levels of residential amenity are provided for both tenants and neighbours. This could be secured as part of any s.106 obligation.

Co-living is a sui-generis use and therefore is not required to meet the Nationally Described Space Standards (minimum floorspace standards) as required for traditional C3 homes. Equally, there are no prescribed standards for the size or specification of communal facilities and services for co-living accommodation, nor for external amenity space. However, it is essential that the quality of these spaces is of a high standard to ensure that residents have access to sufficient, functional and comfortable private and communal space that can help to safeguard their physical and mental wellbeing.

There is no currently adopted policy that sets out how co-living accommodation should count towards housing numbers. However, officers recognise the contribution co-living and shared living in general can make towards housing supply and the proposed development would also make a contribution to meeting the Council's wider housing need. It would provide a type of accommodation primarily, although not exclusively, suited to young single persons that is not widely available in the locality. It would assist in the delivery of different types of homes to meet the diverse needs of the wider community. In this respect, it could serve to relieve pressure on shared private accommodation, such as houses in multiple occupation and could release housing suitable for families thereby contributing towards mixed and inclusive neighbourhoods.

The proposal provides a housing option which has the potential to provide residents, particularly those in employment, with a quality, rented housing option. Officers recognise the contribution co-living and shared living in general can make towards housing supply. Although not specifically included as a type of housing in the Local Plan, co-living share some characteristics with HMOs. Policy H1 acknowledges that 'they (HMO's) provide a valuable source of accommodation to meet the needs of some of our local population. They can offer a more affordable way to live in the Borough, particularly for students, low paid workers and key workers such as police, teachers and nurses who cannot afford to access housing on the open market'. It is considered that the proposed co-living units would also meet the needs of such individuals.

In conclusion on this point, it is noted that the proposals for the site would make a positive response to the demand for smaller rented accommodation in the town and Borough and could also help to address existing affordability issues. Direct economic benefits would include job creation during both the construction and operational phases of the development. Indirect benefits would include increased footfall and expenditure in the town centre and wider area. It is considered that the proposed development would support existing and new businesses in the Guildford area by providing potential accommodation for staff. The proposals will thus contribute to consolidating the economic role of Guildford in the wider area. It is considered that the proposal complies with policies S1, S2, S3 of the LPSS and the economic objectives of the plan.

### **Affordable housing**

As a Sui Generis use there is no policy requirement for the provision of affordable housing for a co-living development. However, the Local Plan allocation for the site of either C2 or C3 dwellings would require 40% of new dwellings to be affordable in accordance with policy H2. If the site was developed for C3 use it could expect to provide approximately 90 dwellings in total of which 40% would be affordable units, subject to viability. The extant assisted living permission did not provide for any affordable housing as such contribution would have meant that to require it, along with other required contributions, would have made the scheme unviable. However, the s.106 attached to that permission did include a review mechanism to reconsider viability upon implementation.

In recognition of the opportunity cost of developing the site other than for the allocated C2 or C3 uses, it is considered that a reasonable, equivalent measure could be to consider the number of bedspaces to be provided on the site against an alternative number of bedspaces provided by a development of C2 or C3 uses. By applying the Housing Delivery Test - Measurement Rulebook, this equates to an equivalent of 167 dwellings to be provided on the site.

While the applicant originally proposed a total of 36 affordable units as part of the scheme, Officers have now negotiated a significant increase in this number to 67 units (40% of 167) to be provided at discounted market rents. The affordable units will be aimed at key workers who do not qualify for social housing and are not currently in a position to enter into home ownership. and officers consider that, subject to the completion of a s.106 agreement, this would comply with policy H2 in respect of affordable housing.

### **Accessible units**

Policy H1(4) of the LPSS states that 'on residential development sites of 25 homes or more, 10% of new homes will be required to meet Building Regulations M4 (2) category 2 standard (to be 'accessible and adaptable dwellings'), and 5% of new homes will be required to meet Building Regulations M4 (3) category 3 ('wheelchair user dwellings'), or any subsequent legislation on making homes accessible and adaptable'. It is Officer's view that policy H1(4) applies to the proposed development, however, it is acknowledged that this view may not be shared by the applicant.

The applicant has agreed to provide 16 adaptable units within the scheme, however, no wheelchair user dwellings will be provided. This is contrary to policy H1(4) of the LPSS. This non-compliance will be discussed in the conclusion.

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

The extant permission for offices allows for the erection of a three to five storey office building in a perimeter block with a curved elevation onto Portsmouth Road, flat roofed and constructed from terracotta panels and large expanses of glass. There is no permeability through the site with this extant scheme and little relationship with the surrounding historic buildings. This office design is at odds with the domestic nature of the properties that line Bury Street and the curved elevation onto Portsmouth Road seems to be at odds with the harsh nature of this major road.

The other extant permission for assisted living (Sui Generis) use allows 100 apartments, communal facilities including residents lounge, guest suite, health and well-being facilities, café/restaurant, staff offices, basement car parking, cycle parking, bin storage, plant room, associated hard and soft landscaping, and groundworks. The units would be split into four buildings, ranging between four and six storeys above ground, located around the perimeter of the site with a central courtyard and public access through the site from Portsmouth Road to Bury Street.

Against the backdrop of the 17/P/00920 (assisted living) permission, four blocks of between four and six storeys above ground level is supported. The massing and form of each of the blocks remains largely the same (although the current proposal has been amended during the course of consideration of the application is reduce the overall height), with pitched roofs providing a varied roofscape still very much at the heart of the design and the varied building and roof line giving the impression of a collection of buildings around the site's perimeter.

During the course of consideration of this application the overall height of Blocks A, C and D has been reduced variously by between 0.36 and one metre. This has been achieved by reducing the floor zone by 150mm at each level above ground floor whilst retaining an internal clear ceiling heights of 2500mm for all units. The height and mass of the four blocks was assessed in relation to its impact from a wide range of viewpoints and found acceptable in granting the assisted living permission. While there would be some minor changes in the current proposals, principally relating to materials to be used in the facades and to fenestration and the reduction in the height of some buildings, it is not considered that there would be any additional impacts to townscape character or the surrounding area.

### **The impact on the adjoining listed buildings and the Conservation Area**

The application site is a vacant triangular shaped plot bounded by Portsmouth Road and Bury Street, it is within the Millbrook and Portsmouth Road Conservation Area. There are a number of listed buildings immediately adjacent to the site including the Grade II listed Wycliffe Building on Portsmouth Road, 1-3 Bury Street, 15 Bury Street, 23 and 25 Bury Street and Lovejoys Almshouses. The Grade II\* St Nicholas Church and the Grade II listed 2,4 and 6 High Street are also in close proximity to the scheme.

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.'

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'.

Case-law has confirmed that, when concerned with developments that would cause adverse impacts to the significance of designated heritage assets (including through impacts on their setting) then this is a factor which must be given considerable importance and weight in any balancing exercise.

Turning to policy, Chapter 16 of the National Planning Policy Framework sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. Paragraph 195 sets out that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 199 of the NPPF applies to designated heritage assets. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. This policy reflects the statutory duty in section 66(1) and 72(1). Paragraph 200 goes on to note that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

Policy D3 of the LPSS is generally reflective of the NPPF and it states:

- the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development of the highest design quality that will 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 will be supported; and
- the impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.

The extant proposal is a benchmark for the level of harm caused to the heritage assets. The comments previously provided stated the following:

*'As the application site has been vacant for a number of years it is inevitable that the setting of the listed buildings described above will be altered if the application were to be approved. The setback elements acknowledge the heritage assets, and the use of brick and clay tile will help to ensure there is a connection between the existing heritage assets and the new building on the site. There will be a modest impact on the aesthetic value of these heritage assets which would cause less than substantial harm to their significance all be it on at the lower end of the scale.'*

*When compared to the extant design the current proposal does ensure that it is set back when immediately opposite the listed buildings and the material choices and detailing are much more appropriate for this location'. Specifically, with reference to the Town Centre Conservation Area and views from the High Street the following was also stated: 'currently the Church tower of the grade II\* St Nicholas and the tower blocks Mount and Bishops Court are the most prominent buildings in this view and the countryside beyond is very much apparent. Whilst Mount and Bishops Court are tall buildings, and arguably not particularly aesthetically appealing, the spacing between them allows views through to the countryside beyond. The application site sits much closer to the historic core of the town than the existing flats, which will make it more prominent in views. The verified views provided by the applicant illustrate that the proposed building would be clearly seen in the foreground of Mount and Bishops Court, there will still be some visibility between the existing blocks to the countryside beyond and the relationship with the countryside beyond will not be wholly lost'.*

*'The proposed development will be visible from various locations within the town centre, most importantly from the High Street in the view to The Mount and the countryside beyond, and when viewed from various locations together with the Church tower of the grade II\* St Nicholas Church. The relationship between the High Street and The Mount is important in understanding the development of the town. Guildford developed on a natural ford over the River Wey at the point where it cuts through the chalk ridge of the North Downs. The Mount follows the line that travellers have long used to descend from the Hog's Back to the ford and the High Street formed the main axis rising from the site of the ford up the hill to the east. The relationship between these two streets is vital in understanding Guildford's development and its relationship with the surrounding countryside'.*

The current proposals differ from the extant assisted living scheme in the following ways:

- variety in disposition, scale, size and subdivision of windows, incorporating formal and informal alignments.
- the provision of complementary variegated brick and roof tiles to break down the visual bulk and to help each elevation read as a series of bays within the whole.
- revisions to the texture and detailing approach for the material datum
- it provides a worked proposition for using projecting headers and a variation in bond that relates to the prevailing Flemish Bond that is seen used in Guildford. It also details that the gable ends of entry point through the site would take on a different yet subtle treatment as way of emphasising these access point through the use of green glazed bricks for the projected headers. This is a conscious nod to the site's manufacturing history of glass and glazed stoneware bottles.

The Conservation Officer's assessment of the application proposal concludes that 'none of these changes noted are a concern from a Conservation perspective, however, much like the previous application there are some elements that should be subject to condition should the application be approved'.

The characteristic gables of Wycliffe Buildings are prominent in views south along Portsmouth Road and the application site can currently be seen from the bottom of the High Street looking south, although this is largely due to the current vacant nature of the site. The proposed development would be visible but would not be overly dominant in the streetscene when looking south down along Portsmouth Road.

Whilst it is accepted that the proposal would obscure views of the Wycliffe Buildings east elevation, this is an elevation that was designed to be functional and was not intended to be on public display, indicated by its more utilitarian appearance, a contrast to the more decorative principal elevations that face onto Portsmouth Road and Bury Street. Also reinforcing this point is the fact that when the Wycliffe Buildings were originally conceived and constructed the application site was occupied by two breweries which would have, to some degree, obscured this elevation from public view. It is therefore concluded that this elevation was never meant to be a principal view and therefore there are no concerns with development obscuring it.

St Nicholas Church is located to the north east of the application site. A comparison of the verified views submitted in support of this application and the one submitted for the extant assisted living scheme confirms that there would be no additional harm to that already approved, due to the, scale, massing and form of the structures being identical and, in the case of the height of the buildings somewhat reduced.

With regard to other nearby heritage assets, including the Town Centre and Millmead and Portsmouth Road Conservation Areas, as there is no notable difference between this proposal and the extant assisted living scheme, in terms of height, scale, massing and form of the structures, the conservation comments that were previously considered and accepted in granting that permission are therefore now considered still applicable, even when giving consideration to the subtle material and fenestration changes that are now being proposed.

*Effect of Proposal on the Conservation Area and wider townscape:*

As there is no notable difference between this proposal and the approved assisted living application, in terms of height, scale, massing and form of the structures, the conservation comments that were previously provided in response to the application (17/P/00920) are therefore considered applicable, even when giving consideration to the subtle material and fenestration changes that are now being proposed.

The application site lies with the Millmead and Portsmouth Road Conservation, an area of varying architectural styles, with its significance formed by the collective contribution of a number of standalone buildings, as opposed to a consistent or uniform built form. The site lies outside the Town Centre Conservation Area but the relationship between the application site and the wider area is relevant here. The relationship between the High Street and The Mount is important in understanding the development of the town. Guildford developed on a natural ford over the River Wey at the point where it cuts through the chalk ridge of the North Downs. The Mount follows the line that travellers have long used to descend from the Hog's Back to the ford and the High Street formed the main axis rising from the site of the ford up the hill to the east. The relationship between these two streets is vital in understanding Guildford's development and its relationship with the surrounding countryside.

Specifically, with reference to the Town Centre Conservation Area and views from the High Street the following was previously stated: 'currently the Church tower of the grade II\* St Nicholas and the tower blocks Mount and Bishops Court are the most prominent buildings in this view and the countryside beyond is very much apparent. Whilst Mount and Bishops Court are tall buildings, and arguably not particularly aesthetically appealing, the spacing between them allows views through to the countryside beyond. The application site sits much closer to the historic core of the town than the existing flats, which will make it more prominent in views.'



The verified views provided by the applicant illustrate that while the proposed building would be clearly seen in the foreground of Mount and Bishops Court, there will still be some visibility between the existing blocks to the countryside beyond and the relationship with the countryside beyond will not be wholly lost'.

In terms of the scale, height and massing, the proposed development would be comparable to the extant proposal for the assisted living scheme and this is a benchmark for the level of harm caused to the heritage assets. Overall, it is considered that the impact of the proposed development on heritage assets would not be materially different to that of the extant assisted living permission.

In this particular instance it has been concluded that the level of harm to the significance of the surrounding heritage assets, including the higher graded II\* listed assets, is considered to have not changed and remains at the less than substantial level, and at the lower end of that scale.

*Public benefits and balancing exercise:*

The report has concluded that the development and its associated works would result in less than substantial harm to the significance of the surrounding listed buildings and the conservation area in which the sites sits and those surrounding it. It is however re-emphasised that any harm to a designated heritage assets must be given considerable importance and weight in the assessment. This includes when the balance in paragraph 202 of the NPPF is applied.

Paragraph 202 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Guidance in the form of the Historic Environment PPG explains the concept of 'public benefit' stating that 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit'. It is acknowledged that the proposal does result in a number of public benefits and these will be set out and discussed below:

The public benefits which weigh in favour of the proposed development are as follows:

- the opportunity to make optimal use of land which has been vacant and underutilised for a considerable time;
- the delivery of a significant quantum of housing in this highly sustainable location, contributing positively to the borough's housing stock;
- a policy compliant proportion of affordable housing to be provided on site;
- provision of smaller rented accommodation in the Borough which is an identified need; and
- direct economic benefits including the creation of construction and operational jobs at the site and indirect benefits including increased footfall and expenditure in the town centre and wider environs.

Overall, the public benefits of the proposal are wide ranging and significant. The delivery of this development will provide both the market and affordable homes which are identified through the Local Plan and will result in other benefits for the town and wider area.

Although great weight and considerable importance has been afforded to the harm which would be caused to the designated heritage assets, it is considered that the scale of the public benefits which will be gained from the proposal are sufficient in this instance to outweigh the identified heritage harm. As the impact of the development on the significance of heritage assets and their settings has been considered in accordance with case law, legislation and the NPPF and deemed to be acceptable when factoring in the public benefits, the proposal is also considered to be compliant with the requirements of policy D3 of the LPSS.

It is therefore considered that the proposal complies with policies HE4 and HE7 of the adopted Local Plan and the advice set out in Chapter 16 of the NPPF.

### **The impact on neighbouring amenity**

The nearest neighbours to the proposed development are the occupiers of The Cannon Public House, the residents of the Wycliffe Buildings and occupiers of the residential dwellings along Bury Street, including residents in the Almshouses, the semi-detached dwellings (23-25 Bury Street), and in the flatted developments at Freshcliffe House East and Freshcliffe House West.

#### **The Cannon Public House:**

The majority of this building is in commercial use and therefore whilst there would be overlooking from blocks A and B towards the outdoor areas of the pub this is not considered to be a reason for refusal. There is a residential element on the first floor of the pub however there are only two side facing windows which would be affected by the proposal, which are not considered to have the same degree of protection as primary windows to main habitable rooms. This relationship combined with the orientation of the pub to the proposed nearest blocks A and B means that the level of overlooking, loss of light and overbearing impact from the proposal would not be unacceptable. Further the proposal when compared to the extant office scheme would be an improvement on the relationship due to there being a space between block A and B whereas the proposed office scheme would have been a continuous built form along the northern part of the site.

#### **Other surrounding buildings:**

With regard to other adjoining buildings, overall, the separation distances remain similar to the extant assisted living scheme. That scheme acknowledged that some harm would result to 23-25 Bury Street and Freshcliffe House West in terms of overbearing impact and loss of privacy given the separation distances. A condition is recommended to ensure that no additional window or balconies are inserted so as to protect the residential amenity and privacy of adjoining properties.

Given the density of this cluster of development in a town centre location, it is expected that there would be a degree of mutual overlooking and visual impact for occupiers. It is considered that there would be no unacceptable overlooking or overshadowing of any other property.

It is acknowledged that the proposed use would result in a higher density of people living on the site. However, this has to be seen in the context of its urban location. Furthermore, when assessed against a corresponding reduction in vehicle movements by residents of the co-living development (given its effectively car free nature), compared to the extant assisted living scheme which would provide 57 parking spaces and the extant office scheme which provides for 66 parking spaces, there would be some benefit to existing residents in terms of a reduction in disturbance from vehicle movements.

The Service and Delivery Plan submitted states that all deliveries will take place from either the off-street Millmead Terrace servicing area or the Bury Street loading bay opposite the Bury Fields junction. Refuse collection for Blocks A and B will occur on-street from Bury Street. Refuse collection for Block D would take place within a new, proposed loading bay on Bury Street opposite the Bury Fields junction. Refuse collection for Block D will take place off-street from the private section of Millmead Terrace. Additionally, there would be permanent management personnel on site at all times. No objection has been raised by the County Highway Authority or the Council's waste and recycling team in relation to this matter. A Management Plan, which addresses servicing and deliveries as well as refuse collection arrangements and a review mechanism, will be secured through the s.106 agreement.

The proposal therefore complies with saved policy G1 of the Local Plan and policy H4 of the LPSS.

### **Amenity of future occupants / living environment**

In the absence of national or local space standards to be applied, it is relevant to compare the proposal to other approved schemes for this type of housing. Looking at examples of co-living schemes recently developed in London, the size of individual units varied between 13.5m<sup>2</sup> and 30m<sup>2</sup>.

This application proposes units in the following sizes: 15m<sup>2</sup> (52no); between 17.5m<sup>2</sup> and 30m<sup>2</sup> (225no) and between 31m<sup>2</sup> and 41m<sup>2</sup> (24no). In terms of floorspace to be provided, it is therefore considered that a reasonable balance would be achieved.

Most of the units would individually have a single aspect but when considered as a whole, the individual and shared accommodation would have multiple aspects. The proposal would accord with policy G1 of the Local Plan which requires adequate outlook, sunlight and daylight.

The proposed units are considered to be of good quality and are functional in terms of their size and layout, whilst remaining dependent on the communal facilities for primary living functions. Therefore, it is considered that the units are not self-contained homes nor are capable of being used as such. The proposed development would provide all of the communal outside space in the form of two terraces. The upper terraces would provide 149m<sup>2</sup> of outdoor space while the lower courtyard would provide 323m<sup>2</sup>. The terraces would be sub-divided into 'zones' with different functions, designed and managed to flexibly respond to resident's needs. The terraces would generally be usable in size and shape and would also be well related to internal communal areas. Some of the proposed units would have access to a private balcony which would reduce the pressure on outside communal spaces.

The extant assisted living scheme accepted that, with regard to noise, the residential use of the site was acceptable. A noise survey which assessed the suitability of the site for the proposed development in relation to the existing noise climate and a scheme of mitigation (in the form of glazing and ventilation acoustic performance requirements) has been recommended based on maintaining internal target noise levels with closed windows, with the highest performances being required on the façade overlooking Portsmouth Road.

Plant noise limits have been set at the nearest noise sensitive receptors. An assessment of the proposed air source heat pumps to the north of site has been undertaken with mitigation measures recommended. A condition requiring the implementation of these mitigation measures is recommended.

Taking the development as a whole, the outside spaces together with the communal and semi-communal internal spaces, facilities and services, would be sufficient to meet the requirements of the intended number of residents. The proposal therefore complies with saved policy G1 of the Local Plan.

### **Daylight and sunlight**

A daylight and sunlight assessment using the Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' has been submitted in support of the application which assesses the living conditions of both existing neighbours and future occupiers. The assessment considered the previously consented scheme for C2 use as a baseline for comparison with the current proposal. The results of this assessment have shown that proposed daylight and sunlight levels are in line with the consented levels and, in many cases show slight improvements.

#### **Existing dwellings:**

The assessment considered all of the closest neighbouring residential properties with windows overlooking the proposed development. This concluded that levels of daylight to the majority of these windows would remain consistent with those received under the consented development and would receive no further reductions to their daylight. Where reductions to daylight would occur these would be minor reductions and well within the boundary of what would be considered 'noticeable' under BRE targets.

For sunlight, in accordance with BRE recommendations, it is not considered necessary to test properties where windows facing the site are not within 90 degrees of due south. Numbers 5-11 Bury Street have been assessed for the windows that are within 90 degrees of due south on the property's southwest facing elevation for completeness. This shows that while sunlight levels would fall marginally below target, coupled with the urban context of the scheme, the results would be considered in line with the BRE criteria.

In summary, the assessment confirms that a notable proportion of the impacts which occur are as a result of the most recent extant planning permission (the assisted living scheme) and the proposed development does not result in any greater impact. It is therefore concluded that the daylight and sunlight implications of the proposed development for surrounding properties are considered acceptable and the proposal complies with saved policy G1(3) in this regard.

### New dwellings:

The assessment shows that the majority of habitable rooms will achieve good levels of daylight. The BRE guidance suggests that for multi-purpose rooms such as combined living / kitchen / dining and studios as proposed here a lower target can be applied. Using this standard, a large majority of habitable rooms would meet the criteria. Where recommended levels are not achieved these are mainly located in the northern side of the buildings with north facing windows and the remaining rooms have windows located beneath external balconies. It is therefore not possible for these rooms to achieve the BRE target levels of sunlight because they either do not have a southerly orientation or are obstructed by external balconies. However, overall residents would have access to a variety of spaces with different aspects.

Overall, given the range of spaces that would be available to new occupiers it is considered that the daylight and sunlight levels proposed would comply with saved policy G1(3).

### Highway/parking considerations

The proposed development would effectively be 'car free' with only six parking spaces provided. These would be allocated as follows: two spaces would be provided for the proposed car club; two spaces would provide parking for disabled residents and the remaining two spaces would be available for service and maintenance vehicles. Each of these spaces would be provided with electric vehicle (EV) charging points.

Pedestrian access would be achieved from both Portsmouth Road and Bury Street, whilst vehicles and cyclists would access the basement car park from Bury Street.

Long-stay cycle parking is to be provided at a ratio of 1 space per 2 units from the outset. The 151 long stay cycle parking spaces would be located within the basement cycle store in the form of two-tiered racks with easy-lift fittings allowing the upper tier to be easily accessed. Storage lockers would also be located within the cycle store for residents to use, the keys for which would be obtained via the concierge. The applicant has also agreed to provide 15 cycles for hire on a pre booked/deposit basis for residents of the development to be managed through the on-site concierge. This will be secured by the s.106 agreement.

The County Highway authority assessed the application on safety, capacity and policy grounds and raises no objection to the proposal subject to a number of conditions and requirements. Conditions are recommended relating to the requirement for a Construction Transport Management Plan, the closure of existing accesses to Bury Street and Portsmouth Road and provision and retention of visibility zones to the vehicular access to Bury Street, the provision and retention for parking and turning areas (including dedicated parking for car club vehicles) as well as the provision and implementation of a Service and Delivery Plan.

Financial contributions of the following are required:

- £7,000 to upgrade the existing pelican crossing on Portsmouth Road
- £20,000 for a bus shelter and Real Time Passenger Information (RTPI) display at the Southbound bus stop on Portsmouth Road
- £20,000 for a bus shelter and RTPI display at the Northbound bus stop on Portsmouth Road
- £5,000 towards wayfinding signage

Additionally, an area of land fronting Portsmouth Road shall be dedicated to the County Highway Authority to provide space for a bus shelter.

In order to ensure there is no additional on-street parking in the area as a result of the development a £3,000 contribution is required to cover the cost of amending the Traffic Regulation Order to exclude occupiers of the proposed development being eligible for parking permits.

The proposed development would be broadly 'car free' and is likely to result in minimal daily vehicle trips to and from the site. It can therefore be positively considered in the context of the extant office and assisted living permissions which would lead to higher levels of trip generation. This is a benefit of the development and weighs in favour of the proposed scheme.

Subject to the specified conditions and securing the necessary financial contributions as outlined above it is considered that the proposal would comply with policies S1 and ID3 of the LPSS, and the requirements of Chapter 9 of the NPPF.

The proposal is therefore considered acceptable on highway safety and parking grounds.

### **Flooding and surface water drainage**

The majority of the site is located in Flood Zone 1 where the probability of fluvial flooding from the River Wey is considered low. A small area in the north-eastern corner of the site at the proposed entrance into the basement level to the car parking, is located in Flood Zone 2. The application has therefore been accompanied by a Flood Risk Assessment.

The probability of flooding from surface water has been classified by the Environment Agency (EA) as being very low at the site.

The site is also currently entirely hard surfaced and therefore the proposed development provides the opportunity to include a sustainable drainage system with areas of permeable surfacing to reduce surface water runoff from the site. Following the provision of additional information by the applicant it is concluded that the site would not be at an unacceptable risk of flooding and furthermore would enable the surface water runoff from the site to be reduced to the benefit of other properties in the local area. The LLFA has recommended conditions to be attached to the grant of any planning permission.

The proposal is therefore deemed to be acceptable in this regard.

### **Environmental health matters**

#### **Noise:**

Environmental Health officers have assessed the submitted Noise Report and they consider that it addresses the issues of ambient noise (mainly traffic) and noise from plant and equipment. Conditions are recommended to ensure the proposed mitigation measures are provided as stated. The site is adjacent to a public house which has in the past been the source of noise complaints relating to customers and amplified music.

The Environmental Health officer notes that the submitted report does not address the issue with respect to the 'Agent of Change' principle, in that introducing more sensitive uses close to a known 'noisy' use may give rise to additional complaints from future residents. However, the extant assisted living scheme would have introduced a similar residential permission, with the same potential to increase noise complaints from future residents. As such, given the extant scheme, it is difficult to find fault with the proposal in this regard.

#### Air quality:

The site lies within the Central Guildford Air Quality Management Area (AQMA) designated on 1 October 2021. The Environmental Health officer welcomes the proposals for an effectively 'car free' development and EV charging points for essential vehicle parking spaces; the proposed mitigation measures for intakes for the mechanical ventilation to be away from the main road A3100 and any inlets on the upper floors on that façade be equipped with NOx filtration and that the site would be serviced by air source heat pumps which is a good initiative in terms of air quality impact. As such, no objections are raised in this regard. Conditions are recommended to ensure compliance with these measures.

#### Contamination:

The Environmental Health officer is satisfied that the submitted reports in relation to contaminated land cover all the relevant issues and raises no objection to the proposed development, subject to conditions to ensure the development is suitable for its proposed use.

#### Construction impacts:

A Construction Environmental Management Plan would be secured by a condition, to ensure adequate control of noise, dust and pollution from construction and demolition activities, and to minimise highway impacts during the construction phase.

#### Light pollution:

To avoid excessive light pollution, a condition is recommended requiring details of external lighting, including details of how it would minimise light pollution.

With these conditions in place, the proposal is deemed to be acceptable in this regard.

#### **Archaeology**

The application site is within the designated Area of High Archaeological Potential for the centre of Guildford - an area which has been proven to contain important remains relating to the origins and development of the town, as well as earlier material dating to the prehistoric periods.

The extant, assisted living permission (18/P/01155) was supported by a desk based archaeological assessment that suggested that the site has a good archaeological potential for remains dating from the medieval and post medieval period. The current application includes a Written Scheme of Investigation that provides an appropriate methodology to complete the evaluation of the site and allow a fuller picture of the potential archaeological resource to be made.

A condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which is to be approved by the Local Planning Authority is recommended.

The County Archaeologist raises no objection to the proposal and taking into account the above, the development is deemed to be compliant with policy D3 of the LPSS and the advice set out in Chapter 16 of the NPPF.

### **Trees and landscaping**

The site is located within a conservation area which provides some statutory protection to existing trees. However, there are no trees present on site which are afforded protection by a Tree Preservation Order. There are five trees of individual distinction and a single parcel of self-seeded scrub within influence of the application site.

The site's principal tree comprises a mature Caucasian Wingnut that occupies part of the south-eastern boundary. It has a large and complete crown which provides a positive contribution to the site's visual amenity and is classified as category B (a tree of moderate arboricultural quality). The only other tree of value comprises an offsite Horse Chestnut adjacent to the southeastern site boundary. The Chestnut is actively managed as a pollard and is instead considered to warrant category B. The remaining trees within the site comprise semi mature examples of False Acacia, Sycamore of individual distinction, and areas of Elder, Blackthorn, Ash and Sycamore scrub. These trees provide a low contribution to the amenity of the site equivalent to category C (i.e. trees of low quality).

The extant permissions allowed for the clearance of all trees and scrub growth within the site boundaries to accommodate the redevelopment proposals. The current proposal necessitates the same clearance.

Saved policy NE5 of the adopted Local Plan allows for the removal of trees in a conservation area if 'the need for the development outweighs the amenity value of the protected trees'. It is considered that in this instance, that the wider benefits of the proposed development would outweigh the amenity value of the existing trees.

The proposed landscaping scheme is inspired by the site's proximity to the River Wey. The goals of the landscape strategy are to maximise communal use of the courtyard spaces, allow and encourage public thoroughfare between Portsmouth Road and Bury Street, to create green links across and along the periphery of the site and to soften the appearance of the development through the introduction of biodiverse and attractive planting along site and building edges. A range of trees are proposed to enhance the development and compensate for the loss of existing trees on site. The lower courtyard would have level pedestrian access off Bury Street and would have small trees in central raised planters with perimeter planting along building edges for privacy / screening of studios. Planting in raised planters with integrated seating are also proposed around the skylight on the Upper Courtyard.

It is considered that the tree planting as well as both the hard and soft landscaping proposed would provide a reasonable replacement for the loss of existing trees and would improve and enhance the visual amenity both the proposed buildings and the wider landscape. It is therefore considered that the proposed development complies with the requirements of saved policies G5(9), NE5 and G1(12) of the Local Plan.



## **Ecology**

There are no locally designated sites (Local Nature Reserves (LNR) or Sites of Nature Conservation Interest (SNCI) within the development site, or within the zone of influence. The site was assessed as holding Priority Habitat - open mosaic habitats on site, by meeting five of the NERC criteria. This habitat is limited in extent but does currently provide some habitat for wildlife within an urban area.

Although there are limited areas for biodiversity on site there needs to be mitigation for the loss of this priority habitat. The proposed measures include:

species mitigation - precautionary felling of tree T1 to support low bat roost potential; mammal construction safeguards and timing of works to avoid bird nesting season; and habitat enhancement - new landscape and planting provided as part of open space provision; bat box provision; bird box provision; habitat piles provision and "bug hotel" provision.

A condition requiring the implementation of these measures is recommended.

It is considered that, subject to the above implementation, the proposal complies with saved policy NE4 and policy ID4 of the LPSS and the requirements of Chapter 15 of the NPPF.

## **Sustainable design and construction**

The Guildford Climate Change, Sustainable Design Construction and Energy SPD (paragraph 3.10) states that if a scheme will achieve BREEAM 'Excellent' or 'Outstanding' it is considered that all the energy and sustainability requirements would be met. The applicant has committed to achieving a 'BREEAM' Excellent rating. A condition is recommended to ensure that the measures as set out in the energy statement are implemented and operational within 18 months of the first occupation of the development. Subject to this, the proposal is considered to comply with policy D2 of the adopted Local Plan (2019), the Climate Change, Sustainable Design, Construction and Energy SPD and the requirements of Chapter 14 of the NPPF.

## **The impact on the Thames Basin Heaths Special Protection Area**

The application site is located within the 400 metre to 5 kilometre buffer of the Thames Basin Heaths Special Protection Area (TBHSPA). 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 a net increase in residential units 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 SPD 2017 which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Greenspace (SANG) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

In this case due to the sui-generis use proposed, which has no specific tariffs set out within the strategy, the level of contribution is considered on a case-by-case basis by Natural England. Natural England is satisfied that, subject to the sole occupancy of the units as proposed and the payment of SANG/SAMM contributions the identified impacts on the Thames Basin Heaths SPA can be appropriately mitigated. Natural England consider that the SANG/SAMM contributions should be considered to have a fee in line with a 1-bedroom flat/studio at 1.44 persons contribution, and in this instance the site would provide 125 contributions (2.4 divisor of 301 units) given the single person nature of the units. The applicant has agreed to enter into a legal agreement to secure the required contributions.

If the above mitigation was secured by way of a s.106 agreement, it is considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017 and policy NRM6 of the South East Plan 2009.

An Appropriate Assessment has also been completed by the Local Planning Authority and it has been agreed with Natural England.

### **S.106 considerations**

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

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

If all aspects of the application are deemed to be acceptable, then the following contributions would be secured by way of a s.106 agreement.

#### **Thames Basin Heaths SPA**

The development is required to mitigate its impact on the TBHSPA and this would be secured through a legal agreement (SAMM and SANG payment only). This would accord with the TBHSPA Avoidance Strategy SPD 2017 and reduced to take into account the nature of the proposed use. Without this, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

#### **Affordable housing**

The requirement for affordable housing has been set out above. The legal agreement would secure the provision of the number of affordable units and their tenure (discounted market rent), so that the proposal is compliant with local and national policies. In addition, any periods of void or periods when the affordable units are not used for these purposes would need to be considered. A mechanism will be included which requires any voids or vacancy (subject to reasonable timeframes) to be compensated, possibly through the payment of an annual contribution, if required. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Health care

The proposal will have an effect on the demand for primary health care services in the area. The NHS note that taking into account the increase in population and the additional demand generated by the development, they will need to expand nearby GP facilities. As the contribution of £148,000 is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Policing

The proposal as a whole has the potential to increase pressures on existing policing resources in the area. Surrey Police note that the application will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. They note that it is necessary to secure section 106 contributions for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Surrey Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing. They note that securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising front line services. The consequence of no funding is that existing infrastructure will eventually become stretched, and the communities may not receive adequate policing.

The contribution of £27,531.46 will be used towards the capital costs associated with employing additional staff, as well as those towards fleet provision and accommodation at Guildford police station.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Highways

A car club with two cars and membership for all new residents for at least one year from the date of occupation, the provision of an on-site cycle share scheme, along with contributions towards the provision of bus shelters with Real Time Passenger Information and amendments to a TRO to preclude future occupiers from obtaining a parking permit will mitigate the impact of the development on the highway network and provide necessary highway safety improvements. Improvements to pedestrian and bus facilities in the vicinity of the site are also necessary to ensure that sustainable transport objectives can be met. The contributions requested by the County Highway Authority totals £52,000, plus £3,000 for the TRO which will prohibit residents from obtaining residents parking permits.

These requirements are directly related to the development, fair and reasonable in scale and necessary to make the proposed development acceptable in planning terms and have been agreed in principle by the applicant.

### Pedestrian and cycle improvements

The proposal will generate a significant increase in the number of trips by non-car modes, particularly walking and public transport. In total it is noted that there will be an additional 581 daily trip movements by walking, cycling and public transport. To assist with an increase in these modes to transportation, the Sustainable Movement Corridor (SMC) (as set out in the LPSS) is necessary to deliver the level of strategic planned growth in the Guildford urban area in a sustainable way.

The SMC will connect key trip generators in the expanded Guildford urban area, including three strategic urban extensions and also town centre site allocations adjacent to the corridor as identified in the Local Plan. These key trip generators and attractors include:

- Guildford town centre and rail station
- Ladymead Retail Park
- Royal Surrey County Hospital
- University of Surrey's Stag Hill and Manor Park campuses
- Surrey Research Park
- Slyfield Industrial Estate
- existing urban communities in seven wards
- future new rail stations at Guildford West (Park Barn) and Guildford East (Merrow)
- Park and Ride at Onslow and the future new facility at Gosden Hill Farm
- the new communities of the strategic urban extensions at Blackwell Farm (Policy A26), Weyside Urban Village (formally known as the Slyfield Area Regeneration Project (Policy A24) and Gosden Hill Farm (Policy A25).

The Local Plan Infrastructure Schedule has a number of Sustainable Movement Corridor schemes planned to accommodate the growth in non-car modes traffic from the Local Plan development sites. Within the Schedule it is noted that they will be funded in part from developer S106 money. It is likely that much of the demand for travel from this site will be to the main employment sites which are located to the west of the town centre and therefore travel is likely to be along the proposed SMC1 (Blackwell Farm to Guildford Park Road/Yorkies Bridge) and SMC2 (Yorkies Bridge).

A contribution of £125,000 towards the implementation of the SMC has been negotiated with the applicant.

As the contribution is required to mitigate the impacts of the development, the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Management plan

A Management Plan for the long-term management of the development is to be agreed which will require responsibility for including pulling the bins out to the designated areas and for engaging with Designing Out Crime Officer.

This is required to mitigate the impacts of the development, and as such the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

## **Planning balance and conclusion**

Against the backdrop of the extant permissions, the proposed buildings are considered acceptable. The height and mass of the four blocks have been assessed in relation to their impact from a wide range of viewpoints and found to be acceptable, including in relation to the impact of the proposed development on heritage assets. The identified harm to heritage assets is considered to be less than substantial and it is considered that the identified public benefits would outweigh that harm. The design, appearance and detailed façade treatment of the development is of high quality. The living conditions of adjacent occupiers would be protected from undue harm subject to conditions. The living standards of future occupiers are satisfactory (in terms of overall residential quality). The environmental impacts, including noise, air quality, land contamination and flooding, are acceptable subject to mitigation proposed through a combination of conditions and s.106 agreement. Sustainability aspects have been properly assessed and their delivery can be controlled through planning obligations and planning conditions. Although not in accordance with the adopted Local Plan which allocates the site for either C2 or C3 uses, Officers consider that there are material considerations which are sufficient to outweigh the conflict with the development plan taken as a whole.

It is noted that the harm identified above must be considered and balanced against the benefits of the proposal. As already set out above, paragraph 202 of the NPPF requires a balance of the heritage harm against the public benefits of the scheme. That balance has been carried out above, and the conclusion that has been reached is that the public benefits of the scheme outweigh the heritage harm, even taking account of the great weight and considerable importance afforded to the heritage harm. However, the other harms resulting from the proposal must also be assessed, together with the heritage harm, and these should also be balanced against the benefits of the proposal. This final balancing exercise will be carried out below.

In assessing the weight to be afforded to harms / benefits, officers have applied a scale which attributes little, moderate, significant, or substantial weight to each identified harm / benefit. Having attributed such weight, an overall judgement is then required regarding the balance of harm vs benefit.

In terms of harms, as noted above, the less than substantial harm (in the low end of that range) which would be caused to designated heritage assets carries **substantial (great)** weight in the planning balance. The reasons for this are already set out above.

It is also noted that the proposal fails to comply with policy H1(4) of the LPSS as the required number of adaptable and wheelchair accessible dwellings have not been provided. It is acknowledged that 16 accessible units are proposed, however, no justification (apart from the applicant's contention that policy H1(4) does not apply to the proposal) has been provided as to why a full policy requirement cannot be achieved in a new build development. This harm should be afforded **moderate** weight in the balance.

In terms of the planning balance it is noted that the proposed dwellings would make a positive contribution to the demand and market for smaller rented accommodation in the Borough and the town centre as a whole. The proposal would provide a modern, quality form of co-living accommodation which would help to address some of the housing shortages and provide more choice in the local housing market. **Significant** weight should be afforded to this. The provision of 67 units on-site for discounted market rent would also help to address affordability issues in the Borough. Officers consider that this is a **significant** benefit of the scheme.

The proposal would bring back into effective use a brownfield and long-term derelict site in a prominent and highly sustainable location. **Substantial** weight must be attributed to this benefit.

The proposals would contribute to and result in numerous economic benefits to the town of Guildford and the wider area. This would include direct economic benefits including the creation of construction and operational jobs at the site. Indirect benefits would include increased footfall and expenditure in the town centre and wider environs. The proposals would thus contribute to consolidating the economic role of Guildford in the wider area. Overall, it is considered that the economic and social benefits of the proposal attract **significant** positive weight in favour of the proposal.

The proposal will also deliver improvements to the bus facilities in the local area. This includes the provision of two new bus shelters with real time information and the provision of land to Surrey County Council to facilitate this. While the contributions are necessary to mitigate the impact of the development, they will also bring wider public benefits. **Moderate to significant** weight is afforded to this matter.

The proposals would provide contributions towards healthcare, policing, highways and the future implementation of the Council's Sustainable Movement Corridor. Again, it is noted that these measures are required to mitigate the impact of the development and while they will bring some public benefit it would not be to the extent as the bus improvements noted above. As such, **moderate to significant** weight is afforded to this matter.

While the development would result in less than substantial harm to the significance of the heritage assets that have been identified, the benefits set out above are considered to outweigh that identified harm and the conflict with the development plan the application is recommended for approval subject to securing an appropriate s106 agreement and conditions.