

# **Planning Committee**

**11 January 2023**

## **Update/Amendment/Correction/List**

### **Planning Committee Membership**

Please note the Planning Committee Membership as detailed below:

Councillor Fiona White (Chairman)

Councillor Colin Cross (Vice-Chairman)

Councillor Jon Askew

Councillor Chris Barrass

Councillor David Bilbé

Councillor Chris Blow

Councillor Ruth Brothwell

Councillor Angela Goodwin

Councillor Angela Gunning

Councillor Liz Hogger

Councillor Marsha Moseley

Councillor Ramsey Nagaty

Councillor Maddy Redpath

Councillor Pauline Searle

Councillor Paul Spooner

### **Authorised Substitute Members:**

Councillor Tim Anderson

The Mayor, Councillor Dennis Booth

Councillor Guida Esteves

Councillor Graham Eyre

Councillor Andrew Gomm

Councillor Steven Lee

Councillor Nigel Manning

Councillor Ted Mayne

Councillor Bob McShee

Councillor Susan Parker

Councillor George Potter

Councillor Jo Randall

Councillor John Redpath

Councillor Will Salmon

Councillor Deborah Seabrook

Councillor Cait Taylor

Councillor James Walsh

Councillor Keith Witham

Councillor Catherine Young

**22/P/01336 – (Page 15) – Land bounded by The Friary Centre Bus Station, North Street and Leapale Road, Guildford**

**Article 31 Holding Direction**

On 10 January the Secretary of State in exercise of his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, hereby directed Guildford Borough Council not to grant permission on these applications without specific authorisation. This direction is issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination.

This direction does not prevent the Planning Committee from considering the application, forming a view as to the merits of the proposal, resolving to grant subject to a s106 legal agreement or, if so minded, refusing permission. The direction prohibits the issuing of a planning decision for approval until such time as the direction is lifted.

The purpose of this direction is, as stated, to enable the Secretary of State to decide whether or not to call the application in for his decision.

Given the above, the recommendation on page 20 of the agenda should now read as follows:

**RECOMMENDATION:**

**That planning permission is approved, subject to:**

- (i) Confirmation from the Secretary of State that the application can be approved by the Local Planning Authority;**
- (ii) The conditions set out in this report;**
- (iii) That a s.106 agreement be entered into to secure:**
  - provision of a unit within the scheme which may be used by the NHS as a health or medical care facility or in lieu of this a primary healthcare contribution;**
  - education contribution;**
  - police contribution;**
  - contribution towards the off-site provision of children's playspace;**
  - management and future maintenance of all open space (private and public) and the public realm within the site (with the exception of the North Street pedestrianisation);**
  - that all areas of public realm remain publicly accessible twenty four hours per day except for identified reasons, in perpetuity where they replace the width and**

alignment of Woodbridge Road and Commercial Road, and for the lifetime of the development in all other locations;

- contribution towards bus service priority improvements;
- the provision of a minimum of three car club vehicles for a minimum of five years; £50 worth of free travel for car club vehicles for each residential unit and three year's free membership of the car club for all initial occupants of the residential units;
- provide each dwelling with a combined cycle/bus voucher of £250, at a total cost of £118,250;
- SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring) contributions;
- that the bus station improvements (as approved through this application), North Street Square, North Street pedestrianisation and Friary Square to be commenced as part of phase one of the development and completed in full prior to occupation of an agreed number of dwellings within phase one, or by a date to be agreed, whichever is the sooner;
- that the applicant must undertake an early stage viability review if the scheme does not commence within 18 months of the full grant of planning permission. The applicant will cover the Council's costs of independently assessing the review;
- the provision of either (a) 20 on-site shared-ownership dwellings delivered in phase one of the development and that the applicant uses reasonable endeavours to deliver a further 28 on-site shared-ownership dwellings, subject to receiving funding from Homes England, OR (b) securing a late stage viability review; (as set out in the report, option (a) is Officer's recommended approach); and
- the completion of the remaining public realm works within set timescales to be agreed.

If the terms of the s.106 or wording of the planning conditions are materially 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.

(iv) That upon completion of the above, the application be determined by the Executive Head of Planning Development / Joint Strategic Director Place. The recommendation is to approve planning permission, subject to conditions.

(v) If, after 12 months has elapsed since the resolution of the Planning Committee to grant planning permission, the s.106 agreement is not completed then the application may be refused on the basis that the necessary mitigations to offset the impact of the development cannot be secured.

#### **AONB / AGLV**

Please could Members consider the text below which relates to the impact of the scheme on the AONB / AGLV.

### Impact on the setting of the AONB / AGLV

It is noted that the 'Impact on wider townscape' section of the Officer Report does clearly set out the importance of protecting the AONB and in particular its setting. However, given the criticism of the Surrey Hills AONB Planning Advisor, it is considered to be important to add further clarity to the matter. The short section below should be read together with the main body of the Officer Report.

As already noted in the Officer Report policy P1 of the LPSS advises that 'the Surrey Hills Area of Outstanding Natural Beauty (AONB), as shown on the Policies Map, will be conserved and enhanced to maximise its special landscape qualities and scenic beauty...Great weight will be given to the conservation and enhancement of the natural beauty of the AONB and development proposals must have regard to protecting its setting'. As regards the AGLV, policy P1(5) states that 'development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself'.

The NPPF at paragraph 176 notes the following: '...development within their (AONB) setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

Planning Practice Guidance on Natural Environment - Landscape also emphasises the importance of protecting the setting of an AONB. At paragraph 3 it refers to the statutory duty imposed by the Countryside and Rights of Way Act 2000 when considering development proposals situated outside an AONB. It states '*the duty is relevant in considering development proposals that are situated outside National Park or AONB boundaries, but which have an impact on the setting of, and implementation of, the statutory purposes of these protected areas*'.

It is noted that the Surrey Hills AONB Management Plan is also a relevant consideration. In particular, policy P6 states that '*development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted*'.

Although a Landscape and Visual Impact Assessment (LVIA) has not been submitted, a Townscape and Visual Impact Assessment (TVIA) has been received with the application. This has been updated to reflect the changes which have been made to the scheme. The TVIA recognises the importance of the AONB (and AGLV) and its setting and makes specific reference to the Surrey Hills AONB Management Plan. The Council's Urban Design Officer notes that TVIA and addendum have been carried out in accordance with the best practice guidance set out in the Landscape Institute and Institute of Environmental Management and Assessment 'Guidelines for Landscape and Visual Impact Assessment' (Third Edition) and Natural England's 'An Approach to Landscape Character Assessment'. The assessment has been prepared by a Registered Practice of the Landscape Institute and has considered the setting to the AONB (and by virtue, the setting of the AGLV also). Officers consider that the

TVIA provides sufficient information to enable the scheme's impact on the AONB to be assessed and a full LVIA is not deemed to be necessary.

As regards this proposal, the AONB is located approximately one kilometre from the site to the west, south and east. The AGLV boundary follows a similar boundary, but in places is closer to the town centre. The site is located in the middle of the town centre and is surrounded by other built form and urban development, which includes numerous buildings which are of a considerable scale and bulk. It is also important to remember that the site forms part of a site which is allocated in a recently adopted plan for a large-scale regeneration project. For a redevelopment of the scale set out in the allocation it is inevitable that the proposal will result in changes to views in and around the town centre.

It is noted that the proposal, due to its scale, would be visible from a number of vantage points. This includes locations which are either within or close to the AONB boundary. Of the viewpoints considered in the TVIA, viewpoint three (from St Catherine's Hill) and viewpoint four (from the Hogs Back) provide a representative assessment of views from the AONB towards the town centre.

As regards viewpoint three (St Catherine's Hill) it is noted that the changes made to the proposal mostly remove the proposal from view at this location. The proposal would sit behind evergreen trees and the buildings would be indiscernible within the view. As such, although the top of the marker building may just about be visible, it would not have a harmful impact on views from the AONB to the north and therefore, its setting would be protected.

The proposal would be clearly visible in viewpoint four which is taken from the Hogs Back. However, it is noted that all of the proposed buildings would be well below the skyline and would be set against both the existing buildings in the town centre and against the context of the Guildford Station development which is now being constructed. While the view over Guildford from the Hogs Back is important, as it takes in the county town of Surrey, one would reasonably expect to see urban forms of development, including taller and larger buildings. Through the pre-application and assessment of the application, the applicant has also made amendments to the scheme which have reduced the overall heights of some of the buildings, including the marker building. Therefore, any impacts have sought to be minimised.

However, having said that, even the marker building would not appear overly incongruous in its setting. The AONB Planning Advisor does note that the lighter colour of the marker building may make it more conspicuous in this view. Firstly, on this point it is noted that even if the finish of the building is lighter than its surroundings, this fact in itself is very unlikely to result in any fundamental harm to the setting of the AONB, which at this point is approximately 1.2 kilometres away from the site. Secondly, it is noted that there are numerous other buildings in the town centre which have a lighter material finish. In addition, the lighter colour helps the building to assimilate with its surroundings in many of the short distance views. If the marker building was finished with red brick, it would become more imposing on its immediately surrounding buildings, including St Saviours Church. As such, the proposal would not, in Officers view, have a harmful effect on the setting of the AONB.

Officers consider that the character and appearance of the landscape, and the scenic beauty of the AONB / AGLV would be conserved and not detrimentally affected by the scheme, which therefore complies in this regard with the local plan policy LPSS P1 and the Surrey Hills ANOB Management Plan policy P6 noted above.

### **Heads of Terms**

Page 20 of the agenda. Officers recommend that the following additional Heads of Terms are added and considered by Members:

- allowing bus emergency access to the bus station through the new Friary Square (subject to a clarification of what circumstances will constitute an 'emergency'); and
- the applicant shall use reasonable endeavours to provide improved staff and customer facilities at the existing commercial kiosks and staff accommodation at the northern end of the bus station.

For the avoidance of doubt, and as set out in the report, the contribution towards bus service priority improvements would total £1.5m.