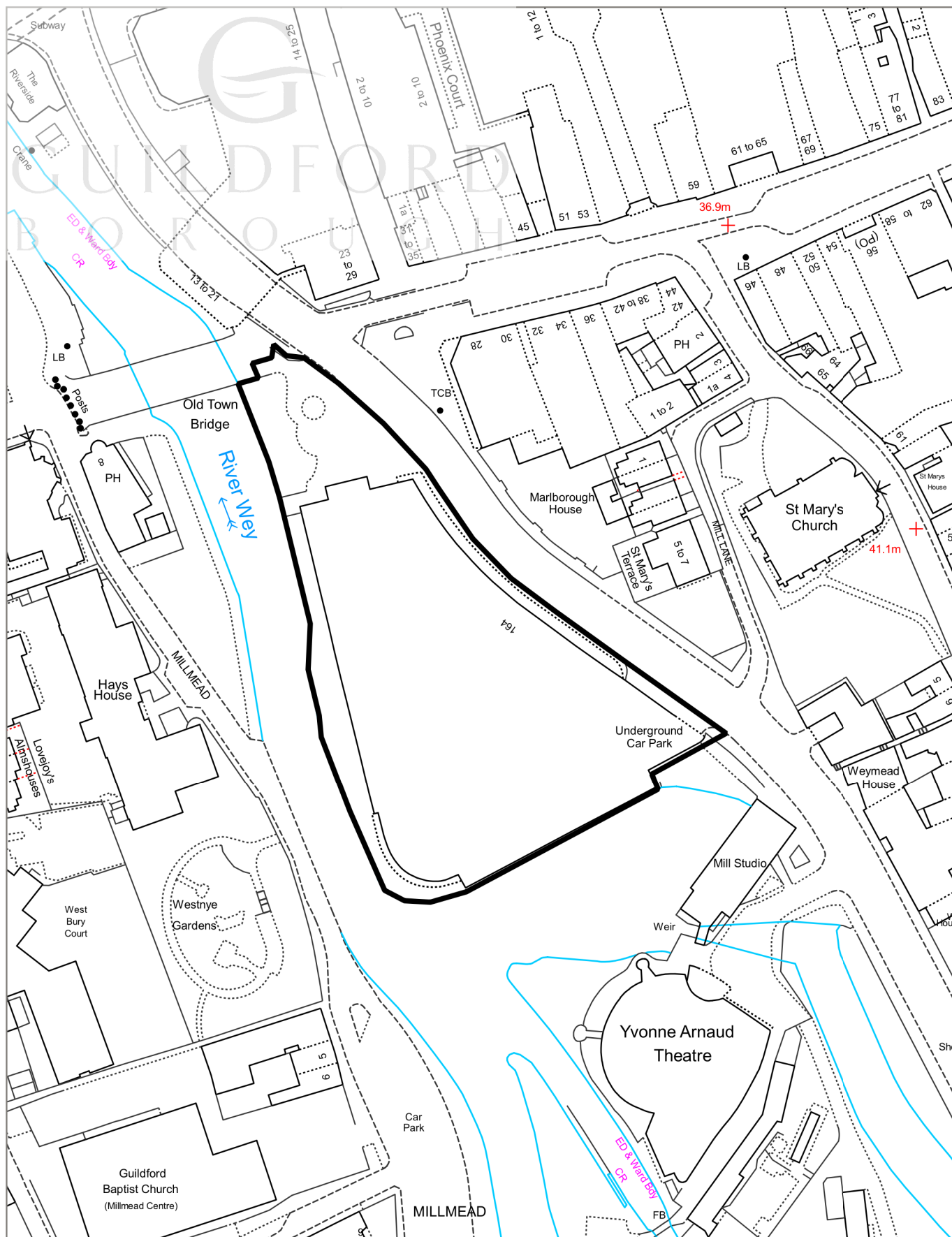


# 21/P/02232 - Debenhams, Millbrook, Guildford



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Not to Scale

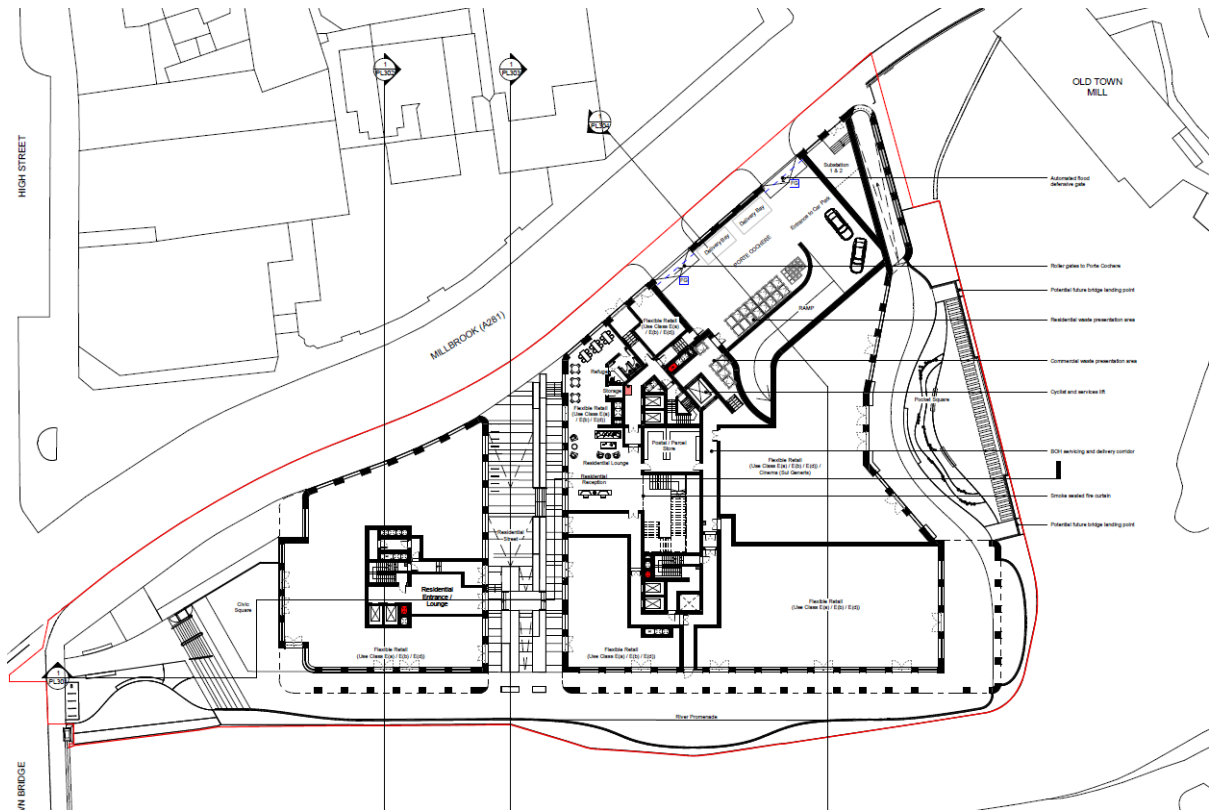


GUILDFORD  
BOROUGH

21/P/02232 - Debenhams, Millbrook, Guildford, GU1 3UU



21/P/02232 - Debenhams, Millbrook, Guildford, GU1 3UU



**App No:** 21/P/02232  
**Appn Type:** Full Application  
**Case Officer:** John Busher

**8 Wk Deadline:** 02/12/2022

**Parish:** Holy Trinity  
**Agent :** Ms L Overton  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

**Ward:** Holy Trinity  
**Applicant:** Clan (Guildford) LLP  
c/o DP9 Ltd

**Location:** Debenhams, Millbrook, Guildford, GU1 3UU  
**Proposal:** Demolition of existing building and erection of two buildings comprising residential accommodation (Use Class C3), flexible retail floorspace (Use Class E) and cinema (Sui Generis), together with car and cycle parking, plant and all highways, landscaping and other associated works.

## **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. The application is also considered to be of key strategic importance to such an extent that it would have been referred to members of the Planning Committee at the discretion of the Joint Strategic Director of Place in any event.

### **Key information**

The former Debenhams building is located in a prominent position in Guildford Town Centre and the Guildford Urban Area. It is also located within the Millmead and Portsmouth Road Conservation Area. It should also be noted that the site lies within an Air Quality Management Area (AQMA)

The Guildford Town Centre Conservation Area lies to the east of the site, with the Wey and Godalming Navigation Conservation Area to the north. The Bridge Street Conservation Area is also close by, to the north. The site is approximately triangular in shape and has no directly adjoining properties.

The overall site measures 0.68 hectares in area and is dominated by the former Debenhams department store (vacated in May 2021). The area of open space to the north of the store, adjoining Town Bridge is also included within the red line. The building has a height of between three and five storeys. Due to the commercial use of the building, the storeys are all much taller than a standard residential use storey height. The existing building also includes a basement level which accommodates retail floorspace and vehicle parking spaces associated with the retail store. The basement is accessed from Millbrook at the southern end of the site.

There are no locally or statutorily listed buildings within the site. However, there are a number of statutorily listed buildings close to the site, including the Yvonne Arnaud Theatre and Town Mill to the south, on the opposite side of the mill pool, both of which are Grade II listed. Additionally, the church of St Mary lies near the site on rising ground to the east of Mill Lane and is Grade I listed, with Castle Keep, (Grade I listed and a Scheduled Monument) also to the east of the site located higher on the hill side at Castle Street. St Nicholas' church is grade II\* listed, being located west of Town Bridge, and is seen in the context of the site when viewed from the lower part of the High Street.

The proposed development as originally submitted included the erection of two new buildings (buildings A and B), comprising part nine and part eight storeys respectively, together with a single storey retail pavilion within a redesigned civic space, (the Civic Square), in the northern part of the site. The development proposals included the provision of flexible retail/commercial floorspace (Class E) and a possible cinema (sui generis) or further Class E space at ground floor level, with residential floorspace provided from first floor level and above. The proposed development as originally submitted sought to deliver 215 residential units.

Amended plans were provided to the Council on 5 August 2022 and included the following changes: -

- removal of two full floorplate storeys below the 'set back' floor from building A ('Town Centre Building', closest to Town Bridge); the proposed height of building A has thus been reduced from nine storeys to seven storeys since the scheme was submitted;
- alterations to the architectural design and materials of building A to maintain proportionate articulation of the six full storeys, alongside the omission of the 'top hat' detail to the 'set-back' seventh storey, to reduce the building's visual prominence;
- introduction of terraced setbacks of the seventh and eighth storeys of the east and west wings of building B (Riverside Building, closest to mill pool and Yvonne Arnaud Theatre) at their respective southern ends facing towards the mill pool, to reduce their visual prominence;
- the number of residential units has consequently reduced from 215 to 185. However, whilst there has been a reduction in the number of units, the changes to building B have created an opportunity to provide more family sized accommodation, including four and five bed units.
- the revisions to the scheme have incorporated the provision of five x one bed 'intermediate' tenure affordable units which are to be located at the first floor of building B. The units will be tenure blind by sharing a core with other units on the same floor;
- following comments from the Design Review Panel, the materiality of building A has been altered, with the top floor changed to an oxidised copper "diamond fish scale" hung tile, which reflects the roof finish of the Yvonne Arnaud Theatre and St Nicholas' church; the brick colour changed from a red brick, to a 'biscuit tone' brick which together with the proposed stone elements, reflects similar tones found in the stone of local buildings such as St. Nicholas' church and Guildford Castle; and a reduction in the use of stone to the base of the building which responds to the heritage context, whereby there is a greater articulation to surface treatment and stone material is largely utilised to express apertures and/or datums;
- the ground floor arched reveals to building A have changed to profiled brick from stone, as a contemporary reference to the aperture reveal treatments found within local heritage buildings and to lessen the formality of the building;
- a window opening has been introduced to the stair core from the first to sixth – floor levels of building B to introduce natural lighting;

- the projecting balconies have been omitted at the corner units of building B across all floor levels to add prominence to the rounded corners of the building. Juliette balconies are now proposed.
- profiled parapets to the set-back eighth floor of building B have been omitted to reduce the visual prominence of that floor;
- the single storey pavilion within the civic square has been omitted from the scheme, which has enabled a redesign of the space to create a larger usable area, better integration of the change in level with a public lift, revised stepped seating and a landscaped stepped river frontage, whilst also maintaining the view of the river from High Street;
- the riverside walk has been widened by introducing a covered colonnade behind the brick arches of both buildings; this is achieved via reducing the depth of the flexible retail Class E spaces at ground floor level. The proposed amendments will deliver an additional 249 sqm of open space to the river walk;
- the landscaping proposals have been reworked in order to create a more sinuous geometry to the route through the pocket park, so that the latter immediately adjoins the mill pool, whilst also providing more generous planters to increase the greening along the riverside walk. The proposals will deliver 60 new trees;
- the amended proposed development will result in a Biodiversity Net Gain (BNG) of 319%. This substantially exceeds GBC's aspirations for a BNG of 20%;
- each car parking space will be equipped with fast electric vehicle charging equipment;
- provision of 254 residential cycle spaces (222 spaces provided as two-tier racks, 26 as "Sheffield Stand" spaces and six as oversized Sheffield Stand spaces), located within the basement.
- the proposed development will achieve a 39% reduction in carbon emissions site wide; and
- the proposed commercial spaces will target BREEAM New Construction Shell and Core "Very Good".

These amended plans were subject to a full and comprehensive re-consultation exercise. The most recent comments, along with all other relevant comments received in respect of the scheme are summarised in the consultation section of this report and addressed as relevant.

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

This application relates to the former and vacant Debenhams store and proposes its demolition and replacement with two new buildings. Officers consider the main issues to be:

- the loss of retail floorspace and whether the new uses (comprising a residential-led mixed flexible commercial scheme) are acceptable in principle;
- the provision of affordable housing;
- the proposed scale, size and massing and overall architecture in this prominent gateway setting;
- any harm caused by the loss of the existing building and of the proposal to identified heritage assets and whether this is outweighed by public benefits of the scheme;
- the sustainability of replacing rather than converting the existing building and of the proposed scheme;
- flood risk; flood risk resilience measures and flood evacuation plan and whether any residual flood risk is outweighed by sustainable benefits to the community; and
- the planning balance and whether the benefits of the scheme outweigh any identified harm.

The site falls within the following local policy designations:

- Guildford Town Centre;
- urban area;
- secondary shopping frontage;
- conservation area - Millmead and Portsmouth Road;
- corridor of the River Wey;
- area of high archaeological potential;
- special protection area 400m to 5km buffer;
- district heat priority area; and
- flood zone 3a, (as agreed by the EA for the purposes of this application).

The scheme has been amended since submission of the application. The height and scale of the buildings has been reduced, which has resulted in a reduction in the number of dwellings from 215 to 184. The riverside walk has been widened and the pavilion building near the High Street removed, which has marginally reduced the commercial floorspace from 2,170 sqm to 2,138 sqm (GIA), (down by 32 sqm (excluding the resident's lounge which is shown open to one of the units)). The overall scheme design has been refined and finessed, with an increase in open space which has enabled an improved layout and landscape design of the same. Officers consider that the amendments to the scheme were positive improvements to the proposal.

Ongoing discussions have also taken place with Historic England and the Environment Agency to try to overcome their continued concerns. The EA (more latterly) have removed their flood risk objection but retain their concerns regarding River Wey biodiversity. Historic England's judgement on the impact of the amended scheme on the significance of important heritage assets and on the character and appearance of the closest conservation areas remains the same, notwithstanding that they acknowledge that 'the visibility and encroachment into the setting of numerous heritage assets have been clearly reduced through the amendments, (in particular the reduction in height of building A)'. This means that they maintain their concerns on heritage grounds.

Amended plans, amended reports and an amended Environmental Statement (ES) were submitted to the Council in August 2022. The Council undertook a comprehensive re-consultation exercise with statutory consultees, interested parties, its own consultants who had commented on various aspects and these further responses can be found summarised in the consultation part of the report. A further amendment to the Civic Square design, to overcome concerns raised by the County Highway Authority with regard to avoiding placement of a ramp within land that might be needed for future road changes, with substitution of a public outdoor platform lift adjacent to the stairs, was made in October 2022. This was also the subject of public consultation.

In broad summary, it will be concluded later in this Officer Report that the land uses, scale and level of development sought, are appropriate for this prominent town centre site; the quality of the architectural proposition is beneficial to the locality and that concerns over flooding and impact on its immediate and wider context have been fully and properly assessed and addressed. It will be demonstrated that the public benefits of the scheme clearly and demonstrably overcome the harm which has been identified and as a result, the recommendation is that planning permission should be granted.

**RECOMMENDATION:**

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

- on-site affordable housing (five one bed shared ownership units);
- primary healthcare contribution;
- education contribution;
- management and future maintenance of all open space within the site;
- that the Civic Square and access between the buildings (in part) remain publicly accessible in perpetuity;
- highways contribution for cycle improvements;
- SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring) contributions;
- safeguarding land for two potential landing points along the southern edge of the site to facilitate the potential future provision of a pedestrian bridge across the basin of the River Wey (subject to reasonable time limitations);
- contribution towards riverside access improvements; and
- securing a late stage viability review.

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 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 Executive Head of Planning / Joint Strategic Director - Place. 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:

**Existing Drawings**

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Rev</b>
20018-SQP-ZZ-ZZ-DR -A-PL001	Location Plan	-
20018-SQP-ZZ-ZZ-DR -A-PL002	Site Plan	-
20018-SQP-ZZ-B1-DR -A-PL011	Existing Basement Plan	-
20018-SQP-ZZ-00-DR -A-PL012	Existing Level 00 Plan	-
20018-SQP-ZZ-00-DR -A-PL013	Existing Level 00 Mezzanine Level Plan	-
20018-SQP-ZZ-01-DR -A-PL014	Existing Level 01	-
20018-SQP-ZZ-02-DR -A-PL015	Existing Level 02	-
20018-SQP-ZZ-03-DR -A-PL016	Existing Level 03	-
20018-SQP-ZZ-04-DR -A-PL017	Existing Level 04	-
20018-SQP-ZZ-RF-DR -A-PL018	Existing Roof Plan	-
20018-SQP-ZZ-ZZ-DR -A-PL019	Existing Elevation North & South	-
20018-SQP-ZZ-ZZ-DR -A-PL020	Existing Elevation East & West	-
20018-SQP-ZZ-ZZ-DR- A-PL021	Existing Section AA	-
20018-SQP-ZZ-ZZ-DR- A-PL022	Existing Section BB	-

## Demolition Drawings

Drawing Number	Drawing Title	Rev
20018-SQP-ZZ-B1-DR-A-PL031	Demolition Basement Level Plan	-
20018-SQP-ZZ-00-DR-A-PL032	Demolition Level 00 Plan	-
20018-SQP-ZZ-00-DR-A-PL033	Demolition Level Ground Mezzanine Level Plan	-
20018-SQP-ZZ-01-DR-A-PL034	Demolition Level 01 Plan	-
20018-SQP-ZZ-02-DR-A-PL035	Demolition Level 02 Plan	-
20018-SQP-ZZ-03-DR-A-PL036	Demolition Level 03 Plan	-
20018-SQP-ZZ-04-DR-A-PL037	Demolition Level 04 Plan	-
20018-SQP-ZZ-RF-DR-A-PL038	Demolition Roof Plan	-
20018-SQP-ZZ-ZZ-DR-A-PL039	Demolition Elevation North & South	-
20018-SQP-ZZ-ZZ-DR-A-PL040	Demolition Elevation East & West	-
20018-SQP-ZZ-ZZ-DR-A-PL041	Demolition Section AA	-
20018-SQP-ZZ-ZZ-DR-A-PL042	Demolition Section BB	-

## Proposed Drawings

Drawing Number	Drawing Title	Rev
20018-SQP-ZZ-B1-DR-A-PL101	Proposed Basement Level Plan	C
20018-SQP-ZZ-00-DR-A-PL102	Proposed Level 00 Plan	D
20018-SQP-ZZ-01-DR-A-PL103	Proposed Level 01 Plan	D
20018-SQP-ZZ-ZZ-DR-A-PL104	Proposed Typical Floor Type 1 (3-4th floors)	C
20018-SQP-ZZ-ZZ-DR-A-PL105	Proposed Level 05 Plan	C
20018-SQP-ZZ-07-DR-A-PL106	Proposed Level 07 Plan	C
20018-SQP-ZZ-RF-DR-A-PL108	Proposed Roof Plan	B
20018-SQP-ZZ-02-DR-A-PL109	Proposed Level 02 Plan	B
20018-SQP-ZZ-06-DR-A-PL110	Proposed Level 06 Plan	B
20018-SQP-ZZ-ZZ-DR-A-PL201	Proposed East Elevation	D
20018-SQP-ZZ-ZZ-DR-A-PL202	Proposed North Elevations	C
20018-SQP-ZZ-ZZ-DR-A-PL203	Proposed West Elevation	C
20018-SQP-ZZ-ZZ-DR-A-PL204	Proposed South Elevations	B
20018-SQP-ZZ-ZZ-DR-A-PL205	Proposed Riverside Building Courtyard Elevations	B

20018-SQP-ZZ-ZZ-DR-A-PL206	P r o p o s e d Residential Street Elevations	C
20018-SQP-ZZ-ZZ-DR-A-PL301	Proposed Section AA	D
20018-SQP-ZZ-ZZ-DR-A-PL302	Proposed Section BB	B
20018-SQP-ZZ-ZZ-DR-A-PL303	Proposed Section CC	C
20018-SQP-ZZ-ZZ-DR-A-PL304	Proposed Section DD	B

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

3. No above ground works (following the installation of the ground floor slab) shall take place on any block until details and samples of the proposed external facing and roofing materials for that block, 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 buildings are satisfactory.

4. No above ground works (following the installation of the ground floor slab) shall take place on any block until a sample panel for that block which includes all proposed external wall finishes (size of not less than one metre square, showing proposed brick, brick bond, pointing and / or paint finish), has been constructed on site and approved in writing by the Local Planning Authority. Once approved the panel(s) shall remain on site for inspection until the completion of the relevant block of the development for comparison. The development shall only be carried out in accordance with the approved sample panel(s).

Reason: To ensure that the external appearance of the buildings are satisfactory.

5. No above ground works (following the installation of the ground floor slab) shall take place on any block until details of the design, construction and material of the balconies, Juliet balconies, windows and doors for that block have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the depth of reveal, method of opening, details of head, side casing and cills. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the buildings are satisfactory.

6. No above ground works (following the installation of the ground floor slab) shall take place on any block until details and drawings of all proposed vents, flues, downpipes, satellite dishes, all roof plant and machinery, screens and lift over-runs for that block have 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 the external appearance of the buildings are satisfactory.

7. Before any of the approved commercial units are first occupied, a Shopfront and Advertisement Strategy, which includes all commercial units within scheme, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in full accordance with the agreed details.

Reason: To ensure that the external appearance of the commercial premises are satisfactory.

8. The development hereby approved shall not be occupied until a Public Realm Finish Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details, drawings and samples (where required) of the hard landscaping, site signage, all street furniture, lighting and any boundary treatments. The Strategy shall also include a phasing plan for the delivery of the works. The development shall only be carried out in full accordance with the agreed details, including the agreed phasing plan.

Reason: To ensure that the external appearance of the development and the public open spaces are satisfactory.

9. Before the first occupation of the development hereby approved, a scheme which details how access to the open space that is shown shaded orange on drawing number 20018-SQP-ZZ-ZZ-PL-A-SK002 A will be restricted, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include detailed drawings for any proposed gates / barriers and how they will be maintained for the lifetime of the development. The development shall only be carried out in full accordance with the agreed details.

Reason: To ensure that the method of restricting access is acceptable in terms of the character and appearance of the development and the surrounding area.

10. Before the commercial units are first occupied an Outdoor Seating Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly indicate where outdoor seating associated with the commercial units can be located. The development shall only be carried out in full accordance with the agreed details.

Reason: To protect the character and appearance of the development and to ensure that adequate space is provided for pedestrians.

11. The development hereby approved shall not be occupied until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of five years, have been submitted to and approved in writing by the Local Planning Authority. The proposals shall include details of containers, planting pits and planting trenches, roof and podium planting build up, green walls, solar grow lights (where required), water harvesting, irrigation and drainage. Furthermore, detailed plans for the planting and landscaping of the river wall shall also be provided. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

12. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

13. The open space areas shown shaded orange on drawing number 20018-SQP-ZZ-ZZ-PL-A-SK002 A shall be fully open and accessible to the general public as follows:

British Summer Time: between the hours of 0600 and 2330

Greenwich Mean Time: between the hours of 0700 and 2330

Any closure to the above open space areas within the hours specified above shall only be permitted when it is in full accordance with the provisions of the Open Space Closure Management Scheme, which shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development.

Reason: To ensure that the open spaces within the development can be enjoyed by the public and that the permeability of the site is secured for improved access to the riverside.

14. Before the first occupation of the development hereby approved, a Public Art Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The public art could comprise features within the hard and soft landscaping of the development, such as bespoke designed gates, external lighting etc. The Strategy shall include a timetable for the delivery of the agreed public art. The development shall only be carried out in full accordance with the agreed details.

Reason: To ensure that the development is delivered with public art for the benefit of the character and appearance of the site and wider area.

15. Before the first occupation of the 170th dwelling of the development a certificate demonstrating that Secured by Design (physical security) in accordance with the Secured by Design Homes 2019 Version 2, March 2019 or as amended, has been successfully achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is acceptable in terms of crime and safety.

16. Before the residential occupation of the blocks details of the proposed living roofs including their type, location and specific purpose together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The living roofs shall be constructed in accordance with the approved details and thereafter maintained in accordance with the approved maintenance schedule.

Reason: In the interests of reducing the impact of the development on the mains drainage system, enhancing the insulation of the building and contributing to biodiversity.

17. Prior to i) demolition and / or ii) construction works, a finalised Arboricultural Method Statement (AMS) (detailing all aspects of construction and staging of works) and a Tree Protection Plan (TPP), all in accordance with British Standard 5837:2012, for such works shall be submitted to and approved in writing by the Local Planning Authority. The demolition/construction works (as applicable) shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until tree protection measures and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on an adjacent site which are to be retained in the interests of the visual amenities of the locality. It is considered necessary for this to be a pre-commencement condition because the adequate protection of trees prior to works commencing on site goes to the heart of the planning permission.

18. The development hereby approved shall not be occupied until a Sensitive Lighting Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include measures which address and protect the following areas:

- mitigating / reducing any impacts on bat foraging and commuting routes and demonstrating compliance with 'Bats and Lighting in the UK - Bats and Built Environment Series';
- mitigating / reducing any impacts on the ecology and biodiversity of the River Wey; and
- protecting the character and appearance of the area which includes sensitive heritage assets.

The Management Plan shall include a timetable for the implementation of the agreed works. The development shall then be carried out in accordance with the approved details.

Reason: To prevent adverse impacts on ecology, biodiversity and the character and appearance of the area.

19. Before the first occupation of the residential properties hereby approved, a Children's Playspace Design shall be submitted to and approved in writing by the Local Planning Authority. This shall include the play equipment used and details of how it will be maintained for the lifetime of the development. The agreed details shall be implemented before the first occupation of the residential units and shall be retained in perpetuity.

Reason: To ensure that the development includes areas for children's play.



20. The development hereby permitted shall not commence (other than demolition, site preparation and clearance) 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 design will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 31.3 l/s for a 1 in 2 year storm event to 121 l/s for a 1 in 100 year storm 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.

The development shall only be carried out in accordance with the agreed details.

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.

21. Prior to the first occupation of each block, a verification report carried out by a qualified drainage engineer shall 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 constructed to the National Non-Statutory Technical Standards for SuDS.

22. The development hereby approved shall not be occupied until confirmation has been provided to and approved in writing by the Local Planning Authority that either:
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
  - a development and infrastructure phasing plan has been agreed in writing with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

23. Before the development hereby approved is commenced, a Developer Services Asset Protection study must be 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: The proposed works will be in close proximity to underground water utility infrastructure and the nature of the works will cause the ground to heave and raise during demolition. When the proposed structure (larger than the current building) is constructed it will cause the heaved ground to resettle. The assessment is required to ensure that this heave and re-settlement does not cause the existing Thames Water assets to move excessively and fail the asset assessment criteria.

24. The development hereby approved shall not commence until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in line with the approved strategy.

Reason: To ensure that the water resource is not detrimentally affected by the development. This is required to be a pre-commencement condition as any works on the site, including demolition, could have an impact on the water abstraction source.

25. The development hereby approved shall be carried out in accordance with the submitted flood risk assessment (dated August 2022) and associated drawings and the following mitigation measures it details:

- finished floor levels shall be set no lower than 33.28 metres above Ordnance Datum (AOD)
- compensatory storage shall be provided as shown on drawing: Proposed Net Volume Location Plan (4676-RBG-ZZ-00-DR-CV-00-86051) Rev 3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

26. No development (other than demolition, site preparation and clearance) 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 by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains that are present on the site are identified and recorded to appropriate professional standards and the results assessed, analysed and disseminated.

27. Prior to i) demolition and / or ii) construction works, a Site Waste Management Plan for such works shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall demonstrate how waste generated from construction and excavation activities will be dealt with in accordance with the waste hierarchy. The demolition and construction works (as applicable) shall only be carried out in accordance with the agreed Site Waste Management Plan. The Management Plan will subsequently be kept up-to-date throughout the development process in accordance with the established methodology.

Reason: To ensure that the development takes waste hierarchy into account to manage waste. It is considered necessary for this to be a pre-commencement condition because waste will begin to be generated as soon as any development commences on the site.

28. The development hereby approved shall only be carried out in full accordance with the submitted Energy and Sustainability Strategy (dated October 2022, prepared by SWECO, Issue 05).

Reason: To reduce carbon emissions and incorporate sustainable energy as part of the development.

29. 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 the first occupation of each residential block, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) which demonstrate that this condition has been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve water efficiency throughout the development.

30. The development hereby approved shall not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. This strategy will include the following components:

1. a preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a fully justified conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. the results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme 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.

31. Prior to the occupation of each block of the development hereby approved, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

32. If, during the construction of each block of the development hereby approved, contamination not previously identified is found to be present at the site then no further development of that block (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to neighbouring land and future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

33. In the event that piling works are necessary, no piling works shall begin until a scheme for limiting the noise, that is in accordance with BS 5228 (Parts 1 and 4) for noise control, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the proposed piling method and the reason for its selection. This shall take into account the ground conditions of the proposed development site and the proximity of residential properties. The development shall only be carried out in full accordance with the agreed details.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

34. No individual Class E commercial unit which requires ventilation or extraction associated with food preparation shall be first or subsequently occupied until a scheme for the fitting of suitable ventilation and filtration equipment has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of:

- the equipment to suppress and control all fumes / smoke / grease / steam / odour from the use so as to prevent an impact in existing and proposed sensitive receptors;
- charcoal filters shall be included and a flue discharge one metre above eaves level is recommended;
- no street level discharges will be permitted;
- a scaled plan showing the internal arrangement of the premises and the dimensions/location of the ventilation system;
- the location of all filters, fans and ducting must be clearly marked; and
- where the location of a filter is shown, the type must be clearly identified and cross-referenced to the detail product specification.

The approved equipment shall be installed before the use commences and thereafter shall be operated and maintained in full working order in accordance with manufacturer's instructions throughout the proposed use.

Reason: To protect adjoining premises/residential amenities.

35. The commercial units hereby approved shall only be operated in full accordance with a Noise Management Scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to protect surrounding residential properties from any plant, machinery, extraction or ventilation systems which may be required. The agreed scheme shall be implemented before the first and subsequent occupation of the commercial units and shall be retained in perpetuity.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

36. The residential dwellings which have windows which fronting onto Millbrook or the Civic Square shall not be occupied until details of the acoustic protection measures for protecting them from traffic noise has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the residential units.

37. 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.

38. Prior to i) demolition and / or ii) construction works, a Construction Environmental Management Plan (CEMP) for such works shall be submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP for the demolition and construction works (as applicable) shall be adhered to throughout the relevant period of works. The Plan shall provide for:
- (a) an indicative programme for carrying out of the works
  - (b) the arrangements for public consultation and liaison during the construction works
  - (c) measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
  - (d) details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
  - (e) loading and unloading of plant and materials
  - (f) storage of plant and materials used in constructing the development
  - (g) measures to control the emission of dust, dirt and run-off during construction
  - (h) measures to control the impact on hydrology of the locality as to impact fragile ancient woodland habitat
  - (i) protection of habitats of "borough value" ancient woodland and acid grassland (where possible) from adverse effect arising from the development process

Reason: To ensure that satisfactory measures are put in place to protect the environment during the construction period. 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.

39. No above ground works (following the installation of the ground floor slab) shall take place on any block until a Landscape and Ecological Management Plan (LEMP) (covering a 30 year period in accordance with Biodiversity Net Gain) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should be based on the mitigation and enhancement measures specified in the Ecology and Biodiversity Assessment (dated 04 August 2022, revision C11, prepared by SWECO), and should include adequate details of the following:
- a) description and evaluation of ecological features to be provided and managed;
  - c) aims and objectives of management;
  - d) ongoing maintenance;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan; and
  - h) ongoing monitoring and remedial measures.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure satisfactory landscaping and to prevent adverse impacts on protected species resulting from the proposed development works.

40. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Ecology and Biodiversity Assessment (dated 04 August 2022, revision C11, prepared by SWECO). The mitigation measures shall be provided before the first occupation of the development or if not, in accordance with a timetable which shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be retained for the lifetime of the development.

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

41. The development hereby approved shall only be carried out and operated in full accordance with the Operational Waste Management Strategy (version 1.0, dated July 2022, prepared by Velocity Transport Planning).

Reason: To ensure that the storage, disposal and collection of waste from the site can be carried out in a manner which does not impact on the amenity or character of the site and its surroundings.

42. Before the development hereby approved is commenced (other than demolition, site preparation and site clearance) a scheme showing how lift access is provided from the basement to the ground floor shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall take into account the comments provided by the Health and Safety Executive and shall demonstrate that the proposal meets all relevant fire safety standards. The agreed scheme shall be implemented in full before the first occupation of the development and shall be retained in full working order thereafter.

Reason: To ensure that safe and convenient access to the basement is provided for residents and users of the buildings.

43. No above ground works (following the installation of the ground floor slab) shall take place on any block until a plan showing the location of the 10% Building Regulations 'accessible and adaptable dwellings M4(2) and the 5% Building Regulations M4(3)(2) wheelchair accessible dwellings 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.



44. Notwithstanding the provisions of Schedule 2, Part 16, Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no communication apparatus or antennae shall be installed on any building hereby approved without express grant of permission by the local planning authority.

Reason: To protect the character and appearance of the buildings.

45. In the event that the cinema hereby permitted is brought into use, it shall not be open to the public until a scheme setting out screening times and any other measures to safeguard the living conditions of residents within the development has been submitted to and approved in writing by the Local Planning Authority. The cinema shall thereafter be operated in accordance with the approved scheme.

Reason: To protect the amenity of the residential dwellings.

46. The development hereby approved shall not be occupied until a flood warning and evacuation plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the procedures for flood warning and evacuation and shall include details of flood warning notices to be erected, including their content and locations. No occupation of the development shall take place until the notices have been erected for that area / block and thereafter the notices shall be kept legible and clear of obstruction for the lifetime of the development.

Reason: To ensure the safety of the occupiers of the building in the event of a flood.

47. The proposed vehicular accesses to Millbrook hereby approved shall be constructed and provided with tactile paving and visibility zones in accordance with drawing number 480-2001-T-055 Rev L, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport.

48. The development hereby approved shall not be first occupied or first opened for trading unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, 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 and to promote sustainable forms of transport.

49. The development hereby approved shall not be first occupied or first opened for trading unless and until facilities for the secure, covered parking of bicycles and the provision of charging points for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport.

50. Prior to i) demolition and / or ii) construction works, a Construction Transport Management Plan for such works, 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 fund the repair of any damage caused
- (j) on-site turning for construction vehicles

shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the demolition / construction works (as applicable) associated with the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport.

51. The development hereby approved shall not be occupied unless and until each of the proposed residential parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

52. The details within the approved Travel Statement, dated August 2022, shall be implemented upon first occupation of the development and thereafter it shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: To encourage travel by means other than private motor vehicles.

53. The development hereby approved shall not be occupied or first opened for trading unless and until footway improvements works have been carried out along Millbrook in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport.

54. The development hereby approved shall not be occupied or first opened for trading unless and until all proposed external doors are setback in order for them not to open onto the public footway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

**Informatives:**

1. 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).

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

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

In this case pre-application advice was sought and provided which addressed initial issues and the application was 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 amended application is now deemed to be acceptable.

3. Thames Water Informative:

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes](http://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes). Should you require further information please contact Thames Water - [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

4. LLFA Informative:

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available on our website.

5. GBC Environmental Health Informative:

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 development. This matter will be deal with outside of the planning process and currently exists with the Head of Environment and Regulatory Services.

6. County Highway Authority Informatives:

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see

[www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.

A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the accesses, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course.

The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme).

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment – this will be at the developer's own cost.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

The permission hereby granted shall not be construed as authority to carry out any works on or over the highway. The applicant is advised that prior approval must be obtained from the Highway Authority via a S177 licence for oversailing over the highway. Please see [www.legislation.gov.uk/ukpga/1980/66/section/177](http://www.legislation.gov.uk/ukpga/1980/66/section/177). As part of the process of applying for a S177 license, the applicant would be expected to comply with DMRB CG 300.

The applicant is advised that any development over highway land is an actionable unauthorised obstruction in the absence of a stopping up order. Statutory undertakers retain their rights of access to their plant and to secure compensation for diversion of plant should they choose to divert.

## **Officer's Report**

### **Site description**

The site is located within Guildford Town Centre and the Guildford Urban Area. The site measures 0.68 hectares in area and currently is primarily occupied by the former Debenhams department store (vacated in May 2021). The building has a height of between three and five storeys. Due to the commercial function of the building, each storey is taller than a standard residential use storey height. The existing building also includes a basement level which accommodated retail floorspace and vehicle parking spaces associated with the retail store. The basement is accessed from Millbrook at the southern end of the site. There is also a public open space adjoining Guildford High Street within the northern end of the site.

The site is situated in a prominent town centre location and is bounded by the river Wey to the west and south, Millbrook to the east and Guildford High Street at Town Bridge to the north. The site is approximately triangular in shape and has no directly adjoining properties.

The site is located within the Millmead and Portsmouth Road Conservation Area. The Guildford Town Centre Conservation Area lies to the east of the site, with the Wey and Godalming Navigation Conservation Area to the north. The Bridge Street Conservation Area is close by, with intervisibility to the site.

The current flood zone categorisation of the site has been reviewed by the Council and the Environment Agency, the outcome being agreement that, for the purposes of this application, the site should be assessed within Flood Zone 3a. At present, there are no existing flood defences at this location. The categorisation of flood risk will be assessed in more detail in the planning considerations section below.

The site is also located within an Air Quality Management Area (AQMA).

The site's location within Guildford Town Centre means there is excellent access to public transport. Guildford Station is situated circa 350 metres to the north-west of the site and provides direct links to central London (Waterloo Station), Reading and Gatwick Airport. Additionally, there are two bus stops situated to the south of the site along Millbrook, and Guildford Bus Station is a short walk away.

There are no locally or statutorily listed buildings within the site. However, there are a number of statutorily listed buildings within the immediate surroundings, including the Yvonne Arnaud Theatre and Town Mill to the south, on the opposite side of the mill pool, both of which are Grade II listed. Additionally, the church of St Mary lies near the site on rising ground to the east of Mill Lane and is Grade I listed, with Castle Keep, (Grade I listed and a Scheduled Monument) also to the east of the site located higher on the hill side at Castle Street. St Nicholas' church is Grade II\* listed, being located west of Town Bridge and is seen in the context of the site when viewed from the lower part of the High Street.

The historic core of Guildford developed in the valley of the river Wey which forms a gap between sections of the North Downs. There are numerous views of the wooded hillsides and ridges on both sides of the river valley from the Town Centre, and across the valley, which strongly define the town's character and have informed the selection of views identified in the Guildford Town Centre Views SPD. The hills either side of the valley are within the boundaries of the designated Surrey Hills Area of Outstanding Natural Beauty, (AONB).

## **Proposal**

The proposed development as originally submitted included the erection of two new buildings (buildings A and B), comprising part nine and part eight storeys respectively, together with a single storey retail pavilion within a redesigned civic space, (the Civic Square), in the northern part of the site. The development proposals included the provision of 2,170 sqm (GIA) flexible retail/commercial floorspace (Class E) including 522 sqm as a possible cinema (Sui Generis) or further Class E space occupying most of the ground floor level of both buildings, along with the residential lobbies incorporating a resident's lounge and a "porte-cochere" on Millbrook, which would provide an off-street drop-off/pick-up area, refuse collection point and access to the basement car park. The residential floorspace would be provided from first floor level and above, and a communal resident's first floor podium garden was proposed for building B. The proposed development as originally submitted sought to deliver 215 residential units.

In response to a series of meetings with Officers, informed by the views of the Design Review Panel, statutory consultees and public representations, amended plans were provided to the Council on 5 August 2022 and included the following changes: -

- removal of two full floorplate storeys below the 'set-back' floor from building A ('Town Centre Building', closest to Town Bridge). The proposed height of building A has been reduced from nine storeys to seven storeys since the scheme was submitted;
- Alterations to the architectural design and materials of building A, to maintain proportionate articulation of the six full storeys, alongside simplification of the roof form of the set-back seventh storey, to reduce the building's visual prominence;
- introduction of terraced setbacks of the seventh and eighth storeys of the east and west wings of building B, (Riverside Building, closest to the mill pool), at their respective southern ends facing towards the mill pool, to reduce their visual prominence;
- the number of residential units has consequently reduced from 215 to 185. However, whilst there has been a reduction in the number of units, the changes to building B have created an opportunity to provide more family sized accommodation, including four and five bed units. The updated proposed mix is set out in the table below.
- the revisions to the scheme have incorporated the provision of five x one bed 'intermediate' tenure affordable units which are to be located at the first floor of building B. The units will be tenure blind by sharing a core with other units on the same floor;
- the materiality of building A has been altered, with the top floor changed to an oxidised copper "diamond fish scale" hung tile, which reflects the roof finish of the Yvonne Arnaud Theatre and St Nicholas' Church; the brick colour changed from a red brick, to a 'biscuit tone' brick which along with the proposed stone, reflects similar tones found in the stone of local buildings such as St. Nicholas' church and Guildford Castle; and a reduction in the use of stone to the base of the building which responds to the heritage context whereby there is a greater articulation to surface treatment and stone material is largely utilised to express apertures and/or datums;
- the ground floor arched reveals to building A have changed to profiled brick from stone, as a contemporary reference to the aperture reveal treatments found within local heritage buildings and to lessen the formality of the building;
- a window opening has been introduced to the stair core from the first to sixth floor levels of building B to introduce natural lighting;
- the projecting balconies have been omitted at the corner units of building B across all floor levels to add prominence to the rounded corners of the building. Juliette balconies are now proposed;
- profiled parapets to the set-back eighth floor of building B have been omitted and the size of the roof top plant enclosure has been reduced, to lessen the visual prominence of that floor;
- the single storey pavilion within the Civic Square has been omitted from the scheme, which has enabled a redesign of the space to create a larger usable area, better integration of the level change with a public lift, revised stepped seating and a landscaped stepped river frontage, whilst also maintaining the view of the river from High Street;
- the riverside walk has been widened by introducing a covered colonnade behind the brick arches; this is achieved by reducing the depth of the flexible retail/commercial Class E spaces at ground floor level, with an overall reduction of 32 sqm floorspace. The proposed amendments will deliver an additional 249 sqm of open space to the riverside walk.
- the landscaping proposals have been reworked in order to create a more sinuous geometry to the route through the pocket park, so that the latter immediately adjoins the mill pool, whilst also providing more generous planters to increase the greening along the river walk. The proposals will deliver 60 new trees, (53 net increase).
- the amended proposed development will result in a Biodiversity Net Gain (BNG) of 319%. This substantially exceeds GBC's aspirations for a BNG of 20%.



- each car parking space will now be equipped with fast electric vehicle charging equipment
- provision of 254 residential cycle spaces (222 spaces provided as two-tier racks, 26 as Sheffield stand spaces and six as oversized Sheffield Stand spaces) located within the basement.
- the amended proposed development will achieve a 26% reduction in carbon emissions for residential floorspace (an improvement beyond the 20% sought under Part L) and a 35% reduction in carbon emissions for commercial floorspace through the use of a high-performance passive façade design which limits the energy requirements.

<b>Proposed Mix</b>					
	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+-bed</b>	<b>Total</b>
<b>Total dwellings</b>	<b>80</b>	<b>69</b>	<b>31</b>	<b>5</b>	<b>185</b>
Of which...					
<b>Houses</b>	0	0	0	0	0
<b>Apartments</b>	80	69	31	5	185
<b>Affordable</b>	5	0	0	0	5

The proposal seeks the demolition of the existing Debenhams building whilst retaining the existing basement within which a new basement would be constructed. The proposed scheme includes the provision of two new buildings - building A, of roughly rectangular form, would be located towards the High Street side of the site and would be a maximum height of seven storeys. Building B, of 'U' shaped form over a rectangular ground floor, would be separated from building A by a narrow pedestrian 'street'. It would be the larger of the two buildings with a maximum height of nine storeys but stepping down with roof terraces to six storeys at the southern end of either wing.

The scheme would be residential led with a total of 185 dwellings proposed. The ground floor of the development would mainly be occupied by a range of flexible Class E uses which could include retail units and food and beverage premises. A cinema use (sui generis) as an alternative to Class E is also proposed within one of the commercial units on the ground floor of building B. The ground floor would also contain the communal and office / back of house facilities for the residential units. A concierge and reception with resident's lounge would be accessed from the pedestrian street between the buildings with an internal corridor link to further ancillary office space and a porte-cochere off Millbrook. The proposal would result in a significant reduction in the amount of retail floorspace compared to that which currently exists, and this issue will be addressed below.

A fundamental part of the proposal is the creation of new areas of public open space and a riverside walk which would run along the riverside edge of the site from the Town Bridge, reconnecting with Millbrook at the small area of open space to the south of the site adjoining Town Mill. A new 'Civic Square' is proposed at the northern end of the site which would replace the current paved and landscaped area outside the main entry to the former Debenhams. This area would consist of new landscaping, with tree planting and seating, including a new stepped area overlooking the river. A flight of steps up and an adjoining exterior platform lift would link this square to the riverside walk, ensuring accessibility to all. In addition, a new area of green open space is proposed at the southern end of the site which would overlook the mill pool and the Town Mill. This open space area would consist of a grassed, pocket park with landscaping. An area of landscaped open space at podium level is also to be provided for residents, which would not be accessible to the public. In order to avoid late night disturbance to residents, or other anti-social behaviour, the riverside walk, and pocket park are proposed to be closed to the public at night between 23:30 and 07:00 GMT, or till 06:00 during British Summer Time.

The closure would be secured via glass gates to the walk, and pedestrian street, and a metal gate in the archway to building B, the design of all these to be agreed by condition.

As noted, the existing basement and its access from Millbrook would be retained and reconfigured. This would provide a small number of parking spaces and delivery van bays for future residents, as well as cycle parking and storage facilities. The basement access ramp would start within the porte-cochere on Millbrook, which would provide off-street drop off/ pick up for residents, a delivery space for the commercial units in addition to refuse collection bin storage.

### Relevant planning history

Reference:	Description:	Decision Summary:	Appeal:
22/P/01118	Outline application for all matters reserved for the installation of a bridge on land to the south of the former Debenhams site and land to the north-east or north-west of the Yvonne Arnaud Theatre.	Withdrawn	
GUI/4567/17 374	Outline application for development of land as a site for a departmental store.	Approved May 1960	N/A
GUI/4567A/1 7374	Details of new department store.	Approved January 1962	N/A

### Consultations

Surrey County Council, County Highway Authority: The County Highway Authority raise no objection to the proposal, subject to standard conditions and a s.106 payment to mitigate traffic impact via a sustainable transport corridor (for safer bicycle journeys).

Surrey County Council, Education Authority: No objections to the proposal subject to mitigation measures in the form of financial contributions for early years, primary and secondary school places being secured through the s.106 agreement.

Surrey County Council, County Archaeologist: The application site is within an Area of High Archaeological Potential covering the historic centre of Guildford. A trial trench evaluation would be appropriate to clarify the nature extent and significance of any archaeology that may be present within the proposed Civic Square area, (formerly 10-16 High Street). This will enable suitable mitigation measures to be developed for this area of the development should significant remains be found. As such, no objections are raised, subject to a standard condition.

Surrey County Council, Local Lead Flood Authority: No objections raised, subject to standard conditions and informatives.

Health and Safety Executive, (HSE): The HSE identified a number of concerns over fire safety in respect of the amended scheme, to which the applicant responded with further internal amendments and an additional fire escape door for Building A within the pedestrian street.

The HSE is now satisfied with the fire safety design to the extent that it affects land use planning. [Officer Note: It is noted that concerns have been raised with regard to having a passenger lift between the basement and ground floor. Such a lift is required for the operation of the building and the exact details of the lift and how it complies with fire safety requirements will be secured by condition].

Surrey Heartlands Health and Care Partnership: No objections raised subject to mitigation in the form of a financial contribution for primary health care infrastructure enhancement being secured through the s.106 agreement.

Thames Water: No objections raised subject to conditions and informatives.

Environment Agency: Although the Environment Agency (EA) have previously raised a number of objections to the proposal, the latest comments remove their concerns regarding flood risk. The EA has noted that the additional information submitted during the course of the application is now acceptable and, subject to the conditions recommended by the EA, no objections are raised in this regard. However, the EA still maintain an objection on ecology and biodiversity grounds, specifically that the proposal fails to improve the ecology value of the river Wey within its watercourse. This issue will be discussed in detail in the report below.

Natural England: No objections raised.

Surrey Wildlife Trust: Although Surrey Wildlife Trust raised some issues in early consultation responses the amended information and submissions received from the applicant mean that Surrey Wildlife Trust (SWT) now raise no objections to the proposal, subject to conditions.

Historic England: Historic England (HE) have provided comments on the amended scheme. HE note that while amendments to the scheme have reduced the height of the buildings, refined the design and that more sympathetic materials have been chosen, the proposed development would still appear out of scale or harmfully visible from a range of vantage points. HE remains of the view that the proposals would harm the significance of highly important and greatly valued historic buildings nearby the site, particularly the churches of St Mary and St Nicholas, and the character and appearance of the Town Centre and Millmead and Portsmouth Road Conservation Areas.

HE note that the most harm would be caused to St Mary's and St Nicholas' churches and that the level of harm would be in the mid-range of less than substantial, in the terms of the NPPF. There would also be harm to the Town Centre and Millmead and Portsmouth Road Conservation Areas at a mid-level within the less than substantial range. There would also be less than substantial harm to Guildford Castle and to Holy Trinity Church, both at the lower end of less than substantial.

HE recommend that the applicant is given the opportunity to reconsider their scheme to create something which really does avoid or minimise conflict, as required by paragraph 195 of the NPPF. However, it is noted that if the applicant is not willing to further reduce the scale of the development, as the decision-maker, the Council will need to weigh up this harm against public benefits. HE comment that given the balance in favour of conservation and the relative weakness of heritage benefits, they believe very strong public benefits would need to be demonstrated to outweigh the harm entailed by the proposals. The heritage impacts of the proposal and the public benefit balance will be set out in the report.

HE set out relevant case law governing the approach which the Council should take in this application when considering the harm to heritage assets. Officers are aware of this case law and have applied the approach set out in the case law in the assessment set out below. [Officer Note: Both HE responses are attached to this report as appendices].

### **Internal consultees**

Environmental Health: No objections raised subject to conditions controlling contamination and noise.

Operational Services: No objection following receipt of amended and additional information.

Arboricultural Officer: No objections raised. Although seven trees are being felled, this is outweighed by the significant proposed planting that the scheme would deliver. The development would not harm trees on the adjacent site, and this will be controlled by condition.

Parks (Heritage and Leisure Services): No objections raised subject to securing financial contributions towards open space and play space. This matter will be discussed in greater detail in the report.

### **Non statutory consultees**

Surrey and Sussex Police: No objections raised subject to the impacts of the development being mitigated through contributions. This matter will be discussed in greater detail in the report.

Surrey Police (Designing Out Crime Officer): No objections raised, subject to the development achieving Secured by Design accreditation, and the public realm areas being designed with due regard to the prevention of crime and disorder. In this regard, the response to the original application commented that the design of the external areas offers the opportunity for groups to gather, impacting on the residents [of the scheme], and the public walking through the area; and therefore, the closure of the external areas after trading hours would reduce the risk of crime in the space, which the Designing Out Crime Officer would support. [Officer Note: It is proposed that a condition be applied to ensure a defined part of the riverside area, but not the Civic Square, is closed at night. Secured by Design for the development will also be required by conditions.]

National Trust: The National Trust raise an objection to the proposal. The following points are noted:

- the Wey Navigation in Guildford is a designated heritage asset along its route and runs through several conservation areas, including the Wey and Godalming Navigations Conservation Area and the Bridge Street Conservation Area in Guildford town centre.
- the Borough Council will need to establish whether the proposed development complies with the criteria set out in [Saved Policy] G11 of the Local Plan which deals with the corridor of the River Wey and the Guildford and Godalming Navigations.
- in Guildford town centre the history of the river Wey is intertwined with the inter-relationship with buildings and their uses, which has resulted in the morphology of Guildford's buildings, street patterns and green spaces. The backdrop to views from the river Wey and towpaths is a complex tapestry of buildings reflecting the history of the town and, in part, its relationship with it. Given its height and massing the proposed buildings would be out of scale with, and unsympathetic to, the historical character of the area and would be a dominant and overwhelming feature in views from the river Wey as it runs through Guildford town centre.

As such the National Trust is most concerned that the proposed development would harm the setting of the Wey and Godalming Navigations and Bridge Street Conservation Areas and would neither preserve nor enhance the character and appearance of these conservation areas as the relevant Saved Local Plan policies (HE7 and HE10) require. [Officer Note: The weight that should now be afforded to Saved Policy HE10 is addressed in the Heritage section below.]

in addition, the proposed development would obtrude into and seriously harm views within the river Wey corridor contrary to the provisions of Policy G11 and the Trust's Environmental Strategy.

Farnborough Airfield Services Manager: No objections raised.

NATS Safeguarding: No objections raised.

Gatwick Airport Safeguarding: No objections raised.

Guildford Bike Users Group (G-BUG): The following comments are noted (neither supporting nor objecting to the scheme):

- there is a need for a significant increase in street level public cycle parking at the development. Only very few cycle racks were identified in the drawings.
- cycling and walking should be the primary mode of transport for the majority of visitors to the commercial units and residential properties. Given the scale of the development, the cycling parking provision should be increased significantly. This should include provision for larger bicycles and cargo bikes.
- to meet the active travel, transport and climate change objectives set out by GBC, Surrey County Council and the national Government, cycling and walking should be the primary mode of transport for residents of the development.
- the cycle parking provision indicated in the plans is inadequate and not conducive to encouraging cycling.
- the cycle parking should be reconfigured so that is more convenient, accessible and safer for residents and in a way that designs-out crime.
- to support modal shift to walking and cycling the number of car-parking spaces should be reduced. car club spaces should be allocated within the development.

### **Amenity groups and residents' associations**

Holy Trinity Amenity Group: The Holy Trinity Amenity Group (HTAG) raise an objection. The following points are noted:

- the dwelling density (dwellings per hectare) for this scheme would be 310dph. This is far higher than any other existing building in the Town Centre or Millmead / Portsmouth Road Conservation Areas. Building at this density inevitably means excessive height and inadequate open space for residents.
- demolition of the building is unsustainable, and the impacts of demolition must be assessed.
- lack of natural riverbank. It is acknowledged that this does not exist now, but any redevelopment must seek to restore it. Lack of Integration with the town centre. As it is not mentioned we have to assume that the "public" areas will not be adopted by the Highways Authority, so they will be under the control of the local site management. They could be closed at any time, or to any person deemed undesirable. [Officer Note: Maintenance and public access to the open spaces that would remain under the control of the scheme's management company will be addressed via the s106 Agreement.]
- lack of open space for residents and the public. There will be some 400 residents in the flats. The rule of the 2003 Borough Plan was to have provision for 2.8ha of open space for every 1000 residents. This would require over 1ha of open space.

- degradation of the historic area. The site is located in the Millmead and Portsmouth Road Conservation area, it is bounded by the Town Centre Conservation Area, and must be considered as also in the River Wey Conservation Area. [Officer Note: The site adjoins the latter conservation area; it is not within it]
- lack of affordable homes. [Officer Note: The viability appraisal shows that no affordable housing can be provided; however, with the amended scheme the applicants have offered and provided five on-site affordable units].

Guildford Society: Raise an objection. The following points are noted:

- the town centre is of significant historic and heritage interest and value. It contains a large number of heritage buildings which make the town centre and riverside attractive and unique. No issue with housing and commercial space on the site, but question proposed density for historic core of Guildford.
- question whether the applicant has met several of the design objectives set out.
- the current proposal is for two blocks with narrow gap between the two that from most aspects will look like a single block of the same footprint as the existing Debenhams building but twice the height. Welcome reduction in height of northern block [A] but overbearing form of blocks will cause major impact on the town;
- 43 views of the project have been produced by the applicant including the SPD strategic views from many areas in and around the town centre. Many of these show the significant impact a scheme of this height and mass has detrimentally on the existing townscape, the views to the surrounding hill line and urban quality of Guildford as a historic gap town.
- a high building on the St Mary's [Debenhams] site sets the precedent for similar excessive heights. The Society believes the Council should be requesting that Native Land re-think the scheme to respect the town centre, provide more public and community gain and is designed so that it enhances the town and riverside. [Officer Note: Each application is determined on its own individual merits].
- time to consider what the Debenhams site should provide for the town and how it relates to the rest of the town. The development should enhance Guildford with good design and a vibrant public realm. Proposed riverside walkway and permeability across the site welcomed. Suggest providing traffic-free link to High Street by re-opening pedestrian underpass.
- as Guildford Borough Council have declared a climate emergency and considering the significant embedded carbon in the existing building, re-purposing of the existing building should also be thoroughly tested as an option.

Stoke Next Guildford Residents' Association: Relates to original rather than amended scheme. Raise an objection. The following points are noted:

- inadequately set back from river, including south-east corner, resulting in overbearing impact on Wey Navigation Conservation Area
- overly tall. It is important to appreciate that the Guildford Station redevelopment does not set a precedent for the St Mary's scheme on a sensitive bottom of historic High Street riverside site.
- negative Impact on strategic important views including from High Street (obscures view of Surrey Hills AONB) from near Boots. [Officer Note: The amended scheme retains a view of the wooded hilltop above the proposed building from view 40 (near Boots), on the High Street.]
- the proposal will totally dwarf the nearby listed Mill building, as double its height and dwarf St. Nicholas' church, and Guildford's oldest building, St Mary's church, the settings of which are protected. [Officer Note: The amended scheme has a reduced mass and height to building B adjoining Town Mill and to building A between the two churches]
- overbearing on street scene, Conservation Area and historic nationally listed buildings.
- no affordable housing provided [Officer Note: This will be discussed further in the viability section of the report. However, it is noted that five affordable units are now proposed].

- lack of outside space. [Officer Note: Building B incorporates a podium garden open to all residents of the scheme.]
- solid design, lacks variety of materials, and lack of angles to create interest. The scheme lacks the wow factor entirely, that must be demanded of such sensitive character central town site.
- lack of soft landscaping, lack of trees. With global warming trees will be needed to provide absorb carbon dioxide and provide shade [Officer Note: 60 new trees, (net increase of 53), together with a pocket park and other planting beds are proposed as part of the development].

Downsedge Residents' Association: Relates to original rather than amended scheme. Raise an objection. Although highly supportive of development at the site, the following points are noted:

- given the eight and nine storey height of the buildings, the set back from river is too little and would result in overbearing impact on Wey Corridor [Officer Note: The proposed height of building A has been reduced from nine storeys to seven storeys since the submitted scheme, alongside the omission of the 'top hat' detail to the 'set back' floor. The bulk of building B has also been reduced via stepping down at the southern end of each wing]
- the eight and nine storeys proposed are simply too tall and out of character with the surrounding buildings. There are many less important and impactful buildings which can be re-purposed for new housing in the town centre. The Guildford Station redevelopment approval does not set a precedent for such height, for this sensitive area.
- impact on surrounding landscape views including from High Street. Obscures view of Surrey Hills AONB. [Officer Note: Amended scheme retains view of hilltop from more of High Street]
- overbearing on street scene, causing harm to the setting of the Conservation Area and notable historic buildings.
- the gap between the buildings is to accommodate the variation in ground levels across the site and enable emergency vehicular access. It will be too deep and narrow a canyon to provide attractive or effective views of St Mary's. [Officer Note: This new view of St Mary's is explained by the applicant to be a narrow, framed view.]
- the Debenhams site is one of the most impactful and sensitive areas to be developed within the town centre. It offers the river, many historic buildings and landscape views definitive of Guildford's essential and distinctive character. Far from showcasing and enhancing these unique characteristics, this development would diminish them. In its current form it should be refused.

Merrow Residents Association: Raise an objection. The following points are noted:

- inadequate set back from the river Wey – consider partial terracing of western side of south block.
- buildings are still too high; need to be several storeys lower. [Officer Note: Comments precede height reductions].
- the development will still severely affect the views not only within Guildford, e.g., from the High Street but across Guildford. It would be irredeemably damaging to the character of the town.
- the development would still have a serious deleterious impact on buildings close to the site which are in a conservation area and therefore contain some unique historic buildings.

Guildford Residents' Association: Raise an objection. The following points are noted

- the greatest opportunity afforded by redevelopment is the creation of an attractive public riverside walk. This needs to be open to the public 24 hours a day seven days per week.
- a pedestrian bridge link to the Yvonne Arnaud Theatre would be a major positive.
- this scheme would produce some of the tallest buildings in the town, where medium rise is acceptable to avoid damaging views that define the town and avoid being overbearing. The buildings need to be several storeys lower with architectural refinement.

- the additional height is particularly damaging in the south-east corner because the proposed building is closer to the river at this point; new gap would have limited effect in breaking up mass and would be too narrow to provide attractive or effective views of St Mary's; it would not be an attractive pedestrian thoroughfare.
- pavilion would obscure views of the river; suggest it is omitted. [Officer Note: The pavilion has been omitted.]
- significant concerns raised regarding the viability assessment and its review by the Local Planning Authority.
- impact of the development on the future road network should be considered.
- neither the sequential nor exception tests (flooding) have been passed. [Officer Note: The assessment of these tests by Officers is set out below, demonstrating that both have been passed.]
- the public benefits of the proposal are exaggerated.
- harmful, overbearing impact on river Wey Navigation.

Shalford, Chilworth and Peasmarsh Community Council: Raise an objection. The following points are noted:

- the revised plans identify some 40-50 lorry movements per day during years two and three of the 40-month demolition and construction phase, with these lorries using Broadford Road and The Street in Shalford to approach the site from the A3. Such an increase would materially adversely impact traffic congestion (in particular at Broadford Road bridge) and air quality (in particular along The Street, where the pollution levels continue to exceed legal levels despite the introduction some three years ago of an AQMA). This is unacceptable. The revised application, in particular the Environmental Statement and associated appendices and annexes, appear to neglect to address the impact on air quality during the demolition and construction phase

St Catherine's Village Association: Raise an objection. The following points are noted:

- the proposal is still far too high;
- the proposal would overwhelm the area and be out of keeping;
- the proposal will tower above the listed Old Mill and Yvonne Arnaud at the right-hand end, completely overshadowing them;
- the gap between the two blocks is revealed to be extraordinarily narrow, and likely a wind tunnel, rather than an open-air restaurant and major viewing opportunity;
- the scheme remains overbearing on a number of other historic buildings including St Mary's church;
- the proposal is overbearing relative to the river and the buildings and land on the opposite bank including Millmead car park;
- views of the Downs from the High Street would be substantially compromised by the proposal, even at its reduced height;
- minimal affordable housing proposed;
- the bridge to the Yvonne Arnaud theatre is not guaranteed although its possibility is being used to garner support; and
- the design remains inappropriate, overbearing and out of character: it is a standard speculative development designed to maximise volume irrespective of its surroundings.

The Twentieth Century Society: The Society continues to object to the loss of the 1960s Debenhams store which is a building of local interest that is robust yet responsive to the streetscape and its river setting. It should be identified as a Non-Designated Heritage Asset (NDHA) and positive contributor to the Millmead and Portsmouth Road Conservation Area. Its design merit can be appreciated in the recently submitted views from Millmead embankment (view 19), Friary Bridge (23) and Millbrook at Rosemary Alley (21) (in TVIBHA). It is possible to repurpose large department stores for the benefit of local communities and the wider public



Save Britain's Heritage: Save Britain's Heritage object on the basis that the proposal involves substantial harm to a non-designated heritage asset through its total loss, which they consider to be unjustified in heritage terms and sustainability terms. The building stands in the Millmead and Portsmouth Road Conservation Area to which it makes a positive contribution. Demolition would also have an unsustainably high negative carbon cost.

The Council for British Archaeology: The Council for British Archaeology (CBA) raise an objection. The following concerns are noted:

- the former Debenhams store is a building of landmark quality and townscape merit, with historic, evidential and architectural value.
- the site is a sensitive and visible location within a highly significant historic landscape, and any proposals must be carefully considered due to their impact on a wide range of designated heritage assets.
- the existing proposals will be a significant height increase and will be extremely dominant in the street scene in comparison to the Grade I listed Church of St Mary and Castle Keep, and the Scheduled Monument of the castle.
- the building's replacement is not supported on ecological grounds.
- recommend that the applicants explore options for adding sustainable power sources and improved thermal performance [to the existing building].

### **Third party comments:**

In total 189 letters of representation have been received which raise objections to the application. The following is a summary of the main points which have been made. Officers have carefully considered all of the relevant objections in full in their consideration of the issues in this report.

- proposed height and mass is excessive for such a prominent and sensitive site;
- at 8 storeys the proposal is a huge and unnecessary increase in height destroying valuable sightlines in our medieval town and creating shops and restaurants that the town simply does not need;
- Guildford does not have robust height or mass policies;
- a high building on this site will set a precedent for similar excessive heights in the town [Officer Note: Each application is considered on its own merits]
- fails to respect this sensitive part of the town's historic core and its surroundings. There is far too much red brick with little relief and gives the unfortunate appearance of an industrial warehouse or prison;
- the proposal would result in severe damage to the conservation areas of the historic town centre; harm to surrounding properties in terms of adverse overbearing impact, a loss of sunlight and daylight and overlooking [Officer Note: This impact will be discussed in detail below];
- the housing proposed would be twice the number proposed in the local plan [Officer Note: The application site has no site allocation in the Local Plan];
- no affordable housing is proposed [Officer Note: Five shared ownership units are now proposed, and this is supported by the viability position];
- the pocket park is very small [Officer Note: The quantum of public realm has been increased and is discussed below];
- it is wrong that the Council has not produced a design guide for the town centre;
- it is essential that a 24-hour walkway is created alongside the river;
- the proposal would effectively wall off the river from the town;
- the former Debenhams store is a building of landmark quality and townscape merit, with historic, evidential and architectural value;

- the passageway through the middle of the development has the potential to be an un-welcoming environment, due to shadow from the building heights and form a wind tunnel effect or down draughts caused by the building height; [Officer Note: The sunlight received by the pedestrian street is discussed below]
- insufficient parking is available for the proposed residents and it is underground in a high-risk flood area. The proposal will put more pressure on already overcrowded parking areas [Officer Note: The parking provision is discussed below]
- the pressure on local services should be considered, particularly demand for doctors' surgeries;
- the overwhelming majority of the development will be one- and two-bedroom apartments. Guildford needs more family homes [Officer Note: The proposed housing mix is discussed below];
- the lack of imagination by the developers and architects in design concept and sympathetic development of this important town centre site, is apparent in every aspect of the proposals;
- the promise of a continuous riverside walk has not been fulfilled and there will be very little public space to enjoy by the river;
- the pavilion will close off the current view of the river from the High Street and spoil the historic character of the area [Officer Note: The pavilion has been omitted from the amended scheme in favour of a larger Civic Square];
- the mass of proposed structures would obstruct several important views, both of the river and the green vegetation beyond;
- the proposal would dominate adjacent historic buildings and the street scene;
- the proposal would have an adverse impact on the river;
- the style of the buildings does not reflect the historic, low-level area around the Town Bridge in Guildford; and
- the architecture is banal and appears to be a cookie cutter version of another large scheme by the same architects. This undermines the attempt by the architects to sell the scheme's relevance to Guildford.

149 letters of support have been received making the following observations:

- the proposal contains imaginative elements of public space, riverside regeneration and extended pedestrianisation;
- improving the links to the Yvonne Arnaud Theatre and hopefully beyond to Millbrook car park will regenerate an otherwise underused stretch of the riverside by the public;
- the worst outcome would be many years with another area of vacant dereliction such as suffered at the nearby Plaza site and, not least, North Street;
- the architectural merits of the proposal have attracted debate, especially around the question of height and mass in a sensitive area. One or two less storeys, with general setback of the uppermost, would be beneficial [Officer Note: As noted above the height and bulk of the development has been reduced];
- the plans would regenerate this prime town centre location with a new residential led mixed use development. The plans will also deliver a wide range of benefits for the area;
- the site has a lot of opportunity to create growth and drive for the town. The proposal should provide more family entertainment, beyond cinemas, connecting with the Yvonne Arnaud and Electric Theatre to make the river side an art hub. This will be key to bringing more people into town and increasing the liveability of Guildford;
- the proposal is a very high end, sophisticated development that also takes into consideration the highest levels of sustainability and digital innovation;
- the proposal would add considerable value to Guildford in raising its profile as a desirable place to live;
- the design is fresh and largely sympathetic to its surroundings and the visual language of Guildford's riverside buildings;

- the proposal allows public access to the River Wey for the first time in decades.
- the proposal would be a boost to the town centre economy with the potential to attract further outside investment;
- the proposal offers much needed housing and attractive improvements to the town centre and river Wey corridor;
- the site is in walking distance and sustainably located to the train station, amenities and services which is where new development should be located;
- having limited parking is good as does not encourage the use of the car; and
- the building fits in with the surrounding ones and its position at the bottom of the hill makes it not overwhelming.

In respect of the amended plans a further period of public consultation was carried out. The following additional comments have been noted in objection to the proposal:

- despite the removal of some floors compared to previous developer presentations, these buildings are not appropriate in this riverside location due to their excessive visual prominence;
- the proposal would dominate the area and would not enhance the site as a welcoming southern gateway to the town;
- the questions of height, mass and scale remain, and this over-development will adversely impact the conservation area, nearby listed buildings and the riverside environment as well as views into and out of this valley / gap town;
- the proposed architecture is not only uninspiring but fails to blend into any surrounding buildings;
- the height of the proposal would set a dangerous precedent for town-centre construction [Officer Note: Each application is considered on its own merits];
- the changes do not go far enough in reducing this oversized development which will be damaging to the townscape of historic Guildford;
- the changes proposed are minimal and do not change the fundamental issues that this is overdevelopment of a key, sensitive town centre site; and
- the proposed buildings are excessive in height, scale and mass and are damaging to the surrounding heritage, conservation area and riverside environment.

Comments in support of the application note that the proposal would regenerate this prime town centre location and would deliver a wide range of benefits.

## **Planning policies**

### National Planning Policy Framework (NPPF):

Policies within the following chapters of the NPPF are considered to be particularly relevant to this proposal.

- 2 – Achieving sustainable development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 7 – Ensuring the vitality of town centres
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport paragraphs
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

- 16 – Conserving and enhancing the historic environment

Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019):

The most relevant Local Plan policies are:

- S1: Presumption in favour of sustainable development
- S3: Delivery of development and regeneration within Guildford Town Centre
- H1: Homes for all
- H2: Affordable homes
- D1: Place shaping
- D2: Sustainable design, construction and energy
- D4: Character and design of new development
- D3: Historic Environment
- E7: Retail and Leisure uses in Guildford Town Centre
- P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
- P4: Flooding, flood risk and groundwater protection zones
- P5: Thames Basin Heath Special Protection Area
- ID1: Infrastructure and delivery
- ID3: Sustainable transport for new developments
- ID4: Green and Blue infrastructure.

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

The most relevant policies are:

- G1: General standards of development
- G5: Design Code
- G11: The corridor of the River Wey and the Guildford and Godalming Navigations.
- H4: Housing in urban areas
- HE4: New development which affects the setting of a listed building
- HE7: New development in Conservation Areas
- HE10: Development Which Affects the Setting of a Conservation Area
- NE4: Species Protection

Guildford Borough (Submission) Local Plan: Development Management Policies (June 2022):

The Council's Part 2 Local Plan, the Local Plan: Development Management Policies (LPDMP), was submitted to the Secretary of State for examination by an independent Planning Inspector in June 2022. The examination process is on-going, and the first set of hearings are scheduled for mid-November 2022. Taking into account the factors set out in paragraph 48 of the NPPF, the draft LPDMP is judged by officers to carry very limited weight at this stage given its stage of preparation and the existence of outstanding objections. Where, however, it is considered by officers to be relevant and appropriate to do so, the draft policies within the LPDMP will be considered as part of the assessment of the application.

The draft policies in the emerging LPDMP which are considered to be most relevant to the development are listed below.

- H7: Review mechanisms
- H8: First Homes
- P6/P7: Biodiversity in new developments
- P10: Land affected by contamination
- P11: Air quality and Air Quality Management Areas

- P12: Water quality, waterbodies and riparian corridors
- P13: Sustainable surface water management
- D4: Achieving high quality design and respecting local distinctiveness
- D5: Protection of amenity and provision of amenity space
- D5a: External servicing features and stores
- D6: Shopfront design and security
- D7: Advertisements, hanging signs and illumination
- D8: Public realm
- D9: Residential infill development
- D10: Noise impacts
- D12: Sustainable and low impact development
- D13: Climate change adaptation
- D14: Carbon emissions from buildings
- D15: Renewable and low carbon energy generation and storage
- D16: Designated heritage assets
- D17: Listed buildings
- D18: Conservation areas
- D19: Scheduled monuments
- D19a: Registered parks and gardens
- D20: Non-designated heritage assets
- ID6: Open space in new developments
- ID8: Community facilities
- ID10: Achieving a comprehensive Guildford Borough cycle network
- ID11: Parking standards

#### Supplementary planning documents:

- Thames Basin Heaths Special Protection Area Avoidance Strategy SPD
- Climate Change, Sustainable Design, Construction and Energy SPD
- Planning Contributions SPD
- Vehicle Parking Standards SPD Residential Design SPG
- Guildford Town Centre Views SPD

#### Other guidance:

- Guidance on the storage and collection of household waste for new developments July 2017
- Technical housing standards - Nationally described space standard 2015 (DCLG)
- National Design Guide (2021)
- National Trust Planning Guidance for development next to the River Wey and Godalming Navigations

### **Planning considerations**

The main planning considerations in this case are:

- EIA development
- the principle of development and policy context
- loss of retail space and provision of smaller quantum of new Class E floor space
- viability – what quantum of policy-compliant affordable housing can be delivered
- housing provision
- the layout and appearance of the development in relation to the surrounding area
- impact on wider townscape
- impact on the AONB / AGLV

- impact on heritage assets
- landscaping and public realm
- amenity of future occupants / living environment
- impact on residential amenity of surrounding properties
- daylight and sunlight considerations
- highways and parking
- waste and storage collection
- flood risk, drainage and flood risk resilience measures; sequential and exception tests
- energy and sustainability
- ecology and biodiversity
- the impact on the Thames Basin Heath Special Protection Area
- environmental health matters
- legal agreement provisions
- heritage harm versus public benefits balancing exercise
- final balancing exercise
- conclusion

### **EIA development**

NPPF paragraph 43 states that the right information is crucial to good decision-making, particularly where formal assessments are required, (e.g. EIA).

The submitted Environmental Statement was independently reviewed by an independent EIA expert appointed by the Local Planning Authority. This identified a number of areas which required further clarification. The comments provided by the Council's expert have been addressed by the applicant within the 'ES Addendum' document. A full 30-day re-consultation was carried out following the receipt of this additional information.

The Council's EIA consultant has now reviewed all of the information submitted as part of the Environmental Statement. It is noted that overall, the ES is compliant with the requirements of the EIA Regulations and the IEMA ES review criteria. As such the Local Planning Authority is satisfied that the submitted ES as updated is now legally compliant and satisfies NPPF paragraph 43. The environmental information contained in the ES has been considered in assessing the application and this report reflects that assessment.

### **The principle of development and policy context**

In terms of the principle of the proposed redevelopment, this requires consideration of, first, whether the building should be retained, (as suggested by some parties), and either reused in its entirety for retail use or for some other use, and secondly, if reuse is not necessary or even preferable, whether redevelopment for the proposed residential-led mixed use purpose is acceptable. These options are closely intertwined with the issues of the heritage impact of demolition of the building versus its retention for whatever use, and also the acceptability of a reduction in retail floorspace at the site. Both these issues are examined separately in relevant sections below, but there is a need to touch on aspects of those matters in considering the principle of development.

Thus, the first matter to consider is the continued relevance of the existing building in the retail environment, and also its scope to be repurposed for other uses with market interest, which in the context of this application would likely be residential above commercial ground floor use. To summarise the application site, it is occupied by the former Debenhams building, which has remained empty and vacant since May 2021. It is a large site (0.68 hectares) in an important, prominent location within Guildford Town Centre.

The building was purpose designed and has only been used as a large retail department store, comprising three to five storeys of retail space over a basement with retail floorspace and car park. The existing building footprint is 4,933 sqm (GEA) and it covers a total of 73% of the application site. In terms of total floor area, the existing building is 23,448 sqm (GIA) / 23,562 sqm (GEA) respectively.

The building, which is easily identified for its 1960's design, is a singular mass with little active frontage to either Millbrook or the riverside. Some representations have described it as a building of local interest that is robust yet responsive to the streetscape and its river setting, and that it should be considered a non-designated heritage asset which makes a positive contribution to the Millmead and Portsmouth Road Conservation Area, and that its retention, repurposed, should be considered on sustainability grounds as an approach with a lower carbon footprint than redevelopment. Officers agree that the building has some interesting design features such as the round corner fronting the river where it adjoins the mill pool, and the gently curved facade facing onto Millbrook., However they consider that it is marred by unattractive and prominent roof level structures, the oppressive overhang roof feature above the pavement and the lack of set back from the edge of the mill pool, precluding any outdoor amenity space or access to the river on the southern boundary, whilst its exterior is clearly in need of renovation. In recent years the building's permeability benefited from the introduction of a large but uninspired glazed entrance at the northern (High Street) end which does not enhance the setting. Any re-use is likely to require significant external upgrades to improve ground level active frontages and permeability, and external fabric and insulation, which would likely result in substantial alteration of its appearance and character. Additionally, as discussed below, there would be significant issues for repurposing for other uses which would be likely to further alter the exterior of the building, The building is neither listed nor locally listed, and HE have advised that they do not consider it to be "listable", and therefore, subject to consideration of the impacts of doing so as part of an application for planning permission, there may be scope for considerable alteration of the exterior of the building and of the wider site. This would impact on its current contribution to the conservation area, which is seen as positive by some, so reuse might change that assessment. Nevertheless, its demolition in this context will be explored further in the heritage section of the report.

Taking solely retail use first, this inevitably encroaches on the issue of the acceptability of a replacement of retail floorspace with a smaller quantum of Class E accommodation, as proposed, which is covered separately below. It is noted that the building has a large footprint with deep floorplates, meaning limited natural light penetration and it has only a few cores serving several floors, which due to its size and layout, limits its scope to be subdivided without major structural work, if this is even possible. Thus, its suitability for retail use is likely to be restricted to large format stores, which are occupied by the type of retailers impacted by trends in retailing such as the growth in on-line shopping. Additionally, it is in a Secondary Shopping Frontage as defined on the LPSS Polices Map which would impact on demand from occupiers. The Environmental Statement (ES) Chapter 3 considers a 'Do Nothing' alternative, and notes that, inter alia, the existing building does not incorporate current requirements for flood management, which would put the ground floor and basement at increasing risk of flooding, a further important consideration for its reuse; (the new buildings would have a ground floor level raised by nearly a metre to address the impact of future flood levels including climate change), The Council's independent viability consultants, in considering the 'existing use value' of the site, state "there is no evidence that there would be demand for this unit size by a single occupier, and, even if demand existed, the dated nature of the current unit may make it impossible to let. Due to the changing nature of the high street, and with the insolvency of many larger stores, it is highly unlikely that [even a reduced rent and significant rent-free period] would actually generate any interest without significant refurbishment and reconfiguration".

On the basis of the above, Officers consider that the existing building is unlikely to have any prospect of securing a tenant for continued retail use as a single large store. In respect of use by multiple outlets within the building, Officers note that this would, as indicated by the viability consultants, likely require extensive works to allow independent operation of retail outlets, within the building, including alterations to the ground floor to increase permeability and delivery vehicle space, an upgrade or replacement of the building's services to facilitate subdivision, consideration of creating a light well to improve light penetration and shopper circulation and external fabric insulation. Effectively, the building would need to be adapted and refurbished as a shopping centre, and in this regard, Officers question whether the retail development market is strong enough that this would be an attractive proposition, raising the question of whether the costs incurred would be warranted by the value of rental returns, particularly in a Secondary Shopping Frontage.

Turning to alternative uses for the building, this is fully explored in the ES Chapter 3 under 'Alternative Designs'. The negatives for adaptive re-use for flats over commercial ground floor space are identified and illustrated, the main points being the need for significant demolition to create a large central courtyard for daylight, which itself would create restricted outlook and overlooking issues; the major changes needed to the internal circulation, resulting in extensive and carbon intensive structural alteration works which would nevertheless produce long corridors lacking daylight; and the need for major upgrading to thermal and fire performance, thus altering the appearance of the building. The ES states that the very extensive works noted for such a conversion would require an increase in building height (extra floors) for commercial viability. Accordingly, 're-use' for residential-led mixed uses would necessitate significant changes to the external appearance, major carbon-intensive works throughout, and a taller building, thus negating the very justification for retaining the building in terms of both sustainability and townscape value.

Amongst the scheme's supporters, it has been suggested that the site could also include family entertainment, beyond cinemas, connecting with the Yvonne Arnaud and Electric Theatres to make the river side an art hub. In objecting to the application, the Twentieth Century Society state that 'It is possible to repurpose large department stores for the benefit of local communities and the wider public.' Setting aside the fact that the supporter was considering uses within a new development, Officers note that the applicant has not explored the possibility of such uses for the existing building in the DAS. However equally, no specific proposals have been put forward by any organisation with an interest in occupying the site. In the current economic climate, any such activity would need to be financially self-sufficient or to have agreed funding, and in the absence of representations by any organisation or business seeking to secure the site for alternative use, nor details of how such uses would be funded, Officers consider that to refuse the current proposals solely in the aspiration that a new unspecified and unfunded use or occupier for the building would come forward, is highly likely to result in an extension to the current vacancy of the building, for an unknown period, with consequential harm to the vibrancy of the Town Centre and the appearance of the site.

In addition, the retention of the building would, inter alia, preclude the creation of the wider landscaped riverside walk on the western boundary and the entire southern boundary walk and pocket park in the form now proposed, which would represent a lost opportunity to satisfy the Policy S3 (6) objective to improve access and views to the river Wey.



To complete the assessment of the principle of the proposed development, this leaves the question of whether a new scheme should be solely retail / other commercial or should include residential use on upper floors. As already established, the proposal is to demolish the building and to construct two new buildings with the following uses:

- 180 market residential units
- five affordable housing units
- 1,552 sqm (GIA) of Class E flexible floorspace
- 586 sqm (GIA) of floorspace for a cinema or Class E floorspace

The assessment of the principle of development must therefore consider whether the proposed uses are appropriate, or even more significantly, desirable or necessary for the location in any proposal involving redevelopment. At National level, NPPF Chapter 5 highlights the Government's objective of significantly boosting the supply of homes. Chapter 6 supports the creation of a strong and competitive economy. Paragraph 81 states that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future". In Chapter 7 Paragraph 86 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It requires planning policy to define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, and also to recognise that residential development often plays an important role in ensuring the vitality of centres. Chapter 8 paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which, inter alia, promote social interaction, for example through mixed-use developments. The NPPF policies can be seen to be followed in the Local Plan.

Local Plan Policy S2 ('Planning for the Borough – Our Spatial Development Strategy') pre-ambles states that development will be directed to the most sustainable locations, making the best use of previously developed land. In sequential order, these locations start with Guildford Town Centre. The borough housing requirement is 562 dwellings per annum over the plan period (2015-2034), although this total is seen as a minimum. Table S2b (of Policy S2) illustrates the spatial strategy for the distribution of housing, anticipating 863 net completions of that minimum quantum in Guildford Town Centre over the plan period, excluding 'trend-based housing supply' which includes windfall sites such as this.

Furthermore, Policy S3 ('Delivery of Development and Regeneration within Guildford Town Centre') outlines at (2) and (3) the strategy to make more efficient use of land and accelerate housing delivery, stating that major applications will be expected to deliver a mix of uses and include residential development, demonstrating the most efficient use of land in terms of the quantum of development and mix of uses. The reasoned justification notes at paragraph 4.1.26 that 'the town centre represents the most sustainable location for new higher density housing' and that 'whilst the Local Plan provides for sufficient sites to meet housing needs over the plan period, as part of regeneration efforts, more housing is likely to come forward over the plan period.' Thus, additional housing provision in the Town Centre, at higher densities, over and above that identified for the allocated sites is supported by the policy where it supports regeneration. Policy S3 (6a) expects schemes in the Town Centre to achieve where possible mixed-use developments with active ground floor uses.

Guildford Local Plan saved Policy H4 ('Housing in Urban Areas') states that planning permission for housing will be granted in the urban areas of Guildford provided that the development is in scale and character with the area; has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight; and has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings. These caveats are considered in relevant sections below.

Local Plan Policy E7 ('Retail and Leisure Uses in Guildford Town Centre') supports the provision of new retail and leisure uses within Guildford Town Centre in order to strengthen its liveliness and economic resilience. The supporting text at paragraph 4.4.85 of the Local Plan states that "town centre uses that are complementary to retail will be permitted in the surrounding secondary shopping frontage". Paragraph 4.4.87 continues that the Council will "ensure that large scale developments of town centre uses are located within the town centre, wherever possible as part of mixed-use developments including housing".

In principle, it is concluded that a mixed-use scheme consisting of flexible commercial floor space on the ground floor and residential units at the upper levels is acceptable and indeed expected by national and local policy in this sustainable town centre location. Setting aside the heritage impact issue to be discussed below, the principle of redevelopment of the existing building for the above mix of uses is in accordance with LPSS Policies S2 and S3 (2), (3) and (6a), and is therefore acceptable.

### **Loss of retail space and provision of smaller quantum of new Class E floorspace**

As noted above, NPPF Chapter 6 supports the creation of a strong and competitive economy. Planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on supporting economic growth. The approach taken should be to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future" (paragraph 81). Whilst this aims to support business strategy, it is also applicable to town centre economies, where changes to business needs should be accommodated. Officers interpret this to mean that the right type and quantum of accommodation should be encouraged for town centre uses.

Paragraph 86 (b) requires definition of the extent of town centres and as noted, the LPSS Appendix 5 lists the application site within the Town Centre Secondary Shopping Frontage. Policy S3, as noted above expects major applications to deliver the most efficient quantum and mix of uses including residential, and it continues, at (6), to require schemes to achieve, where possible, mixed-use developments with active ground floor uses. This is explained at paragraph 4.1.27 which notes support for 'mixed use development, which can retain or re-provide retail, leisure and employment uses/floorspace in the town centre' it continues 'this...presents an opportunity to enhance the vitality of the town centre and increase delivery of homes in sustainable locations.' The policy does not require like-for-like retail floorspace re-provision, but rather, it seeks active ground floor uses with the most efficient use of the land both in terms of the quantum of development and the mix of uses, (S3 (3)).

Policy E7 ('Retail and Leisure Uses in Guildford Town Centre') takes this further, referring at paragraph 4.4.83 to 'Guildford town centre, its ground floor primary and secondary shopping frontages, and at 4.4.84 stating 'Outside the Primary Shopping Area but within the wider town centre, a variety of town centre uses will be encouraged, including food and drink, leisure and cultural uses that add to the liveliness,, attractiveness and economic resilience of the centre. The policy wording at (1) supports the provision of new retail and leisure uses within Guildford Town Centre for those aims, and at (4) supports within the Secondary Shopping Frontage the change of use of ground floor shops (Class A1), to Classes A3, A4 and A5, subject to meeting 4 criteria.

This of course pre-dates the introduction of Class E which allows for such changes of use as permitted development, but the policy can be seen to anticipate that change, in the supporting text at paragraph 4.4.85 which states that “town centre uses that are complementary to retail will be permitted in the surrounding secondary shopping frontage”. Paragraph 4.4.87 continues that the Council will “ensure that large scale developments of town centre uses are located within the town centre, wherever possible as part of mixed-use developments including housing”.

The site currently comprises 23,562 sqm (GIA) of retail floorspace provided over several floors, whereas the applicants seek to re-develop the site to deliver 2,138sqm (GIA) of flexible commercial floorspace (Use Class E of which 586sqm as Cinema (Sui Generis) or Class E), all at ground floor level, thus allowing for 185 residential units on the upper floors. The Class E and possible cinema floorspace would occupy all the ground floor accommodation in both buildings that is not specifically needed in connection with the residential use of the upper floors. There would be windows at ground floor, serving these premises on all elevations, together with opportunities for entrances on all but Millbrook, (due to a levels difference on that elevation). Accordingly, the scheme would achieve active frontages to all elevations. In summary, Officers consider that the scheme proposes the maximum possible ground floor flexible commercial floorspace within the buildings, given the need to accommodate the entrances and vehicular servicing for the upper floor residential use.

Officers therefore consider that the proposal satisfies the requirements of LPSS Policies S3 and E7 in terms of the quantum reduction of retail floorspace, by its omission from upper floors in the new scheme, (where housing is encouraged by those policies), and its replacement at ground level by a reduced flexible Class E / cinema floorspace, given the areas needed to provide access and servicing of that residential use. This is all within two buildings of reduced footprint compared to the existing store, which reflects the need to increase public open space within the site, again as sought by Policy S3.

This reduction to Class E floorspace will assist in the process of matching the proposed Class E floorspace to likely demand. The applicants advise in their Planning Statement that based on current trends, it is unlikely that there will be demand for a single retail unit of this scale in the future. This view is endorsed as noted above by the Council’s independent viability assessment consultants in their consideration of retail demand. Officers agree with this stance.

The forced closure of Debenhams has created the vacancy of a large quantum of retail space and the applicants seek to deliver a reduced, viable amount of Class E floorspace, which directly reflects the current and projected trends in the overall market. This is important so as to minimise the risk of extended vacancy of the new units which would undermine the town centre’s vitality and viability, contrary to the expectation of planning decisions by NPPF paragraph 86.

In respect of demand, the rate of vacancies of shop units in a defined area is a key indicator on how a town centre is performing, and data on this is collected by different organisations. GBC policy officers note that the Council’s latest retail survey, from March 2022, shows 60 vacant units in the Primary Shopping Area (13.5% vacancy rate). A recent report covering the health of Guildford Town Centre notes an alternative measure, by Goad, a national retail data source, which covers the wider Guildford Town Centre. This indicates that vacancies are well above national averages particularly in respect to floorspace. The Goad survey data from July 2021, when town centres were experiencing higher rates of vacancies due to the impact of COVID-19 on businesses indicated 98 vacancies in Guildford Town Centre. The most recent Goad survey data for May 2022 showed that the number of vacant units was virtually the same, at 96. This equates to a unit vacancy rate of 16.6%, which is above the Goad national average of 13.8%.

Accordingly, there are alternative premises available with which the units at the application site would have to compete. Officers consider that the application units would have the benefit of a location fronting the river, which could attract a wide range of Class E occupants, including Food and Drink establishments but, that with a reduced overall quantum of floor space at the site, these uses would not pose a threat to the shopping function or character of the town centre, thereby complying with Policy E7(4)(d).

Instead, the proposed demolition and new residential led redevelopment, which also includes a commercial element will secure investment and regeneration in the surrounding area, whilst contributing to Guildford's overall housing need. The addition of housing in an area where there is currently none could help to enhance the vitality of this part of the Town Centre.

Overall, it is considered that the reduction in the quantum of retail floorspace and its replacement by a reduced amount of flexible Class E floorspace is appropriate for the Town Centre Secondary Shopping Frontage location, whilst enabling the scheme to contribute to Guildford's overall housing need. Accordingly, this complies with the relevant paragraphs of NPPF chapter 6 and with LPSS Policies S3 and E7.

### **Viability – what quantum of policy-compliant affordable housing can be delivered**

LPSS Policy H2 (2) seeks the provision of at least 40% of dwellings in schemes of 11 or more units to be affordable housing. However, paragraph (6) advises that if developers satisfactorily demonstrate that meeting the policy requirement would not be economically viable, the Council will consider varying the tenure mix and/or reducing the overall number of affordable homes to assist with delivering a scheme. The original application for 215 dwellings over 2170 sqm of commercial space proposed nil affordable housing, and to justify this, in accordance with LPSS Policy H2(6), the applicants submitted a Financial Viability Assessment (FVA) report with the submission prepared by Gerald Eve, (GE). The FVA concluded that the appraisal demonstrated a return of 5.7% profit on Gross Development Value, (GDV), equating to a deficit of -13.9%, on the target rate of return of 19.7%. Thus the proposed contribution package comprising nil affordable housing plus financial obligations of circa £1.3 million represented the maximum reasonable levels that could be anticipated by the Council and any further contributions would diminish the return of the scheme and overall deliverability. In summary, the scheme was not viable, even with nil affordable housing provision. This FVA relied on a Benchmark Land Value (BLV) calculated in accordance with national and local planning policy and viability best practice guidance in the Planning Practice Guidance. This is based on the site's Existing Use Value ('EUUV') plus a reasonable site-specific premium having regard to planning policy. The BLV used was £7.9m, which was considerably lower than the acquisition cost for the site quoted by the applicant, which was not used. A lower BLV makes a new proposal more likely to be viable and thus able to support affordable housing provision.

The Council appointed viability experts, BNPP, who undertook a review of the applicant's GE viability report and following clarifications, published their findings in June 2022. However, these findings are no longer relevant, given that the applicant submitted an amended scheme with changes to both income and build costs due to the reduced number of dwellings, (185), of which five would be (lower value) shared ownership affordable units, and a slightly reduced quantum of commercial floorspace, in smaller buildings. The changes necessitated an FVA Addendum, submitted by GE in August 2022, which suggests a scheme profit of 0.4%, i.e., 19.2% below the target value. The Council commissioned a further review by BNPP, published in October 2022, in order to review the viability of the scheme for which planning permission is now sought.

In its review of the FVA Addendum, BNPP reiterates that its estimate of a lower BLV of £7.15m remains a generous maximum value. This itself improves scheme viability but has to be set against updated costs and revenues, including the revised s.106 financial contributions of £3.06m in place of £1.04m used by GE in the Addendum (having estimated the total prior to final consultation responses), which the applicant has more recently agreed to pay. BNPP reviewed the appraisal assumptions by GE, and notwithstanding a number of recommended adjustments, BNPP calculated that the scheme would now generate a deficit of £9.2m. However, as per good practice, BNPP also ran sensitivity tests for the Residual Land Value (scheme value minus costs), for the market residential, (adding 5% or 10% to sales values), or with marginally increased values for the commercial floorspace. These results all produced deficits ranging from £8.4m down to £1.9m

BNPP conclude:

“We have undertaken a review of the revised submitted assessment as prepared by GE. The revised proposed scheme includes 3% intermediate affordable housing, towards the Council’s target of 40% affordable housing. However, the proposed scheme has been adjusted to remove a number of private sale units. This, along with overall increases in build costs now render the proposed scheme as unviable and therefore unable to provide any affordable housing on site, even with the sensitivity testing as per our previous assessment. We recommend that the Council incorporate standard viability review provisions into the Section 106 agreement to establish outturn sales values and costs at the end of the scheme”.

It is evident from the latest Financial Viability Assessment Addendum as verified by BNPP that the scheme is not viable, and therefore cannot be required to provide any affordable dwellings. It therefore complies with LPSS Policy H2 in that the FVA Addendum satisfies the requirements of paragraph (6) of the policy to demonstrate that affordable housing provision would not be economically viable. Nevertheless, the applicant has offered a modest amount of affordable housing as a goodwill gesture, which the Council considers should be counted as a public benefit in both the heritage and overall planning balance exercises addressed below. However, to protect the Council from unforeseen improvements in the housing / commercial markets, and from reductions to construction costs, which might improve the scheme viability so as to exceed a reasonable rate of return, BNPP have recommended that standard review provisions be incorporated into the s.106 agreement. The applicant accepts this position and has agreed to a review mechanism should the scheme turn out to be sufficiently profitable. Officers consider this to be a prudent approach which is consistent with LPSS Policy S2.

### **Housing provision**

LPSS Policy H1(1) requires new residential development to deliver a wide choice of homes to meet needs as set out in the Strategic Housing Market Assessment (SHMA), with a mix of tenure, types and sizes of dwelling, appropriate to the site size, characteristics and location.

H1(3) requires that dwellings conform to the nationally described space standards, and H1(4) 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'.

Policy S3(3) ('Delivery of Development and Regeneration within Guildford Town Centre') outlines the strategy to make the most efficient use of land and accelerate housing delivery, including demonstrating the appropriate quantum of development and mix of uses.

### Dwelling tenure type and size mix

Addressing Policy H1, the matter of the mix of housing tenures has been addressed under 'Viability'. The five affordable dwellings offered by the applicant are intermediate tenure, given that they are located within a market unit context. The overall tenure proposal satisfies H1.

Turning to types being appropriate to the site size, characteristic and location, the Policy S3 and E7 requirements for the inclusion of the maximum possible quantum of ground floor commercial floorspace has been set out above under 'Principle of Development'. This results in the residential units having to share ground level facilities such as entrances and waste collection, and to be located at first floor and above. Given this requirement, which arises from the site's location within the Town Centre Secondary Shopping Frontage, Officers consider that it is appropriate that all the proposed dwellings take the form of apartments, rather than including some houses.

The proposed residential size mix would be as follows:

<b>Proposed Mix</b>			
<b>Overall Housing Mix</b>	<b>No.</b>	<b>SHMA % Req</b>	<b>Provided %</b>
1 bed	80	20	43
2 bed	69	30	37
3 bed	31	35	17
4 bed	5	15	3
Total	185		

Policy H1(1) is not intended to be applied in a prescriptive manner. It is a broad assessment of the needs required over the plan period and should be used to guide development proposals.

Accordingly, in assessing the application against the mix of unit sizes sought, to meet needs, consideration must be given to the justification for apartments as explained. It is typically more challenging to provide apartments which meet the need for four and five bed roomed dwellings in particular. Officers would note that the five on-site affordable homes comprise one-bedroom shared ownership flats, and it is noted that one-bedroom units represent the size category of greatest need for affordable dwellings. This is a public benefit associated with these five dwellings.

Generally, the highly sustainable location that supports commuting by public transport, the limited car parking ratio of the scheme, the need for the residents to accept living over Class E accommodation which could include outdoor seating, and the presence of public open space on three sides of the scheme which could generate some disturbance if not controlled by condition, all combine to confirm that the scheme is well-suited to dwellings for small households, albeit that there are also a few larger units. The proposed unit mix has therefore been informed by both the characteristics of the site, its immediate context and town centre location and the type of affordable housing needed in this location. This application is for full planning permission and thus offers the potential for early delivery of housing, which is required to meet the Council's housing targets, thereby contributing towards its five-year housing land supply.

Overall, it is considered that the combination of housing provision and of the tenure, type and unit mix proposed by the application, complies with policies H1 and S3 of the Local Plan.

### Accessible units

The scheme would provide for 10% 'accessible and adaptable dwellings' (Building Regulations M4 (2) Category 2) and 5% 'wheelchair user dwellings' (Building Regulations M4(3) Category 3) in this Town Centre location. Accordingly, it is compliant with policy H1(4).

Overall, the housing provided on the site would meet the policy requirements of policy H1 of the LPSS.

### **The layout and appearance of the development in relation to the surrounding area**

The NPPF in chapter 12 promotes 'achieving well designed places'. Paragraph 130 is applicable and states that planning decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 requires significant weight be given to:

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or
- (b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

LPSS Policy S3(5) requires new development to have regard to, inter alia, Policy D1, historic environment, street pattern, topography and views within the town centre of important historic buildings. S3(6) expects developments to contribute to achieving mixed uses with active ground floor uses, defined public and private spaces, an attractive and safe public realm, legible routes and improved access and views to the river Wey.

Policy D1(1) seeks to ensure that all new developments achieve high quality design that responds to distinctive local character, creating places with a clear identity, easy to navigate, with natural security and attractive overlooked streets and spaces. Saved Policy G5 of the 2003 Local Plan is a broad design code which has 10 sub-sections many of which are relevant to consideration for this scheme.

Aspects of the scheme relating to the wider townscape impact, permeability, and heritage impact are considered in separate headings below. The place and architectural character that would be created by the layout and design of the scheme are examined below.

### Success of the layout of the scheme in creating a sense of place

Two buildings would occupy the site. The smaller building (A) would be located closest to the High Street and to Town Bridge fronting the newly designed Civic Square. As such, it would present the backdrop to a public space. This area is designed to accommodate events, informal performance or just casual sitting on stepped seating near the river, functionally linked to and visible from the High Street, as a draw into the site compared to its current character as a landscaped area of no specific obvious role or connection to the river.

The ground floor of building A would be enlivened by the flexible commercial use (Class E) spaces, with an entrance facing the square, and glazing to both Millbrook and the riverside walk, the latter with scope for entrances. This would aid in creating interesting active frontages to each flank, along routes leading southwards from the High Street including via the riverside.

The two buildings would be separated by a new landscaped pedestrian street, aligned east west to divide the site into two blocks, which will enhance connection to the historic setting, with views towards the river or St Mary's church. This route will introduce visual interest and also pedestrian activity, since it would serve the residential entrances and reception lounges to both buildings. It would thus create a focused sense of arrival to both buildings as residential addresses.

Building B would be a more substantial building, contrasting to building A by being taller and with architectural differences described below. The ground floor would again provide flexible commercial space, (Class E) fronting the pedestrian street, the riverside walk and pocket park, where scope for a cinema is proposed under the podium between the two south-facing wings of the building. This will ensure that the new routes created around building B are active and interesting and would create a reason to linger in the park, which strongly connects the site to its setting of the mill pool and Town Mill. The Millbrook frontage of building B must by necessity provide vehicular access for the porte-cochere (accommodating all service activity on site) and the entrance to the basement car park but would still include a commercial frontage and entrance, so as to provide pedestrian activity. Thus, the layout would create buildings and surrounding spaces which would respond to their unique setting within the Town Centre and alongside the river Wey. Officers consider that these characteristics ensure compliance with the aspects of the NPPF and Local Plan policies that seek creation of distinctive, active and well-designed places. The scheme also improves permeability across the site over the current arrangement, by reducing the site coverage from 73% to 51%, dividing it into two blocks, and creating a series of linked new landscaped spaces and routes, including the introduction of a new east-west route across the site. This is explored further under Landscaping and Public Realm.

### Architectural design, bulk, scale and massing of the scheme

The design, appearance, scale and massing of the scheme as originally submitted evolved via a long pre-application process with Officers, as set out in the DAS. This has been followed by scrutiny of the proposal by statutory consultees and a Design Review Panel post submission of the application, all of which has informed the further discussions between the applicant and Officers, resulting in the amended scheme submission in August 2022. The comments below relate to the amended scheme.

The architecture, materiality and massing of each of the two buildings is distinctive, which provides contrast and interest to each, and with the intention of highlighting that they are separate but complementary structures. The massing has been altered in the amended scheme to emphasise the presence of two buildings, with building A now lower than B.



Building A, nearest Town Bridge presents a formal and symmetrical arrangement facing the Civic Square, but its two flanks have different form for the same architectural language, with the Millbrook elevation following the gentle curved alignment of the road, whereas the riverside walk elevation is parallel to the straight riverbank and distinguished by the recessed colonnade. The fourth side fronts the pedestrian street within the site and continues the style but accommodating the slope of the street and the presence of the wide residential entrance lobby. Thus, all four elevations are different but carry the same architectural approach. The seventh floor is set back on all sides, with a simple roof edge, to provide a visual top to the building from all views.

The building is proposed in 'biscuit toned' brick and stone to complement older substantial buildings in the Town Centre, such as nearby St Nicholas' church. It creates a sense of formality at ground floor via profiled brick arched reveals on all elevations, which also form the outer part of the colonnade to the riverside walk, reflecting the character of the nearby Rodboro Building. The design uses stone sparingly, via profiled stone bands to divide the elevations into a base, (which sits on a durable granite strip at ground level below the window line), a group of three floors, then a group of two floors under the cornice to the setback top floor, to create a classical horizontal proportion, and also by using concave stone columns to subdivide the elevations into vertical bays, and finally, via larger stone-faced elements, to emphasise the distinctive symmetrical form of the elevation fronting the Civic Square. The grain of the building is further expressed by use of dark coloured profiled metal window frames, spandrels under windows, alternate floor rounded corner balcony edges, and dark metal balustrades to balconies and the top floor terrace. The materiality of the top floor has been amended to comprise oxidised copper 'fish scale' tiles, which complement the roof finishes of the Yvonne Arnaud Theatre and St Nicholas' church. Large inset curved edge balconies dress each corner of the building fronting the Civic Square, reinforcing the residential role of the upper floors whilst creating a sense of interaction with the public space below. The architecture is thus traditional with contemporary interpretation, whilst generously reflecting the materials used elsewhere in the Town Centre, but without being too modern for its context.

Building B has a larger footprint at ground level, again distinguished by following the gentle curve of Millbrook, contrasting to the straight riverside walk elevation, which continues the colonnade from building A. The corner where the mill pool adjoins the main river incorporates a deeper colonnade under a rounded corner which recalls at smaller scale the Debenhams curve at that point. The main difference between buildings A and B is apparent from across the river and mill pool, where the two wings of building B are visible, forming a U-shaped enclosure to the first-floor podium garden, which itself sits on a concave ground floor, being set back to create the space for the pocket park. The two wings step down by two floors, creating generous terraces at their respective southern ends, thus softening the scale and mass of the building where it adjoins the river and mill pool, especially when seen from the front of the listed theatre and mill buildings. Officers consider that this footprint and upper floor massing responds to the specific characteristics of the site and wider setting.

The larger building is similar in architectural language to building A, so that the two buildings form a single composition, but it is distinguished by materials and detailing. It is a red brick building which continues the theme from building A with profiled ground floor arches around the majority of the building, again forming the outer face of the colonnade fronting the riverside walk. However, building B does not rely on stone to express the subdivision and grain of its elevations. It uses the same horizontal banding approach but via deep brick soldier courses to create a base, under groups of three floors, two floors, and one floor, above which is a recessed top, whilst it maintains a vertical emphasis by use of brick columns across the building facades and profiled brick panels as fenestration detailing. The setbacks at upper levels of the two wings provide interest and reduce the bulk.

Curved elements also with profiled brick are detailed on the corners of this building, which provide a link to other nearby buildings whilst being distinctive. The amendments included removing some projecting balconies close to the rounded corners to better emphasise the form of the building, as requested by Officers. The setback roof floor is faced with terracotta hung tiles, to distinguish it from building A, and to reflect the colour and character of roofs in the Town Centre.

These design details and the architectural approach, which together modulate the massing by articulating the elevations, are considered to create attractive buildings of high quality appearance in durable materials, distinctive rather than non-descript, and yet grounded in the character found elsewhere in Guildford Town Centre. The layout creates active ground floors on all frontages and public spaces with clear functions that respond to their settings, thus establishing a sense of place for the scheme. Accordingly, the proposal satisfies the relevant requirements of Policies S3 and D1.

The Design Review Panel, (DRP) reviewed the original scheme in January 2022, and concluded that:

'the design of the public realm is a strength of this scheme, though making it greener and more consistently accessible would improve it further. The critical issue is that the proposal does not make the most of the opportunities of the site, nor does it do justice to what is one of the most prominent and important sites in the town centre. Significant design development is required to ensure the scheme responds satisfactorily to the townscape and heritage context and provides high quality internal spaces.'

The key recommendations were:

- do more to reference and respond to the townscape and heritage context.
- reduce the number of single aspect flats.
- 1. explore the position and angle of the central link lane to improve the massing of the northern block and the connectivity from the town centre.
- 2. make the two buildings more distinctive from each other.
- 3. ensure that the civic square is active and comfortably accessible.
- 4. widen and green the river walk and ensure it is always publicly accessible.
- 5. increase the urban greening of the whole site.

The assessment of Urban Design and Townscape summarises the issues relating to layout, architecture, massing, appearance, and impact on the Town Centre that the DRP considered to need further exploration:

'One of the key characteristic qualities of the heritage and character of Guildford is the way the buildings and rooflines follow the topography, creating a layering across the banks on the east and west side of the river Wey. We have reservations, based on the views shown in the Townscape, Visual Impacts and Built Heritage Assessment, about how the design responds to these townscape and heritage qualities, and to the listed buildings and conservation area around it. More needs to be done to reference and respond to these and demonstrate different options to explain why and how this proposal has the best possible impact on its surroundings.

The existing building is strikingly large, and in some areas its proportions, height and curves work well. We are supportive of the smaller footprints of the proposed new buildings which reduce the mass. However, we would like to see the option of further breaking up or subdividing the blocks explored. This could better integrate the proposal with the architectural qualities of the buildings and townscape around it. It feels overly simplistic at the moment, and more subtlety and more variation would be beneficial.

This could be explored in relation to how the public realm interacts with the architectural form, the footprint of the buildings and their relationship to context, the spaces created by the buildings, and their detailing and facades. The position and angle of the residential lane could be reconsidered to mitigate the massing of the built form and improve the connectivity and visual permeability of the proposals.'

Officers gave careful consideration to the DRP's comments which informed design workshop discussions with the applicant aimed at exploring the options to achieve the relevant revisions. The main exception was the DRP's suggestion 3 to alter the alignment of the pedestrian street, which as originally proposed, Officers considered to represent a townscape improvement, and which Historic England found to be a heritage benefit. The changes which comprise the amended scheme are described above, and Officers consider that these have addressed the key recommendations apart from number 3, in respect of which they agree with the applicant and Historic England that no alteration was needed

### **Impact on wider townscape**

NPPF Chapter 12 paragraph 130 noted above is also relevant to consideration of the townscape impact of a development. In particular, it seeks to ensure at (c) a sympathetic approach to local character and history, the surrounding built environment and landscape setting.

LPSS Policy S3(5) requires new development to have regard to (c) important views into and out of the town centre from the surrounding landscape, and (d) views within the town centre of important historic buildings.

Policy P1 (3) advises that great weight will be given to the conservation and enhancement of the natural beauty of the Surrey Hills AONB and development proposals must have regard to protecting the setting. The AONB includes the wooded hilltops either side of the valley in which the Town Centre is located.

Policy D1(1) requires new developments to respond to distinctive local character, (including landscape character); and (4) to take account of SPDs.

The Guildford Town Centre Views SPD 2019 provides guidance implementing LPSS policy, in particular S3 and D1. It covers how to manage change in key views with the aim to retain the character of Guildford, including the ability to appreciate key heritage assets and to understand the relationship of the town with its landscape setting. It identifies 16 key landmark buildings which are noted as focal points in key views. These have informed the list of 15 viewpoints, relating to the river corridor, approaches to the town, and the town centre that are deemed to be important in the context of Policy S3. However, it is noted that these do not preclude other views being valued and a material consideration in respect of specific planning applications.

The specialist assessment of impact on heritage assets is addressed under a separate heading below, but here the impact of the scheme on selected viewpoints towards the site from within and beyond the town centre is examined. This includes views in which the wooded hilltops within the Surrey Hills AONB, either side of the Town Centre can currently be seen as a backdrop to the site which thus forms part of their setting, which is protected by Policy P1 (3).

The application was supported by a Townscape, Visual Impacts and Built Heritage Assessment, (TVIBH), October 2021, which formed Volume 2 of the ES. This examines the impact of the scheme from forty-two viewpoints which were agreed with GBC Officers at pre-application stage. It explains that the viewpoints selection was informed by a 'Zone of Visual Influence' study (which showed where a building of a defined height could be seen), taking into account views identified by GBC as significant, (e.g. in the Town Centre Views SPG), other sensitive locations such as the setting of listed buildings and from conservation areas, 'representative' locations from where the development would be seen, and locations where there is extensive open space between the view and the site so that it would be prominent rather than obscured by foreground buildings. The viewpoints covered the range of points of the compass from which the development would be visible, a range of distances, and different types of townscape area. These were all visited before being agreed with GBC. The photographs used to produce the images, whether 'fully rendered' or 'wireline' are 'verified', to ensure that they are accurate representations. In addition, the images created are required to include the cumulative effect of other approved large schemes, so that the proposal can be appreciated in the context of the emerging townscape.

An addendum to the October 2021 TVIBHA was prepared to demonstrate the effect of the lower, amended scheme on the forty-two verified views. Officers consider the TVIBHA as important in assessing the wider impact of the two buildings as now proposed on Guildford and its AONB setting. However, it is stressed that any such view is, literally, a 'snapshot', and that buildings are experienced in their settings in a dynamic manner, as the observer moves around. Thus, whilst a key view could be adversely impacted by a proposal, it is important to appreciate that a slight repositioning of the viewpoint could have a very different result. Accordingly, it would be inappropriate to judge the townscape impact of a proposed development solely via the TVIBHA process. The applicants advise in the Addendum that:

"The Proposed Development would have a beneficial effect of major significance on the townscape character area [TCA] in which the Site is found (TCA A – Historic core). Of the remaining townscape character areas assessed, only TCA B – Riverside, would be subject to a significant effect. In that instance, the significance would be 'moderate to major' and the effect would be beneficial"

They further advise that there would also be no change to the cumulative effects assessment on townscape set out in the TVIBHA.

Officers have undertaken their own assessment of the forty-two views with the amended scheme, and the Urban Design Officer has appraised 16 which are considered to be of greatest significance. The comments on these views are summarised as follows:

View 9 –Outside 57 Quarry St: only building B visible – simplified form sits comfortably with St Mary's church in foreground;

10 – Caste Motte looking nw: building A sits below the wooded skyline of the opposite hill; Materials palette sit comfortably with the townscape context; building B step backs create soft relationship with the surrounding roofscape;

11- Town Bridge looking se: building A is visually dominant but height and massing help to minimise massing and appearance;

12 – High St / Millbrook: building A appearance relates to St Nicholas' church and to existing townscape; Civic Square design creates visual link between A and St Nicholas';

13 – The Mount looking east: building A would be seen over the roofline of St Nicholas' church but the church would remain the main focal building;

19 – Millmead embankment: whilst building B would be taller than Debenhams, the stepping down of the two wings either side of the open [podium] would significantly reduce the perceived bulk and mass of the building; the corner design and walkway would refine and animate the important corner of river and mill pool;

21 – Millbrook at Rosemary Alley: building B would step down to the Town Mill; the textured brickwork detailing would complement the mill building detailing; the lighter materials and detailing of building A would sit comfortably with B; the greening would enhance the Millbrook frontage and the existing green space by Town Mill; overall, the proposals would enliven Millbrook and enhance this approach to the Town Centre;

22 – North Street looking up Friary Street: the light colour brickwork of building A would reflect the materiality of Friary Street, and set it apart from B, thus marking the gap between the two buildings and visually turning the corner; the height and lighter colour scheme of A would minimise over dominance in the streetscene;

23 – Friary Bridge: the height and materials palette of building A and stepped massing of B would help the scheme to assimilate within the townscape;

24: Millmead GBC entrance: the elevation visible limits the effect of the stepped wings to reduce the massing; the window size would accentuate the overall scale and mass of the building and would appear at odds with the general scale and character of buildings on the opposite side of the river;

25 – Portsmouth Road at Bury Street: the scheme obscures views to the tower of Holy Trinity Church which is an important landmark on the skyline, and also the top of Abbot's Hospital;

30 – Castle Street at Tunsgate: the proposed building would sit between St Mary's church tower and the wooded hillside beyond, but only the top floor of building A would be visible over the existing roofline, which would ensure that views continued to extend to the landmark of St Nicholas' church and the wooded hillside;

31 – Millbrook at bus stop J: notwithstanding the stepped ends to building B, it would be seen over the roofline of Town Mill, resulting in an adverse effect on the setting of that building and overall composition of the view;

35 – Park Street / Onslow Street: the scheme would sit behind the tower of St Nicholas' church, obscuring views of the wooded skyline and castle beyond;

40 – High Street / Chapel Street (outside Boots): building A would sit just below the wooded skyline of the opposite valley side; the light colour would make the part of the building seen subservient to the historic High Street buildings in the foreground;

41 – High Street / Quarry Street (outside Starbucks): building A's top floor would be partly visible over 32 – 34 High Street but would be unlikely to be incongruous to the historic roof pattern.

Thus, of the 16 viewpoints identified by the Urban Design Officer where the scheme could have the most significant impact on townscape, their view was that the proposal would result in adverse impacts in four views, (24; 25; 31 and 35), possible minor adverse impact in two views, (11 and 22), and acceptable impact in ten, (9;10;12;13;19;21;23;30;40 and 41). Consequently 36 of the 42 views that GBC considered should be tested are not adversely affected. Whilst this does not mean that the remaining viewpoints that suffer adverse impact are not of significance, they are nevertheless a small proportion of the total, as seen from distant to nearby locations, reflecting the limited effect of the overall heights, the stepping down and the materials palette proposed in the amended scheme. The Urban Design Officer concluded 'overall, the amended scheme is a balanced design response to the post submission Design Review Panel, Officer and consultee comments. It enhances the new and improved areas of public realm and the pedestrian environment on Millbrook. The proposals have considered the setting of the buildings, in terms of height, massing, materials palette and detailing.' In summary, whilst the proposals do result in some adverse impacts on townscape in certain views, which must be considered as causing harm in the planning balance, in a much larger number of views, they have a neutral impact, or make a positive contribution to the character of the Town Centre, whilst preserving key identified views, including those of the wooded hillsides either side of the Town Centre which are of significance. When taken with the positive place-making and enhancement to public spaces, the scheme is considered to comply with national and local policy and guidance, in particular [the relevant parts of] Policies S3 and D1 of the LPSS, Saved Policy G5 of the 2003 local plan and Chapter 12 of the NPPF.

Officers would add that the Urban Design Officer's overall assessment, which includes the scheme's impact on views of the wooded hilltops from and across the Town Centre, also confirms compliance with LPSS Policy P1 (3) which requires the protection of the settings of the Surrey Hills AONB.

### **Impact on the AONB / AGLV**

Policy P1 of the LPSS notes that the Surrey Hills Area of Outstanding Natural Beauty (AONB), will be conserved and enhanced to maximise its special landscape qualities and scenic beauty. In addition, development proposals in the Area of Great Landscape Value (AGLV) will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself.

It is noted that the site is not within either the AONB or AGLV. However, both the AONB and AGLV are situated to the south of the site, approximately 250 metres away in terms of the AGLV and slightly further in the case of the AONB.

It is acknowledged that some respondents have raised concerns about the impact of the scheme on these designations. While the submitted Townscape and Visual Impact Assessment has primarily assessed the impact of the scheme on views within the urban area, a number are also taken from within, or close to the AONB and/or AGLV. View 04 is taken from St. Catherine's Hill facing the town centre. The scheme would now, in the main, be set below the tree line and from this vantage point it would not have a harmful impact on the special landscape qualities and scenic beauty of the AONB or the setting of the AONB or its distinctive character. In other views it is noted that the proposed development would be visible. For instance, view 05 is taken from the Hogs Back looking back towards the town centre. Given the surroundings, the proposal is considered to blend into the existing built form and it would not appear conspicuous from this vantage point or harmful in terms of either the AONB or AGLV.

Overall, taking into account the amendments which have been made to the application, the proposal would not have a harmful impact on the special landscape qualities and scenic beauty of the AONB or the setting or distinctive character of the AONB. The proposal is therefore deemed to be compliant with policy P1 of the LPSS in this regard.

### **Impact on heritage assets**

Heritage Assets are defined in the NPPF as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the Local Planning Authority' Relevant to this application, they include listed buildings, locally listed buildings, scheduled monuments, registered parks and gardens and conservation areas. The site is located within the Millmead and Portsmouth Conservation Area and is in close proximity to the Town Centre Conservation Area, the Wey and Godalming Navigations Conservation Area, as well as the Bridge Street Conservation Area. There are also numerous listed buildings, and scheduled monuments and a registered garden within the local and wider area around the site.

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 ... 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 'with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

NPPF Chapter 16 sets out the framework for decision making in planning applications relating to heritage assets and this section of the report 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 197 requires local planning authorities to take account, when determining applications, of a) the desirability of sustaining and enhancing the significance of heritage assets; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF 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'.

Paragraph 200 notes 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’.

Paragraph 201 relates to where a development will lead to ‘substantial harm’ to a designated heritage asset. Recent judicial authority on the meaning of substantial harm can be found in *The London Historic Parks and Gardens Trust v The Minister for Housing* [2022] EWHC 829 (Admin), particularly at paragraphs 32 to 54, to which Officers have had regard. In this case, neither HE nor the Council’s Conservation Officer consider there to be any instances of substantial harm.

Paragraph 202 requires that where a development proposal will lead to ‘less than substantial harm’ (LTSH) 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. This section of the report addresses the level and instances of less than substantial harm impact of the development as concluded by the Council’s Conservation Officer, whilst the heritage balancing exercise required by paragraph 202, in instances where such harm is identified, is set out in its own section below.

In respect of the LPSS, Policy S3(5b) requires new development to have regard to the historic environment.

Policy D3 states: (1) ‘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’; (2) ‘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’.

Saved Local Plan Policy HE4 states that planning permission will not be granted for development that adversely affects the setting of a listed building by virtue of design, proximity or impact on significant views. This however does not reflect the NPPF paragraph 202 balancing exercise which must be undertaken by the local planning authority in determining whether the harm is outweighed by public benefits.

Furthermore, Saved Policy HE7 states that new development should preserve or enhance the character or appearance of the conservation area and an applicant must demonstrate that consideration has been given to, (inter alia):

- a) the retention of buildings, groups of buildings, existing street patterns, building lines and ground surfaces and the impact on significant open spaces;
- b) the retention of architectural features such as walls and shop fronts and other features which contribute to the character of an area;
- c) the impact of development on the townscape and roofscape of the conservation area;
- d) the need to apply a consistently high standard of design and the use of good quality materials;
- e) the need to ensure the protection of trees which contribute to the character and appearance of the conservation area; and
- f) the need or scope to remove unsightly and inappropriate features or details.

Again, this policy must be applied in the context of the NPPF paragraph 202 balancing exercise.



Saved Policy HE9 will only permit demolition in conservation areas where:

- a) the existing building makes little or no contribution to the character or appearance of the area; or
- b) its potential for repair, retention and beneficial use is limited; and
- c) approval has been granted for a replacement scheme with an agreed timescale.

In addition, Saved Policy HE10 states that planning permission will not be granted for development which would harm the setting of a conservation area, or views into or out of that area. Again, this policy must be applied in the context of NPPF paragraph 202.

Saved Policy HE12 states that planning permission will not be granted for development which would detract from the setting of a park or garden of special historic interest. As above, NPPF paragraph 202 must be considered in the decision-making.

Given that the Saved Policies listed above do not conform with the need to balance as set out in national policy, Officers afford these policies limited weight. The emerging Draft Guildford Borough Local Plan Development Management Policies (Regulation 19) Post Submission Local Plan, (the draft LPDMP) contains policies that do reflect the NPPF balancing exercise requirement. Draft LPDMP Policy D16: (Designated Heritage Assets), states at (3) that development proposals which result in harm to, or loss of, the significance of a designated heritage asset will be considered in line with national policy and guidance. When adopted, this policy will accord with national policy and the requirement of LPSS Policy D3(2) which calls for the balancing exercise to be undertaken. It is however acknowledged that the draft LPDMP policies carry limited weight at present. Officers consider that for the purposes of assessing compliance with heritage policies, LPSS Policy D3(2) is the policy which should be afforded most weight given that it accords more closely with the requirements of national policy.

#### *Impact on the significance of the settings of surrounding listed buildings and scheduled monuments*

The Built Heritage Assessment, (BHA), forming part of the accompanying TVIBHA noted above under townscape impact) submitted to support the original application, assessed the individual significance of heritage assets identified within the study area. This heritage significance then informed the assessment of the sensitivity of each asset, which also takes account of the quality of the settings, so that the impact can be evaluated and then weighted. The overall assessment is expressed as a 'Likely Significant Effect' on each asset. The BHA states that 'there is no mitigation considered necessary [for any asset] during the completed development stage as it is built into the design process and all the effects are neutral or beneficial. Accordingly, the 'Residual Effects' of the completed development on the significance of the heritage assets remain unchanged from those previously identified [as likely] in the absence of mitigation measures.' That conclusion assumes that the BHA correctly assesses the scheme impacts on each asset, and correctly weights the significance of each asset.

The BHA was updated via an Addendum to take account of the changes to the proposal submitted in August 2022 as the amended scheme. It is the amended scheme that is considered in this section of the report.

In reviewing the BHA Addendum as an ES document, the Council's EIA reviewer commented on the methodology used as follows:

“2.15.2 The TVIABH [Addendum] report discusses at some length the changes that have been made to the development proposals to reflect the concerns and issues raised by consultees on the original scheme. The report concludes that the changes do not alter the outcome of the assessments and that where, for example, a moderate beneficial visual impact was identified in the original scheme, the same impact will apply to the amended proposed development, the rationale seemingly that the amended designs with reduced building heights and different façade finishes will be no better or worse than before. The same approach has been taken with respect to impacts to the setting of built heritage assets.”

[Officer Note: The applicant submitted the amended scheme to address concerns from consultees and Officers in respect of the impact of the original scheme on, inter alia, heritage assets, even though the BHA itself did not identify any adverse effect. The BHA therefore finds no reduction in harm, since it finds no harm originally. However, where an assessment of the original scheme by others has identified harm, Officers consider that logically, the reduction in height and massing would lessen visibility and thus reduce harm, as indeed noted by Historic England].

The EIA reviewer continued:

2.15.5 Significant concerns were raised by Historic England on the original scheme with regards to compliance with the NPPF and the method used by the Applicant to assess the effects on built heritage assets. The Applicant considers their approach to be consistent with the requirements of the NPPF and to have followed relevant guidance, including that published by Historic England.

2.15.6 .., the reviewer is satisfied from the Applicant’s response that they have followed established methods, guidance and best practice. From an EIA perspective, no further action is considered necessary.

2.15.7 The results of the assessment may be disputed by Historic England but as with townscape and visual assessments, there will always be a degree of professional judgment and opinions will vary between experts. The LPA will need to decide how much weight to attach to the relative professional opinions when coming to a decision on whether to grant consent.

In this regard, commenting on the amended scheme, Historic England, focused on nearby assets that they consider to be the most important and most affected, They found that “as a result of its massing, height and design, the development would introduce a considerable change to the prevailing building height of the surrounding townscape”, and that “although visibility and encroachment into the setting of numerous assets have clearly been reduced, there would remain clear harm to listed buildings and conservation areas where the development would still clearly be seen.” In assessing asset significance and the impact of the scheme, the Council’s Conservation Officer has noted the original comments of Historic England, but arrived at their own conclusions, expressing concern that the BHA Addendum ‘still maintains that the amended proposal would “enhance the character of the Millmead and Portsmouth Road Conservation Area” and that there would be “no harm to the heritage significance of any heritage assets as a result of the amended proposal.” The Conservation Officer concludes that this is clearly and radically contrary to their analysis and therefore they question the approach taken and whether a realistic assessment has been made.’ [Officer Note: The Conservation Officer comments are attached to this report as appendices].

On this basis, this section reports on the Conservation Officer’s assessments, alongside those that Historic England has chosen to make in respect of the most important listed building and conservation area assets. In all cases, references are to the range of ‘Less Than Substantial Harm’, (LTSH).

It is confirmed that the Conservation Officer has undertaken the assessment taking into account the scale, bulk and massing of a number of other developments that have planning permission (but are not yet built) within a 1km radius of the site, in order to understand if there is an impact of the proposed development in combination with these other developments. These cumulative schemes are shown in the TVIABH views, agreed with GBC in advance. They comprise those schemes that the ES noted have planning permission but are at different points in the development process, being:

6. Guildford Railway Station – permission for 438 units; construction under way
7. Guildford Plaza – 301 co living units; construction not started
- Guildford Park Road – 160 units – permission lapsed.

It is noted that the BHA study area extends to 1km from the application site together with the Cathedral. This area includes 153 listed buildings and 21 locally listed buildings. The Conservation Officer has reviewed the BHA and the 42 verified views in the TVIABH, from which 101 listed buildings and 4 conservation areas have been identified as relevant. The full version of the Conservation Officer's assessment of the impact of the proposal on the significance of these assets, which are examined as 23 individual or groups of listed buildings, is found on the Council's website but an overview is included in this report as follows:.

### **St Mary's church and Miles Tomb**

Conservation Officer: the scheme is considered, to some extent, to visibly challenge the intentional scale and prominence of the church within the hierarchy of the town, particularly regarding the legibility of its tower; building B does provide a calm backdrop, but the scheme compromises the setting of the green backdrop of Pewley Hill; there is harm due to the scheme's scale and dominance, but it is limited. *LTSH: Medium*

Historic England (HE): building B would loom over the church yard, causing loss of the special qualities of the church and its surroundings. *LTSH: Mid-range*

The scheme creates a new view of St Mary's church looking east from Millmead, currently not possible owing to the presence of the existing Debenhams building. This is a benefit. **Heritage Benefit: Very Modest**

### **St Nicholas church, High Street**

Conservation Officer: scale of scheme of a quantum which is considered, to some extent, to visibly challenge the intentional scale and prominence of the church within the hierarchy of the town, particularly regarding legibility of tower. In views 13, 23 and 35, the development would be more subservient to the church and tower; positively, the materiality of building A relates to the church and its immediate townscape; from views 12, 18, 26 and 41 harm is low – medium. *LTSH: Low/medium*

HE: prominence of church in views of the townscape is diminished, (e.g. views 12, 18, 26 and 35, where development would be harmfully large and visible behind the church or obscure it. *LTSH: Middle*

### **Church of Holy Trinity, High Street**

Conservation Officer: as shown by view 25, the views to the landmark tower are severed from the west. *LTSH: Low*

HE: view 25 shows development would entirely block views of the church diminishing its visibility within the historic townscape and harming its significance. *LTSH: Lower end.*

### **Cathedral Church of the Holy Spirit, Stag Hill**

Conservation Officer: Taking account of the Guildford Station redevelopment, this scheme does not worsen the interplay between the Cathedral and St Mary's church but does have a limited negative impact upon the visual relationship between the Cathedral and St Nicholas' church by reason of dominant scale and massing, and the greater height of building B compared with the church tower, which impacts on the latter's legibility. *LTSH: Low*

### **Guildford Castle Keep / remains of Shell Keep / Private Apartments, Guildford Castle**

Conservation Officer: the scheme sits comfortably below the treed skyline of the opposite valley side, which assists in enabling it to sit cohesively with the layered historic roofscape of the town's core, which is welcomed; nevertheless in some instances the scale and mass would appear incongruous as well as being a visual challenge between castle and river, e.g. view 16; the view / longstanding intervisibility between castle keep / motte and St Nicholas' church is lost in view 10; *LTSH: Low*

HE: *LTSH: Lower end*

### **Castle Arch, Quarry St**

Conservation Officer: proposed development will not be viewed in conjunction with this asset. *No Harm to Significance*

### **Town Mill, and Yvonne Arnaud Theatre, Millbrook**

Conservation Officer: stepped end to building B has limited perceived bulk and mass; although height of northern end is discernible, e.g. view 20, the impact is not immediate allowing a somewhat comfortable and compatible relationship. *LTSH: Low.* The V shape of building B would be an enhancement over the current situation and would provide views towards the mill and theatre, currently unattainable, [Officer Note: This enhancement is a heritage benefit]. *Heritage Benefit: Medium*

### **Treadwheel Crane, Millbrook**

Conservation Officer: The height and materiality of building A allow it to sit proportionally comfortably within its immediate town and riverscape, having a beneficial impact on the setting of the Treadwheel Crane. *No harm to Significance*

### **Quarry Street, Nos 1-5, 6, 8, 8a, 9,11-12, 13,14 – 20, 43-44, 48 – 59, 55, 64 and Quarry Hill House**

Conservation Officer: building A height and massing limit the visual impact on Quarry St assets, particularly at High Street end; building B has some impact despite stepped end; given close proximity, overall scale, bulk and massing is a challenge to the prevailing domestic scale and grain of this group. *LTSH: Low*

## **Jellico Roof Garden**

Conservation Officer: the scheme, by virtue of its scale, massing and length, would sever views over towards the river and southwest part of the town, and to a degree, undermine the sense of connection between the garden and its surroundings; the scheme would be seen as a prominent, juxtaposing intervention contrary to the prevailing townscape and grain. *LTSH: Low/Medium*

## **5- 6 Millmead**

Conservation Officer: the existing department store's height at its southern end is 18.4m whereas the stepped end of building B would be 20.3m, so 1.9m taller; thus, the increase is unlikely to be noticeably legible. However, increase in height to northern end would be discernible, although not immediate in impact, allowing a somewhat comfortable relationship with the riverside setting. *LTSH: Low*

## **Millmead House, Weir House, Millmead**

Conservation Officer: by virtue of distance and screening, there would be limited impact. *No harm to significance*

**High Street: Nos 2-6, 23-37, 39, 43-45, 46, 54-56, 68-70,72 – 78, 71-83, 80-82, 90-92, 93-99,101-111, 117-119, Angel Hotel, and Lloyds Bank**

Conservation Officer: the proposed development would only project over the historic roofline of the properties on the south side of the High Street to a limited extent, resulting in a subservient and considered relationship that adds positively to the roofscape layering of the town centre, as seen in views 07, 12, 40, 41. *No harm to significance*

## **Nos 1 – 3 Bury Street**

Conservation Officer: although the proposed development would be partly visible, it would be limited and constrained in impact. *No harm to significance*

## **Caleb Lovejoy's Alms-houses and West Bury House, Bury Street**

Conservation Officer: the top of building A would be visible, but limited and constrained in impact; building B would be slightly more visible but not incongruous due to layering behind Hays House, seen in view 37, *No harm to significance*

### *Impact on the significance of the Millmead and Portsmouth Road Conservation Area*

The application site lies within the Millmead and Portsmouth Road Conservation Area, which covers a large area from the 'high end' of Bridge Street at Farnham Road to the north, as far south as the old boat house on Shalford Meadows taking in Millmead Terrace, Lawn Road and Flower Walk to the west. The Conservation Area consists 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 former Debenhams building is a dominant feature within the Conservation Area however, the building is not listed, or locally listed. Historic England confirm that they do not consider the current building to be listable.

They do judge it “sympathetic to the general scale of Guildford’s townscape”, and then note that “from a number of perspectives, retention of the building could be the most environmentally responsible course of action.” [Officer emphasis]. Officers consider that this is not a suggestion that the retention is sought from a heritage impact viewpoint, since HE continue “alternatively, the scheme could be further revised to reduce its scale.”, indicating that redevelopment is just as acceptable an approach if the scheme is supported.

As noted above, it has been suggested by the Twentieth Century Society and SAVE that the former Debenhams building makes a positive contribution to the Millmead and Portsmouth Road Conservation Area, and thus represents a non-designated heritage asset, for which they consider demolition to be unjustified in heritage terms and sustainability terms. They add that demolition would also have an unsustainably high negative carbon cost.

These comments reflect a view that the building makes a contribution to the significance of the conservation area, but they are also, as with the other comments, about retention, bound up with sustainability. In this regard, the difficulties of re-purposing the building were considered under the Principle of Development section, where Officers noted that such conversion could completely alter the building’s appearance and even scale and massing, and could have a high carbon footprint. These outcomes were seen to potentially negate the very reasons for its retention. Nevertheless, it is also necessary to consider whether there is a case for its retention as a non-designated heritage asset from a heritage perspective.

The NPPF paragraph 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

LPSS Policy D3 applies in this situation. The pre-amble paragraph 4.5.50 states that the historic environment includes many important heritage assets, both designated and undesignated that contribute to the borough’s character, sense of place and quality of life. The historic environment needs protection from inappropriate development. D3 (2) states that 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. This engages NPPF’s heritage balance exercise in cases where harm is identified.

Thus, if the former Debenhams building is considered to be a non-designated heritage asset, its complete demolition would be a case of harm to be assessed against the public benefits of the scheme via the heritage balancing exercise. Alternatively, the building could be considered to not have such designation, and thus to have a neutral impact on the character of the conservation area where its demolition would thus not harm the latter’s character. Officers have considered the views of relevant experts and relevant facts, to arrive at the judgement that the building does not represent a non-designated heritage asset, for the following reasons:

- Historic England have not considered the building suitable for listing, despite the fact that mid 20th century buildings of commercial use have been reviewed nationally and some are now listed; this view has not been altered by the proposed demolition of the building via this planning application; the most positive comment HE have made about the building is that it is ‘sympathetic to the general scale of the townscape’, which makes no judgement on the design itself; they continue to consider that redevelopment could be appropriate, and have not stated that demolition of the current building would have a harmful effect on the character of the conservation area;

- the Council has not designated the building as locally listed. The Guildford Town Centre Conservation Area Character Appraisal, (which covers the adjoining conservation area), states at section 1.6 ‘locally listed buildings ... are buildings which do not meet the national listing criteria but do have important local significance and are worthy of protection. Appendix 4 contains a summary of the criteria applied in their selection.’
- Appendix 4 states that the criteria for local listing are based on those used by HE for the statutory list, but the significance of a building’s architectural quality or historic associations is assessed with regard to the character and development of the local area. For buildings erected after 1939, only outstanding buildings that represent a particular architectural style will be included;
- the Council has not designated the building as a ‘Building of Townscape Merit, (BTM) The above Character Appraisal covers these at section 1.7, noting that they are buildings that make a positive contribution to the character and appearance of the area, having been identified during a survey process. There is a general presumption in favour of their retention;
- the Council’s Conservation Officer: has not identified the building as making a positive contribution to the conservation area; nor have they identified its removal as causing harm to the conservation area;
- the Council’s Urban Design Officer; has not identified the building as making a positive contribution to townscape;
- the site does not have a prior history of use for retail activity before construction of the current building, having been previously occupied by a timber yard. Accordingly, the building is not the most recent iteration of an important functional role of the site for the town;

There is no policy context to protect this structure other than it being within the Conservation Area. Saved Policy HE9 advises that demolition can be permitted where an existing building makes little or no contribution to the character or appearance of the area. It is also worth reiterating that its re-use was looked at carefully by the applicants but was dismissed as not feasible or viable without considering additional floors, which would themselves need to be assessed for impact on heritage assets. Overall, Officers consider the current building’s removal would cause no loss to the significance of the Conservation Area and would thus satisfy Saved Policy HE9 (a).

In terms of the impact of amended scheme on the Conservation Area therefore, the following considerations are made:

Conservation Officer: the buildings would be taller than the former Debenhams store, and their scale and mass would appear incongruous to the general human scale and the character of development within the Conservation Area; nevertheless, the height and materiality of building A and the stepping down of building B at the southern end, under a simple set back floor, in combination, significantly moderate their perceived bulk and massing. As illustrated in views 19, 23 and 24, the level of harm to the special character and appearance of the conservation area is at the lower end of the spectrum. *LTSH: Low*

HE: the scheme is much bigger than its surroundings and therefore it would disrupt the human scale of the historic townscape and diminish one’s experience of this in the conservation area; building B would cause considerable harm and disruption to the experience of this area of the Town Centre. A further concern is the route into Guildford along Millbrook where “notwithstanding the amendments and the proposed high-quality architectural detailing and finish, the buildings will still feel out of scale for the conservation areas (Town Centre and Millmead and Portsmouth Road). Therefore, harm to the character and appearance of the Millmead and Portsmouth Road conservation area would result”. *LTSH: Mid-level.*”

### Impact on the setting of surrounding conservation areas

Guildford Town Centre Conservation Area lies to the east of the site, with the Wey and Godalming Navigation Conservation Area and Bridge Street Conservation Area to the north, all in close proximity, and with intervisibility between the site and their respective areas.

The relationship between the application site and the wider area is relevant here, particularly in respect of Guildford High Street. Guildford developed on a natural ford over the river Wey at the point where it cuts through the chalk ridge of the North Downs, although despite the proximity to the High Street crossing point, the current building was behind buildings fronting onto High Street when erected in the 1960s, with these subsequently being demolished and replaced by the present open space which is proposed as the Civic Square. The important consideration is the relationship of the site to the Town Centre topography, being at the low point by the river, visible from both valley sides.

#### *Town Centre Conservation Area:*

Conservation Officer: in many areas, the scheme is assimilated with the townscape given its height, massing and materiality; in many views, e.g., 03, 07, 09, 10, 12, 17 30, 31, 40 and 42, the scheme appears subservient and has a considered relationship with the surrounding town and roofscape. Nevertheless, in some views, which are in the minority, the scheme leaves unresolved concerns relating to visual dominance, and challenge to the prevailing domestic scale; these are concentrated around the Millbrook boundary, thus having a more direct relationship with the scheme, e.g., view 21. *LTSH: Low end*

HE: scheme is much bigger than its surroundings and therefore would disrupt the human scale of the historic townscape and diminish one's experience of this in the conservation area; this harm is especially notable as seen in views 16 and 17 along Quarry Street, which has a wonderful historical character within which modern development cannot be seen. Building B would cause considerable harm and disruption to the experience of this area of the Town Centre.

[Officer Note: View 16 - Castle Cliff Gardens and 17 - the Bandstand east of the bowling green, Castle Gardens, both include upper floors of the residential towers Mount Court and /or Bishops Court and would also have visibility of part of the approved scheme for the Plaza; building B would be seen in front of these buildings. If HE meant view 09 – Outside 57 Quarry Street and view 15, - Rack's Court Quarry Street, it is noted that, again, the tops of Mount Court and Bishops Court can be seen at present].

The issue of scale also perpetuates in views from the Castle grounds, e.g. view 10, where the prevailing historic character of the low-scale historic town would be altered and the ability to appreciate it harmed.

The ability to read the topography of the town, which is a fundamental part of its historical reason for existing and is clearly readable within the conservation areas and within the resulting built form of the town, would be undermined due to the height of the scheme, as illustrated in views 10, 23 and 25. *LTSH: Mid-level*

#### *Wey and Godalming Navigation Conservation Area:*



Conservation Officer: the scheme would appear, to an extent, visually dominant in views out of this conservation area by virtue of its height, scale and massing, and thus would challenge the surrounding human scale townscape, Nevertheless, the architectural expression, materiality and detailing of the scheme, being well considered, would provide visual interest and a sense of place, and thus would be an enhancement to the setting of this conservation area. Thus, harm would result at the lower end of the spectrum. *LTSH: Low*

*Bridge Street Conservation Area:*

Conservation Officer: the southern stepping of building B is successful in avoiding its dominance surrounding St Nicholas' landmark tower and allowing the existing tree lined background to be seen; the lower height and materiality of building A aids to an extent with providing definition and identity between A and B in some outward views from the CA, e.g. view 26, thus avoiding the appearance of a single dominant mass, and contributing to softening their appearance in such views. However, in the outward southern views along the river Wey, e.g. 18 and 27, the scheme's scale, massing and dominance appear somewhat at odds with the existing townscape, as well as undermining the legibility of the river valley form, notwithstanding that the scheme would provide visual interest and a sense of place. *LTSH: Low*

Summary of conclusions on harm

The NPPF paragraph 202 balancing exercise which engages where a development will lead to LTSH to the significance of a designated asset, requires this harm to be weighed against the public benefits of the proposal so as to determine if the scheme is acceptable overall. This process is set out in its own section below, where the public benefits of the scheme are identified and assigned importance. However, to undertake the balancing exercise, it is necessary to account for the full extent of harm to significance of all heritage assets impacted, for a full appreciation of the full quantum of harm within the spectrum of LTSH.

The Conservation Officer acknowledges that 'the suite of revisions have, in the main, been successful at mitigating, reducing or overcoming the harm previously identified'. Whilst that demonstrates the rationale for the changes, it is still necessary to quantify the residual harm of the amended scheme for the balancing exercise. In this regard, for the 27 heritage assets (which includes groups of assets) which have been assessed by the Conservation Officer, the following impacts on their significance arise:

No harm to significance:	10	37%
LTSH: Low	14	52%
LTSH: Low/Medium	2	7%
LTSH: Medium	1	4%
LTSH: High	0	0

The Conservation Officer explains these assessments noting that the scheme has been informed to a certain degree by factors such as topography, urban grain, significant views, streetscape and character, and the settings of landmark historic buildings. They note that the highest level of harm identified is the mid-point on the spectrum, which applies only for St Mary's church. . With regard to the remaining assets,

- for the overwhelming majority of assets where harm has been identified, (14 of 17 individual or group assets, i.e. 82%), it falls into the *LTSH: Low category*, and
- for those where harm falls into LTSH: Low/medium, these represent two assets or group assets, (7%); this includes Grade II\* St Nicholas' church, so again, great weight applies to this harm.)

Officers note that for ease of reference the heritage assets have been assessed above as groups and exclude those within the study area without intervisibility, to focus the presentation of the findings on the affected assets. For complete thoroughness, the results are also presented with each of the 174 heritage assets, comprising listed buildings, locally listed buildings and conservation areas within the study area counted individually, as follows;

No harm to significance: 123 (71%)  
LTSH Low: 48 (28%)  
LTSH Low/Medium: 2 (1%)  
LTSH Medium: 1 (>1%)

It is necessary for the balancing exercise to acknowledge the substantial number of assets / groups of assets where the Conservation Officer has found that significance is impacted, and to afford considerable importance and weight to this harm. As paragraph 199 of the NPPF confirms, great weight must be given to the conservation of heritage assets regardless of whether the harm is less than substantial or substantial. Officers have applied this approach in their analysis. Where Historic England have made an assessment of buildings to justify their objection, their concerns are focussed on the three churches and the castle, where all but one, (St Nicholas' church) match the Conservation Officer's assessment; the exception, St Nicholas' church, is judged to have its significance harmed only slightly more in the view of HE. This generally endorses the Conservation Officer's summary assessment table above. However, there is a difference in their respective assessments of the impacts on the Conservation areas, where it would appear that HE has not taken account of the visibility of existing modern taller buildings or of the consented Plaza scheme in assessing the degree of harm likely in some highlighted views.

Officers therefore consider that the heritage balancing exercise should be based on the Conservation Officer's summary of harm to significance. This summary is that over a third of assets would experience no harm at all, and for 82% of those that would experience harm, this would be at the low end of the spectrum, leaving only 18% that would experience low/mid or mid-level impact. Considerable importance and weight is attached to the harm identified.

The assessment is thus made below in accordance with paragraph 202 of the NPPF as to whether the public benefits of the scheme outweigh the less than substantial harm identified to the heritage assets set out above. In undertaking this exercise, Officers will afford considerable importance and weight to the heritage harm identified and thus consider how the scheme performs against local plan policies.

In respect of the policy position, as explained above, Saved Policies HE4, HE7, HE10 and HE12 do not support proposals that cause harm to heritage assets, comprising the settings of listed buildings, conservation areas, their settings and the settings of historic parks and gardens. Accordingly, in view of the harm that is identified in all those circumstances from the proposal, it must be concluded that the scheme does not satisfy these policies. However, these policies do not incorporate the NPPF balancing exercise and accordingly, Officers afford them limited weight. In contrast, LPSS Policy D3 does require the impact of the proposal to be considered in accordance with case law, legislation and the NPPF, and on this basis, Officers afford the policy considerable weight. The balancing exercise is therefore required in cases such as this where harm to heritage assets has been identified. Where that exercise finds that the harm is outweighed by public benefits, the proposal can be found to satisfy the policy. This report sets out that balancing exercise below, and finds that the harm is outweighed, and consequently, Officers advise that policy D3 is indeed satisfied by this proposal.

## Archaeology

The application site is within an Area of High Archaeological Potential covering the historic centre of Guildford which is recommended for archaeological assessment and possibly evaluation under the guidelines set out in LPSS Policy HE11.

The application was supported by a desk-based archaeological assessment produced by the applicants' archaeological consultants, AOC Archaeology, informed by all available sources including the Surrey Historic Environment Record, in order to provide a thorough overview of the archaeological potential of the site and surrounding area.

The report concluded that there are no designated heritage assets on the site itself and that the current building contains extensive basements that will have removed any archaeological remains from within much of the site.

However, there is an area within the northern part of the site beneath an area of open space where archaeological remains associated with historic development along the High Street may still survive, although it is possible that this area may also have been disturbed by previous redevelopment work.

In order to clarify the archaeological potential of this area of the site, the report recommends that further archaeological investigations are required.

In consultation on both the original submission and the amended plans, the County Archaeological officer advised that because of this recommendation, it would be appropriate for a trial trench evaluation to be undertaken before any works commence on site, to clarify the nature, extent and significance of any archaeology present. This will be secured by a suitably worded planning condition.

## Landscaping and public realm

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and create places that are safe and promote health and well-being, with a high standard of amenity for existing and future users.

Local Plan Policy S3, under heading 'Place shaping and character and design of new development' requires at (5d) regard to be had to, inter alia, views within the town centre of important historic buildings, and at (6) schemes to contribute to achieving defined public and private spaces which are well-enclosed; an attractive and safe public realm; legible routes to move through a site giving priority to pedestrians and cyclists; and improved access and views to the river Wey.

Local Plan Policy D1 states that all new development (1) should be easy to navigate, provide natural security through layout and design with attractive, well-enclosed, and overlooked streets and spaces, with clear thought given to the interrelationship of land use to external space; (7) will be designed to maximise the opportunity for linkages between green spaces and public places and include high quality landscaping that reflects the local distinctive character.

In responding to comments from Officers, the Design Review Panel and statutory consultees the public open space areas have been increased in size and significantly redesigned for the amended scheme compared to the original submission. The changes include:

- increased greening and planting to the Civic Square, in substitution for the pavilion and the ramps, (replaced by platform lift), and via provision of a stepped lawned area to the Civic Square overlooking the river;
- adding green walls to the Millbrook ground floor elevation to building B, screening the porte-cochere;
- additional planters to the riverside walk which is widened via the colonnade;
- realignment of the pocket park to be closer to the river Wey, allowing a clear separation between general circulation, retail outdoor dining and play/ leisure next to the river; and
- the additional 'greening up' element of the amended development has increased from 0.25 to 0.28 hectares.

### Permeability, legibility, and safety of the public routes

The redevelopment of the site offers the opportunity to address the permeability and river access shortcomings of the present building, thus responding to the requirements of Policies S3 and D1. The proposal would introduce the desired 'U' shaped pedestrian only route from Town Bridge to the open space by Town Mill via the river's edge rather than alongside the traffic of Millbrook. This would start by crossing a redesigned Civic Square, which would signal a route to the riverside walk via steps and a platform lift, with the walk being very apparent by the setback of building A and its colonnade. Once at the riverside walk level, there would be a clear view as far as the mill pool, and whilst that would not itself indicate a route back to Millbrook, an intervening new pedestrian street between the two buildings would be visible as an alternative route. Once the corner to the mill pool had been reached, pedestrians would see a route under a wider colonnade, around the pocket park and up a slope to Millbrook via a further colonnade. The route would offer a very attractive alternative to Millbrook, and thus increase practical permeability. The pedestrian street would halve the scale of the current 'block', and create a new view to appreciate St Mary's, which satisfies Policy S3 (5d).

Importantly, throughout this new public realm, good surveillance would be offered by the flats and from the commercial units. Nevertheless, the Designing Out Crime Officer has expressed concern about the risk of anti-social behaviour at night, were these new areas of public realm to be open permanently, a view also expressed by the applicant. To address this, it is proposed that a condition allow the closure of the riverside walk and pocket park from 11.30 at night to 6am in summer, and 7am during GMT. This would be undertaken by the development concierge, with the closure of barriers and a gate to Millbrook. The barriers would be very transparent frameless glazed gates, which Officers have viewed in place at another scheme developed by the applicant at the Southbank in London. The pedestrian street is designed to be an enclosed space to contrast with the remainder of the scheme. On the boundaries of the site, there are existing wide spaces adjoining Town Bridge, the river, the mill pool, and Millbrook, where the site faces private parking. Accordingly, the immediate context of the site does not enable the formation of enclosed public spaces given the rationale for those spaces to be around the site's periphery. On this basis, this aspect of Policies S3(6) and D1(1) is not possible to satisfy for justifiable reasons. However, in all other respects, Officers consider that the proposal would very successfully satisfy Policies S3(6) and D1(1).

### Linked landscaped spaces

The amended scheme will continue to deliver four key linked green public spaces, incorporating play space, across the site, being:

- the Civic Square: 740sqm (including 84sqm of play space) which has been designed to be an inviting, flexible and lively space offering scope to sit close to the river, with new tree planting along the river and in a new area behind the pavement, thus reducing the traffic impact from Millbrook;
- the Riverside Walk: comprising 746sqm, designed as a green biodiverse corridor with planting along the river Wey, and a covered colonnade, so increased by 249 sqm compared to the original scheme;
- the Pocket Park: 751sqm (including 308sqm of play space) which has been purposefully designed to respond to the site's excellent southern orientation and its proximity to the water, and with building B's single storey commercial wing as an enclosing backdrop;.
- the Residential Street: comprising 417sqm, designed to be a welcoming outdoor lobby to the residential buildings, with planters, which creates a new framed view of St Mary's church from the Millmead 'Alice in Wonderland' open space, whilst at the same time allowing access for emergency vehicles when necessary.

The scheme also includes a residents' communal garden enclosed on three sides by building B, but with a wide-open view over the mill pool on the southern boundary.

The landscaping introduces 1,145sqm of extensive green roofs on the site (located across Buildings A and B) which will contribute to its urban greening features, as well as improving the biodiversity of the immediate area.

The scheme requires removal of the six existing trees of poor to moderate quality, which the Council's arboriculturist confirms is acceptable, in view of their condition, and the proposed increase to the number of trees on-site to 60, which equates to an uplift of 867%.

Officers consider that the layout and landscape design will create a series of linked green spaces in strong conformity with the objectives of Policy D1(7).

#### *Permeability improvements along the river and Millbrook, beyond the site*

Policy S3(6e) calls for schemes to contribute wherever possible to achieving improved access and views to the river Wey whilst Policy D1(7) seeks to maximise the opportunity for linkages between green spaces and public places. There are currently no adopted proposals for improvements along the river, but there is an aspiration of the Council to secure a pedestrian bridge between the site and the green space around the Yvonne Arnaud Theatre as a segment of a longer riverside route. Accordingly the applicant has been requested to provide two locations along the pocket park river edge suitable for a footbridge footing, with unfettered right of use and access for a bridge, together with a financial contribution towards improving riverside infrastructure, which could be applied to the provision of a bridge should this gain planning permission in its own right. The applicant has agreed to these provisions in the s.106 agreement as a means to further improve the permeability of the scheme.

The section 106 agreement would also include a contribution towards funding an SCC scheme for a cycle path between Godalming and Guildford, which would pass along Millbrook in front of the site. This would improve permeability by bicycle, thus encourage cycling.

Officers consider that these positive measures accord with policies S3 and D1.

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

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and create places that are safe and promote health and well-being, with a high standard of amenity for existing and future users.

Policy D1 of the LPSS states that all new development will be designed to maximise the opportunity for linkages between green spaces and public places and include high quality landscaping that reflects the local distinctive character. Policy H1 of the LPSS also requires the need for conformity with the nationally described space standards (NDSS), as well as creating places with a high standard of amenity for existing and future users. Saved policy G1(3) of the Local Plan 2003 states that the amenities enjoyed by occupants of buildings should be protected from unneighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell.

The applicant has confirmed that all of the proposed units would comply with the requirements of the NDSS. This means that the bedroom sizes, the amount of storage space etc within each unit is provided at a level which meets Government and LPSS requirements.

It is noted that the vast majority of the proposed dwellings within the scheme will have only a single aspect view. While this is regrettable, the Council does not have a policy which restricts or limits units with a single aspect. It is also acknowledged that some of the units, particularly those which front onto the passageway between the buildings, will at times be impacted by overshadowing and a more limited access to natural daylight. However, through discussions at pre-application stage and during the assessment, the applicant has laid out the floorplans in a manner which limits the number of units along the passageway which would be impacted in a negative manner. Overall, Officers are content that the majority of the proposed units would have an acceptable level of internal amenity in this regard.

It is also noted that there are instances where overlooking between individual units may be an issue. Again, the units on either side of the passageway may be more susceptible to overlooking impacts, however, through changes which have been suggested by Officers, the applicant has managed to arrange the units to ensure, as far as possible, that main habitable room windows and any balconies do not face each other. As such, Officers are of the opinion that this issue has been reasonably addressed by the applicant and that no unit would suffer from an unacceptable level of overlooking. Notwithstanding this it must also be recognised that these units are within a dense urban environment where some level of overlooking is to be expected.

In terms of open space for residents, the proposal provides a range of areas as part of the development. These include spaces which will be publicly accessible to all (such as the new civic plaza), the riverside walk and the pocket park opposite the Town Mill, as well as a private open space area which would only be accessible to residents of the scheme.

The private open space area would be provided within the side wings of building B. This would include areas of grass, landscaping, seating and low-key children's play equipment such as balance beams and play logs. In addition, to all of the open space being provided by the development it is also noted that future residents could also avail of the public parks and playgrounds which are very accessible to the site and include the Castle grounds, Stoke Park etc.

The current standards for open space in new developments are those set out in policy R2 of the saved Local Plan and the Planning Contributions SPD. This details the requirements for developments with 25 or more dwellings as:

- 1.6ha of formal playing field space per 1,000 people;
- 0.8ha of children's play space per 1,000 people; and
- 0.4ha of amenity space per 1,000 people.

Or a financial contribution towards improvement of existing open space in the area.

Based on the above figures, the proposed development should provide:

- playing fields - 7,400 sqm
- play space - 3,700m sqm
- amenity open space - 1,850m sqm

The amount provided in the scheme is noted as:

- play space - 345 sqm
- amenity open space - 1,891 sqm

The amenity open space therefore meets the policy requirement, but the playing fields and play space provision is either not provided or insufficient.

The Council's Parks Team note that the ward of Holy Trinity shows a shortfall in amenity green space, parks and recreation and play areas. It is noted that this development will increase the shortfall in play space and playing fields available in this area of the borough. In addition, the proposal does not fully meet the needs of the future residents of the development in this regard.

The Council's Parks Team has suggested that a financial contribution could mitigate the impact of the proposal in this regard. The contributions would be used to improve existing play spaces in the area, as well as improving the sporting facilities at Shalford playing fields. However, as will be discussed later in the report, this is not possible in this instance.

While the proposal would not provide enough play space and no playing field space it is noted that the surrounding area (not necessarily the ward that the site is located in) does have a wide range of both spaces which residents could use. These include Stoke Park which is only a 20-minute walk from the site, Shalford playing field which is a ten-minute walk away and play spaces at Westnye Gardens, Stoke Park and Foxenden Quarry. Given this, and the fact that significant amenity space and some play space is provided as part of the development, the amount of recreational open space provided is deemed to be acceptable.

Overall, the units provide a good standard of internal living space. In addition, a large private communal open space area is provided which would cater for both children and adults, along with various areas of publicly accessible open space areas. On this basis, the amenity of the proposed units are considered to be acceptable and compliant with policies H1 and D1 of the LPSS and policy G1 of the saved Local Plan.

### **Impact on amenity of surrounding properties**

Saved policy G1(3) of the Local Plan states that the amenities enjoyed by occupants of buildings should be protected from unneighbourly development in terms of privacy, access to sunlight and daylight, noise, vibration, pollution, dust and smell.

Although the site is located in the town centre, there are very few residential dwellings in the immediate vicinity. According to the Council's records the only residential properties which are within a relatively close proximity are 3 and 4 St Marys Terrace on Mill Lane and the apartments within the former Legion nightclub. There is also ancillary accommodation within the White House and Britannia public houses as well as potentially some residential accommodation within Hays House, which is an office building directly opposite the site on the other bank of the river.

The impacts on these properties will be assessed below. The impact on access to sunlight and daylight will be considered separately, in the section which follows. It is also important at this stage to note that all of these properties are situated in the town centre where an element of noise, disturbance and overlooking etc is to be anticipated. Urban living cannot be expected to offer the same level of residential amenity as one would get when living in more suburban or rural locations. This needs to be taken into account when considering the amenity of those residential dwellings that already exist in the vicinity.

#### **3 and 4 St Mary's Terrace**

3 and 4 St Mary's Terrace are located on Mill Lane and on the other side of Millbrook to the application site. They are both two storey terraced dwellings, which are set between office accommodation and other commercial uses. Their front elevations face onto Mill Lane, which is a narrow, cobbled street which has limited vehicular movements, however, the rear elevations of these properties face the busy Millbrook and directly overlook the former Debenhams department store. While the buildings are in residential use, their amenity is also compromised due to their surroundings.

Both buildings A and B would be visible from the rear windows of the properties. As such, many windows of the new apartments would face 3 and 4 St Mary's Terrace and it is also acknowledged that the proposed building would be taller and bulkier compared to what currently exists. However, the residential dwellings are separated from the site by Millbrook and an adjoining car park, at a distance of approximately 31 - 44 metres, depending on which window of Nos 3 or 4 is measured. The distance of separation in itself is sufficient to prevent any material overlooking or loss of privacy to either 3 or 4 St Mary's Terrace.

It is fully acknowledged that the proposed buildings are taller and bulkier than the current structure which occupies the site. It is also noted that the new buildings will be clearly visible from the rear windows of both numbers 3 and 4. However, the proposed buildings being visible does not automatically equate to harm and it is considered that due to the distance of separation, the proposal would not result in such an overbearing impact on 3 and 4 St Mary's Terrace that it would materially impact on their amenity.

As noted above, overshadowing and daylight impacts will be discussed separately in the next section of this report.



### The Legion, Millbrook

The former nightclub called The Legion has recently been converted into residential apartments. The Legion is located diagonally opposite the site on the other side of Millbrook. Due to its location and distance from the application site, the amenity of the apartments within the former Legion building would not be materially adversely impacted by the proposal in terms of overlooking or overbearing.

### The Britannia and White House

The Council's records indicate that both of these public houses contain an element of staff accommodation at upper floor levels. Both buildings are located a significant distance from the application site and are on the opposite side of the river. In addition, staff accommodation over a public house could not expect the same level of amenity as a private residence. Notwithstanding this, due to the separation between the sites, the proposal would not result in any harm to the existing amenity of the staff accommodation.

### Hays House

Although the Council's system indicates some residential use within this building, a discussion between Officers and one of the tenants indicates that this is not the case. The building is in sole occupation as office accommodation.

However, even if some residential accommodation existed to the front of the building on Millmead, they would still be separated from the site by approximately 35 metres and on the other side of the river. While the proposal would be clearly visible from the Millbrook side of Hays House, the distance of separation is such that there would be no material harm caused by way of either privacy or overbearing.

Overall, setting aside the daylight and sunlight impact considered below the proposal would not result in any material harm to the amenity of residential dwellings which are in the vicinity of the site. Therefore, the proposal is deemed to be compliant with policy G1 of the saved Local Plan.

### **Daylight and sunlight considerations**

The three areas for assessment of a development in respect of its impact on daylight and sunlight are:

- 1) the internal environment to be created for the proposed dwellings – i.e. the quantum of daylight and sunlight that the dwellings will receive;
- 2) the overshadowing effect of the proposed buildings on existing and proposed public and communal open spaces;
- 3) the impact of the proposed buildings on the quantum of daylight and sunlight received by surrounding properties, especially dwellings;

Applicable to all three issues, paragraph 130 of the NPPF states that planning decisions should ensure that developments create...places that are safe and promote health and well-being, with a high standard of amenity for existing and future users; Policy H1 of the LPSS also requires creation of places with a high standard of amenity for existing and future users.

For issue 1, NPPF paragraph 125c) states “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site, (as long as the resulting scheme would provide acceptable living conditions)”.

For issue 2, the LPSS Policy D1 expects all new developments to (6) create a high-quality public realm, and (7)...include high quality landscaping. The preamble notes that public realm should be designed in a way that contributes to pedestrian friendly environments. Officers consider that these expectations should be interpreted to ensure that public spaces receive a reasonable amount of sunlight.

For issue 3, saved policy G1(3) of the Local Plan 2003 states that the amenities enjoyed by occupants of buildings should be protected from unneighbourly development in terms of, inter alia, access to sunlight and daylight. Saved Policy H4 (2), supports residential development in the urban area of Guildford provided that it has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of access to sunlight and daylight. This is interpreted by Officers to include the occupants of the proposed buildings.

#### Issue 1: the amenity of the proposed dwellings

The amended scheme is supported by an “Internal Daylight and Overshadowing Assessment” (IDOA) revision (August 2022), prepared by consultant surveyors Point 2 for the applicants, which also assessed sunlight. This report updated the equivalent assessment for the original scheme (submitted in October 2021), to evaluate internal available “skylight” in the amended layout. It also included “extended analysis to address comments outlined within the independent daylight and sunlight review (dated 24/03/22) undertaken by Gordon Ingram Associates, (GIA), who were instructed by GBC”, This GIA review had been commissioned to evaluate the Point 2 results in the October 2021 IDOA and highlight matters requiring further investigation.

All daylight and sunlight assessments referred to in this August 2022 report were considered in accordance with the Building Research Establishment (BRE) Guidelines: ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’ 2011, together with the standards contained in the British Standard Code of Practice for Daylighting, BS8206, Part 2. This was to remain consistent with the October 2021 IDOA, which GIA advised was acceptable practice. Subsequent matters addressed by Point 2 in response to objections from nearby dwellings, reported below, have used the replacement 2022 BRE guidelines, since these were new calculations for different properties. The BRE Guidelines advise at paragraph 1.6 “the advice is not mandatory, and the guide should not be seen as an instrument of planning policy, Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.” This reflects NPPF paragraph 125 and is frequently quoted in the daylight / sunlight surveying industry as justification for the need to note that in urban locations, where townscape and urban design issues may influence design considerations, a planning balance in relation to daylight and sunlight effects needs to be found, taking account of a site’s location.

Assessments of daylight and sunlight received by rooms are made from the results of calculations of “Average Daylight Factor”, (ADF), which establish the light received within a room given its extent of a view of the sky, and of “Annual Probable Sunlight Hours” (APSH) for rooms within 90 degrees of due south, The BRE Guidelines set percentages of rooms that should meet standards for these calculations, although kitchens can be excluded from combined Living/Dining/Kitchen (LDK) spaces, since they are usually artificially lit, whilst bedrooms do not carry the same expectation for natural light, and so are acceptable with lower value results.

It is industry practice to test a representative sample of rooms rather than all, but in response to a comment by GIA, an 'extended assessment' was undertaken via extrapolation to provide an indication of the results for the entire scheme.

The revised IDOA report, addressing ADF, notes that the results of the Average Daylight Factor ADF assessments show that 221 out of 267 assessed habitable rooms, (83% of those assessed) will enjoy good levels of daylight in accordance with the BRE guidelines. This covers 52% of all habitable rooms, but the extended assessment which extrapolates the sample results across the scheme demonstrates consistent overall ADF compliance, also at 83%. The majority of living/diner (LD) spaces retain daylight levels that far exceed the BRE's suggested target values. In fact, a number of LDs that do not meet the target are affected by balconies on flats above, and it is noted that since the revised IDOA was published, a number of projecting balconies on building B have been replaced by Juliette balconies, to simplify the design at the rounded corners. Accordingly, the number of LDs impacted by balconies would now be fewer. Notably, the majority of the assessed rooms that do not meet the classification target values are bedrooms.

The report concludes on ADF results "In summary, the ADF analysis records good levels of retained internal daylight, particularly to LDs and LDKs, where daylight levels are considered more sensitive given the nature and time spent using those spaces."

In respect of the APSH analysis the revised IDOA states "Sunlight potential within urban environments is inherently more restricted and dependent on the orientation of the proposed development. The APSH methodology has been isolated to assess only those rooms that have a window facing within 90° of due south. The results demonstrate that 117 out of [the sample] 138 assessed rooms (85%) will be BRE compliant. The extended assessment comprising the extrapolation of the sample results across the scheme demonstrates consistent overall APSH compliance", again at 85%.

The GIA review of the October 2021 IDOA advised that the compliance rate for the scheme is in line with expectation for a large development with projecting balconies. It noted that the eastern facades of the buildings follow the line of Millbrook, and as a result a significant number of north-easterly aspect LDs are proposed, which will see limited sunlight, but would receive good access to daylight. In respect of the sunlight, the nine LDs that fall short of the APSH annually due to their location beneath a projecting balcony would all meet the BRE recommended level of winter APSH. In fact, these rooms would receive an annual APSH of 23% or 24%, which is only marginally below the recommended level of 25%. Furthermore, Officers note that the subsequent reduction in the number of balconies in the amended scheme would improve the compliance rate.

The IDOA concludes "Overall, it is our view that the proposed habitable rooms will have good levels of compliance with the BRE guidelines and demonstrate that the new dwellings have been designed to harness natural daylight and sunlight availability wherever possible."

The GIA review had confirmed that the first IDOA had been undertaken in accordance with the published guidelines, and as this has not altered for the IDOA review, Officers consider that this advice remains correct. Thus, in respect of Issue 1, the internal daylight and sunlight levels for the proposed flats, the analysis finds a high proportion of the LDs satisfy or exceed the BRE Guidelines, and in other instances, target levels are nearly met, or rooms would receive very good daylight levels even if not oriented to receive much sun. Additionally, some are likely to achieve better results than recorded where balconies are now omitted above.

There are consequently a limited proportion of LDs with results that do not meet the target values, for example facing across the pedestrian street, which has a width designed for townscape considerations to reflect the scale of minor streets in the Town Centre, and to better frame the view of St Mary's church. The impacts on those particular units should however be assessed in the context of the daily sunlight that will be received by that street, particularly over the summer, due to its east-west orientation, as noted in the heading on open spaces. This will mean that their outlook will be of a dynamically changing bright space. Officers note that the BRE Guidelines and NPPF paragraph 125 (c) acknowledge the need for flexibility in these assessments, to reflect other planning objectives. Since GIA concluded that the overall results were acceptable in that context, and the amended scheme reduces building A's height and adds terracing whilst removing balconies to building B, the same conclusion should apply to the current proposal. Accordingly, Officers conclude that the scheme satisfies Saved Policy H4(2) in the context of NPPF paragraph 125 (c).

Issue 2: Impact on existing and proposed public and communal open spaces

It was necessary to evaluate the impact of the scheme on its own proposed amenity areas for public and residents, and also on existing open spaces around the site available to the public. A total of 3 amenity areas within the site were assessed in the October 2021 IDOA, and 10 amenity areas surrounding the development were assessed in the October 2021 ES Chapter 8: Daylight, Sunlight and Overshadowing, which covered impact of the scheme on sensitive receptors off site. GIA advised that the ES correctly assessed that the 3 on-site and all 10 off-site amenity areas would experience a negligible impact in terms of overshadowing as they would all meet the BRE target criterion for Sun Hours on Ground, (SoG). The criterion is that for an amenity area to appear adequately sunlit throughout the year, at least half of that space will achieve 2 hours sunlight on the Spring Equinox, 21st March. However, GBC considered that on site, the pedestrian street, and off site a further 3 open spaces adjoining the river close to the site should be assessed, and these were included in the revised IDOA and ES Addendum respectively in respect of the amended scheme.

Within the application boundaries, the open areas including the residential street were tested for SoG on 31 March as required, but also on 21 June, for summer months when spaces are most likely to be used. The results were as follows:

Civic Square;	82.4% of the area, March 21	92.5% June 21
Pocket Park:	100% of the area, March 21	100% June 21
Residents' Podium:	94.5% March 21;	95.6% June 21
Pedestrian Street:	28.7% March 21;	99.7% June 21

The revised IDOA states "The SoG methodology demonstrates full BRE compliance to the 3 main amenity spaces on March 21st. The [pedestrian street] located between Buildings A and B is considered transient in nature (and should be considered [as such] within the assessment) and although this space does not meet the strict application of the BRE Guidelines, the space achieves 99.7% of its surface area receiving at least 2 hours in sunlight on June 21st." Officers acknowledge that the street is more likely to be used for sitting on a planter edge during summer months, when it will be sunnier, although it would also offer areas of shade which could be welcome.

It is noted that the riverside walk was not tested, but Officers consider that with its southern and western aspect to a wide space forming the river, together with the east-west gap of the pedestrian street, it would without doubt be a sunny place, with some welcome shade under the colonnade. Officers therefore consider that all the open spaces within the site would be attractive spaces for pedestrians and residents to use, and thus satisfy LPSS Policy D1 (6) and (7)

In respect of the existing open spaces beyond the site, a total of 13 areas of open space either side of the river, around the site in all compass directions, were tested for SoG results. As reported in the ES Addendum these would all well exceed BRE target criteria for March 21st and thus also for June 21st. Accordingly, Officers consider that the proposal satisfies LPSS Policy D1 (6) and (7) in respect of impact on off-site open spaces.

*Issue 3: Impact on existing surrounding properties in terms of daylight, sunlight and overshadowing*

The ES Addendum Chapter 8, Daylight, Sunlight and Overshadowing (the ES), reports on the scheme's impact on sensitive receptors in respect of daylight and sunlight. It notes that the BRE Guidelines only require assessment of buildings that host residential receptors, as being most sensitive to daylight and sunlight availability and therefore having a greater expectation of natural light. Commercial buildings are noted as generally deemed to have greater reliance on supplementary electric lighting and were therefore not included within the assessment. This enables assessment as to whether the scheme complies with the requirements of Saved Policies G1(3) and H4(2), in respect of existing residential neighbours, although in fact neither policy explicitly excludes other uses. The assessment of other uses is therefore a judgement based informed by the BRE Guidelines.

As to the immediate vicinity, there are no properties physically adjoining the site on any of the four sides, but buildings are present on the opposite sides of Millbrook, the High Street, and the river both to the west and south. Of these, the residential dwellings closest are flats on Millbrook to the south, (the Legion), houses located in Mill Lane east of building A on rising ground, (Nos 3 and 4 St Mary's Terrace), dwellings and flats located more distantly to the southeast along Quarry Street, higher up the hillside, and individual flats over commercial uses to the west, (the White House and Britannia pubs) on Millmead, separated by the river. Adjoining the above dwellings are buildings in commercial use, e.g. Nos 1 and 2 St Mary's Terrace, office space above the Halifax building (Crossways), and the large traditional office building at the foot of Mill Lane, with Friary Court and Hays Court on the west bank of the river. According to the ES and thus in respect of residential properties only, there are 92 windows serving 44 rooms surrounding the site. However, this does not include No 3 St Mary's Terrace, which is also in residential use, and which has therefore been assessed more recently, in response to an objection, as addressed below.

The ES notes that all 92 windows were assessed using the following methodologies, (which it acknowledges have limitations and are based on assumptions):

Daylight:

Vertical Sky Component, (VSC) - the amount of skylight falling on a vertical wall, or window (the latter being relevant to existing neighbouring buildings with windows);

No Sky Line, (NSL) - the distribution of daylight at the 'working plane' within a room;

Average Daylight Factor, (ADF) - a complex, representative calculation to determine daylight;

Sunlight:

Annual Probable Sunlight Hours, (APSH) - for rooms with windows within 90 degrees of due south, a calculation of sunlight received at the centre of the outside of the window

*Daylight impacts:*

In terms of results, the ES states that the VSC method indicates that 100% of windows tested, (92/92), would meet the recommended levels in the BRE Guidelines, i.e. they would not experience a change in light exceeding the latter's advisory numerical levels. The NSL method indicates that 95% of rooms tested (42/44) would meet the BRE recommended levels.

Accordingly, the ES concludes that the scheme would have a 'negligible' impact on the daylight amenity of: Nos 8, 10, 55 and 56 Quarry Street; The Legion, Millbrook, and the White House pub.

Two properties would experience alterations beyond the BRE Guidelines for NSL, being:

- 4 St Mary's Terrace: ES states that three out of four rooms, (75%) would meet the BRE Guidelines. One room records an alteration of 30.3% from the baseline condition, i.e. it retains 57% daylight coverage behind the fenestration. This is considered to be 'minor adverse' and therefore not significant. GIA concluded in respect of the original scheme (building A two storeys taller), that "overall, we agree with the conclusions of the assessment that this property would experience transgressions from the BRE Guide criteria, but that the retained levels of light are considered acceptable within a town centre location. We agree that the effect to the property should be considered Minor Adverse and not significant in terms of daylight."
- 9 Quarry Street: ES states that seven out of eight rooms (86%) will meet the strict application of BRE Guidelines. One room records an alteration of 25.5%, i.e. 5.5% beyond the BRE's permissible 20% change from the former value. This is again, 'minor adverse' and not significant. GIA concluded in respect of the original scheme "overall we agree with the conclusions of the assessment that this property would experience transgressions from the BRE Guide criteria, but due to the high level of compliance within this building and the window serving the affected room not being affected in terms of VSC, we agree that this property would overall experience a Minor Adverse and not significant effect in terms of daylight."

*Sunlight impacts:*

Nos 8, 9, 10, 55 and 56 Quarry Street; The Legion, Millbrook, and the White House pub:

The APSH assessment indicates that 42 /43 (98%) of the rooms tested would meet the recommended levels of the BRE Guidelines. Accordingly, the ES concludes that the scheme would have a negligible impact on the sunlight amenity.

No 4 St Mary's Terrace: the APSH results demonstrate that three out of four rooms (75%) will meet the BRD Guidelines. The room that does not, (ref R1/250) records an alteration beyond the BRE's permissible 20% from the former value in winter months where sunlight is more challenging. The effect of the scheme on sunlight amenity to this room is 'minor adverse', and therefore not significant. GIA concluded in respect of the original scheme that "given the one affected room remains adequately sunlit throughout the year, we agree with the conclusion that this property would overall experience a Minor Adverse and not significant effect in terms of sunlight".

On the basis of the above assessment, and review by GIA, of daylight and sunlight, taking account of the limited extent of adverse effect, Officers consider the scheme to comply with the Saved Policies G1(3) and H4(2). However, the owners of Nos 1 – 3 and of No 4 St Mary's Terrace, have objected to the application based on impact on daylight and sunlight, which is examined further below.

*Objections from owners of 1-3 and 4 St Mary's Terrace, (SMT) in respect of impact on daylight and sunlight:*

The four properties comprising Nos 1–4 SMT are a terrace of two storey early 20th century buildings, originally houses, fronting Mill Lane, with their rear elevations facing west, and thus overlooking the application site, albeit separated by a car park at the lower Millbrook level. Each house is 'L' shaped given its two-storey rear offshoot, and each has windows on both their respective main rear wall at ground and first floor, and at the end of the offshoot at first floor. The application site is angled away from the SMT properties, and the rear of No 4 faces towards what would be the pedestrian street, so it would gain an open view with no building immediately behind it, where currently it overlooks the Debenhams building. Even obliquely, its rear windows would be 34m and 31m from building B. The separation distance between No 3 and building A would be 38m and 44m; from No 2 to building A would be 44m and 42m, and from No 1 to building A would be 42m and 47m. Additionally, Nos 1-4 SMT are constructed at a higher ground level about a floor level above that proposed for the scheme, and thus their first-floor windows are at a level that would be 2nd floor in the scheme.

*1-3 St Mary's Terrace (SMT) objection:*

In December 2021, the owner of Nos 1- 3 SMT submitted an objection to the planning application, which covered a number of issues, but included the following extracts:

1 SMT is occupied as a Medical Centre, 2 SMT is occupied as an Estate Agency and 3 SMT is a single occupancy residential house. This latter use seems to have been ignored by the Applicants who only refer to 4 SMT being in residential use. The Applicants should be asked to consider the adverse effects on 3 SMT [which] will be severely affected [as] loss of light will be significant.

A technical response in respect of No 3 was ultimately provided by Point 2 on 5 October 2022, which included the following summary:

“the results of the technical analysis record full BRE compliance (100%) in respect of the daylight assessments, with any light change considered negligible and therefore not significant by reference to the BRE Guidelines and the Significance Matrix outlined within the ES Chapter. In respect of the sunlight, the APSH assessment records 1 isolated transgression during the winter months. Given the retained value of the yearly months far exceed the BRE's suggested 25% target, the sunlight significance classification for this property is minor adverse and therefore not significant by reference to the BRE Guidelines and the Significance Matrix outlined within the ES Chapter.”

This finding was endorsed by GIA on 4 November 22, whereby they advised “Point2, has provided the daylight and sunlight results [for 3 SMT]. The analysis confirms that there will be no noticeable reduction in daylight amenity, and a reduction in winter sunlight to one window. Given that the window will appreciably exceed the annual sunlight target in the proposed scenario, it is our view that the impacts to the daylight and sunlight amenity to this property can be considered acceptable.”

However, in response to the Point 2 analysis, a letter was submitted on 28 October 22 by Right of Light Consultants (RoLC) on behalf of the owner of 1-3 SMT, noting that whilst Point 2 explained that as Nos 1 and 2 are commercial uses, they do not need analysis, the BRE guide may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include, inter alia., hospitals and some offices, and highlighting that 1 St Mary's Terrace is a medical centre, carrying out some aspects of work that would be undertaken within a hospital. Good levels of light are critical and therefore the loss of light to 1 St Mary's Terrace should be considered.

In reply, on 4 November 22, Point 2, whilst maintaining their position that Nos 1 and 2 do not warrant consideration, in that a cosmetic treatment centre and estate agent do not fall within the BRE Guide categories, nevertheless submitted a technical analysis, noting that the results demonstrate the same significance criteria as No 3.

Also on 4 November 22, GIA endorsed the Point 2 response, noting that "In terms of the medical centre at 1 St Mary's Terrace, we acknowledge that the Guidelines cite certain examples of non-domestic buildings in which the occupants may have a reasonable expectation of daylight. Our response is that considering the adjoining residential property at 3 St Mary's Terrace will not experience a noticeable reduction in daylight, this would almost certainly extend to the medical centre also.

Furthermore, it is our experience that medical centres rely upon artificial lighting supplemented by natural lighting. It is therefore considered that any impacts to the daylight and sunlight amenity of the medical centre can be considered acceptable."

In summary, as advised by GIA, Officers consider that the impacts to Nos 1-3 as illustrated by Point2 are acceptable in the context of the location, which is well separated from the proposed development. Accordingly, the objection does not lead Officers to consider that the findings generally on impact on daylight and sunlight should be changed, and therefore the scheme still satisfies the above noted policies.

#### *4 St Mary's Terrace objection:*

In respect of this property, the following material is relevant to consideration of the objection on grounds of daylight and sunlight impact:

- objection from RoLC on behalf of 4 SMT, 20 September 2022;
- letter from Point2 re. 4 SMT, 27 September 2022;
- objection from owner of 4 SMT, 3 October 2022;
- objection from RoLC on behalf of 4 SMT, dated 6 October 2022;
- letter from Point2 re. 4 SMT, dated 14 October 2022;

The original letters from RoLC and the owner of 4 SMT highlighted an error by Point 2 in respect of the internal floor layout and room sizes used to calculate the impact on the property. Point 2 did not conduct an internal survey despite a suggestion from GBC to do so, and therefore their letter of 27 September is now superseded, since RoLC provided a plan for Point 2 in the letter dated 6th October 2022. Point2 have updated their model and technical analysis to reflect the additional information issued by RoLC in relation to room use and internal configuration.

GIA have advised that "the results of the updated analysis confirm that one of the three rooms within the property (R1/251) will meet the recommendations for daylight distribution / NSL. The remaining two rooms experience reductions beyond the BRE's recommendations and are considered in turn below.



The ground floor kitchen/diner (R1/250) experiences a 29% reduction in NSL. This is considered in the industry to represent a Minor Adverse impact.

The first-floor bedroom (R2/251) experiences a 36.7% reduction in NSL. This is considered in the industry to represent a Moderate Adverse impact. Notwithstanding this, the BRE Guidelines 2022 recognise that bedrooms are less sensitive to reductions in daylight distribution / NSL: The additional information has no bearing on the VSC and APSH results which remain as per Point2's earlier assessment. It is GIA's view that having updated their model with this information, Point2 can robustly test the impact of the proposed development on 4 SMT. Following the review of the additional information above, GIA remain of the view that the Applicant has correctly categorised the impact to this property as minor adverse and therefore not significant."

In summary, as advised by GIA, Officers consider that the updated impacts to No4 as illustrated by Point2 are acceptable in the context of the location, which is well separated from the proposed development. Accordingly, the objection does not lead Officers to consider that the findings generally on impact on daylight and sunlight should be changed, Therefore the scheme still complies with the provisions of the saved Policies G1(3) and H4 and the provisions of the NPPF which seek to protect residential amenity.

#### *Rights to Light:*

Point 2 also comment in response to RoLC's letters on both 1-3 and 4 SMT that, "in addition to the formal objection in respect of daylight and sunlight, it is noted that the objection has raised a point in relation to Rights to Light. Rights to Light is a private legal matter and falls outside the planning realm".

#### **Highway and parking**

The NPPF promotes sustainable transport. Paragraph 112 of the NPPF states that 'development should only be prevented or refused on highways grounds if there be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.

Paragraph 113 of the NPPF requires all developments that will generate significant amounts of movement should provide a travel plan and be supported by a transport assessment. The applicant has provided both.

At a local level, policy ID3 of the LPSS relates to sustainable transport for new developments.

#### **Network capacity**

It is noted that the former department store use included a basement car park which accommodated a total of 57 vehicle spaces. Servicing was undertaken from a small delivery bay on Millbrook and also from the dropped kerb in front of the delivery bay. Given the parking which was available on site, as well as the significant servicing needs of the store, the use generated a large number of vehicle trips.

The proposal on the other hand would be residential led in its use and while there are a number of commercial properties proposed, the overall floorspace for these units is far less than the department store. Given the highly sustainable location of the site, only a limited amount of parking will be provided in the basement.

The submitted Transport Assessment notes that the applicant has undertaken a detailed assessment of traffic generation which identifies an expected increase of three vehicle trips in the AM peak hour, 13 fewer trips in the afternoon peak hour, and 46 fewer vehicle trips across the day. A larger reduction in traffic is expected on a Saturday and Sunday. While it is acknowledged that a small increase in trips may occur in the AM peak, overall the proposal would result in a reduction in the number of vehicle trips associated with the site. The TA concludes that this will contribute positively to the highways network

The County Highway Authority have also reviewed the submitted TA and have raised no concerns with its conclusions. As such, it can be reasonably concluded that the proposal would not have any material impact on the operation of the highway network.

### Highway safety

The submitted TA highlights a number of areas where the operation of the former department store was less than ideal in highway safety terms. Specifically, it notes that the access crossover for the former Debenhams store is wide and provides a poor experience for pedestrians. There is also limited egress visibility to the south due to the road geometry and the former servicing yard did not allow for onsite turning and therefore servicing vehicles needed to either reverse on or off the public highway. It is also noted that servicing vehicles regularly unloaded/loaded from the footway.

The proposal seeks to resolve these issues. Two access locations are now proposed from Millbrook: A southern access would allow for the entry and egress of vehicles accessing the basement car park, and for the entry of servicing vehicles to the porte cochere servicing area. A northern access would allow for the egress of servicing vehicle only. Emergency vehicles would also be able to access the space between Building A and Building B. The southern access is located slightly further north compared to the existing access, which achieves improved visibility to the south. The existing visibility is 32m and would increase to 37m. In addition, it is noted that the repository access would improve visibility between vehicles egressing the site and cyclists. All servicing and waste collection vehicles will be able to access and egress the site in forward gear, which provides betterment compared to the existing arrangements. Access to the basement car parking will be via a signal controlled one-way ramp which is appropriate for the level of car parking provided and the expected traffic generation. The entry movement would have priority over vehicles egressing from the basement. At the top of the ramp there would be sufficient space to allow for the queueing of two vehicles.

As such, it is considered that the proposal would result in highway safety improvements over the existing situation. No objections have been raised by the County Highway Authority in this regard.

### Pedestrian and cycle accessibility

The amended scheme exceeds SCC cycle parking guidance (one space per one or two-bedroom unit and two spaces for a three-bedroom unit) and the emerging standards set out in GBC's Draft Local Plan: Development Management Policies - Issues and Preferred Options document.

The cycle parking standards require 221 cycle parking spaces to be provided. A total of 254 spaces have been accommodated in the amended proposed development, which exceeds the policy requirement by 33 spaces.

The cycle parking will be provided in dedicated secure and sheltered stores in the basement. A mixture of cycle parking is proposed including space to accommodate larger recumbent style or cargo bicycles. Six larger cycle parking spaces have been added for larger bicycle types.

For non-residential uses, the SCC parking guidance notes that town centre cycle parking is not necessarily required, however the provision has been increased from the submitted scheme from seven Sheffield stands (14 spaces) to 14 stands (28 spaces).

In respect of pedestrians, the site is very well located and its permeability and connections to the rest of the town centre has already been discussed above..

In terms of cycle and pedestrian accessibility the proposal is deemed to be acceptable.

### Parking

The car parking provision has been reduced from 76 spaces to 65 spaces in the amended scheme; a ratio of 0.35 spaces per dwelling. Given the town centre location and high level of public transport access, the site is ideally located to encourage walking, cycling and public transport use. Therefore, there is the strong potential to deliver a development with low car ownership and low traffic generation.

A car parking provision of 65 spaces (0.35 spaces per dwelling) is within the maximum standards outlined in Guildford's Parking Standards SPD. Wheelchair accessible parking spaces will be provided for 5% of dwellings, which equates to ten spaces. The electric charging provision has been increased and will be provided for every car parking space in line with the County Council's 'Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development'. There is also provision for five motorcycle parking spaces.

Again, no objections have been raised to the on-site parking provision by the County Highway Authority.

### Impact of construction traffic

It is noted that a number of objectors to the application have raised concerns about increased construction traffic in the town centre and also on Shalford Road and Broadford Road. These concerns were highlighted to the County Highway Authority and no objections have been noted. They note that 'a Construction Transport Management Plan (CTMP) will be required as part of any planning permission granted...The CTMP will need to detail all points in the above condition and the Highway Authority will be consulted on this before any such condition can be discharged. The County Highway Authority will ensure that a detailed and comprehensive CTMP is provided to minimise disruption to Guildford town centre'. Given the scale of the development and its location, it is inevitable that the proposal will lead to some level of traffic disruption and inconvenience in the area. However, this would not be to levels which result in any highway safety concerns and no specific objections have been raised by the County Highway Authority regarding the use of particular routes. As such, this concern can be adequately addressed by the CTMP condition and the proposal is deemed to be acceptable in this regard.

Overall, it is considered the proposal would not give rise to any material increase in vehicles using the existing highway network. The proposal also resolves a number of existing safety issues which occurred during the operation of the former department store. In addition, adequate cycle and car parking is provided within the scheme which will help to encourage and promote the use of more sustainable means of transport.

Subject to the standard conditions that have been recommended by the County highway Authority, the proposal complies with the provisions of the NPPF and policy ID3 of the LPSS.

### **Waste storage and collection**

The relevant policies and advice can be found in Surrey County Councils Waste Local Plan 2020 and the councils adopted Guidance on the Storage and Collection of Household Waste for New Developments (2017), which was updated in July 2017.

The applicant has submitted an Operational Waste Management Strategy with the application, and this has been assessed by the Council's Waste Team.

#### **Residential waste**

Each core for buildings A and B will be provided with access to a residential waste store to deposit their segregated waste at basement level. Residents will be required to transport the waste from their unit directly to the nearest residential waste store using the passenger lifts and deposit their segregated waste. Prior to collection, all residential residual waste, DMR (dry mixed recycling) and food waste bins will be transferred by the on-site Facilities Management (FM) team to a ground level waste presentation area within the porte-cochere. Access into the porte-cochere has been assessed by the Council's Waste Team and no objections have been raised.

As per the Guidance, residents will be provided with access to a bulky waste storage area for large redundant items such as furniture or appliances. Bulky waste storage areas have been provided in Building A and B.

#### **Commercial waste**

The commercial units would be provided with internal waste storage that allows for the segregation of waste at source. As necessary, the commercial tenants or the on-site FM team will transfer the segregated waste from their internal waste storage to the commercial waste store in the basement. This will be done using back of house corridors or outside of peak hours. Commercial waste will be presented at ground floor level within an area adjacent to the porte cochere.

Taking into account the amendments which have been secured by Officers, the proposed waste storage and collection strategy for the development is considered to be acceptable. Overall, the proposal includes an adequate amount of space for the storage of waste bins which would cater for the needs of 185 residential units, as well as the various commercial premises. Provision has also been made for the presentation of the bins within a covered area (porte cochere) which would be accessed from Millbrook. This allows the presentation of bins out of sight, which will help to protect the character and appearance of the streetscene as well as the use of the public pavement along Millbrook.

The Council's Waste Team have raised no objections to the proposal and note that the submission includes 'a great example of an operational waste management plan'. As such, the application is deemed to be acceptable in this regard. The applicant's Operational Waste Management Strategy will be secured by condition.

## **Flood risk, drainage and flood risk resilience measures; sequential and exception test assessments**

The assessment of this application in respect of flood risk issues is based on a Flood Risk Assessment, (FRA), prepared by RBG on behalf of the applicant. This was updated via Revision 7 in August 2022, to reflect changes in the amended scheme which increased the open area available for flood water storage, and to address the Environment Agency (EA) further information requirements. Only the FRA Rev 7 and associated documents are reviewed in this report.

Assessment first requires identification of a site's relevant flood zone designation. The Site is currently identified as being within Flood Zone 3b as per the Guildford Borough Council Level 1 Strategic Flood Risk Assessment (GBC SFRA), which is derived from the EA modelled 1 in 20-year flood extent. Flood Zone 3, which means there is a 'high probability of flooding from rivers or seas, is divided into Zone 3a and 3b. In this location, sea flooding is not relevant. Zone 3a has a 1% or greater annual probability of river flooding, and this rises to 5% or greater for Zone 3b, which is the functional floodplain where water must flow and be stored in times of flood.

However, the GBC SFRA paragraph 2.5 confirms that the EA flood maps which informed the SFRA do not sub divide Flood Zone 3 into 3a and 3b, which should be based on "local appropriate evidence." The FRA advises that following recent discussions with the EA and their receipt of detailed topographic information, they have agreed that the existing Debenhams site ground levels are not impacted by the 1 in 20-year modelled flood level and have more recently concluded "there is a reasonable argument that this site should not be considered to be in Flood Zone 3b". Thus, although the LPSS Policy Map identifies the site to be within Flood Zone 3b, as noted, the EA has agreed that for the purposes of this application, the site should be treated as 3a. This is agreed also by GBC's flood advisors 'Floodline', given the more recent site-specific evidence. This means that instead of a 1 in 20-year probability of flooding, the site has a reduced 1 in 100 or greater annual exceedance probability (AEP) of river flooding, which has a bearing on relevant policy against which to assess the scheme, as noted below. It is also confirmed in the FRA that since the site lies in an area at low risk of flooding from surface water, sewer or artificial sources, and medium risk of groundwater flooding, the FRA focuses on fluvial and groundwater flood risk.

The EA advised on 5th May 2022 that given the proposed development lies within Flood Zone 3a and has a flood vulnerability classification of either 'more vulnerable' or 'less vulnerable', then the 'central' climate change allowance of 24% should be applied to the modelling. The FRA has used this.

Relevant National and Local Plan policy for development in areas liable to flood is as follows:

NPPF Paragraph 159 states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

NPPF Paragraph 161 requires that in plan-making, a 'sequential test' should be used for the location of development, (i.e. via allocation), so as to avoid where possible, flood risk to people and property. The policy for sites that are not allocated through the local plan, is not addressed explicitly, but paragraph 166 advises that where an application comes forward on a site allocated through the sequential test, the latter need not be applied again.

This implies that it should be used for a site at risk of flooding that is not allocated, which is the situation in this application. Paragraph 162 outlines the aim of the sequential test, which seeks to steer new development to areas with the lowest risk of flooding from any source. Where there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, development should not be permitted if it is not possible for development to be located in areas with a lower risk of flooding, taking account of wider sustainable development objectives (which for GBC would include provision of housing in the Town Centre), paragraph 163 advises that an 'exception test' may need to be applied, depending on the vulnerability of the site and the development category. Housing is classified as 'more vulnerable', and shops / food and drink uses as 'less vulnerable'. Since the development proposes both, Officers advise that an exception test is needed in this instance.

Paragraph 164 requires the exception test for a planning application to be informed by a site-specific flood risk assessment, (FRA), which has been provided in this case. Passing the test requires that it demonstrate that the development would provide wider sustainability benefits to the community, that outweigh flood risk, and that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, it will reduce flood risk overall. Paragraph 165 requires both elements of the exception test to be satisfied for development to be permitted.

The NPPF also requires local planning authorities to ensure that flood risk is not increased elsewhere, with Paragraph 167 requiring development proposals, using the FRA, and sequential and exception tests, to demonstrate that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

LPSS Policy P4 (Flooding, flood risk and groundwater protection zones) provides guidance at P4(2) on the requirements for approval of development in areas of medium or high flood risk. These are

- a) the vulnerability of the proposed use is appropriate for the level of flood risk;
- b) the proposal passes the sequential and exception test;
- c) the FRA demonstrates that the development will be safe, including access and egress, without increasing flooding elsewhere;
- d) the scheme incorporates appropriate flood protection, resilience and resistance measures;
- e) when relevant, appropriate flood warning and evacuation plans are in place and approved; and
- f) site drainage systems are appropriately designed, taking account of storm events and flood risk of up to 1 in 100-year chance with an appropriate allowance for climate change.

This section assesses the FRA findings, the Sequential Test outcome, and the case put by the applicant that the Exception Test is satisfied. Overall, however, it is noted that after a number of further submissions by the applicant's team, the EA confirmed that in respect of flood risk, their grounds of objection had been satisfied and thus removed.

### Flood risk - Potential flooding of the proposed development

The EA requested that updated flood modelling be carried out to confirm there would be no loss of floodplain storage associated with the development for floods up to and including the 1% annual probability event for Zone 3a, including a climate change allowance of 24%. This modelling had to be based on an assumption that the proposed interiors of the buildings and their immediate flush external hard surfaced public areas would not be subject to any flooding in those circumstances. This would require all the flood storage to be outside the buildings' footprints and their immediate settings. The same modelling was therefore used to establish the necessary 'Finished Floor Level' (FFL) for the proposed buildings and their external settings, in order to ensure that they would not be subject to any internal or immediate external flooding, including use of a removeable barrier to protect the basement.

The FRA reports that with the above parameters, the modelling demonstrates an elevated risk of flooding from fluvial sources based on the present internal ground level of 32.3 AOD, and therefore the following flood mitigation measures would be incorporated into the proposed development, alongside enhanced flood resilience and resistance measures, to improve the safety around, and functionality of the site:

- raising the FFL within the proposed buildings by 980mm to 33.28m AOD, from the internal existing ground at 32.300m AOD (highest point), as discussed with the EA;
- avoidance of any residential living accommodation below first floor level (38.16m AOD), significantly above any potential flood water level, on a precautionary basis, (only residential entrances, lobby lounges, postal store and waste collection at ground level);
- basement to be used only for car parking, cycle storage, waste storage, storerooms and plant, with design to enable drying and cleaning;
- basement pumping system with gullies to prevent ingress of groundwater
- raising the ground level in the pedestrian street outside the buildings' residential entrances, the riverside colonnades and associated riverside walk, and the upper Civic Square serving the commercial unit in building A;
- the installation of openable flood defence barriers at the porte-cochere entrance, in turn preventing water ingress to basement level; (see details below)
- waterproofing the façade of the buildings up to new FFL to prevent any water ingress through the walls;
- utility flood resistance (plant will be located in areas protected from flooding);
- foul water storage in basement to enable residents to remain in situ throughout a flood event;
- flood resistant plant room doors located in the basement;
- using flood resistant material (for example lime plaster) and design (raised electrical sockets) at ground floor level;
- implementing sustainable drainage systems (SuDS) in order to reduce runoff from the site, (e.g. green and blue roofs);
- installation of a basement pumping system;
- the use of flood resilient construction techniques; and
- provision of a new 'inner basement box' to prevent groundwater ingress into the basement whilst being able to retain the existing basement structure.

In respect of the porte-cochere area, due to the requirement that levels along Millbrook are retained to allow vehicular access into the porte-cochere, the ground floor level would be lower at this point, (32.285m AOD). When flooding is predicted, flood barriers would be raised across the entrances, to at least 995mm high to prevent flooding up to the FFL of 33.28m AOD. Preliminary modelling predicted flood depths of 0.6m adjacent to the flood barriers for the 1% AEP + 24% climate change event. As such the barriers were not explicitly modelled as they would not be overtopped in the flood event.

### Ensuring no loss of flood plain storage

Given that the proposed development would be constructed within the floodplain at a raised FFL and adjoining external public realm, it was confirmed with the EA that the mitigation would be to offset floodplain volume through compensatory flood storage. To this end it is proposed that the riverside walk be constructed over a new culvert connected to a void under the raised part of the Civic Square, to allow flood waters to pass beneath the structures during flood events, and in fact result in a net gain in flood plain storage. Even the supporting structure for the hard-surfaced public areas over these new voids has been taken into account within the compensation volumes and fluvial modelling. The culvert would incorporate gaps faced with grilles to allow water to flow in and out. The ecology impacts of the grilles has been assessed as acceptable. The proposed drainage network for the site will reduce the surface water discharge rate into the river by 65% (from 262 litres/second to 91 litres/second) for the critical storm event, through the incorporation of SuDS measures, (listed below); this is a significant betterment on the existing surface water discharge rates into the river and will alleviate the risk of flooding in the future. Even with the inclusion of increased river flow rates due to a 40% climate change adjustment a reduction of 54% (from 262 litres/second to 121 litres/second) will still be achieved, thus ensuring this betterment as a long-term improvement.

The SuDS measures to achieve the reduction of surface water discharge rate, proposed as part of the development, comprise:

- attenuation incorporated into the design in the form of 'blue' roofs which can store and release rainwater;
- extensive use of 'green' roofs and landscaped podium garden elsewhere on the building to absorb rainwater for plants;
- areas of landscaping such as the Pocket Park, and extensive use of planters on the basement / culvert roofs to absorb further rainwater;

To accommodate the existing floodplain storage on site, the development proposes:

- raising of external site level to provide flood plain storage compensation in the southern portion of the Civic Square to allow water from the River Wey to be temporarily stored.
- provision of a culvert structure under the riverside walk along the western site boundary, which is raised to correspond to the new internal FFL for the buildings, that in turn will result in a net gain in flood plain storage.

Accordingly, the amended scheme now includes compensatory storage across the site to ensure no net loss in flood plain storage. Additionally, the applicants advise in their amended FRA that the proposed drainage design implements SuDS to reduce existing surface water discharge rates by 58.3% in the 1 in 100-year storm event with a 40% climate change adjustment and thus to limit the volume of discharge to the watercourse. This will have a knock-on beneficial effect that flood risk will be reduced downstream.

### Summary of impact on flood risk

The Environment Agency confirmed their acceptance of the flood risk mitigation of the amended scheme in two stages:



28 September 22: the EA confirmed that the fluvial modelling is acceptable; the flood gates at the porte-cochere entrances to the basement car park would have no detrimental impact on flood risk; the finished internal floor levels would be sufficiently above the identified 1% climate change flood level to ensure the development remains safe from the impact of flooding; the use of a raised civic square and a flood relief culvert under the riverside walk are acceptable forms of mitigation on the site, provided lost flood storage can be fully compensated for in respect of flood events including the 1% annual probability event with allowances for climate change;

7 October 22 the EA confirmed that the further information sought in respect of the proposed culvert and on-site storage volume, demonstrates that 'flood storage compensation can be provided on a level for level basis'; accordingly, all 'flood risk' concerns are resolved and satisfied, subject to the imposition of satisfactory a planning condition,

Officers consider that the requirements to avoid flood risk for a new development and not to create additional flood risk elsewhere have been met, thus satisfying NPPF paragraphs 159 and 167 (a) and (b), and LPSS Policy P4 (a) and (d).

### Sequential Test Assessment

The relevant national policies are NPPF paragraphs 159 and 167 (a) and (b), supplemented by the Planning Practice Guidance (PPG), ('Flood Risk Assessment: The Sequential Test for Applicants'), and PPG ID:7 'Flood Risk and Coastal Change' August 2022. The relevant local plan policy is P4.

The initial Sequential Test Assessment, (STA) submitted to comply with the above policy context was flawed in methodology, as explained to the applicants by Officers. PPG ID07 advises that the relevant area for the STA will be defined by local circumstances relating to the catchment area for the type of development proposed. Accordingly, the STA Revision A, October 2022 explicitly addresses the question of the nature of the scheme, (whether the proposed uses should be treated as a hybrid mix or should be disaggregated, i.e. whether the proposed residential floorspace and the proposed commercial floorspace need to be considered and assessed as one form of development or separately). Once this has been determined, the relevant geographical area of search can be established.

The STA Rev A notes that in 2019, the Council agreed to bring forward a sustainable and ambitious town centre masterplan, Shaping Guildford's Future, which the Executive recently agreed to move to stage 3. The objective is, amongst other goals, to unlock the town centre's potential to facilitate housing and create employment opportunities through regeneration. This aspiration promotes mixed use development at this site, as sought via LPSS Policies S3(2) and E7(1) and (4), which in combination allow retail/commercial uses at ground level for this Secondary Shopping Frontage, with residential use above. Accordingly, the STA Rev A confirmed that "this is a mixed-use development in the Town Centre in which each and all the uses are integral to the character of the whole mixed-use scheme. None can be disaggregated. Each use is part of a new Town Centre living experience which will help underpin the wider regeneration of the site and wider Town Centre. The assessment and application of the Sequential Test applies to the mixed-use development proposed as a whole. Moreover, the site falls within the Town Centre where both residential and commercial floorspace is considered acceptable." On this basis, the area of search was limited to Guildford Town Centre. This revised methodology has the support of Officers.

The detailed sequential assessment reviewed the allocated sites in the LPSS and those sites identified in the Land Availability Assessment 2021. Both contain sites considered suitable and available for development by GBC at date of publication, but for the reasoning above, the review extended only to sites within the Town Centre. The review examines whether any sites of comparable size and capacity are available and deliverable, as per NPPF definitions. A total of five development sites were identified, albeit some being larger, but of these, none were found to be suitable in terms of being appropriate for the proposed mixed use, and available. The STA Rev A concludes that no sites were identified as being sequentially preferable within the defined search area due to the following reasoning: -

- the reasonable availability of the site;
- location of the site and the impracticability of meeting the principles of the proposed development which is to provide for more residential development in the town centre to support and help sustain its retail and leisure function whilst also seeking to reduce the reliance on private vehicles and instead encourage more sustainable transport via public transport and walking;
- the site already benefiting from planning permission and so is not reasonably available to the applicant;
- the site already being developed or in some cases, having been developed and so is not available;
- the site forming part of a much larger site allocation which requires substantial infrastructure works to be provided alongside the application and so is both impracticable and not reasonably available; and
- applying the deliverability test in the NPPF as a proxy for a site being “reasonably available”, the site is not available for development within the next 1–5-year plan period as required by the NPPF.

As a result, having regard to the sequential test considerations, there are no reasonable alternatives, and the application site is considered as the most appropriate for the proposed development within the Town Centre. This exercise therefore satisfies the requirements of the Sequential Test, in accordance with NPPF paragraphs 159 and 167 and LPSS P4.

#### Exception Test Assessment

The fact that the Sequential Test has been satisfied means that in this instance, it is not possible for the development to be located in an area with a lower risk of flooding. In such circumstances, NPPF paragraph 163 advises that an Exception Test may be required, subject to the vulnerability of the site and the development proposed. Since the site lies in Flood Zone 3a, and NPPF Annex 3 identifies residential dwellings as a ‘more vulnerable’ use, Officers advised that the Exception Test should be applied, to meet the requirements of Policy P4.(2) (b).

Policy P4 reasoned justification Paragraph 4.3.43 states “for development proposed in areas of greater flood risk (flood zones two or three) and where it is proven through the sequential test that there is no reasonable possibility of locating the development on a site at lower risk of flooding, the Council may request the applicant to demonstrate how their proposals meets the exception test. In such instances, applicants will be required to explain how the benefits provided to the community from the proposal outweigh the flood risk associated with the development. Applicants will also be required to submit a site-specific flood risk assessment that explains how the development will be safe to its users and occupiers throughout its life course”. The latter is also subject to demonstrating that the development will not increase flood risk elsewhere and where possible, will reduce flood risk overall. In fact, this is slightly updated by NPPF paragraph 164 (a) which requires the development to demonstrate that it “would provide wider sustainability benefits to the community that outweigh the flood risk.”

In light of this, an Exception Test Assessment ('ETA') was submitted with the application and was updated in July 2022 for the amended scheme.

Part 1: the proposed development will provide sustainability benefits to the Community that outweigh flood risk

Sustainable development is defined in NPPF paragraph 8 as encompassing economic, social and environmental objectives. Accordingly, the ETA should identify benefits falling within any of these three categories, and to do so, it lists a total of 41 benefits associated with the development. These fall within many disciplines including design, architecture, housing, economy, public realm and landscaping, transport, energy and sustainability. Officers question whether all of these can all be considered to be benefits to the community, rather than normal expectations of any policy-compliant development, but they consider that the main stand out sustainability benefits of the development are: -

- delivery of regeneration of a vacant building on a prominent Town Centre brownfield site with little likelihood of reuse, via buildings for sustainable uses, with likely stimulation of further Town Centre investment, as part of the Council's refocus of the Town Centre as a place to live;
- introduction of buildings of high-quality architecture and materials which respond positively to the surrounding historic, current and emerging townscape character;
- creation of a new vista to St Mary's church from Millmead, to enhance appreciation of that building, (acknowledged by Historic England as a modest heritage benefit);
- creation of one upgraded and three new public realm areas, namely the Civic Square, the Riverside Walk, the Pocket Park and the connecting Pedestrian street. These areas would improve permeability for pedestrians and open up the riverside with well-landscaped spaces to a greater standard and area than might be considered acceptable as a minimum, (with site coverage reduced from 73% to 51%), to the benefit of members of the public visiting the site.
- introduction of active ground floor frontages on all four elevations of both buildings, which will add vitality to the area and assist in improving the perception of safety for Town Centre visitors and residents;
- the creation of a new circular route, bringing pedestrians down from the High Street into the development and along the River Wey that connects back into the town via Mill Lane, thereby improving connectivity to the Town Centre;
- increasing substantially the extent of greenery on the site, via extensive landscaping to the public realm, (including replacement of 7 low value trees with 60 new trees) and the introduction of buildings with a podium garden, green roofs and ground floor green walls to Millbrook, again, exceeding what might be minimum expectations;
- achieving a Biodiversity Net Gain, (BNG) of 319%, which significantly exceeds GBC's aspirations for a BNG of 20%
- incorporating unfettered landing point options for a pedestrian bridge to link to the Yvonne Arnaud Theatre site, with funding for a bridge or other riverside pedestrian improvements, as enhanced compliance with the policy requirement to improve access and views to the river Wey;
- provision of 185 homes including 5 affordable units, demonstrated to be the upper end of the site's capacity in the context of other considerations, with the ability for early delivery of this windfall site housing by comparison with the strategic sites;
- new flexible retail / commercial /cinema floorspace on the ground floor, thus offering the potential for varied employment, thereby best assisting the future viability and vitality of the Town Centre, rather than solely retail use, which would satisfy policy but not offer the flexibility for a vibrant Town Centre;

- provision of an energy strategy and construction specification which achieves zero on-site emissions and reduces energy demand via heat recovery and passive façade design, thus achieving a 26% reduction in carbon emissions for residential spaces (an improvement over the 20% sought under Building Regulations Part L), and 35% for the commercial spaces, thereby responding to climate change mitigation whilst improving air quality within the AQMA;
- provision of residents' car parking at a low ratio of 0.35, below the parking standards' maximum for the site / type of development, thus assisting in the reduction of trip generation in the Town Centre, and resulting in an improvement in air quality within the AQMA;
- introduction of a SuDS with elements that will achieve a significant betterment on the existing surface water discharge rates and water quality entering the river Wey; and fluvial flood storage arrangements that will increase on-site storage, both of which being aspirations for new development rather than requirements;

The ETA asserts that as the proposals incorporate a number of environmental, economic and social benefits, they outweigh the potential flood risk, and thus Part 1 of the Exception Test is satisfied. Officers consider that the items above are indeed sustainable benefits for the community, which exceed the minimum for policy compliance, and therefore, given the proposed successful measures to address flood risk which mitigate that risk, that the benefits do outweigh the risk.

*Part 2 i - The proposed development will be safe for its lifetime from flood risk, without increasing flood risk elsewhere and where possible reduce flood risk*

To avoid repetition, it is noted that the EA have no objection to the proposed development in respect of flood risk, This reflects the EA's agreement to the proposed mitigation measures to avoid flooding within the buildings and in their immediate hard surfaced surroundings taking into account the necessary factors for climate change, to ensure resilient construction, and to reduce flood risk elsewhere. These measures are not repeated here, but the EA's position demonstrates that Part 2i of the Exception Test is satisfied, subject to it demonstrating in Part 2 ii that the development will be safe for its lifetime, for residents. This is addressed below.

*Part 2 ii - Evacuation strategy to demonstrate that the development is safe for its lifetime*

NPPF paragraph 167 advises that development should only be allowed in areas at risk of flooding where, in light of the FRA, Sequential Test and Exception Test, it can be demonstrated that, inter alia, '(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

LPSS Policy P4 (2) supports development in areas of medium or high risk of flooding provided that, inter alia, b) the exception test is passed, c) a site-specific FRA demonstrates that the development, including access and egress, will be safe for this lifetime, and e) when relevant, appropriate flood warning and evacuation plans are in place and approved.

To address this requirement, the FRA September 2022 proposes that a flood management plan be adopted for the scheme in order to ensure the safety of residents and users of the development, in case of flooding around the site, which could render Millbrook dangerous to walk across for some, and in places, all persons. The applicants rely on putting together a comprehensive Flood Evacuation Plan (FEP) for the site to ensure that the development is safe. The intention is to distribute the plan amongst all residents and commercial tenants and for it to be communicated alongside the fire evacuation plans.

Key information within the FEP will include:

- emergency contact details for the services
- persons responsible for implementing the FEP and the key actions to take in the event of flood warning
- training for on-site management

The applicant has advised that specific evacuation plans can continue to be discussed with the Council's Emergency Planning team, and a condition to ensure that an acceptable plan is approved, remains in place, updated as necessary, in perpetuity.

#### Flood warning and flood evacuation strategy

The Environment Agency's flood warning service covers the application site and provides a minimum of 2 hours advance warning. The FRA advises that digital signage and information around the site would provide updates on the water levels linked to an alarm system for the residents. Further actions for the strategy include:

- barriers at the porte-cochere entrances will rise automatically in the event of any floodwater within Millbrook;
- in the event of a severe flood warning residents could evacuate the site via the flood evacuation route if safe to do so;
- access routes would allow occupants safe egress in certain flood conditions. The evacuation route leaves the site at the southeast corner south of building B, crosses Millbrook and directs residents via Mill Lane to higher ground within Flood Zone 1;
- if the evacuation route is flooded, and thus dangerous to some or all persons, which does occur in the modelling, a 'shelter in place' strategy would recommend residents to remain in their homes until the flood event has subsided;
- occupants onsite during a storm event would not need to leave the site due resilient building services, (e.g. electricity supply and foul water storage provision – see below), and the provision in building B of a communal residents' lounge and an external refuge area on the podium, both of which will be accessible throughout the period of any flood event, (given that the pedestrian street between the entrance doors to buildings A and B would also remain above the modelled flood water level).

Utility Flood Resistance: Plant rooms would be located in areas that are defended from flooding, i.e. at basement level where water ingress is prevented and flood proof doors offer additional protection.

Foul Water Storage: normally the scheme would discharge foul water drainage from the ground floors and above under gravity. If the Thames Water sewer in Millbrook is surcharged in a storm event, the development has an overflow connection to a foul water storage chamber in the basement. This would allow for residents to retain access to adequate welfare in the event that discharge to the foul sewer is prevented by surcharging in the public sewer system. Modelling shows that water would remain within Millbrook for 16 hours during a 1% AEP event, and for 19 hours with 24% climate change. The foul water storage tank would be sufficient for a 24-hour period to enable continued use of WCs during a flood event. Thus it has been sized to accommodate more than the requirements for the duration of the storm event taking account of climate change.

### Flood evacuation plan summary

The Environment Agency response of 28 September 2022 notes that in respect of the safety of future residents and users of the development during a flood, the FRA indicates that there will be a danger to most people along the proposed evacuation route, and a danger for all people at other points on Millbrook. Accordingly, the EA whilst not commenting on whether the proposed measures are adequate or not, reminds the Council to engage with its Emergency Planning Team as well as the Emergency Services on this specific point. Officers have undertaken this consultation and can advise that there has been no objection to the application proposals or its flood evacuation plan from any such party.. The resilience measures set out above and lack of objections to the evacuation plan proposed add weight to the case that the strategy would be practical and feasible. Accordingly, in respect of flood evacuation measures, officers are satisfied that these provisions do comply with Policy P4(2, a, b, c and e) as well as the relevant provisions in the NPPF, in particular paragraph 167 (e).

In summary, Officers consider that the Exception Test, including the proposed flood evacuation plan to ensure that the site remains safe during a flood event, is passed, and therefore that NPPF paragraphs 163 and 167, and LPSS Policy P4 (2) are satisfied by the proposed development, enabling these uses to be provided on this particular site.

### **Energy and sustainability**

Policy D2 of the LPSS states that new buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent below the relevant Target Emission Rate (TER) set out in Building Regulations 2010. It is noted that this should be achieved through the provision of appropriate renewable and low carbon energy technologies in the locality of the development and improvements to the energy performance of the building. Policy D2 is supplemented by the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020 which provides the framework for assessing the acceptability of sustainability and energy matters.

The applicant has submitted an Energy Statement and a Sustainability Statement with the application, the details of which will be discussed below.

### Energy

The Climate Change, Sustainable Design, Construction and Energy SPD 2020 sets out an energy hierarchy which is: eliminate energy need; use energy efficiently; supply energy from renewable and low carbon sources and offset carbon emissions.

The Energy and Sustainability Strategy confirms that the development has been designed from the outset to reduce the energy demand of the development. This is achieved through a number of measures. Firstly, it is noted that the residential façade system will be designed to minimise energy requirements and improve thermal comfort. The proposed characteristics for U-values and air permeability for new buildings will be significantly better than the minimum standards as set out by Part L Volume 1 2021.

The proposed development has also been designed so that its form and massing provide passive control of solar gains. This will ensure that solar gains are maximised in winter months (when they are beneficial in reducing heating loads), while in summer months they are minimised (to reduce the effective cooling loads). The Energy Statement notes that detailed thermal modelling has been used during the design process to optimise solar heat gains through glazing with daylighting and thus ensure good levels of natural daylight penetration whilst limiting unwanted solar gain and heat loss.

As well as improving occupant comfort by increasing natural daylight provision and visual stimulus, this will reduce the dependency on artificial lighting, thus resulting in energy consumption savings.

In terms of cooling and overheating the Strategy notes that the design principles of the scheme were analysed with the use of dynamic overheating modelling. Thermal comfort has been assessed against CIBSE criteria for commercial and residential accommodation and includes the latest weather sets from CIBSE TM49: Design Summer Years for London (2014). The scheme is fully compliant with Part 'O' document with means of natural ventilation and has considered additional mitigations strategies due to certain apartments being at a higher risk of noise.

Reduced water usage through the use of low flow water outlets and appliances can also lead to a reduction in the energy required to heat domestic hot water. The dwellings are designed to achieve a water use target of not more than 125 litres per person per day total water consumption. The residential units will be designed to achieve indoor water consumption of 105 litres per person per day, in line with Approved Document Part G 2015 with 2016 amendments, by the appropriate distribution system design and provision of low water use fixtures and fittings.

The buildings will also be fitted with a comprehensive Building Energy Management System (BMS) which will monitor and report on the overall energy consumption of the development. The system will highlight any out-of-range consumption figures and readings, allowing a preventative approach through interrogation and resolution of potential problems. The BMS will also provide intelligent control of the building services systems to ensure that occupant comfort is maintained throughout and that the systems are running to their peak 'as designed' efficiencies. Metering of energy usage on all floors, per tenancy and per dwelling will allow building owners / occupiers to view and interrogate where potential energy savings can be made throughout their buildings. All residential units will be provided with independent apartment energy management systems that will provide intelligent control of the apartment services systems. This will include the provision of smart real-time metering of energy usage that will heighten user awareness of energy use and assist in making choices that affect energy usage.

Other measures include the use of energy efficient lighting, latest specification pumps and fans, the use of low energy white goods in the apartments, and high efficiency passenger lifts within the buildings.

In terms of the proposed heating infrastructure it is noted that both District Heating and Cooling Networks and Combined Heat and Power Networks have been ruled as not being suitable for the development. The Council's Planning Policy Officers have agreed with this approach. Air source heat pumps are proposed for both the commercial units and the residential dwellings. There are two MEP services solutions proposed depending on whether the apartment is determined to have a suitable environment for the opening of windows. Where the external environment is considered as suitable, the apartments utilise openable windows for peak summer cooling. Where the external conditions, due to noise and/or air quality, are considered unsuitable, apartments are provided with a ventilation heat recovery system with an integral heat pump to provide a level of tempering to the air to limit summer overheating. These apartments with unsuitable external environments are located predominantly along the façade to Millbrook and also to the lower storeys of the building. All apartments are provided with Mechanical Ventilation Heat Recovery units to provide adequate ventilation in all conditions and also to temper the air supply through the use of a heat exchanger drawing warmth/coolth from the extract air stream to the supply side.

Heating of the apartments is based on providing electric radiant panels. Domestic hot water is produced within the apartments using direct unvented immersion heaters. This results in the dwellings using grid electric as the only fuel source which means as further renewable capacity is added to the national grid network, the building will accordingly decarbonise. The decentralised strategy reduces the amount of external plant on the building envelope, which is critical given the site context within a conservation area and proximity to listed buildings.

The combination of the measures outlined above result in regulated carbon dioxide savings of 39% relative to a new Part L Volume 1&2 at Be Green Stage and 7% at Be Lean stage for the proposed development. It is also noted that the commercial floorspace will target a 'Very Good' BREAAAM rating. This exceeds the Council target of at least 20 per cent below the relevant Target Emission Rate (TER) and the proposal is therefore deemed to be acceptable in this regard.

### Sustainability

The strategy for the proposed development is to use a full array of options, and technologies available now, and in the future. This will be through design and construction as well as for the lifetime of the development.

In summary the development seeks the following:

- certification target a minimum of BREEAM 'Very Good' for the retail units;
- as noted above there will be a 39% reduction in carbon emissions site wide;
- managing the use of water in line with the Council's targets and through the use of sustainable urban drainage within the scheme;
- the sustainable procurement of materials;
- the careful management, disposal and recycling of construction waste;
- promoting health and wellbeing in the residential units through the provision of natural light and thermal comfort;
- protect, contribute to and enhance the landscape, and biodiversity value of the site through the creation of several connecting landscaped areas. The proposal provides a network of trees and green spaces forming potential wildlife habitats and green corridors. The scheme promotes sustainable planting by developing planting designs that are appropriate for their location, including the availability of sunlight and water, incorporate native plant species into the planting designs across the site including the use of native shrub planting to provide nesting opportunities for birds. Establish a series of biodiverse roofs on the buildings across the site, to aid biodiversity and establish a range of habitats. Incorporate water management strategies, such as attenuation crates, into the design. Incorporation of bird and bat boxes within the tree network;
- the site is also located in a sustainable position in the town centre. The scheme has a limited amount of car parking, 20% of which would be provided with charging points. Cycle parking would also be provided.

It is acknowledged that a number of responders to the consultation have raised concerns about the sustainability of demolishing the existing building. The Council is not aware that the existing building has any serious structural issues and as such it 'could' be repurposed for different purposes. However, it has been explained earlier in the report that the size of the building, the large floor to ceiling heights and the depth of the building makes re-use a slim prospect. As such, the demolition of the building will be its most likely final outcome.



As has been set out above, the applicant will ensure that the demolition of the building is undertaken in the most sustainable manner possible. Demolition materials will be used as part of the re-construction, if appropriate, and where this is not possible, waste materials will be sorted for off-site recycling. In addition, it is noted that the proposed new building will be far more sustainable than the existing department store. The energy and sustainability credentials of the proposal have been set out above and this will off-set any negative impacts of the short-term demolition impacts. With the conditions already discussed, the proposal is considered to be acceptable in this regard.

The measures set out in the Energy and Sustainability Statement will be secured by condition. These measures accord with policy D2 of the adopted Local Plan and the proposal is therefore deemed to be acceptable in this regard.

### **Ecology and biodiversity**

Chapter 15 of the NPPF sets out the Government's planning policy with regard to the natural environment. Paragraph 174 of the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by...' (inter alia):

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 of the NPPF states that 'when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy ID4 of the LPSS sets out the Council's principles in relation to biodiversity and ecology. The following policies of ID4 are considered to be particularly relevant to this section of the report:

- the Council will maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, particularly within and adjacent to Biodiversity Opportunity Areas (BOAs). The Council will produce a Green and Blue Infrastructure Supplementary Planning Document (SPD) setting out how this approach will be implemented.
  - new development should aim to deliver gains in biodiversity where appropriate. Where proposals fall within or adjacent to a BOA, biodiversity measures should support that BOA's objectives. The SPD will set out guidance on how this can be achieved.
  - the designated sites in the following hierarchy are shown on the Policies Map or as subsequently updated:
    - European sites: Special Protection Areas (SPA) and Special Areas of Conservation (SAC)
    - National sites: Sites of Special Scientific Interest (SSSI)
    - Local sites: Sites of Nature Conservation Importance (SNCI) and Local Nature Reserves.
1. permission will not be granted for development proposals unless it can be demonstrated that doing so would not give rise to adverse effects on the integrity of European sites, whether alone or in combination with other development. Any development with a potential impact on SPA or SAC sites will be subject to a Habitats Regulations Assessment.
  2. permission will only be granted for development proposals within or adjacent to national sites where it can be demonstrated that doing so would not be harmful to the nature conservation interests of the site and its function as an ecological unit.
  3. permission will not be granted for proposals that are likely to materially harm the nature conservation interests of local sites unless clear justification is provided that the need for development clearly outweighs the impact on biodiversity. Where this test is met, every effort must be made to reduce the harm to the site through avoidance and mitigation measures

Lastly, policy NE4 of the saved Guildford Local Plan safeguards protected species. A Biodiversity and Ecological Assessment was submitted with the application and was then updated following the submission of the amended scheme. The report establishes the baseline ecological conditions at the site, outline the mitigation measures to be put in place to minimise effects on important ecological features, identify residual effects and their significance including cumulative effects and detail enhancement measures to be incorporated into the development. At the request of Surrey Wildlife Trust this has been supplemented with additional bat surveys.

### Ecology

In terms of the impact on species, the assessment notes the following:

With regard to bats, it is noted that while there has been bat activity recorded in the vicinity of the site the results of the preliminary roost assessment found that the existing building was well maintained with no holes, gaps or features which could provide access points for roosting bats thus was considered to have negligible potential for roosting bats. Inspections of the trees on site also took place, none of which were found to support any roosting features. Further the assessment notes that the existing section of the River Wey is already subjected to high levels of disturbance caused by the existing street lighting that runs alongside the river. This renders this area less suitable for commuting bats. However, it is acknowledged that the proposed development could contribute to an increase in lighting that may affect any bats that do choose to commute or forage along this stretch of the river.

Having initially raised concerns about the information which was submitted with the application, Surrey Wildlife Trust have raised no objections to the development in terms of its impact on bats or their habitat. The submitted report sets out a range of mitigation measures which will help to limit and negate the impacts. This includes the submission and approval of a lighting plan (secured by condition) which will be implemented to reduce light along the river corridor. This will include measures which restrict light spill beyond the site by as much as possible.

The other species identified for assessment are otters and water voles. The report notes that whilst there are records of otter and water vole within 2km of the site, the area alongside the river is artificial in nature with metal piling and concrete sides, making it impossible for burrowing and thus unsuitable for otter or water vole. Further, the report states that the frequent level of disturbance caused by the existing footpaths that run along both sides of the river and the street lighting that accompanies them is likely to render this area of the River Wey highly unsuitable for otter and less suitable for water vole. However, the construction works have the potential to impact the river and downstream habitats via pollution events which could affect otters and water voles.

Surrey Wildlife Trust raise no concerns relating to the impact of the proposal on otters or water voles. The mitigation measures put forward by the applicant include the provision of grates which the culvert which runs under the building to ensure that otters and water voles do not become trapped. In addition, to limit the risk of pollution impacting on these species downstream, this will be managed through a Construction Environmental Management Plan (CEMP) which could be secured by condition.

In relation to other non-species-specific impacts it is noted that overshadowing of the river was raised as a concern by the EA during early discussions on the proposal. Overshadowing of the river could result in harm to its ecological and biodiversity value. The submitted report notes that the development will result in a marginal increase in overshadowing during the December and March periods. The June period will result in a minor decrease in overshadowing, with sections of the river gaining up to three hours of additional sunlight.

It is noted that the growing period of most aquatic vegetation tends to be late spring to summer, with vegetation dying back in autumn with the progressions of cold weather and dormant over winter. Therefore, a slight increase in shading during these months is unlikely to affect its growth and a slight decrease in shading during the summer months may improve vegetation growth. However, notwithstanding the above it is noted that given the urban nature of the river, no aquatic vegetation was observed during the applicant's survey work with the river channel well maintained for navigation purposes. The EA have considered the additional information which has been submitted by the applicant and this concern has now been withdrawn.

Given the mitigation and avoidance measures to be put in place the submitted report concludes that there will be no negative residual effects on any of the identified ecological features listed above. In addition, no objections have been raised by Surrey Wildlife Trust.

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

## Biodiversity

At present there is no formal adopted target for biodiversity improvements as part of the development process. However, without setting a target, paragraph 174(d) of the NPPF states that 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' should be a requirement of both plan making and decision taking. It is noted that biodiversity net gain targets are being proposed at both a national and local level, with these being 10 and 20 percent respectively. However, neither of these policies can be afforded weight at the present time as the national target of 10 percent is not due to be in place until 2023 and the local requirement of 20 percent is currently going through examination as part two of the Local Plan. However, setting out the likely future requirements for biodiversity net gain is important in setting the context.

In respect of biodiversity the baseline for the site has been calculated as 0.38 Habitat Units pre-development and 1.58 post development. This results in a biodiversity net gain of 318.99%.

Surrey Wildlife Trust have assessed the submitted biodiversity information and they are satisfied that the net gain noted above is an accurate assessment of the proposal. While the limitations of the policy background are acknowledged, even using the potential higher requirement which is set out in the Guildford Borough (Submission) Local Plan: Development Management Policies (June 2022), the proposal delivers a significant net gain in biodiversity, which is greatly more than the direction of travel in local and national policies. This is a benefit of the scheme and will be reflected in the overall balance.

On a separate but related point it is noted that the Environment Agency (EA) have objected to the proposal due to the lack of any improvement to the biodiversity of the River Wey itself. The EA note that:

*'insufficient amendments have been proposed to demonstrate that the development will enhance the ecological value of the River Wey'.*

While the development may not have a significant detrimental effect to the watercourse, Local Plan Policy ID4 requires development to enhance the ecological value of watercourses and demonstrate how the objectives of the Water Framework Directive will be achieved following guidance from the Environment Agency and the River Basin Management Plans. The River Wey is specifically highlighted within the Local Plan as a highly valued asset of borough wide significance'.

The Local Planning Authority has engaged with both the EA and applicant on this matter and ways of overcoming this objection have been explored. The EA have suggested that the placement of small floating man made 'islands' in the river might be a way of improving biodiversity. However, while the applicant has confirmed that they are open to suggestions on how the biodiversity of the river could be improved, it is noted by Officers that any such measures would need to meet the relevant tests for conditions. As the river is not owned by the applicant and as the placement of any structures within the river would almost certainly need separate consents from the EA (possibly amongst others), the provision of such measures whilst technically possible would be outside the control of the applicant and may not be deliverable. As a result, such a condition to control biodiversity improvements to the river would not meet the tests for conditions.

It is noted above that the EA have already confirmed that the proposal would not have a significant impact on the watercourse and their main objection centres around the lack of improvement to the river, which is supported by policy ID4 of the Local Plan. Given the issues which have been set out above, in this instance it is not possible for the applicant to make improvements to the river itself. Considering the other ecology and biodiversity improvements made by the applicant, the proposal is not considered to be in conflict with policy ID4 in this regard. As such, the reason for refusal offered by the EA could not reasonably be sustained in this instance. The EA have confirmed that the departure from the suggested reason for refusal does not trigger a referral to the Secretary of State.

Officers are satisfied that by way of suitably worded planning conditions suitable mitigation and enhancement measures can be included to address the findings of the report, and in turn address the concerns of the Environment Agency. This will allow the development to comply with relevant legislation and planning policy, contributing to no net loss in biodiversity on-site and providing a sizable net gain in accordance with P5 and D1 of the adopted local plan and paragraph 180 of the NPPF.

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

The application site is located within the 400 metre to five-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 consultation Natural England advised that they have no objections to the proposal subject to appropriate mitigation being secured and as long as the applicant is complying with the requirements of Guildford's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA. The applicant has agreed to pay the tariffs published within the SPD and as such, the proposal would be acceptable in this regard. The mitigation for this development would be the Council's SANG at Chantry Wood. The contribution towards SANG and SAMM would be secured through the legal agreement.

it is therefore considered that the proposal would be compliant with the objectives of the TBHSPA Avoidance Strategy SPD 2017, policy P5 of the LPSS and policy NRM6 of the South East Plan 2009.

### **Environmental health matters**

Guildford Local Plan Saved Policy G1(3) ('Protection of Amenities Enjoyed by Occupants of Buildings') requires amenity to be protected from unneighbourly development in terms of noise (among other things). Guildford Local Plan Saved Policy G1(13) ('Mixed Use') requires development that incorporates a mix of land uses to ensure there is no unacceptable noise disturbance. The impact on amenity has already been considered, whilst it is not the role of planning decisions to consider matters covered by other legislation it is relevant to address subjects such as noise/air quality in so far as they relate to the planning policy considerations.

### Noise and vibration

The noise and vibration impact section of the Environmental Statement (ES) notes that the main impacts arising from the development will be during the construction phase. This will include noise from the demolition and construction of the development itself, as well as noise from vehicles and plant and machinery accessing the site.

Firstly, regarding this issue it should be remembered that considering the scale and nature of the proposal it is inevitable that there will be some disruption caused as a result of construction works. Secondly, it is noted that concerns regarding a noise nuisance (including from development sites) are best investigated and dealt with through Environmental Health legislation rather than through the planning system.

To assist in limiting any negative effects of the development with regard to noise and vibration the applicant has suggested a range of mitigation measures. These include:

4. early communications with properties likely to be impacted;
5. effective co-ordination and time management of construction operations. For example, if possible, noisy works should be programmed to occur outside of theatre performances;
6. noise monitoring shall occur;
  - contractors would be required to ensure that works are carried out in accordance with Best Practicable Means (BPM) as stipulated in Section 61 of the Control of Pollution Act;
  - securing a Construction Environmental Management Plan by condition which includes measures to reduce construction noise;
  - provision of a temporary screen, consisting of temporary noise barrier cladding affixed to scaffolding. This will reduce the potential for significant effects due to some of the outdoor enabling works;
  - if possible, noisy substructure works shall occur while part of the existing building remains standing, between the substructure works and the receptors to the south and east. The existing structure would act as a screen, reducing the propagation of construction noise;
  - during piling works, the quietest method of piling that is feasible for the ground conditions shall be used,
  - noise from superstructure works could be reduced by introducing a temporary solid cladding or perimeter screen along the south and east boundary of the new structure. This would need to be in place prior to noisy works commencing on each floor.
  - using machinery which is in good working order;
  - a communication strategy shall be developed to proactively inform occupants of affected properties of planned works near the site boundary and the potential for perceptible (but not damaging) levels of vibration; and
  - pre-commencement condition surveys shall be undertaken of those sensitive receptors located within 30 m of the Site boundary at which perceptible levels of vibration could occur.

The Noise Report concluded that with the above further mitigation, it is expected that construction noise would have a medium-term minor adverse impact at the residential uses at the White House and Britannia, at 28 to 30 High Street (office), and at St Mary's Terrace, and at the Yvonne Arnaud Theatre. The residual effects of construction noise at these receptors are expected to be not significant.

The Noise Report also deal with the impacts of the completed development. With regard to noise from plant and machinery it is noted that there will be some noise from, for example, the ventilation system etc. However, the report concludes that with the implementation of a mitigation strategy, it is expected that noise from building services systems will have a long-term negligible impact, and the effects of building services noise are expected to be not significant.

As regards the impact of noise from the proposed commercial units the report notes that activity noise break-out from the commercial uses to outdoors has been assessed throughout the concept design stage. It is stated that this can be controlled by establishing indoor noise limits within the commercial uses and suitable sound insulation requirements of the building envelope and external doors to these spaces. In addition, noise from outdoor activities can be managed through appropriate licencing restrictions and operational management of each venue. Therefore, this is not expected to result in any significant effects. On this basis, the Noise Report concludes that the activity noise from the proposed commercial use will have no more than a long-term minor adverse impact on the closest receptors. The effects of activity noise are expected to be not significant.

The Council's Environmental Health Officer (EHO) has noted that the submitted noise report has addressed the ambient environment with respect to the development, impact of the construction and operational phases to a very detailed level. Subject to conditions which include a number of measures which have already been suggested by the applicant, no objections are raised by the EHO in this regard.

#### Noise environment for future residents

The Noise Report notes that the site is suitable for the proposed development from an environmental noise perspective. The proposed ventilation strategy is compatible with achieving BS 8233:2014 guidelines while windows are closed and where the façade sound insulation specification is appropriate. Additional summertime ventilation can be provided via openable windows in sheltered areas and through mechanical means in higher noise level areas overlooking Millbrook. With the provision of a solid impermeable barrier surrounding each balcony, outdoor noise levels in the proposed roof gardens will be minimised as far as possible along with a reduction in traffic noise levels incident on the balcony doors and glazing. It is noted that alternative quiet amenity areas in the vicinity of the proposed development offset the potential adverse effects of noise within the private balconies overlooking Millbrook.

While the Council's EHO has noted that there are other licensed premises in the vicinity of the site that may result in noise impacting on the future residences, no objections to the proposal have been raised. As such, with the mitigation proposed, the development is considered to be acceptable in this regard also.

#### Air quality

The development is within an Air Quality Management Area (AQMA), which was declared in October 2021 based on nitrogen dioxide objective levels. The EHO notes that the submitted Air Quality Report is very comprehensive and detailed. In terms of exposure of individuals the lack of residential on the ground floor or below is a plus. In addition, the public seating areas at ground floor level should be away from the A281 which is the source of the pollution.

The residential units are all above ground floor level and it is anticipated that albeit this is within the AQMA that the height of the receptors will not require any additional mitigation above those proposed. This includes the option of using mechanical ventilation on the Millbrook side of the buildings.

As such, no objections are raised to providing residential accommodation in this location within the AQMA.

The EHO notes that further positive measures included within the development include the fact that all parking spaces will have electric vehicle charging points in the basement for use by residents. Although the EHO has requested that only low emission vehicles operate from the site, this is not something which could reasonably be secured by either a planning condition or legal agreement.

It is acknowledged that the proposal will cause some air pollution during construction through dust from demolition and construction and an increase in construction vehicles operating in the area. However, the Air Quality Report states that the air quality modelling for the proposed development has not identified a significant effect on any of the introduced receptors for the three pollutants. Therefore, the likely residual effects are anticipated to be negligible. As such, Officers are content that the proposal is acceptable in this regard.

#### Contaminated land

The Council's EHO notes that no intrusive investigations have taken place on the site, which is in part due to the fact that the site is currently occupied by built form. The applicant has suggested a range of further work that is required during and before construction begins. This will be secured by condition. The Council's EHO has raised no objections to this approach.

Overall, with the conditions recommended above, the proposal complies with policy G1 of the saved Local Plan, in respect of environmental health matters.

#### Legal agreement provisions

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.

The primary measures to be secured through legal agreement are set out below.

#### Thames Basin Heaths SPA

A SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring) payment which is in line with the TBHSPA Avoidance Strategy SPD 2017 will be required. Based on current circumstances, the payment is £1,024,674.72 (SANG) and £136,489.67 (SAMM).

Without this contribution, the development would be unacceptable in planning terms and would fail to meet the requirements of the Habitat Regulations. The requirements for the mitigation have been set out in the section above titled 'The impact on the Thames Basin Heaths Special Protection Area'.

Therefore, this obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.



### Affordable housing

It has already been noted above that due to viability reasons, which have been independently verified by a Council appointed expert, the proposal cannot deliver the number of affordable homes which are required by policy H2 of the LPSS.

However, notwithstanding the viability position, the applicant has offered the provision of five, one-bedroom shared ownership units which would be located within Building B. The legal agreement would secure the provision of these units as offered by the applicant.

On a related point, the Council has agreed with the developer that a review mechanism will be secured through the s.106 agreement. This will require the applicant to do a new viability review of the scheme at a point in the development to be agreed, where costs and income through sales is known to a more accurate level. On review mechanisms paragraph 10-009-20190509 of the PPG states that: 'where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project'.

Securing both the on-site shared ownership units and the review mechanism is necessary, directly related to the development and reasonable, and therefore they meet the requirements of Regulation 122.

### Primary healthcare

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 and improve nearby GP facilities.

Surrey Heartlands ICS has reviewed the application and based on the population generated by the development, they are seeking a contribution of £114,567 to mitigate the impacts of the development. It is considered that the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Highways

The County Highway Authority sought to mitigate the development with a highways contribution of £200,000 to partially fund a new cycle route from Godalming to Guildford. This would assist in improving cycle infrastructure in the area and particularly from the site to the south and into the town centre.

The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Education

The development is likely to place additional pressure on school places in the area at early years, primary and secondary level. The development should mitigate these impacts. Surrey County Council as the Education Authority has provided a list of projects which contributions would be allocated to and these are considered to be reasonable and directly related to the development.

For this development, Surrey County Council request a contribution of £124,514 towards early years education infrastructure in the local area; a contribution of £297,348 towards primary education and a contribution of £275,524 towards secondary education infrastructure. These contributions are required to mitigate the impact of the proposal on the local education system and are 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 Police' 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. Sussex and Surrey Police have requested a contribution of £29,082.15.

A contribution to mitigate the impact of the proposal on community policing is considered to be necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

### Contribution towards infrastructure to improve pedestrian and cycle access to the riverside

It is noted that opening access to the riverside is a long-held aspiration for the Council. The river currently runs through the town centre, but access to it is limited to a small number of locations. There are various policies in the LPSS which promote riverside access. These include policy E6 which states that proposals which promote greater use of the River Wey as a leisure and recreational resource without harming local biodiversity or water quality will be supported. In addition, policy D1 of the LPSS states that 'all new development will be designed to ensure it connects appropriately to existing street patterns and creates safe and accessible spaces. Particular regard shall be given to maximise opportunities for pedestrian and cycle movement and the creation of a high-quality public realm. All new development will be designed to maximise the opportunity for and linkages between green spaces and public places, and include high quality landscaping that reflects the local distinctive character'.

The scheme itself addresses the requirements of policies E6 and D1 within its boundaries in a satisfactory manner. However, policy D1 in particular aims to improve connectivity between green spaces, and therefore there is a need to enhance connections along the river from beyond the site boundaries to the proposed open spaces within the site. To achieve this, the s106 agreement will secure a financial contribution of £1 million which in turn would be used by the Council to deliver riverside access improvement works outside the site boundaries. It is noted that these works could include, for example, opening the Millbrook car park frontage to the river and provide access, creation of a footbridge over the Millstream; opening a riverside walk by Millbrook Lock; creating a riverside walk fronting Portsmouth Road car park and improving the riverside route by Electric theatre.

It is considered that the obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

*Safeguarding of two landing points to facilitate the potential future provision of a pedestrian bridge across the basin of the River Wey*

The applicant and the Local Planning Authority have negotiated the safeguarding of two pieces of land which could be used as landing points for a pedestrian bridge if one is developed in the future. The bridge could span the basin between the application site and the Yvonne Arnaud Theatre. While the land safeguarding does not mean that a pedestrian bridge will be developed in the future, it does mean that the scheme would not preclude its delivery. It is acknowledged that any such development will require a further grant of planning permission and this would be assessed on its own merits at the time. The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.

*Recreational open space*

To mitigate the fact that the scheme does not deliver any playing field provision or enough play space, the Council's Parks Team have requested a contribution of £214,784 towards playing field provision and £174,927 towards play space. The playing field contribution would be used to improve facilities at Shalford playing fields. The play space contribution would be used to install facilities at in South Hill or Shalford Park. The contributions would be in line with those set out in policy R2 of the saved Local Plan.

The obligation is necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.s

*Balancing the s106 contributions due to viability*

It has already been noted above that the scheme is not viable and cannot deliver a policy compliant scheme in terms of the contributions. In this situation, the Local Planning Authority needs to weigh all of the contributions together to conclude which can be taken forward, either in full or in part.

Officers recommend that the contributions towards SANG, SAMM, education and infrastructure to improve pedestrian and cycle access to the riverside should be secured in full.

The Local Planning Authority recommends reducing the contributions to be secured towards the mitigation of healthcare impacts and highways. The healthcare contribution would be reduced slightly from the £114,567 requested, to £100,000. This is still a significant and meaningful contribution which will still help to mitigate the impact of the development on healthcare infrastructure in the area.

The County Highway Authority request for £200,000 towards the provision of a cycle link between Guildford and Godalming would also be reduced to £100,000. This has been discussed with the County Highway Authority and given the viability position, they have agreed to the reduction in this contribution (albeit still acknowledging that £200,000 is still technically justifiable and CIL compliant). Given that this scheme takes in two boroughs and has a total cost of approximately £760,000, through pooling of resources from both Council's (Guildford and Waverley) it is likely that this scheme could still be delivered in the future with the reduced contribution of £100,000 from this development.

The contributions of £29,082 towards policing infrastructure, £214,784 for playing field provision and £174,927 for play space are no longer being sought. Officers have concluded that the other contributions above should take precedence over these contributions as they would have a greater overall public benefit to the community as a whole. In addition, it has been noted that there are other areas of open space in the vicinity of the site (albeit outside of the ward), which could be used by future residents of the scheme.

The conclusions reached above have been made taking a fair and balanced approach to the contributions which have been requested whilst maximising the public benefit and mitigation that the scheme delivers.

### **Heritage harm v public benefits balancing exercise**

As noted above, paragraph 199 of the NPPF 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'. The requirements of Section 66(1) and Section 72(1) and the case law governing these provisions should be remembered. The report has concluded that the development and its associated works would result in less than substantial harm to a number of heritage assets, including those of the highest significance. This includes the harm caused to the setting and significance of one of the UKs most highly graded buildings, the Grade I listed St Mary's Church and Miles Tomb, as well as the harm caused to the Grade II\* listed St Nicholas Church.

It is noted that Historic England (HE) has commented that 'the most harm would be caused to St Mary's and St Nicholas' Churches and that the level of harm would be in the mid-range of less than substantial, in the terms of the NPPF. There would also be harm to the Town Centre and Millmead and Portsmouth Road Conservation Areas, still broadly at a mid-level within the less than substantial range. There is also some less than substantial harm to Guildford Castle and to Holy Trinity Church, both at the lower end'. The Council's Conservation Officer has carefully considered the impacts identified above as have Officers.

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 does seek to explain 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:

#### Provision of housing

The proposal provides a total of 185 residential dwellings where none exist at present. It is noted that the Council has a healthy housing land supply of seven years. However, it is also acknowledged that this has recently been challenged at appeal, and the results are expected shortly.

In a borough where there is a clearly identified need and demand for housing, this windfall delivery of 185 good quality units, of a mix which is reflective of the town centre location, would make a material and significant contribution to the supply of housing.

#### Provision of affordable housing

Although the proposal cannot provide the amount of affordable housing which is required by policy, this has been justified on viability grounds. Notwithstanding this, the proposal would still deliver five one-bedroom on-site shared ownership units. The Council's Housing Manager has indicated that there is the greatest demand for one-bedroom shared ownership homes and therefore, the proposal would still meet a demand and need for such housing.

It is noted that the Council has a long waiting list for affordable homes and that delivery over the last year has been limited. Although only five units are proposed, this would still be classed as a benefit of the scheme.

#### Removing a vacant building and preventing longer term dereliction

It is noted that Debenhams Plc has now closed all of its bricks and mortar stores across the UK. The Guildford store closed for the final time in May 2021 and has been vacant ever since.

It is noted that the site is in a very prominent location in the town centre, at the bottom of Guildford High Street. Due to the changing retail environment, it is accepted by Officers that the existing building is highly unlikely to enter the market again as a department store. In addition, due to the high floor to ceiling heights and the deep floorplan, the re-use of the building for other purposes is also very limited in its attractiveness. As such, if the building were to remain as it is, the site is likely to remain vacant into the foreseeable future. In such a situation, the condition of the building is likely to decline further and this could result in harm to the character and appearance of the area, as well as the general economic attractiveness of the Guildford as a regional retail centre.

The proposal would remove the existing building and would introduce uses which are needed or in reasonable demand. The ground floor retail uses are likely to be an attractive proposition in this area of the town centre, overlooking the River Wey. In addition, the need for more housing has been set out above.

The redevelopment of the site would, overall, make a more effective use of this highly sustainable site in the County town. It is noted that paragraph 120(c) of the NPPF states that planning 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 proposal would also accord with the similar requirements of policy S3 of the LPSS. This policy notes that the enhancement of the public realm and its amenity value will ensure the town centre becomes an even more attractive place to live, work and visit and will be a key component of the area's regeneration.

As such, the redevelopment of this vacant site, and the prevention of further long-term dereliction is considered to be a public benefit of the proposal.

### Improving and providing access to the riverside

At present, there are limited opportunities in the town centre for accessing the riverside on its eastern bank. This is the bank which is on the High Street side of the river which is therefore more accessible to visitors, shoppers and workers. At present, there are only two opportunities for riverside access in the centre of the town. These are the Town Wharf on the northern side of Town Bridge and the walkway from Town Wharf leading to the Electric Theatre. There is also a small pocket park between the Town Mill and the Debenhams site, however, this does not overlook the river, but one of its associated basins.

While both of these spaces are of amenity value to the town, they offer limited opportunities for recreation as open space areas and are mainly used as pedestrian routes from the town centre to the station and Woodbridge Road.

As set out in the report, the proposal includes various areas of open space which would be accessible to the general public and which would provide attractive and high-quality spaces alongside the river. These include the new civic square at the end of the High Street. This would replace the existing open space area outside of the main Debenhams entrance but in its redesigned form would provide opportunities for seating next to the river and areas of landscaping. In addition, a new riverside walk is included as part of the proposal. This would provide a new riverside walk along the length of the site, with some opportunities for seating and landscaping. This leads to the new pocket park on the southern edge of the development which would overlook the river basin and the Town Mill. This area provides grassed areas for recreation, seating and some incidental children's play.

Policy S3 of the LPSS seeks to achieve improved access and views to the River Wey and policy D1 states that all new development will be designed to maximise the opportunity for and linkages between green spaces and public places and include high quality landscaping that reflects the local distinctive character.

The proposal would provide the first purpose-built area of modern riverside open space for a considerable period of time. The proposal would therefore provide meaningful areas of open space for residents and would help to greatly improve access to the riverside in the town centre.

It is acknowledged that some form of public riverside walk would be 'expected' as part of any redevelopment of this site. However, as the site is not allocated in the Local Plan, the Council would be relying on its policies to achieve this. It is not a guarantee that a different scheme would deliver the same level of public access to the river. As such, the Council's expectation should not dilute the benefits which are provided by this proposal.

### Vitality of the town centre

At present the site is vacant and this has a negative impact on the vitality of this end of the town centre. While it is acknowledged that the former department store provided some active frontage onto Millbrook and a much lesser amount to the river (limited to the café), after closing time the site became inactive and had very little interest in townscape or night-time economy terms.

The proposal on the other hand would be a mixed-use scheme which would provide activity and life throughout the day and night. The large number of residential properties would provide comings and goings and activity and the proposed commercial units, some of which may be well suited for food and beverage outlets, would provide a more prolonged level of activity from the morning until late evening.

The proposal would have the result of transforming the character, vitality and viability of this end of the town centre from a largely deserted part of the High Street to a lively and active site which has life throughout the day and night.

This is considered to be a material public benefit of the proposal.

### Heritage improvements

While the heritage harm has been clearly set out above, it is noted that the scheme does result in some limited heritage benefits. Specifically, that is the opening up of a new view of St Marys Church from the western bank of the river on Millmead. The photomontages which have been submitted with the application show that St Marys would now be visible through the gap which is being created between the two blocks. At present, no views of St Marys are possible from the western bank of the river.

Historic England have noted that this benefit is, in light of the harm identified, is only a very modest one. However, notwithstanding this, opening up a previously unseen view of St Mary's Church is still considered to be a public benefit of the development.

### Economic benefits

As noted above, the Local Planning Authority considers that the prospect of the existing Debenhams being re-used as a department store or other commercial operation is very unlikely. As such, not only will it continue to be a large vacant block in the centre of the town, it will continue to provide no economic benefit to the town.

The applicant notes that the proposal will have a two-fold economic benefit. That being the economic benefit achieved during the construction process and then the continued economic benefit of the scheme once it is completed. This includes the fact that the proposal will increase the number of people living in the town centre, which will in turn have a positive impact on local services, shops and facilities and also the new jobs created through the new commercial units.

The applicant notes that the construction process would result in the creation of 415 full-time equivalent (FTE) jobs per year and approximately 66-102 FTE jobs across the proposed, flexible retail floorspace. While it is acknowledged that the construction jobs would be for a temporary period, overall, the proposal would create significant job opportunities in the market. In addition, the applicant estimates that the annual operational household expenditure would amount to approximately £1,876,814 within the borough, based on the ONS average weekly household spend.

The economic benefits of the proposal are therefore considered to be a public benefit of the proposal.

#### *Biodiversity benefits*

As noted above, there are not yet any local or national policy requirements for biodiversity net gain. The proposed scheme would achieve a net gain of 319%. This greatly exceeds the emerging national and local requirements which are 10 and 20% respectively.

The net gain achieved as part of the development is gained through the extensive tree planting around the site, the provision of new areas of open space, as well as ecological features such as bird and bat boxes.

Such a large betterment in biodiversity, when compared to the emerging standards, is considered to be a public benefit of the scheme.

#### *Energy and sustainability benefits*

The proposal would be a fully electric development, thereby reducing the reliance on fossil fuels for energy. The Council's requirement is that developments should achieve a 20% reduction in carbon emissions. The subject application significantly better the Council's requirements by reducing emissions by 39%. The benefits of reducing carbon emissions are obvious in terms of climate change. Such a significant betterment of the Council's policy is considered to be a public benefit of the scheme

#### *Air quality benefits*

The previous department store included a customer parking area in the basement of the building. This was a popular and well-used resource. In addition, due to the size of the store, and the fact that in later years it had begun to be diversified into ancillary operations (i.e. the provision of a Sports Direct outlet on the upper floor, a coffee outlet on the ground floor), it also generated a significant volume of traffic delivering goods.

The proposal on the other hand provides a mixed-use scheme with a very limited number of residents parking spaces. It is noted that 20% of these spaces will be fitted with electric charging points. While deliveries to the residential units and commercial properties will still be needed, overall, the level of vehicular trips to the site will significantly decrease in overall terms.

Given that the site is within an AQMA, the reduction in traffic volumes from and to the site will assist in improving air quality in the immediate area.

#### **Heritage harm v public benefits balance:**

Overall, the public benefits of the proposal are wide ranging and long lasting. Of particular note is the opportunity to open up riverside access at the bottom of the High Street in a manner which will have a significant benefit for residents, visitors and workers. The proposal also delivers a significant amount of housing, on a windfall site in a highly sustainable location. The proposal would also be a highly efficient use of the site and would prevent a likely period of long-term dereliction.



The impacts on the heritage assets, and in particular St Mary's Church and St Nicholas Church which are Grade I and II\* listed buildings respectively, are recognised and are given great weight and considerable importance. As noted above, paragraph 199 of the NPPF 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'.

Although great weight and considerable importance has been afforded to the heritage harm, it is considered that the scale of the public benefits and the transformative impact that the development would have on the town centre, are considered to be sufficient in this instance to outweigh the identified heritage harm.

As such in this regard the proposal is considered to be compliant with the NPPF and policy D3 of the LPSS.

### **Final balancing exercise**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a broad judgement regarding whether the development accords with the plan read as a whole. Paragraph 11 of the NPPF also states that 'plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means...approving development proposals that accord with an up-to-date development plan without delay'. While the proposal does conflict with some policies within the plan, overall and taken as a whole, the development is considered to accord with the development plan. Therefore, the presumption is that the application should be approved without delay.

Notwithstanding this, 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 do outweigh 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 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.

As noted above, the less than substantial harm identified to designated heritage assets carries substantial (great) weight and considerable importance in the planning balance. Given the full analysis in relation to heritage harm above, that exercise is not here repeated, but other identified planning harms are considered below.

## **Other harm:**

### Townscape harm

It has been noted above that of the 16 viewpoints identified by the Council's Urban Design Officer as where the scheme could have the most significant impact on townscape, in fact it would result in adverse impacts in just four views, (24; 25; 31 and 35), and possible minor adverse impact in two views, (11 and 22). Consequently 36 of the 42 views that GBC considered should be tested are not adversely affected.

Whilst this does not mean that the remaining viewpoints that suffer adverse impact are not of significance, they are nevertheless a small proportion of the total, as seen from distant to nearby locations, reflecting the limited effect of the overall heights, the stepping down and the materials palette proposed in the amended scheme. The Urban Design Officer concluded 'overall, the amended scheme is a balanced design response to the post submission Design Review Panel, Officer and consultee comments. It enhances the new and improved areas of public realm and the pedestrian environment on Millbrook. The proposals have considered the setting of the buildings, in terms of height, massing, materials palette and detailing'.

As such, the proposals do result in some adverse impacts on the existing townscape in certain views, which must be considered as causing harm in the planning balance.

**Substantial weight** is afforded to this matter.

### Sunlight and daylight impacts

The proposal would result in some limited harm to the amount of daylight and sunlight to the occupants of several properties along St Marys Terrace.

Given the relatively modest scale of the harm (as confirmed by the Council's daylight and sunlight experts), the significant distance of separation which existing between the site and St Marys Terrace and the fact that it only impacts on two residential properties means that only **modest weight** is afforded to this matter.

No other harms have been identified throughout the report.

## **Benefits of the proposal:**

The benefits of the scheme have already been set out above in the section entitled 'heritage harm v public benefits and balancing exercise'. For ease of reference, the individual benefits resulting from the scheme will be summarised again below and a level of weight attributed to them.

### Provision of housing

The proposal provides a total of 185 residential dwellings where none exist at present. It is noted that the Council has a healthy housing land supply of seven years. However, it is also acknowledged that this has recently been challenged at appeal, and the results are expected shortly.

In a borough where there is a clearly identified need and demand for housing, this windfall delivery of 185 good quality units, of a mix which is reflective of the town centre location, would make a material and significant contribution to the supply of housing.

It is considered that **substantial weight** is afforded to this matter.

#### Provision of affordable housing

Although the proposal cannot provide the amount of affordable housing which is required by policy, this has been justified on viability grounds. Notwithstanding this, the proposal would still deliver five one-bedroom on-site shared ownership units. The Council's Housing Manager has indicated that there is the greatest demand for one-bedroom shared ownership homes and therefore, the proposal would still meet a demand and need for such housing.

It is noted that the Council has a long waiting list for affordable homes and that delivery over the last year has been limited. Although only five units are proposed, these are provided by the applicant even though the scheme has been confirmed to be unviable at this level.

Given the level of affordable housing being provided and the viability situation, **significant weight** is afforded to this element of the scheme.

#### Removing a vacant building and preventing longer term dereliction

It is noted that Debenhams Plc has now closed all of its bricks and mortar stores across the UK. The Guildford store closed for the final time in May 2021 and has been vacant ever since.

It is noted that the site is in a very prominent location in the town centre, at the bottom of Guildford High Street. Due to the changing retail environment, it is accepted by Officers that the existing building is highly unlikely to enter the market again as a department store. In addition, due to the high floor to ceiling heights and the deep floorplan, the re-use of the building for other purposes is also very limited in its attractiveness. As such, if the building were to remain as it is, the site is likely to remain vacant into the foreseeable future. In such a situation, the condition of the building is likely to decline further and this could result in harm to the character and appearance of the area, as well as the general economic attractiveness of the Guildford as a regional retail centre.

The proposal would remove the existing building and would introduce uses which are needed or in reasonable demand. The ground floor retail uses are likely to be an attractive proposition in this area of the town centre, overlooking the River Wey. In addition, the need for more housing has been set out above.

The redevelopment of the site would, overall, make a more effective use of this highly sustainable site in the County town. It is noted that paragraph 120(c) of the NPPF states that planning 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 proposal would also accord with the similar requirements of policy S3 of the LPSS. This policy notes that the enhancement of the public realm and its amenity value will ensure the town centre becomes an even more attractive place to live, work and visit and will be a key component of the area's regeneration.

As such, the redevelopment of this vacant site, and the prevention of further long-term dereliction is considered to be a benefit of the proposal which should be afforded **substantial weight**.

### Improving and providing access to the riverside

At present, there are limited opportunities in the town centre for accessing the riverside on its eastern bank. This is the bank which is on the High Street side of the river which is therefore more accessible to visitors, shoppers and workers. At present, there are only two opportunities for riverside access in the centre of the town. These are the Town Wharf on the northern side of Town Bridge and the walkway from Town Wharf leading to the Electric Theatre. There is also a small pocket park between the Town Mill and the Debenhams site, however, this does not overlook the river, but one of its associated basins.

While both of these spaces are of amenity value to the town, they offer limited opportunities for recreation as open space areas and are mainly used as pedestrian routes from the town centre to the station and Woodbridge Road.

As set out in the report, the proposal includes various areas of open space which would be accessible to the general public, and which would provide attractive and high-quality spaces alongside the river. These include the new civic square at the end of the High Street. This would replace the existing open space area outside of the main Debenhams entrance but in its redesigned form would provide opportunities for seating next to the river and areas of landscaping. In addition, a new riverside walk is included as part of the proposal. This would provide a new riverside walk along the length of the site, with some opportunities for seating and landscaping. This leads to the new pocket park on the southern edge of the development which would overlook the river basin and the Town Mill. This area provides grassed areas for recreation, seating and some incidental children's play.

Policy S3 of the LPSS seeks to achieve improved access and views to the River Wey and policy D1 states that all new development will be designed to maximise the opportunity for and linkages between green spaces and public places and include high quality landscaping that reflects the local distinctive character.

The proposal would provide the first purpose-built area of modern riverside open space for a considerable period of time. The proposal would therefore provide meaningful areas of open space for residents and would help to greatly improve access to the riverside in the town centre.

It is acknowledged that some form of public riverside walk would be 'expected' as part of any redevelopment of this site. However, as the site is not allocated in the Local Plan, the Council would be relying on its policies to achieve this. It is not a guarantee that a different scheme would deliver the same level of public access to the river. As such, the Council's expectation should not dilute the benefits which are provided by this proposal.

**Substantial weight** is afforded to this element of the proposal.

### Vitality of the town centre

At present the site is vacant and this has a negative impact on the vitality of this end of the town centre. While it is acknowledged that the former department store provided some active frontage onto Millbrook and a much lesser amount to the river (limited to the café), after closing time the site became inactive and had very little interest in townscape or night-time economy terms.

The proposal on the other hand would be a mixed-use scheme which would provide activity and life throughout the day and night. The large number of residential properties would provide comings and goings and activity and the proposed commercial units, some of which may be well suited for food and beverage outlets, would provide a more prolonged level of activity from the morning until late evening.

The proposal would have the result of transforming the character, vitality and viability of this end of the town centre from a largely deserted part of the High Street to a lively and active site which has life throughout the day and night.

**Substantial weight** is afforded to this element of the proposal.

#### Economic benefits

As noted above, the Local Planning Authority considers that the prospect of the existing Debenhams being re-used as a department store or other commercial operation is very unlikely. As such, not only will it continue to be a large vacant block in the centre of the town, but it will also continue to provide no economic benefit to the town.

The applicant notes that the proposal will have a two-fold economic benefit. That being the economic benefit achieved during the construction process and then the continued economic benefit of the scheme once it is completed. This includes the fact that the proposal will increase the number of people living in the town centre, which will in turn have a positive impact on local services, shops and facilities and also the new jobs created through the new commercial units.

The applicant notes that the construction process would result in the creation of 415 full-time equivalent (FTE) jobs per year and approximately 66-102 FTE jobs across the proposed, flexible retail floorspace. While it is acknowledged that the construction jobs would be for a temporary period, overall, the proposal would create significant job opportunities in the market. In addition, the applicant estimates that the annual operational household expenditure would amount to approximately £1,876,814 within the borough, based on the ONS average weekly household spend.

Given the current state of the economy, the provision of additional jobs and increasing the spending power of the town centre is a longer-term impact which will have knock-on benefits to other areas of the economy. **Significant weight** is afforded to this matter.

#### Biodiversity benefits

As noted above, there are not yet any local or national policy requirements for biodiversity net gain. The proposed scheme would achieve a net gain of 319%. This greatly exceeds the emerging national and local requirements which are 10 and 20% respectively.

The net gain achieved as part of the development is gained through the extensive tree planting around the site, the provision of new areas of open space, as well as ecological features such as bird and bat boxes.

Such a large betterment in biodiversity, when compared to the emerging standards, is considered to be a benefit of the scheme which is afforded **significant weight**.

### Energy and sustainability benefits

The proposal would be a fully electric development, thereby reducing the reliance on fossil fuels for energy. The Council's requirement is that developments should achieve a 20% reduction in carbon emissions. The subject application significantly better the Council's requirements by reducing emissions by 39%. The benefits of reducing carbon emissions are obvious in terms of climate change. Such a significant betterment of the Council's policy is considered to be a benefit of the scheme which should be afforded **significant weight**.

### Air quality benefits

The previous department store included a customer parking area in the basement of the building. This was a popular and well-used resource. In addition, due to the size of the store, and the fact that in later years it had begun to be diversified into ancillary operations (i.e. the provision of a Sports Direct outlet on the upper floor, a coffee outlet on the ground floor), it also generated a significant volume of traffic delivering goods.

The proposal on the other hand provides a mixed-use scheme with a very limited number of residents parking spaces. It is noted that 20% of these spaces will be fitted with electric charging points. While deliveries to the residential units and commercial properties will still be needed, overall, the level of vehicular trips to the site will significantly decrease in overall terms.

Given that the site is within an AQMA, the reduction in traffic volumes from and to the site will assist in improving air quality in the immediate area. **Modest weight** is afforded to this matter.

### Safeguarding landing points for potential bridge

While not necessarily a public benefit, it is noted above that the Local Planning Authority has secured a £1million contribution towards further works to open pedestrian and cycle access to the riverside. The various potential projects for this contribution have been listed above and it is noted that it may include the provision of a new pedestrian footbridge across the basin linking the site to the Yvonne Arnaud Theatre.

At present, the site precludes the provision of a bridge between these two points as the existing building sits tight to the basin. However, the proposed scheme provides the potential to provide a bridge in the future, should the need / desire for one arise. The Local Planning Authority has agreed with the applicant that two landing points on the application site will be safeguarded in perpetuity for potential landing points for a bridge in the future.

**Modest weight** is afforded to this matter.

### Benefits associated with the s.106 contributions

The s106 contributions agreed with the applicant have been set out above. While it is acknowledged that the contributions are only required to offset and mitigate the impacts of the development, the improvements that the contributions bring are nevertheless beneficial to the wider community.

The contributions, including those to improve further projects to improve riverside access will help to improve local facilities. **Modest weight** is afforded to this matter.

### **Overall harm v benefits balance:**

The benefits of the proposal are wide ranging and long lasting. The proposal will have a transformative impact on this end of the town centre. It will prevent long-term dereliction of the site, but not only that, it will significantly improve the attractiveness, viability and vitality of this part of the High Street. Other benefits include providing long hoped for public access to the riverside in a location and a design and form where it will have real benefits to the wider community. The proposal will also deliver a windfall supply of 183 residential dwellings, which includes the provision of five affordable homes. Further benefits include biodiversity, air quality and sustainability improvements.

The main harm resulting from the proposal is to the heritage assets. It is again noted that this includes harm to the most highly graded assets in the Country, Grade I and II\* listed Churches. However, as noted above, this heritage harm is outweighed by the public benefits of the proposal. The other harm is the impact of the proposal on the surrounding townscape and a number of specific views. Harm has also been identified to a number of surrounding properties and their access to daylight and sunlight.

Overall, it is considered that the benefits associated with the proposal do outweigh the identified harm, including harm to designated heritage assets. The proposal accords with the development plan read as a whole and other material considerations do not weigh against the grant of planning permission. As such, the proposal is deemed to be acceptable and is therefore recommended for approval.

### **Conclusion**

The proposal is for the redevelopment of the former Debenhams department store on Millbrook in Guildford town centre. The existing building would be demolished and replaced with two new taller structures. The proposal is a mixed-used, residential led development with 185 apartments and commercial floorspace on the ground floor. Significant public realm improvements are also provided which include a new riverside walk, pocket park and new civic square.

It is noted that the site is in a sensitive location, within a conservation area and within the setting of others. It is also within the setting of a large number of listed buildings, including the most highly valued assets in the Country. The Grade I listed St Marys Church and the Grade II\* listed St Nicholas Church. The site also has flooding constraints.

The scheme has been amended since submission of the original application. The height and scale of the buildings have been reduced, which has resulted in a reduction in the number of dwellings from 215 to 184. The riverside walk has been widened and the pavilion building near the High Street removed, which has marginally reduced the commercial floorspace from 2,170 sqm to 2,138 sqm (GIA). The overall scheme design has been refined and finessed, with an increase in open space which has enabled an improved layout and landscape design of the same. Officers consider that the amendments to the scheme were positive improvements to the proposal.

While the proposal would result in heritage harm and also other harm including to townscape, the Local Planning Authority has undertaken a comprehensive balancing exercise which takes into account the benefits of the development. These include (but not limited to), opening up access to the riverside, the provision of new public realm and the provision of much needed housing in a sustainable location.

The proposal would also prevent the long-term dereliction of the site and would improve the vitality and attractiveness of this area of the town centre. As the report above has clearly demonstrated, the harms identified are demonstrably outweighed by the many benefits that the proposal brings.

As a result, the recommendation is that planning permission should be granted, subject to the conditions set out in the agenda and the completion of a legal agreement.





Historic England

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Direct Dial: 0207 973 3627

Our ref: P01445905

21 December 2021

Dear Mr Busher

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**DEBENHAMS, MILLBROOK, GUILDFORD, GU1 3UU  
Application No. 21/P/02232**

Thank you for your letter of 10 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Summary**

Historic England objects to this application on heritage grounds because it fails to fulfil the requirements of paragraphs 194, 195, 197, 200 and 206 of the National Planning Policy Framework (NPPF). We recommend that the application is refused consent.

Our advice focuses on our statutory remit and where we consider there is the potential for the greatest level harm to heritage assets. This includes the highly graded assets of St Mary's Church (Grade I) and St Nicholas Church (Grade II\*), as well as the Town Centre and Millmead and Portsmouth Road Conservation Areas.

We consider the level of harm to the churches to be at the upper end of less than substantial, under the terms of the NPPF, and at a mid-level within that range for the conservation areas. There is also some harm to Guildford Castle (grade I and a Scheduled Monument) and Holy Trinity Church (grade I listed).

While we have concentrated on specific assets, your Council will also need to consider the impacts of the development on all heritage assets that are affected, both individually, and cumulatively, across the historic environment as a whole, taking into account the large number of heritage assets which the proposal would affect.

In addition, we consider that the Townscape, Visual Impacts and Built Heritage



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Assessment (TVIBHA) is flawed due to its conclusions that impacts on heritage assets are either beneficial or neutral. These conclusions are based on a methodology that assesses the perceived quality of the townscape surrounding the asset rather than assessing how setting contributes to significance of the heritage asset or the ability to appreciate its significance. We therefore think that significance has not been adequately assessed to the standard required by paragraph 194 of the NPPF.

## Historic England Advice

### Significance

#### *Overview of historic townscape*

Guildford nestles between two hills at a crossing point on the River Wey. Its dynamic topography is an important characteristic of the town, instrumental in shaping its historical development and how the various streets were laid out. This topography also results in a variety of dramatic views and vistas, both within the town and also out to the surrounding landscape.

The town originated as a commercial and defensive centre along the route to London. A fort (in the Castle's current location) and the steep approach from the east provided the basis for the Saxon "new town" laid out in the 10th century above the floodplain of the river. This became the nucleus for Guildford's famous sloping cobbled High Street. The town's three churches - St Mary's, Holy Trinity and St Nicholas - were all founded at this time, though St Mary's is the only one with surviving Saxon fabric.

This hilly topography has been exploited over the centuries, and significant buildings, such as the Castle and the Cathedral, command imposing positions on the high ground overlooking the town. Lying between these is the historic town and its historic roofscape. This comprises a number of conservation areas and listed buildings.

#### *Conservation Areas*

The Site is located within the Millmead and Portsmouth Road Conservation Area and borders the boundary of the Guildford Town Centre and the Wey and Godalming Navigation Conservation Areas. Bridge Road Conservation is also close by to the north.

The conservation areas are significant for the quality of the historic townscape. This is represented by generally low scale, a variety of building styles and ages, a relatively intact historic street pattern and the highly characterful close rhythm and tight urban grain which reflects the town's early origins in the medieval period and its subsequent development over several centuries.

Where the conservation areas adjoin the river, their character becomes more



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industrial, illustrating the Victorian and early 20<sup>th</sup> Century commercial and industrial growth of Guildford. Along the waterfront, warehouse type buildings, generally three and four storeys in height, provide an attractive edge. Similarly, the sinuous line of the River Wey, a nineteenth century navigational route, allows glimpsed views into the town on approaches from Godalming, along today's well used public tow path.

### *Churches*

The three highly graded town churches are significant buildings in Guildford's historic townscape. Their tall towers are key focal points designed to make the churches prominent buildings in the town and to call parishioners to worship.

While the buildings and spaces within the surrounding conservation areas post-date the churches, they nevertheless contribute to their significance by providing them with an historic context, closely related to their development, and Guildford over the ages.

### *St Mary's Church (Grade 1)*

St Mary's Church (grade I listed) represents the very beginnings of the settlement of Guildford and is the earliest extant building in the town, with parts of the tower dating from the Saxon period. The significance of St Mary's lies in its: historic value as part of the Saxon town and the long history of it thereafter including royal associations; its communal values as a place of worship and; the aesthetic values in the many phased church, which remains undoubtedly a handsome building contributing positively to the townscape.

The church also derives significance from its setting on the hill overlooking the town. Its churchyard provides a verdant, landscaped surroundings for the church. The small grassed area to the south provides a quiet and secluded environment, which is remarkably unaffected by the busy approach road to Guildford or the activity along Quarry Street. This is partly because surrounding buildings do not visually intrude or overlook the space greatly.

### *St Nicolas Church (Grade II\*)*

St Nicolas is known as the lower town church, with Holy Trinity being the upper town counterpart. A medieval church replaced an earlier Saxon building on the site. However, all that survives from that period is the 15<sup>th</sup> century Loseley Chapel as the church was substantially re-built to designs by Teulon (executed by Ewan Christian) in the 1870's.

Its historic and aesthetic values lie in its multi phases and its Gothic Revival design by a nationally important Victorian architect. The open, verdant riverside setting, along with the generally low scale of the buildings surrounding it, also contribute to its





significance and its prominence. Its tall tower and scale contrasts sharply with that of the surrounding historic townscape and its physical prominence is especially notable in views down the High Street and along the river.

### *Guildford Castle, Scheduled Monument and Grade I listed*

Originally the site of a Saxon fort, which was replaced by a Norman castle built by William the Conqueror, or one of his barons, shortly after the Conquest. Such castles, acted as garrison forts during offensive military operations, as strongholds, and, in many cases, as palaces or aristocratic residences and the centre of local or royal administration. Motte castles usually have defensible positions on hilltops and overlooking important route ways, river crossings and harbours.

The views that these positions provided were fundamental to their strategic and tactical functions of keeping watch, controlling travel routes, garrisoning troops and providing secure storage. A castle was also the personal possession of the Lord and helped exert his ownership and dominance over the surrounding territory.

The castle sits within delightful gardens, famous for their vibrant floral displays, and along with the castle are a key visitor attraction.

### *Views*

The ensuing dramatic topography means there are a number of important long views in which you can appreciate the richness of Guildford's historic townscape and the way the High Street and the Mount, key routes through the town, dissect this long linear settlement.

Key views include looking south down the High Street where it is possible to appreciate the picturesque qualities of an attractive historic town situated in a verdant valley setting. Equally important are views of the High Street from the Mount. Here the full drama of Guildford's topography also unfolds in a reverse sequence of the previously described view. In this view the prominence of St Nicolas in the street scene is readily apparent.

Other key views include those from the motte of the Castle from which it is possible to appreciate the way in which the Castle was built on the high point for the town for defensive purposes, intentionally designed to guard the crossing point of the river and to dominate the town which grew up around it.

Modern development has in some cases eroded the quality of Guildford's surviving historic townscape. The highly disruptive impact the residential "towers" of Bishops Court and Mounts Court have is easily seen. However, generally, and especially in key views along the Mount, the High Street and from the Castle, modern development



does not have an especially prominent role in these views and thus is not hugely harmful to an appreciation of Guildford's origins important historic townscape.

### Impact

The proposal is to redevelop the former Debenhams Site to deliver a mixed-use scheme comprising two new buildings; one 9 storeys in height and the other 8 storeys. Town Centre uses would be located at ground floor with residential above. It is also proposed to create a new square, river promenade, residential street and pocket park for public amenity. A new small pavilion for retail or café purposes would be provided in the new square.

The site is a sensitive location as it is located within a prominent and highly visible location at the confluence of a number of conservation areas and within the setting of a large number of heritage assets, some very highly graded.

The proposed development as a result of its massing, height and design would introduce a dramatic change in the prevailing building height of the surrounding townscape. The applicant has produced a comprehensive series of verified views (42 in total) set out in the Townscape, Visual Impacts and Built Heritage Assessment (TVIBHA). This document highlights that there are a large number of views where the two buildings would have a high degree of visibility.

### *Impact on Churches*

A number of the viewpoints illustrate where the new buildings would block views of the towers of Guildford's town churches causing harm to the appreciation and understanding of the medieval origins of the town and its historic townscape. In other views the development competes in scale with the churches, thereby diminishing the ability to appreciate their intended landmark design against a clear sky.

This is illustrated in views 12, 13, 18, 23, 26, 35 and 40 where the development competes with the prominence of the church of St Nicolas and therefore causes harm to its significance. In view 9 the proposal interferes with appreciation of the silhouette and prominence of St Mary's Church 's against a clear sky.

In view 10 'From the Castle Motte, looking north west', the development also blocks views of the tower of St Nicolas Church and competes in scale with that of St Mary's Church. In view 25, 'Portsmouth Road' the development blocks views of Holy Trinity Church at the top of the High Street.

No views are provided in the assessment of looking out towards the development from St Mary's churchyard. However, from a site visit it is clear that the new buildings would be completely overbearing and dominating in views from here. This would cause harm



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to the significance of the church by disrupting the understanding of its historic relationship with the medieval town as well as competing with the church's intended prominence.

In addition, it is proposed that the elevation of Block B is to be designed with a series of balconies which would directly overlook the church and its relatively secluded churchyard. This would cause harm to the significance of the church and its associated churchyard as a contemplative and spiritual space.

### *Impact on Conservation Areas and Historic Townscape*

The development appears in a number of views as an overbearing and dominating presence amongst the historic buildings in the conservation areas. The proposals would therefore harm how Guildford's historic townscape is currently experienced by competing visually with the generally low scale and distinctive silhouettes of the rooflines. It would also cause disruption to the human scale which has largely persisted in the development of the town.

A particularly harmful view of this impact is illustrated by view 10 'From the Castle Motte, looking north west'. Here the development is particularly prominent and out of scale amongst the predominantly low scale historic buildings and their varied roofscape. Its prominence and scale when looking out from Castle Motte also causes harm to the understanding and appreciation of the historic status and important defensive function of the Castle.

The development also appears out of keeping with the surrounding townscape in view 16 from Castle Cliff Gardens and in view 17 from the bandstand, interfering with the attractive roofscape of the historic buildings in Quarry Street.

In views, 21 and 31, which are taken from within the vicinity of the A281, the development is shown to be out of scale with the surrounding townscape and dominating the views on this principal approach to the town. While we appreciate that the current Debenhams is also of a very different scale to the surrounding townscape, its relatively low rise and curving form, following the alignment of the road, means is not overly dominating.

Therefore, from this direction, currently a sense of entering an historic town is still appreciated. On the east side, there are glimpses up to the historic buildings in Quarry Street, views of the brick retaining walls to St Mary's churchyard followed by the sinuous line of Mill Lane with its cobbled surface leading enticingly into the old town, St Mary's Church and the Castle. On the west side, the 17<sup>th</sup> century Town Mill is the main focal point. The new development will be the most prominent buildings on this approach and will harm the appreciation of entering an historic town.





### *Impact on Topography and landscape setting*

The development also causes disruption to the appreciation of the dramatic topography of the town, and how development historically was laid out in response to this. For instance, in view 42 High Street/Quarry Street, Block A appears as a strange projection above the low rise historic High Street buildings that descend down the hill. In views 30, 40 it interferes with an appreciation of the town's landscape setting by blocking views of parts of the wooded hills that surround the town.

### Policy

As the application would affect conservation areas and the setting of listed buildings, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) and to have special regard to the desirability of preserving the setting of listed buildings (s.16, 62, 1990 Act) must be taken into account by your authority when forming a view about the likely acceptability of a proposal.

The National Planning Policy Framework (NPPF) sets out the Government's objectives for sustainable development. In determining applications, Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 194).

Applicants should describe the significance of any heritage assets affected by the development, including any contributions made by their setting (NPPF 194). Note that this paragraph, and the associated Planning Practice Guidance, makes it clear that assessment will be of the contribution that the setting makes to the significance of the asset; not of the quality of the setting itself.

This is an important distinction that can greatly affect the outcome of setting assessments. Historic England's guidance 'The Setting of Heritage Assets' (GPA3: Good Practice Advice in Planning Note 3) provides detailed guidance on how assess the effect of development in the setting of heritage assets in compliance with the NPPF.

When considering proposals which might affect the significance of designated heritage assets, decision makers are required by the NPPF to minimise or avoid the conflict between the proposals and the conservation of the heritage asset (paragraph 195).

LPAs must give great weight to heritage asset's conservation (and the more important the asset, the greater the weight should be). They should also be satisfied that any harm is clearly and convincingly justified and outweighed by the delivery of public



benefits (Paragraphs 199-202).

Paragraph 206 of the NPPF requires LPAs to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. The same paragraph states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

We refer the local authority to the case law arising from the Court of Appeal's judgment in *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137. This emphasises that in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. This is the case whether the harm is 'substantial' (and thus engages paragraph 201 of the NPPF) or is 'less than substantial' (engaging paragraph 202).

The Historic Environment Forum recently commissioned Heritage Counts research states that reusing rather than demolishing buildings generally delivers more sustainable environmental impacts when whole life carbon emissions are considered (<https://historicengland.org.uk/content/heritage-counts/pub/2019/hc2019-re-use-recycle-to-reduce-carbon/>).

Historic England's 'The Setting of Heritage Assets' (GPA3: Good Practice Advice in Planning Note 3) states at Para 39 that 'Options for reducing the harm arising from development may include the repositioning of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements.

For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence, or noisiness of a development.'

Guildford Town Centre Views SPD 2019 identifies historic legacy landmark buildings and highlights the positive effect they have on informing the historic development of the town, enhancing views and skylines, and as features and focal points on views and vistas within Guildford's historic form and landscape setting. It highlights that important landmarks need to be protected. These include Guildford Castle, Treadwheel Crane, St. Mary's Church Tower, Trinity Church Tower and St. Nicolas' Church Tower.

## Position



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Historic England acknowledges that this is a very sustainable location for new development, which utilises a brownfield site and offers opportunities to create improved access to the riverside and new public realm.

However, we consider that the proposal, because of its height and massing, will cause harm to the significance of a large number of heritage asset in the town centre. We have focused our advice on a specific number of assets where we consider the proposal will cause the greatest harm.

Your Council will also need to assess the cumulative effect of the proposal across the historic environment as a whole, given the extent of the development and the large number of assets that would be affected.

We think that the most harm would be caused to St Mary's and St Nicholas' Churches and that the level of harm would be at the upper end of less than substantial, in the terms of the NPPF. There would also be harm to the Town Centre and Millmead and Portsmouth Road Conservation Areas, at a mid- level within the less than substantial range. There is also some less than substantial harm to Guildford Castle and to Holy Trinity Church.

We do not think the harm caused by the proposal can be minimised or avoided without substantial change through a significant reduction in the heights of the buildings.

In addition, while we appreciate that the existing Debenhams represents fairly standard commercial architecture of the period, we do not think it causes a high level of harm to heritage assets in the way this proposal would do.

We think that reusing and adapting the existing building could be a less harmful and a more sustainable approach. We realise that due to the large floor plates of the building, residential uses may not be appropriate. However, the existing building could be repurposed for new commercial or 'experience/ recreational/entertainment' type uses along with a modest increase in height to provide some new residential units.

If wholesale redevelopment is your preferred approach, we recommend that it should be guided by a Town Centre Master Plan. If carefully handled there is a genuine opportunity to create an exciting and innovative new piece of architecture on this important town centre site that avoids harmful impacts to the significance of heritage assets and is compliant with the national and local planning policy.

## **Recommendation**

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 194, 195, 197, 200 and 206 and should therefore be refused consent.



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Historic England

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Alma Howell

**Alma Howell**

Inspector of Historic Buildings and Areas

E-mail: [Alma.Howell@HistoricEngland.org.uk](mailto:Alma.Howell@HistoricEngland.org.uk)

cc: Louise Blaxall - Conservation Officer



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30 September 2022

Dear Mr Busher

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**DEBENHAMS, MILLBROOK, GUILDFORD, GU1 3UU  
Application No. 21/P/02232**

Thank you for your letter of 17 August 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

**Summary**

Historic England maintains our objection to this application on heritage grounds because it fails to meet the requirements of policies relating to heritage in the National Planning Policy Framework (NPPF). The policies in the NPPF when taken together amount to a clear presumption against development that would be harmful to the historic environment. We remain of the view that the proposals would harm the significance of highly important and greatly valued historic buildings nearby the site, particularly the churches of St Mary & St Nicholas, and the character and appearance of the Town Centre and Millmead and Portsmouth Road conservation areas. We therefore recommend that the proposals are refused unless the harm is clearly and convincingly justified and decisively outweighed by public benefits.

**Historic England Advice**

Significance of key heritage assets

We have covered in detail in our previous letter of 21 December 2021 the significance of the wide range of heritage assets that could be affected by the proposals. Our advice in this letter will focus on nearby heritage assets that we consider to be the most important and the most affected. To recap, St Mary's church is a beautiful, rare



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and special medieval place of worship, modest in scale set within a particularly well conserved part of historic Guildford. The architectural qualities of the church and its presence within this deeply historical part of the town allow one to experience a very special historical scene, untouched by modernity. The surroundings to the church in which modern Guildford is not visible adds hugely to this experience. Likewise, the qualities of the Town Centre conservation area along Quarry Street and all those buildings which make it up are vital for that highly valued character and experience. One can see and feel the medieval and post-medieval qualities of the buildings so well because modern development does encroach and break that spell.

More widely, the conservation areas provide a tapestry of different buildings and spaces that illustrate the historical origins of Guildford and how the river and topography of the surroundings have influenced its character and growth.

St Nicolas church was built as a confident statement of Christianity with the town, on the site of another medieval place of worship in Guildford. Its scale, form and detailing were intentionally designed to achieve prominence within the townscape and the result was visibility of it from a wide range of locations.

### Assessment of Impact of the amended scheme

The key amendments to the proposals that relate to impacts on heritage assets are:

#### Town Centre building (building A)

- Removal of two storeys (from original submission)
- Revised external materials

#### Riverside building (building B)

- Revised massing to the south, adjacent to the mill and theatre
- Alterations to roofline parapets
- Removal of some corner balconies

#### General changes:

- Removal of pavilion building from the scheme
- Further greening and planting to the Riverside Promenade
- Introduction of greening along Millbrook

The amended proposed development would still, as a result of its massing, height and design, introduce a considerable change in the prevailing building height of the surrounding townscape. The amended Townscape, Visual Impacts and Built Heritage



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Assessment (TVIBHA) July 2022 illustrates that although visibility and encroachment into the setting of numerous heritage assets have been clearly reduced through the amendments (in particular the reduction in height of the Town Centre building) there would remain clear harm to listed buildings and conservation areas where the development would still clearly be seen.

### Impact on Churches

We highlighted previously that new buildings would block views of the of Guildford's town churches causing harm to the appreciation and understanding of the medieval origins of the town and its historic townscape. In other views the development would have competed in scale with the churches, thereby diminishing the ability to appreciate their intended landmark design against a clear sky. We set out below where and how harm would still be caused.

#### *Church of St Nicolas*

The reduction in the height of the proposals is welcome but the scale of the buildings still means that the prominence of the church in views of the townscape is diminished. This remains particularly apparent in views 12, 18, 26 and 35. Within these views the development will appear harmfully large and visible behind the church or else obscure it. Within view 13, despite amendments, the buildings will still be seen above the church, and cause harm to it. It is this cumulative impact on the church which results in considerable harm that would still be caused, that we assess at within the middle range of less than substantial.

#### *Church of St Mary*

It remains our assessment that the amended scheme would cause harm to the significance of St Mary's church through breaking the spell of this enchanting historic grouping, eroding the rare and special qualities of the church and its surroundings and the ability to be able to visually appreciate its medieval scale and character within such a sensitive and historical setting. If the Riverside building were looming up over the church yard this sense would be lost. View 9 of the TVIBHA, which allows only a single static view of the proposed relationship, illustrates how the harm would occur. We consider that the proposals would cause harm in the mid-range of less than substantial.

In view 10 'From the Castle Motte, looking north west', despite the reduction in height of the Town Centre building, the development would still block views of the tower of St Nicolas Church. The loss of this view of both churches together would harm the ability to appreciate their positions within the historic town.





### *Church of Holy Trinity*

In view 25, the amended development would still entirely block views of Holy Trinity Church at the top of the High Street diminishing its visibility within the historic townscape and harming its significance. We consider that the proposals would cause less than substantial harm, at the lower end.

### Impact on Conservation Areas and Historic Townscape

While the height of the Town Centre building has been reduced and the massing of the Riverside buildings modified, the scheme is still much bigger than its surroundings therefore it would disrupt the human scale of the historic townscape and diminish one's experience of this in the conservation areas.

This harm is especially notable as seen in views 16 and 17 along Quarry Street which, as set out with regard to St Mary's, has a wonderful historical character within which modern development cannot be seen. The Riverside building would still, despite amendments, cause considerable harm and disruption to the experience of this area of the Town Centre.

Another notable area is the route into Guildford along Millbrook where, notwithstanding the amendments and the proposed high-quality architectural detailing and finish, the buildings will still feel out of scale for the conservation areas (Town Centre and Millmead and Portsmouth Road).

This issue of scale also perpetuates in views from the Castle grounds (as illustrated in view 10) where the prevailing historic character of the low-scale historic town would be altered and the ability to appreciate it harmed.

The ability to read the topography of the town, which is a fundamental part of its historical reason for existing and is clearly readable within the conservation areas and within the resulting built form of the town, would also continue to be undermined due to the height of the scheme. Views 10, 23 and 25 illustrate this.

We therefore consider that harm to the character and appearance of the Town Centre and Millmead and Portsmouth Road conservation area would still result. This harm would be less than substantial at the mid-level.



## Relevant Planning Policies

As the application would affect conservation areas and the setting of listed buildings, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) and to have special regard to the desirability of preserving the setting of listed buildings (s.16, 62, 1990 Act) must be taken into account by your authority when forming a view about the likely acceptability of a proposal.

When considering proposals which might affect the significance of designated heritage assets, decision makers are required by the NPPF to minimise or avoid the conflict between the proposals and the conservation of the heritage asset (paragraph 195).

LPAs must give great weight to heritage asset's conservation (and the more important the asset, the greater the weight should be). They should also be satisfied that any harm is clearly and convincingly justified and outweighed (bearing in mind the great weight that should be given to conservation) by the delivery of public benefits (Paragraphs 199-202).

We refer the local authority to the case law arising from the Court of Appeal's judgment in *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137. This emphasises that in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. This is the case whether the harm is 'substantial' (and thus engages paragraph 201 of the NPPF) or is 'less than substantial' (engaging paragraph 202).

Historic England's 'The Setting of Heritage Assets' (GPA3: Good Practice Advice in Planning Note 3) states at Para 39 that 'Options for reducing the harm arising from development may include the repositioning of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements.'

For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence, or noisiness of a development.'

Guildford Town Centre Views SPD 2019 identifies historic legacy landmark buildings and highlights the positive effect they have on informing the historic development of the town, enhancing views and skylines, and as features and focal points on views and



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vistas within Guildford's historic form and landscape setting. It highlights that important landmarks need to be protected. These include Guildford Castle, Treadwheel Crane, St. Mary's Church Tower, Trinity Church Tower and St. Nicolas' Church Tower.

### Historic England Position on the scheme

While amendments to the scheme have reduced the height of the buildings, refined the design and more sympathetic materials have been chosen the proposed development would still appear out of scale or harmfully visible from a range of vantage points. Therefore, it would still cause a considerable degree of harm to the historic environment.

We still think that the most harm would be caused to St Mary's and St Nicholas' Churches and that the level of harm would be in the mid-range of less than substantial, in the terms of the NPPF. There would also be harm to the Town Centre and Millmead and Portsmouth Road Conservation Areas, still broadly at a mid-level within the less than substantial range. There is also some less than substantial harm to Guildford Castle and to Holy Trinity Church, both at the lower end.

Paragraph 195 of the NPPF stresses the need to avoid or minimise any harm to heritage assets and there are a number of ways of reducing the harm. The first could be not to demolish and rebuild at the site but to retain the building and repurpose it. Whilst we do not consider the building to be listable it is soundly constructed, capable of reuse and sympathetic to the general scale of Guildford's townscape. The economics of development tend towards any replacement to be larger and therefore harmful to the historic environment, as well as having a greater environmental impact in other ways. From a number of perspectives retention of this building could be the most environmentally responsible course of action. Alternatively, the scheme could be further revised to reduce its scale and therefore its impact on the historic environment. Arguments that this would not be viable need to be robustly tested to ensure that considerations of viability are not influenced by an overly optimistic assessment of the existing land value.

We recommend that the applicant is given the opportunity to reconsider their scheme to create something which really does avoid or minimise conflict, as required by paragraph 195 of the NPPF.

If the applicant is not willing to further reduce the scale of the development as the decision-maker the Council will need to weigh up this harm against public benefits. In doing this, the decision maker needs to give great weight to the conservation of heritage assets (a tilted balance, in favour of conservation). The more important the asset, the greater the weight should be and we have identified harm to grade I and grade II\* buildings, to a scheduled monument and to 2 conservation areas. This weight







should be afforded in decision making irrespective of whether the harm is substantial or less than (paragraph 199).

It is important to take into account any heritage benefits that the scheme would secure. The only feature the scheme creates is a new view of St Mary's church looking east from Millmead, currently not possible owing to the presence of the existing Debenhams building. This benefit is, in light of the many harms we have identified, only a very modest gain.

Given the balance in favour of conservation and the relative weakness of heritage benefits we believe very strong public benefits would need to be demonstrated to outweigh the harm entailed by the proposals.

Please note, as before, we have focused our advice on a specific number of assets where we consider the proposal will cause the greatest harm. Your Council will also need to assess the cumulative effect of the proposal across the historic environment as a whole, given the extent of the development and the large number of assets that would be affected.

### **Recommendation**

Historic England objects to the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 195 and 197.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

### **Rachel Fletcher**

Inspector of Historic Buildings and Areas

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Historic England

cc: Louise Blaxall, Conservation Officer



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# Consultation – GBC Design & Conservation

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**Application No.:** 21/P/02232

**Case Officer:** John Busher

**Conservation Case Officer:** LB

**Location:** Debenhams, Millbrook, Guildford, GU1 3UU

**Proposal:** Demolition of existing building and erection of two buildings comprising residential accommodation (Use Class C3), retail floorspace (Use Class E) and cinema (Sui Generis), erection of a retail pavilion (Use Class E), together with car and cycle parking, plant and all highways, landscaping and other associated works.

## 1. DESCRIPTION OF SITE

- 1.1. The former Debenhams store is at a strategically important location where the rurality of the River Wey meets the historic High Street, and traditional town centre land uses transition to residential neighbourhoods. It sits within a series of Conservation Area's with heritage assets that include The Yvonne Arnaud Theatre, Town Mill, St Marys Church, St Nicholas Church and Guildford Castle. Adjacent features include the A281 Millbrook, the River Wey and the Mill Pond.
- 1.2. The application site comprises the former Debenhams store, an area of public realm to the north and a gated access/maintenance walkway alongside the river frontage. The former store stands at 15-20 meters in height (above existing ground levels). The main part of the building comprises three retail floors with a fourth retail floor and offices over the southern part of the building. The fourth floor is stepped back from the River and Millbrook. Basement parking/servicing is accessed from Millbrook and the retail entrance is from the public realm area.
- 1.3. Historic mapping highlights the contextual influences that have played a part in how the site has developed. Maps dating back to the mid-19<sup>th</sup> Century show that the northern end of the site formed part of the High Street until it was annexed by Millbrook in the 1960's. The main site area was historically wooded, and later became the site of a sawmill and timber yard. With the introduction of the A281 Millbrook the Debenhams store replaced the timber yard. Originally the store's main frontage and retail access was on Millbrook, however in the early 1990's the annexed high street buildings were demolished, and a new glazed entrance and public space created. The store remained open until May 2021, when it closed following the collapse of Debenhams plc, which was in-part a result of changing town centre and retail trends.

## 2. DESCRIPTION OF WORKS

- 2.1. The proposal is for the demolition of the former department store and replacement with a residential led mixed-use development over the same footprint. It comprises two buildings that are described in the application as Building A, which is to the north and Building B, which is to the south.
- 2.2. Building A would comprise a 9-storey tower, approximately 34 meters above existing levels. Building B would be 8 stories high and around 32 meters in height. It forms an angular C or V shape in plan form, which on three sides contains an external communal space at first floor level.
- 2.3. The existing basement would be retained and re-purposed to service the new scheme, and the ground floor deck would be raised by around 1 meter to allow for flood risk.

- 2.4. Residential access to the two buildings would be from a semi-private space described by the applicant as a 'residential street' or 'outdoor lobby'. The existing 'civic square' at the northern end of the site would be retained and renovated with the introduction of a small pavilion, new paving, planting, seating, and steps/ramps to accommodate the new level change.
- 2.5. The scheme would also include the provision of a 'riverside promenade' and 'pocket park'. The applicants Design and Access Statement (DAS) states that the 'riverside promenade' and 'pocket park' would be accessible during the opening hours of commercial units. However, there are no details in the application about how this access would be controlled.
- 2.6. Internally flats would be accessed by stair wells and lifts leading to central corridors on each floor. Most of the flats would be single aspect, arranged either side of the central corridors. Entrances to ground floor commercial space would be from the public square, riverside promenade, pocket park and residential street/lobby. Access to the basement would be from Millbrook.

### 3. IMPACT ON HERITAGE ASSETS

- 3.1 Whilst the application site itself is void of heritage assets within its boundary, there are a significant number of heritage assets, both designated and non-designated that are located within the site's immediate context that have the potential of being affected by the proposed development.
- 3.2 An assessment of heritage assets has been undertaken by the applicant. This study area has been defined by the following parameters
  - Grade I and II\* Listed Buildings lying within 1km of the centre of the site
  - Guildford Cathedral, Stag Hill (grade II\*)
  - Grade II Listed Buildings lying within 250m of the centre of the site, including any lying just beyond this where potential intervisibility with the Proposed Development was identified by the ZVI study carried out to inform the assessment
  - Conservation Areas within 500m of the centre of the site
  - Schedule Monuments (above ground only) lying within 1km of the centre of the site;
  - Registered Parks and Gardens lying within 250m of the centre of the site; and
  - Locally Listed Building within 250m of the centre of the site
- 3.3 As a result of the above parameters the study identified the following:
  - 108 Listed Buildings (grade I, II\* & II)
  - 13 Locally Listed Buildings
  - 5 Scheduled Monuments (above ground only)
  - 1 Historic Park or Garden
- 3.4 For the purposes of these comments I am satisfied, having read through the supporting documents that there are a vast number of heritage assets that have been identified in the study area which will not be impacted by the proposed development, as either there is no or very limited intervisibility between the asset and the site, or the way in which the asset is experienced or understood will not be impacted by the proposed development.
- 3.5 Therefore, my comments will be solely focused upon the following assets

#### *Listed Buildings*

1. St Mary's Church, Quarry Street – Grade I
- 1a. Miles Tomb, Quarry Street – Grade II
2. St Nicolas Church, High Street – Grade II\*
3. Church of Holy Trinity, High Street – Grade I
4. Guildford Castle Keep, Castle Hill – Grade I
5. Remains of Shell Keep at Guildford Castle, Castle Hill – Grade I
6. Former private apartments at Guildford Castle, Castle Hill – Grade I
7. Castle Arch, Quarry Street – Grade I
8. Town Mill, Millbrook – Grade II
9. Yvonne Arnaud Theatre, Millbrook – Grade II
10. Treadwheel Crane, Millbrook – Grade II\*

11. Quarry Street (nos 6, 8, 8a, 13 & 55) – Grade II\*
12. Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 & Quarry Hill House) – Grade II
13. 5-6 Millmead – Grade II
14. Millmead House, Millmead – Grade II
15. Weir House, Millmead – Grade II
16. Nos 2-6 [even] High Street – Grade II
17. High Street High Street (nos 23-37 [odd], 43-45 [odd], 71-83 [odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even]) & (nos 72-78 [even], The Angel Hotel, Lloyds Bank)– Grade II & II\*
18. Nos 1-3[odd], Bury Street – Bury Street – Grade II
19. Caleb Lovejoy’s Almshouses, Bury Street – Grade II
20. West Bury House, Bury Street – Grade II
21. Cathedral Church of the Holy Spirit, Stag Hill – Grade II\*

*Historic Park and Garden*

22. Jellico Roof Garden, High Street – Grade II

*Conservation Areas*

23. Millmead and Portsmouth Road Conservation Area
24. Town Centre Conservation Area
25. Wey and Godalming Conservation Area
26. Bridge Street Conservation Area

*Locally Listed Building*

27. 39 High Street

3.6 The following chart discusses each of the sites listed above in order, setting out a basic understanding of the asset, the contribution of setting, its significance and then follows on to discuss whether the proposed development would have impact on significance and/or setting. Where harm is identified, then this will be stated, with reference to the requirements set out in the NPPF and the guidance given

1	HERITAGE ASSET: St Mary's Church, Quarry Street		GRADE: I
<p><b>Description</b></p> <p>This asset is situated to the east of the application site and at the closest point the distance between the site and the asset measures approximately 40m.</p> <p>St Mary's Church is certainly one of Surrey's most important medieval churches, containing an outstanding amount of historic fabric spanning over 1000 years. It stands at the junction of Quarry Street and Mill Lane, close to the centre of Guildford, on raised ground overlooking the River Wey to the west and is one of the three ancient parishes of the borough of Guildford, with St Nicolas' and Holy Trinity being the other two.</p> <p>The origins of the present church date back to the 10<sup>th</sup>/11<sup>th</sup> Century with the tower being recognised as the oldest surviving piece of architecture in Guildford. The church has a cruciform plan with central crossing tower, truncated chancel with apsidal chapels on the north, south and east and an aisle nave to the west. Its triple gabled west end is flanked by angle buttresses with an apex crucifix on the centre gable. The structure is constructed from flint and chalk rubble with clunch dressing and is covered over by a plain tiled roof.</p> <p>The structure evidences a number of phases of construction, including its pre-conquest tower, Norman transepts (1100) which were lengthened in 1180, nave arcades which date from 1170-1180, 13<sup>th</sup> century widened aisles and 14<sup>th</sup> century fenestration. A programme of major restoration was undertaken in 1882 by T. Goodchild.</p>	<p><b>Contribution of Setting</b></p> <p>The church sits relatively centrally within its plot. Forming its immediate setting to all but its eastern flank is the churchyard which is typical in its character (presences of headstones, tombs (including Miles Tomb, discussed separately) and managed landscape). It is one of the few open spaces within the centre of Guildford and is still used for the burial of ashes and as place of reflection.</p> <p>The church is very much a focal point for Quarry Street and Mill Lane, contributing positively to the townscape. It is surrounded by a mix of low density commercial and residential buildings, many of whom are individually of historic significance (most being listed themselves), and which exhibit a wide range of ages and style, from medieval to the early C20, revealing the many layers of development of the town</p> <p>Although over 60 feet tall the church is not considered to be a dominant feature on the skyline of Guildford due to the graduating topography of the area. Nevertheless, it is identified as a Key Landmark Legacy Building<sup>1</sup> within the Guildford Town Centre Views SPD. Long or medium range views of the Church's tower are extremely limited, but restricted glimpsed views, predominantly in the winter months are achievable from higher ground, such as the Castle Keep and grounds as well as the Cathedral/Stag Hill. Restricted short-ranged views are possible the valley bottom in places such as Park Street.</p> <p>The relationship of St Mary's Church to the river is important. Whilst its visual connection with the river has been lost with the introduction of development between the church and the river, historic mapping does show that the church and the river, up until relatively recently (relative to the age of the church) had a visual connection.</p>		
<b>Significance</b>			
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>• Church of exceptional interest, reflected by its Grade I listing status</li> <li>• Its age, Saxon origins and pre-Conquest fabric make it particularly significant, together with the later work over the centuries from the mediaeval to the modern</li> <li>• Location and setting forms a pivotal part of the historic landscape of central Guildford with its early settlement focused around the immediate area around St Mary's – One of the three ancient parishes</li> </ul>	<p><b>Artistic &amp; Architectural</b></p> <ul style="list-style-type: none"> <li>• It's a reflection of evolving ecclesiastical building traditions and styles</li> <li>• Use of contrasting form, fabric and scale to the prevailing vernacular to establish and reinforce its civic and functional prominence and historical importance within the hierarchy of the town.</li> <li>• Gothic style of the mid-13<sup>th</sup> Century is unusual for Surrey</li> </ul>	<p><b>Archaeological</b></p>	

<sup>1</sup> Key Landmark Buildings – notable for their prominence in and around the town. Many utilise height to express their significance through spires, towers and cupolas although some assert their prominence through high quality design and building materials. – [Guildford town centre views SPD - Guildford Borough Council](#) Page 7

<p>of the Borough of Guildford, there has been a church on the same site since at least the 7<sup>th</sup> Century</p> <ul style="list-style-type: none"> <li>• Culturally significant in that it has been at the centre of life for the settlement of Guildford for over 1000 years</li> <li>• Place of royal worship in the 12<sup>th</sup> and 13<sup>th</sup> Centuries</li> <li>• Important landmark in the street scene</li> <li>• Records show that Reverend Charles Lutwidge Dodgson, who is better known by his pen name Lewis Carroll, preached at the church whilst staying at the family home, The Chestnuts on Castle Street.</li> <li>• Referenced in art and literature over the Centuries including '<i>South West Prospect of Guildford in The County of Surrey</i>', engraved by Samuel and Nathaniel Buck, 1738</li> </ul>	<ul style="list-style-type: none"> <li>• Survival of the late Saxon town, built solely of flint and chalk rubble with no reinforcing quoins. The tower originally was situated at the church's western end, but due to church's growth and expansion it is now positioned more centrally within the structure's composition. Survival of such a tower is of exceptional importance.</li> <li>• Survival of the 12<sup>th</sup> and 13<sup>th</sup> century east end of chancel and chapels</li> <li>• Survival of the 12<sup>th</sup> century nave arcades</li> <li>• Survival of the 15<sup>th</sup> century roofs (in general) and possible pre-15<sup>th</sup> Century chancel roof structure</li> <li>• Outstanding collection of late medieval (15<sup>th</sup> Century) stone roof corbels in the north and south aisles</li> <li>• Quality of internal aesthetics recognised by Pevsner – "almost the only attractive town-church interior in Surrey"</li> <li>• The graduated raising of the internal floor levels eastwards signifies and heightens the importance of the east end</li> <li>• Survival of 15<sup>th</sup> Century screen between the Chapel of St Mary and the south aisle</li> <li>• Small fragments visible of the extensive decorative scheme of murals that once existed in the St John's Chapel. Suggestions have been made that this work is by William Florentine circa 1240, who was working at Guildford Castle for Henry III at the same time</li> <li>• Royal coat of arms in the north aisle are to Queen Anne, dated 1707</li> <li>• Ring of 8 bells cast in 1754 but rehung by Mears and Stainbrook of London – the ring is one of the oldest and most complete in Surrey</li> </ul>	
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<b>1a</b>	<b>HERITAGE ASSET:</b> Miles Tomb, Quarry Street	<b>GRADE: II</b>
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<b>Description</b>	<b>Contribution of Setting</b>
<p>This asset is situated approximately 80m to the east of the application site, within the churchyard of St Mary's, close to the north east corner of the church.</p> <p>The structure is described as a chest tomb and is dedicated to Arnold Miles who dies in 1731. The stone chest sits on a moulded plinth and has fielded panel on its sides.</p>	<p>Sitting within the shadows of the church, the setting of this structure is constrained to the presence of the church and the church yard, which has a fairly identifiable and typical character – funerary monuments &amp; structures and managed landscaping.</p>

<b>Significance</b>
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Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>• Illustrate Georgian funerary craftsmanship</li> </ul>	<ul style="list-style-type: none"> <li>• Good surviving example of a higher status Georgian chest tomb of high-quality decorative design</li> </ul>	

### Impact of Proposal on Significance and Setting

The tower of St Mary is particularly important and valued as an example of preconquest architecture. There is evidence, signalled by the material change at its upper extremity, which confirms that the tower was raised in height in the 19th century to make it more visually prominent when the east end of the church was remodelled in the 19<sup>th</sup> Century, signalling just how important the tower and one's ability to take in views of it has been historically to the town. This remains the case today.

The proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visible challenge the proposal places upon this intentional scale and prominence that distinguishes its position (civic and functional) within the hierarchy of the town. In particular, it is the visual challenge to and distraction from one's appreciation of its stone tower that results in the proposed development causing harm, as it diminishes the church tower's legibility within its context as well as its significance and role as a landmark.

There are a couple of TVIA views where the above concerns are best illustrated:

- TVIA view 9 - This is an immediate view of the heritage asset, taken at an angle from Quarry Street across the southern side of the churchyard and shows the development sitting beyond the church and the churchyard. It is considered that the proposed development will be grossly more apparent than the existing department store structure, intruding and imposing itself upon the curtilage and setting of the church as a result of its height and bulk, thereby interfering and devaluing one's appreciation of its distinct silhouette and intentional prominence.
- TVIA view 35 - This is a very rare, low-lying viewpoint where a viewer can witness St Mary's tower, albeit somewhat compromised by the protrusion of the post-war Friary Court development, against the surrounding human-scale historic townscape, and the influential rising topography. With the Friary Court development already severely weakening the church's legibility it makes it even more important to ensure that its legibility is not further compromised. Whilst it is accepted that the proposed development would not be obscuring the tower, in full or in part in this view, there is a significant concern that its sheer dominance in height and bulk in such close proximity to the tower does encroach harmfully. It is interesting to note, despite its contrasting large floor plate and bulk, how subtle and integrated the existing department store development appears in this view, whilst the wireframe of the proposal appears unconnected and incongruous, breaking the lush green horizon.

In addition to the above TVIA viewpoints, modelling has been carried out by the LPA using the applicant's submitted model. As part of this a wider range of possible orientation were tested around the heritage asset, including those specific to the TVIA. Some of resultant images are set out below and they consolidate the above judgement that proposed development would intrude and impose itself harmfully upon the setting of church.

West facing views from Quarry Street at the point of St Mary's Church and Churchyard





Figure 1a - View over Churchyard (northside)

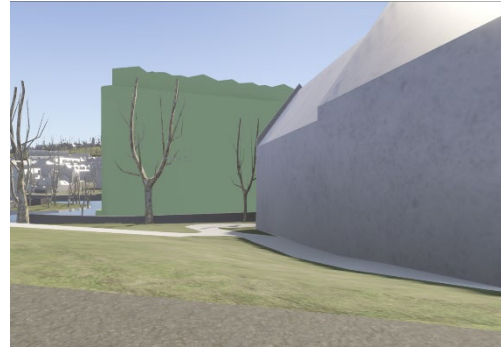


Figure 1b - View over Churchyard (southside)



Figure 1c - TVIA view 9

#### South-east facing views from Park Street towards St Mary's Church

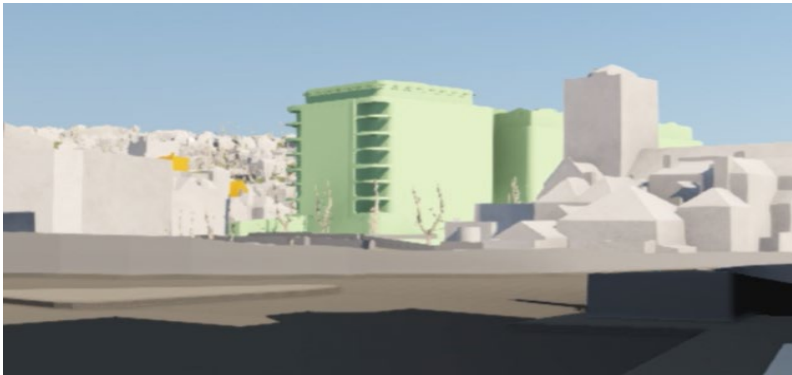


Figure 2a - TVIA view 35;



Figure 2b - View taken from Park Street, close to no1 Park Street

In addition to the above camera study, two comparative ZTV of the church has also been undertaken, one which show the theoretical view as existing, and one which shows the theoretical view with the proposed scheme in place. The results of this are illustrated below, but one does make the observation of how the proposal will sever the theoretical visibility of the church and its tower from the western slopes of The Mount, as highlighted, which is the historical route that leads to the town from the west and the Hog's Back.



Figure 3a - ZTV of St Mary's Church as existing

Figure 3b - ZTV of St Mary's Church with proposed scheme included

In concluding the level of harm to this heritage asset I am mindful that views of from Millmead are very limited and that the proposed scheme would frame a newly opened up view centred upon the church and its tower from this direction, thereby reinstating some intervisibility with the river. Nevertheless, I am not convinced that the benefit of providing this new view is enough to mitigate the resultant harm from the proposals lack of a sensitive relationship with this extremely important and high-grade heritage asset and the challenge it brings to its legibility within the historic townscape as a result of its incongruous scale, height and massing. I therefore find the resultant harm to be less than substantial and would be at the upper end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Upper end of Less-than-Substantial**

<b>2</b>	<b>HERITAGE ASSET: St Nicolas Church, High Street</b>		<b>GRADE: II*</b>
<p><b>Description</b></p> <p>This asset is situated to the west of the application site and at the closest point the distance between the site and the asset measures approximately 50m.</p> <p>Situated on the western bank of the River Wey the present St Nicolas' church is a Grade II* listed building which happens to be the third church on the site. The current church dates from the 15<sup>th</sup> Century, although the only surviving section from this period is the Loseley Chapel. The rest of the structure dates to the 1870's to a design by S.S Teulon, with construction undertaken by Ewan Christian. The exceptions to this are the tower lantern which was designed by Stanley Gage Livock and added in 1951 and the glazed extension which fronts on to Millmead, which is a late 20<sup>th</sup> Century addition.</p> <p>The church is a large building constructed of Bargate stone and covered over by an aluminium roof. The exception to this is the Loseley Chapel which is of coursed flint rubble construction. It is almost cruciform plan with a square crossing tower. The church comprises of a chancel with an apsidal end, broad aisled nave with clerestory, north and south aisles, sacristy, 3 storey tower, tower lantern (added 1951), north organ chamber/flower vestry, north-west porch and narthex at the west end of the south aisle.</p>		<p><b>Contribution of Setting</b></p> <p>St Nicolas Church sits in a prominent location at the end of the High Street, on the south side, between Bury Street and Millmead. In terms of the role of the building in the streetscape, it occupies an important location within the western end of the High Street, beyond Millbrook and the River Wey with one being able to appreciate its value and significance as a town landmark in short, medium and long-range views from across the town as well as the surrounding hills. Its tall tower and scale contrasts sharply with that of the surrounding historic townscape to the south, west and east, and its physical prominence is especially noticeable in views down the High Street and along the river.</p> <p>The church is also very much visible from around the gyratory, which sits to its north. From this perspective one sees that this context is characterised by fragmented townscape of island blocks and large surface car parking as well as busy main roads with a significant degree of activity and noise.</p>	
<b>Significance</b>			
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>• Is a particularly important building of more than special interest reflected by its Grade II* listing status</li> <li>• St Nicolas parish is one of the three ancient parishes of the Borough of Guildford</li> <li>• Important landmark in the street scene</li> <li>• The connection between the chapel and the original church, together with its association with Loseley House and the More<sup>2</sup> (later More-Molyneux) family who have lived there for over 500 years, gives heightened significance to the Chapel</li> <li>• Loseley Manuscripts, now house partly in the Surrey History Centre and partly in the Folger Shakespeare Library in Washington DC, USA highlight the</li> </ul>	<p><b>Artistic &amp; Architectural</b></p> <ul style="list-style-type: none"> <li>• It's a reflection of evolving ecclesiastical building traditions and styles</li> <li>• Use of contrasting form, fabric and scale to the prevailing vernacular to establish and reinforce its civic and functional prominence and historical importance within the hierarchy of the town.</li> <li>• Survival, albeit much altered of the 15<sup>th</sup> Century Loseley Chapel – it is the only surviving part of the original medieval church</li> <li>• The church contains the work of artists of national significance, Thomas Earp and Joseph Aloysius Pippett – these bodies of work are recognised to be good</li> </ul>	<p><b>Archaeological</b></p>	

<sup>2</sup> One of the most important gentry families in Tudor/early Stuart Surrey.

<p>significant literary and cultural links with the lives of people remembered in the Chapel, enabling a remarkable insight into Tudor and Stuart Surrey, the More family and their connections with the royal court</p> <ul style="list-style-type: none"> <li>• Constructed by Ewan Christian, a leading Victorian architect, best known for the National Portrait Gallery in London</li> </ul>	<p>examples of their craft on ecclesiastical art of the period. The works include</p> <ul style="list-style-type: none"> <li>∴ The West Wall – painted in 1893 (Pippett)</li> <li>∴ Alabaster pulpit and font (Earp)</li> </ul> <ul style="list-style-type: none"> <li>• Stain glass and wall mosaics of St George and St Helena in the north aisle manufactured by Clayton and Bell, one of the most prolific and proficient English workshops of stained glass in the late 19<sup>th</sup> and early 20<sup>th</sup> century.</li> <li>• Strong representation of work of locally based craftsmen, including: <ul style="list-style-type: none"> <li>∴ Statue of St Nicolas in the chancel by Tom Wren of Watts Studio</li> <li>∴ Font designed by Grafham-based Henry Woodyer</li> <li>∴ Statues of Our Lady and St George by Blacking and Webb – made in their Flower Walk studios which was located beside St Nicolas’ Rectory.</li> </ul> </li> </ul>	
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**Impact of Proposal on Significance and Setting**

The proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visible challenge the proposal places upon this intentional scale and prominence that distinguishes its position (civic and functional) within the hierarchy of the town. In particular, it is the visual challenge to and distraction from one’s appreciation of its stone tower that results in the proposed development causing harm, as it diminishes the church tower’s legibility within its context as well as its significance and role as a landmark.

In contrast to St Mary’s Church this asset has a greater visual prominence within the townscape and within the context of the site, therefore there are a greater number of views point within the TVIA which are able to be used to illustrate the concerns noted above, these include viewpoints 12, 13, 18 23, 26, 35 and 41. Discussion below will focus on a small selection of those which cause the greatest concern.

- **TVIA view 13** – This is a view taken at the east end of The Mount orientated eastwards towards the site, with the heritage asset clearly visible in the middle ground of the view and seen against the context of late 20th century red brick office and residential building development on Portsmouth Road and The Mount, as well as the 3-storey, C18<sup>th</sup>, grade II listed building, known as 2 4 and 6 High Street. It is clear that the upper levels of the proposed development would appear above the nave and to the right of the tower of St Nicholas’ Church, competing with and devaluing one’s appreciation of its distinct silhouette and intentional prominence.
- **TVIA view 23** – This is a panoramic view taken from the Friary Bridge over the River Wey. It is a view which shows how the proposed development would dominate and draw the viewers’ attention from St Nicholas Church, particularly Building A with its more active design (contrasting string coursing banding and columns).
- **TVIA view 35** – This viewpoint is located on Park Street at the junction with Onslow St looking southeast across the road junction towards the application site and St Nicholas Church. The proposed development would sit behind and to the left of St Nicholas' church tower. Its sheer dominance in height and bulk in such close proximity to the tower is a harmful encroachment on not just the heritage asset but also the tower open background setting, that is framed by the skyline.

In addition to the above TVIA viewpoints, modelling has been carried out by the LPA using the applicant’s submitted model. Part of the testing done in the case of this asset were in relation to the three TVIA’s views that have been discussed above, which consolidates the above judgement that proposed development would intrude, impose and compete harmfully upon the setting of church. In the case of TVIA view 35, which only showed a wireframe, this has been a particularly useful exercise as it allows for a less ambiguous understanding of

the proposals massing which will be read behind and in the immediate context of the church. In this view the lateral length of the proposed development as well as its significant bulk and massing is unmistakable.



Figure 4a - TVIA view 13;

Figure 4b - TVIA view 23;

Figure 4c - TVIA view 35;

In addition to the above modelling, two comparative ZTV centred upon the church has also been undertaken, one which show the theoretical view as existing, and one which shows the theoretical view with the proposed scheme in place. The results of this are illustrated below, but one does make the observation of how the proposal will sever the theoretical visibility of the church and its tower from the south-eastern slopes, specifically within the Castle grounds and up towards Pewley Hill, which has been highlighted.



Figure 5a - ZTV of St Nicholas' Church as existing

Figure 5b - ZTV of Nicholas' Church with proposed scheme included

Taking into account the above I can only conclude that the proposals overwhelming dominance within the immediate setting of this important and prominent heritage asset, together with the challenge it brings to its legibility within the historic townscape by virtue of its incongruous scale, height and massing would be harmful to the significance of the heritage asset. The resultant harm is considered to be less than substantial but given its gravity, would sit at the upper end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Upper end of Less-than-Substantial**

3	HERITAGE ASSET: Church of Holy Trinity, High Street	GRADE: I
<p><b>Description</b></p> <p>This asset is situated approximate 365m to the east of the application site.</p> <p>Occupying a prominent site on the High Street, Holy Trinity Church also known as the ‘Upper Church’ is a mid-18<sup>th</sup> Century church that replaced an earlier medieval church. It is of the Palladian style which was popular at the time of its construction. It is set back from the footpath and is elevated several meters above all neighbouring buildings on the High Street, thereby requiring steps and a ramp to access the west front.</p> <p>The arrangement of the structure comprises of a nave, with apsidal chancel and two transepts, a vestry to the southeast and a three-stage tower to the west end. The majority of the structure’s fenestration consists of tall round-headed windows</p> <p>A small amount of the old medieval church, known as the Weston Chapel, survives and this is believed to date from circa 1540. It is located on the structures southwestern corner and is identifiable by its flint and free stone chequer work. This phase of construction contrasts with the main Palladian structure, which was built between 1749-63 by James Horne and constructed from a palette of red/brown brick with gauged brick and stone dressings and a slate roof cover. A few additional later phases of construction are identifiable, these include the addition of the apsidal east end and transepts by Sir A.W Blomfield in 1888 and the 1913 vestry.</p> <p>The church’s north side elevation, which faces on to the High Street is identifiable by the six regimented round headed windows on a string course and a centrally positioned smaller window which sits over a Portland stone pedimented door surround with block rustication and double panelled door.</p>	<p><b>Contribution of Setting</b></p> <p>Holy Trinity sits in a prominent location on the High Street which is quite an open and wide public space that has been enhanced by the pedestrian scheme, which restricts vehicular traffic throughout the day.</p> <p>The church itself sits to the front of its fairly generous plot and is nestled in between the historic properties fronting on to the High Street. Its status in the streetscape is reinforced by the fact that the structure is set back a little from the prevailing building line, but also by its elevated position.</p> <p>The church is very much one of the focal points for the High Street, particularly towards the upper section contributing positively to the townscape. As mentioned, it is surrounded by a mix of low density commercial and residential buildings, many of whom are individually of historic significance (most being listed themselves), and which exhibit a wide range of ages and style, from medieval to the early C20, revealing the many layers of development of the town</p> <p>Forming its immediate setting to the south is the churchyard which is typical in its character (presences of headstones, tombs (including Miles Tomb, discussed separately) and managed landscape). It is one of the few open spaces within the centre of Guildford and is used as place of reflection and pause. Also experienced in the assets immediate context are features such as the grade II listed church boundary walls and railing which surround it, as well the memorial to Major Geoffery Brooke Parnell, and Elkin Vault, which provide group value. Enclosing the churchyard on two side are terraces of historic residential development and the Trinity Centre.</p> <p>The square crenelated tower acts as dominant feature on the skyline of Guildford due to the graduating topography of the area. It is identified as a Key Landmark Legacy Building<sup>3</sup> within the Guildford Town Centre Views SPD. Long or medium range views of the Church’s tower are viable from a number of aspects around the town and are more pronounced in the winter months. Those of particular significance include the view from Guildford Cathedral at Stag Hill, which enables a wider appreciation of the Church in relation to the Castle and those from The Mount</p>	
<b>Significance</b>		
<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>Church of exceptional interest, reflected by its Grade I listing status</li> </ul>	<ul style="list-style-type: none"> <li>Survival, albeit much altered of the 16<sup>th</sup> Century Weston Chapel – it is the only surviving part of the original medieval church</li> </ul>	

<sup>3</sup> Key Landmark Buildings – notable for their prominence in and around the town. Many utilise height to express their significance through spires, towers and cupolas although some assert their prominence through high quality design and building materials. – [Guildford town centre views SPD - Guildford Borough Council](#) Page 7

<ul style="list-style-type: none"> <li>• Holy Trinity parish is one of the three ancient parishes of the Borough of Guildford</li> <li>• Important landmark in the street scene</li> <li>• Focal point in views along the high street</li> <li>• Nairn and Pevsner identify the church as '<i>Surrey's only big C18 church, handsome and pedestrian at the same time</i>'</li> <li>• Apsidal east end and transepts by Sir A.W Blomfield<sup>4</sup></li> <li>• Weston Chapel built by Richard Weston<sup>5</sup> of nearby Sutton Place</li> <li>• Referenced in art and literature over the Centuries including '<i>South West Prospect of Guildford in The County of Surrey</i>', engraved by Samuel and Nathaniel Buck, 1728</li> <li>• Tomb and memorial to George Abbot (Archbishop of Canterbury 1611-33)</li> <li>• Tomb of Sir Robert Parkhurst (Lord Mayor of London, d.1637)</li> <li>• Memorial to Arthur Onslow (Speaker of the House of Commons 1728-1761)</li> <li>• War memorials to the Queen's Royal West Surrey Regiment (WW1)</li> </ul>	<ul style="list-style-type: none"> <li>• Use of contrasting form, fabric and scale to the prevailing vernacular to establish and reinforce its civic and functional prominence and historical importance within the hierarchy of the town.</li> <li>• c.1770 pulpit built in the style of Wren</li> </ul>	
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<sup>4</sup> English architect, significant works include Royal College of Music as well as number of ecclesiastical projects

<sup>5</sup> Courtier and diplomat who served as Governor of Guernsey, Treasurer of Calais and Under-Treasurer of the Exchequer during the reign of King Henry VIII

### Impact of Proposal on Significance and Setting

The proposed development by virtue of its scale, height and massing, will have a damaging indirect impact upon the setting of this heritage asset by virtue of it severing views from the west through to the landmark tower. This is clearly demonstrated in **TVIA view 25**. The use of wire framing for this view does not honestly reveal the true impact of the proposed development upon views out from this conservation area as it provides a rather ambiguous understanding of the true mass that would be readable in view. In response to this, modelling has been carried out by the LPA using the applicant's submitted model. The existing and proposed images generated are set out below:



In conclusion, it is considered that the proposed development does result in indirect harm to the setting of this heritage asset, by the act of severing a view over from the west valley side through to the landmark tower. However, as this viewing point is more incidental and thus one of lesser significance than the view along The Mount along up the High Street, I would conclude that the resultant harm to significance would be quantified as less than substantial and would sit at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Low end of less-than-substantial**



<b>4</b>	<b>HERITAGE ASSET:</b> Guildford Castle Keep, Castle Hill	<b>GRADE: I &amp; Schedule Monument</b>
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<p><b>Description</b></p> <p>This asset is situated approximately 165m to the east of the application site on high ground overlooking the River Wey, as well as the ford crossing it.</p> <p>This asset is recognised to be the remains of the Guildford Castle’s tower keep which dates from the mid-12<sup>th</sup> Century and first mentioned in written record in 1173. The structure was subject to a partial rebuild, following a fire in the 13<sup>th</sup> Century. It was converted to a house for Francis Carter, a Guildford merchant in the 17<sup>th</sup> Century who had bought the castle and its grounds from King James I.</p> <p>The predominantly Bargate rubble stone Keep is situated on a mound, most likely to have been the site of an earlier wooden keep and shell keep. The structure measure approximately 14 metres square and reaches 19 metres in height (3 storeys) with battlemented parapets. The internal floors, roof and the majority of the dressed stone details have not survived. Some ornamentation is evidenced in the southwest corner (first floor) of the structure, this is likely to have been the chapel. The current main entrance is a modern addition.</p> <p>The site was eventually sold to Guildford Borough Council in 1885 where the grounds and castle were opened up as a public amenity.</p>	<p><b>Contribution of Setting</b></p> <p>Locally, the assets setting comprises of the castle grounds and the remains of other parts of the castle complex such as the ruins of the Shell Keep and the Private Apartments. The complex is fairly self-contained which is articulated by a combination of the surrounding townscape as well as the immediate Victorian park landscape. Nevertheless, the site’s elevated position and graduating topography does allow for wide reaching views looking north, west and south, especially from the Castle Keep motte.</p> <p>Views to the north overlook the High Street, North Street and the town’s northern suburbs; those to the West overlook Quarry Street and down over towards the lower river area around Millbrook and across over to The Mount; View to the South takes in the southern extremities of the town as well as St. Catherine’s Chapel.</p> <p>The topography of Guildford plays a pivotal role in the contribution made by the setting of the castle to its significance and an understanding of that significance. What is noted in views out from this asset is the visual prominence of the important ecclesiastical buildings of Guildford, with the stone towers of St Mary’s and St Nicholas rising above the tile and slate roofscape below. There is also very strong visual link to the mighty brick tower of the Cathedral which crowns Stag Hill beyond the compact historic core of the town, which is reciprocated back. Equally, there is also an appreciation of the wooded surroundings of Guildford and its position with the natural valley topography which helps to illustrate and provide an understanding of the reasons for the town’s origins and evolution, as well as why it looks the way it does.</p> <p>The River and Town Bridge are also aspects of its wider setting that contribute to its significant not least as this relates back to the military aspect of this heritage asset.</p>
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<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>• Ruinous structure of exceptional interest, reflected by its Grade I listing and Schedule Monument status</li> <li>• Surviving ruin of a royal castle dating to at least the 1170s</li> <li>• Town landmark</li> <li>• Tangible link to the early settlement of Guildford as a site of fortification</li> <li>• Used as a prison by the end of the 12<sup>th</sup> Century up until 16<sup>th</sup> Century, when it was moved to Southwark</li> <li>• Strong group value with other castle remains</li> </ul>	<ul style="list-style-type: none"> <li>• Rare survival and valuable resource which illustrates how the defensive complex was organised, operated and evolved</li> <li>• Importance and dominance of the castle expressed through its materials, including expensively worked stone</li> <li>• The intended visual prominence and sense of scale which contrasts with the finer grain and smaller scale of the historic town</li> <li>• High status residence with traces of ornate stonework still extant</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence of medieval graffiti on some of the chalk walls</li> </ul>

<ul style="list-style-type: none"> <li>Associated with King Henry II who used the castle as a hunting lodge and King Henry III, who turned Guildford Castle into one of the most luxurious palaces in England and oversaw the rebuilding works following the 13<sup>th</sup> Century fire</li> <li>Referenced in art and literature over the Centuries including 'South West Prospect of Guildford in The County of Surrey', engraved by Samuel and Nathaniel Buck, 1738</li> <li>John Darborne<sup>6</sup> became guardian of the castle in 1544</li> </ul>	<ul style="list-style-type: none"> <li>Architectural relationship between the castle and St Mary's and St Nicholas as important civic buildings, sharing similar materials and deliberately prominent architectural scale</li> <li>'represents the grim official architecture of Henry II built in memory of the recent civil war and before the new ideas of castle building were brought back from the Crusades' Nairn and Pevsner (<i>The Buildings of England – Surrey</i>)</li> </ul>	
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<b>5</b>	<b>HERITAGE ASSET: Remains of Shell Keep at Guildford Castle, Castle Hill</b>	<b>GRADE: I &amp; Schedule Monument</b>
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<b>Description</b>	<b>Contribution of Setting</b>
<p>This asset is situated approximately 165m to the east of the application site.</p> <p>This structure is recognised as the remains of a polygonal Shell Keep that is considered to date from the early 12<sup>th</sup> Century. The fabric which remains is situated southwest of the Castle Keep (grade I) and forms one section of the Shell Keep which encircled the earlier earth mound and Town Keep. It is of flint and chalk rubble stone construction and measures approximately 6 metres in height at its highest point, with lower truncated walls at the ends.</p>	<p>See <a href="#">Guildford Castle Keep, Castle Hill</a> entry.</p>

<b>Significance</b>		
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<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>Ruinous structure of exceptional interest, reflected by its Grade I listing and Schedule Monument status</li> <li>Integral component of castle complex and defence architecture – strong group value with other castle remains</li> <li>Tangible link to the early settlement of Guildford as a site of fortification</li> </ul>	<ul style="list-style-type: none"> <li>Rare survival and valuable resource which illustrates how the defensive complex was organised, operated and evolved</li> </ul>	

<b>6</b>	<b>HERITAGE ASSET: Former private apartments at Guildford Castle, Castle Hill</b>	<b>GRADE: I &amp; Schedule Monument</b>
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<b>Description</b>	<b>Contribution of Setting</b>
<p>This asset is situated approximately 130m to the south-east of the application site.</p> <p>This flint and clunch rubblestone structure with ashlar dressing is recognised as the remains of a late 12<sup>th</sup> Century Private/Royal apartments. They are situated with</p>	<p>See <a href="#">Guildford Castle Keep, Castle Hill</a> entry.</p>

<sup>6</sup> Merchant and alderman of Guildford, as well as being Mayor in 1523, 1531 and 1538/39.

southwest of the Castle Keep and Shell Keep, close to the rear of Guildford Museum. The now roofless structure was historically 2 storeys in height. The main walls stand at a height of approximately 7-8 metres with the spur wall to the northeast being lower. A round-arched window and a tiled-edge round arched door can be found in the remains of the eastern wall.	
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<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.	Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.	Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.

<b>7</b>	<b>HERITAGE ASSET: Castle Arch, Quarry Street</b>	<b>GRADE: I &amp; Schedule Monument</b>
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Description	Contribution of Setting
This asset is situated approximately 130m to the south-east of the application site.	See <u>Guildford Castle Keep, Castle Hill</u> entry.

<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.	Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.	Same as <u>Remains of Shell Keep at Guildford Castle, Castle Hill</u> entry.

**Impact of Proposal on Significance and Setting for assets 4,5,6 & 7**

The proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the relationship between the castle site and the historic buildings in the town’s historic core. It will also diminish the significance and understanding of the river valley’s role in the castle’s narrative as a defensive function for the town as well as the towns growth.

There are a couple of TVIA views where the above concerns are best illustrated:

- **TVIA view 10** – This is a view taken from the heritage asset, looking northwest. The proposed development would be visible from this vantage point at a greater magnitude than the existing post-war department store on the site, appearing particularly prominent and out of scale amongst the predominantly low scale historic buildings and their varied roofscape. You are also able to appreciate in this view how the proposed development encroaches upon the stone tower of St Mary's church and completely severs views off St. Nicholas tower, thereby completely undermining the relationship between the castle and these ancient parish churches.
- **TVIA view 16** - This is a view taken from within Castle Cliff Gardens which lies within the former castle bailey, orientated looking northwest. The strong linear form of the proposed development would be visible from this position, appearing prominently over the tops of the clay tiled roofscape of the listed buildings of Quarry Street, as well as competing with their human scale form. Also evident in this view is how it rises to a similar apparent height of the post-war tower blocks of Mount Court and Bishop’s Court which lie approximately 405m away from this viewpoint (170m (approx.) from the application site) on the opposite side of the valley, and as a result significantly compromising the tree lined horizon line.
- **TVIA view 17** - This is a view taken from the bandstand within the castle gardens, orientated towards the west. What this viewpoint illustrates is how the scale, height and massing of the proposed development competes with the attractive roofscape and human scale off the historic buildings in Quarry Street

In addition to the above TVIA viewpoints, modelling has been carried out by the LPA using the applicant’s submitted model. Part of the testing done in the case of this asset were in relation to the three TVIA’s views that have been discussed above, which consolidates the above judgement that proposed development would intrude, impose and compete harmfully upon the castle’s relationship with the surrounding historic core. As part of the that testing two comparative ZTV centred upon the Castle Keep has also been undertaken, one which show the theoretical view as existing, and one which shows the theoretical view with the proposed scheme in place. The results of this are illustrated below and have informed that the

introduction of the proposed development will only obstruct a small number of theoretical views of the Castle Keep. The location of those affected are centred around the post-war tower blocks of Mount Court and Bishop's Court which are cited to the west of the development site.



Existing

Proposed

Given the above discussion I am mindful to conclude that the introduction of the proposed development would prejudice the setting of these highly sensitive heritage asset, particularly the Castle Keep, to the extent where it would result in less-than-substantial harm. Conscious of the fact that the resultant harm, as noted above, is predominantly perceived outwardly from the asset as demonstrated by ZTV results I would determine that it would sit at the lower end of the 'less-than-substantial' scale. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>
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8	HERITAGE ASSET: Town Mill, Millbrook	GRADE: II
<p><b>Description</b></p> <p>This asset is situated approximately 20m to the south of the application site.</p> <p>This 3-storey watermill, now scenery workshop and theatre dates from circa 1771 but has a two bay Victorian extension at its western end, which is identifiable by the change in fenestration (3-light, larger casements) and the subtle change in brick colouring (C18th – brown, C19th – red). The structure, which is situated alongside the River Wey takes on a prominent position on Millbrook. The structure is set over 3 main floors and has two further attic floor that can be identified when looking at the hung tiled gable ends. It is covered over by a plain tiled half hipped roof. All windows and doors, with the exception of the attic window are cambered headed.</p> <p>There is evidence to suggest that the earlier mill structures stood on the same site. The earliest recorded was a fulling mill<sup>7</sup> which was constructed by Walter de la Poyle in 1295 and also served as a flour mill. It was latterly adapted as a waterworks in 1901. In 2006 a 35kw hydroelectric turbine was installed to generate energy for the town.</p>	<p><b>Contribution of Setting</b></p> <p>Across the river to the east is Millmead which is a small characterful street of human scale which runs parallel to the river, with open views on to it. It is lined by a mixture of different uses including residential, commercial and community on its west side and where development occurs, it is generally characterised by pitched roofed properties of a variety of ages and styles.</p> <p>The area around the theatre and the town mill is heavily used for recreation so that, although it retains the historic form of riverside paths and meadow, the quantity of benches, bins and signage gives the area more of the atmosphere of a municipal park.</p>	
<p><b>Significance</b></p>		
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>• Is a building of special interest as reflected by its Grade II listing status</li> <li>• Illustrates the River Wey’s history as a working river and the transportation of goods to London</li> <li>• Serves as a reminder of the importance of mills and the River Wey to the successful development and growth of Guildford as an industrial and commercial centre</li> </ul>	<p><b>Artistic &amp; Architectural</b></p> <ul style="list-style-type: none"> <li>• Good example of industrial vernacular over two clear periods</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> </ul>	<p><b>Archaeological</b></p>
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>The proposed development by virtue of its scale, height and massing, will have a negative impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the prevailing human scale of the asset.</p> <p><b>TVIA view 20</b> - this is a viewpoint located beside the heritage asset, close to its principal elevation, looking north towards the application site. In this view the proposed development (Building B) is able to be viewed through the gap that exists between the heritage asset and the neighbouring Yvonne Arnaud Theatre, which is also a heritage asset and together forms a pleasant grouping, as well as above the assets ridge line. An appreciation of the V shaped plan form of the proposed development is able to be gained in this view, with the resultant depth and relief provided by the proposal’s geometry appearing as a contrary, yet welcomed impression, to that of the abrupt flat faced elevation of the existing department store structure. For the most part this recessed form does appear to soften the impact of the increased height to a large extent, nevertheless there is a conflict where the upper storeys project over the ridge of the mill building and begin to overwhelm and compromise its human scale form. A further concern which is evident in this view relates to how the dominance in scale and stature of the proposed development is compounded by the proposed material palette. Whilst it is appreciated that the material palette is based on the vernacular, there</p>		

<sup>7</sup> A process in the woollen clothmaking industry

is a significant concern that in this view the similarities between the palette of the proposed development and the listed town mill conspire to work against each other, resulting in the town mill appearing to merge with proposed development, and thereby diminishing mill's focus and prominence in the view.

**TVIA view 21** - this is a viewpoint located beside the steps of Rosemary alley, it is orientated looking towards the site in a northwest direction. In this view the concern regarding the scale and height of the proposed development is relatively well articulated, however given that the orientation of this view has been taken at an angle, the true affects are somewhat distorted. Helping to give a better appreciation of the relationship between the Town Mill and the proposed development is the submitted east elevation drawing (Drawing No 20018-SQP-ZZ-ZZ-DR-A-PL201) and **TVIA view 31**. Both these illustrations show definitively the juxtaposition of scale between the two structures. It is fair to say that the existing relationship between the town mill and the department store is not ideal, nevertheless the height increase between the two structures appears relatively proportional. However, coming back to the development being proposed, one can only conclude that the additional height that is to be added is not proportional and will acutely overwhelm the human and historic scale of the town mill, resulting in an incongruous relationship, which damages and harms the heritage asset's setting.

Given the above discussion I am mindful to conclude that the introduction of the proposed development would prejudice the setting of this sensitive heritage asset, to the extent where it would result in less-than-substantial harm. Conscious of the fact that the layout of the proposed development would offer views towards the heritage asset from the site which are currently unattainable, by virtue of the introduction of the proposed riverside walk and southern pocket park I would conclude that the resultant harm would sit at the mid-range point of the 'less-than-substantial' scale. It is therefore advised that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Mid-range of less-than-substantial**

9	HERITAGE ASSET: Yvonne Arnaud Theatre, Millbrook		GRADE: II
<p><b>Description</b></p> <p>This asset is situated approximately 35m to the south of the application site.</p> <p>A purpose designed and built medium-scale theatre which sits on the eastern bank of the River Wey serving the Guildford and Surrey community. Belonging to the first wave of mid-century theatre construction, it is a landmark white modernist building in a very prominent location, upstream of the river crossing around which Guildford developed. The playfully modern design was developed and built between 1963-5 by John Brownrigg of the local based firm Scott Brownrigg and Turner along with contractors Marshall-Andrew &amp; Co Ltd.</p> <p>The building's perimeter drum of reinforced concrete columns between fully glazed walls, in part wrapped in an outer brise soleil, painted white. Other materials include dark grey brick and timber cladding, with the stage, wings, fly tower and service block in pre-cast concrete.</p>		<p><b>Contribution of Setting</b></p> <p>The site of the Yvonne Arnaud is exceptionally idyllic. Located just upstream of the river crossing around which Guildford developed, it occupies a near island at the point where the way divides into three, the main stream, the Wey navigation, entered through Millmead Lock, and the Mill Pool. As a consequence, the structure is surrounded on three sides by water, with the fourth side providing a connection to Millbrook and through on up towards the High Street and the historic core of the town.</p> <p>Neighbouring the site to the east is the Town Mill that is used by the theatre for offices and studio performance, whilst a range of low scale 19th century storage buildings line the pedestrian walkway that passes the theatre to the southeast.</p> <p>Across the river to the east is Millmead which is a small characterful street of human scale which runs parallel to the river, with open views on to it. It is lined by a mixture of different uses including residential, commercial and community on its west side and where development occurs, it is generally characterised by pitched roofed properties of a variety of ages and styles.</p> <p>The area around the theatre and Millmead is heavily used for recreation so that, although it retains the historic form of riverside paths and meadow, the quantity of benches, bins and signage gives the area more of the atmosphere of a municipal park.</p>	
<p><b>Significance</b></p>			
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>• Is a building of special interest as reflected by its Grade II listing status</li> <li>• First theatre in the South-East to be funded by public subscription</li> <li>• Named after actress and local resident Yvonne Arnaud</li> <li>• Set up as a repertory theatre, it became a producing theatre in the 1970's, and its proximity to London has attracted important artists while it has also fed productions to the London theatres</li> <li>• Designed by local architect John Brownrigg (1911-2002) who had trained under HS Goodhart Rendell</li> </ul>	<p><b>Artistic &amp; Architectural</b></p> <ul style="list-style-type: none"> <li>• Epitome of the new generation of post-war provincial theatres</li> <li>• Distinctive sculptural form with dramatic curved façade of glazed outer wall set behind a fin-like 'brise soleil'.</li> <li>• Large, circular auditorium with apron stage set within a horseshoe footprint - inventive plan for its date</li> <li>• Expressive use of materials which contrast with the traditional red brick palette of Guildford</li> </ul>	<p><b>Archaeological</b></p>	
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>The proposed development by virtue of its scale, height and massing, will have a negative impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the prevailing human scale of the asset.</p> <p>The TVIA views most relevant appear to be TVIA 19, TVIA 20 and TVIA 24.</p>			

I am satisfied having assessed TVIA 20 that there is very little conflict to the setting of this heritage asset, from this perspective as discussed below.

- **TVIA view 20** - this is a viewpoint located beside the heritage asset, close to its main entrance, looking north towards the application site. In this view the proposed development (Building B) is able to be viewed through the gap that exists between the heritage asset and the neighbouring town mill, which is also a heritage asset and together forms a pleasant grouping. An appreciation of the V shaped plan form of the proposed development is able to be gained in this view, with the resultant depth and relief provided by the proposal's geometry appearing as a contrary, yet welcomed impression, to that of the abrupt flat faced elevation of the existing department store structure. For the most part this recessed form does appear to soften the impact of the increased height to a large extent to the extent where I am satisfied that the increased height and massing in this particular view does not compete with the listed theatre, as illustrated by the following before and after modelled images



Figure 6a: View looking north from the entrance of the Yvonne Arnaud Theatre – showing proposed development

Figure 6b: View looking north from the entrance of the Yvonne Arnaud Theatre – as existing

OS-E: 499608.240; OS-N: 149226.255; Height (AOD) 33.52; Heading 311.08°; Lens 24mm.

Whilst there doesn't appear to be any increased harm to the setting of the Yvonne Arnaud in TVIA 20 the same cannot be said for TVIA 24.

- **TVIA view 24** – this is a viewpoint located close to the entrance of GBC offices on Millmead. It looks north across Millmead carpark towards the development site. River lined vegetation is noticeable in this view and provides some screening of the theatre, however, it should be noted that that screening by current boundary treatments (over which there is often no planning control) should not be relied upon over the long term to mitigate or justify otherwise unacceptable development. This must be applied as part of the consideration. As such, when one ignores the existing vegetation, as demonstrated in the modelling image below (Figure 7a), it is clear that the heritage asset and the proposed development would be read together in this view, with the proposals increased dominance in scale and height being blatantly evident. A comparison with the existing situation (Figure 7b) demonstrates just how significant a change this would be upon this asset. Whilst it is accepted that some relief, in terms of massing and bulk, is likely to be provided by 'V shaped' plan form of Building B, it is my opinion that this would not be noticeably legible from this particular viewpoint as consequence of the building's orientation, but also its

uniform material palette – the two wings are likely to appear merge together. I therefore do not consider this relief to be so significant that it would offset the harm that is created to the theatres setting by the overall increase of height and scale.



Figure 7a: View looking north from outside GBC offices on Millmead – showing proposed development

Figure 7b: View looking north from outside GBC offices on Millmead – as existing

OS-E: 499525.802; OS-N: 149136.869; Height (AOD) 33.14; Heading 4.73°; Lens 24mm.



With regards to TVIA view 19 which is a viewpoint located on Millmead, close to no's 5-6 Millmead, this has been orientated in a way that does not feature the Yvonne Arnaud. However had the viewpoint, which was taken at a heading/degree/orientation of 18.89° been slightly revised by 20° or so it would have been able to capture the heritage asset, as demonstrated by modelling image provided below (Figure 8a) which is taken at exact same positions as TVIA view 19 but with a heading/degree/orientation of 47.4°. This revised view shows even more clearly how the proposed development's incongruous scale, height and massing will dominate and encroach in to the idilic waterfront setting of the grade II listed theatre. For balance, a comparative view of the current relationship is shown in Figure 8b.



Figure 8a: View looking east from Millmead towards the Mill Pool – showing proposed development

Figure 8b: View looking east from Millmead towards the Mill Pool – as existing

**OS-E: 499504.067; OS-N: 149207.919; Height (AOD) 32.65; Heading 47.4°; Lens 24mm.**

Given the above discussion I am mindful to conclude that the introduction of the proposed development would prejudice the setting of this sensitive heritage asset, to the extent where it would result in less-than-substantial harm. Conscious of the fact that the layout of the proposed development would offer views towards the heritage asset from the site which are currently unattainable, by virtue of the introduction of the proposed riverside walk and southern pocket park, but also mindful of the current level of natural screening surrounding the theatre, I would conclude that the resultant harm would sit at the low/mid-range point of the 'less-than-substantial' scale. It is therefore advised that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Low/Mid-range of less-than-substantial**

<b>10</b>	<b>HERITAGE ASSET:</b> Treadwheel Crane, Millbrook	<b>GRADE: II* &amp; Schedule Monument</b>	
<p><b>Description</b></p> <p>This asset is situated approximately 70m to the north of the application site.</p> <p>Situated on the east side of the River Wey navigation, the Treadwheel Crane structure dates from the late 17<sup>th</sup> Century/early 18<sup>th</sup> Century. It consists of a wooden slewing crane and timber framed structure of two bays that is wrapped in timber weatherboard cladding (black) and covered over by a plain tiled roof. The southern bay is open whilst the northern bay is enclosed, it is this enclosed section which houses a suspended timber treadwheel which is approximately 5m in diameter and 1.5m wide. The crane, which sits to the west side of the structure is formed of timber baulks rotating between top and bottom bearings, it hausting hook is linked to the treadwheel by the means of a chain</p> <p>The crane is a rare survival and is believed to have been the last working example in Great Britain. The only other comparable structure known to survive is a double wheel crane at Harwich. It was last used unload stone used in the construction of Guildford Cathedral in about 1960. The structure has gone undergone repairs in both the 18<sup>th</sup> and 19<sup>th</sup> Century, and in 1971 it was dismantled and re-erected near its original position on the former Guildford Wharf to accommodate the construction of the gyratory system.</p>		<p><b>Contribution of Setting</b></p> <p>Although relocated, the structure remains alongside the Navigation with which it has a historical functional relationship. It is sited on the east bank in an area of public open space, which is contained by the river to the west, Millbrook, which is situated at an elevated level, to the east as well as the gyratory to the North. Being situated so close to Millbrook and the Gyratory its siting is one which is associated with a lot of activity, movement and noise.</p> <p>One of the best ways to experience the setting of the crane is via the navigation itself taking the route that formally would have been used for the transport of goods and now used primarily for leisure. It can also be appreciated from the Town Bridge looking north, where it can be seen in relation to the Navigation and the industrial and commercial buildings on the southside of Bridge St, as well as from Friary Bridge where it can be viewed against the backdrop of the protrusion of the post-war Friary Court development, and the existing department store.</p>	
<b>Significance</b>			
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>• Is a particularly important building of more than special interest reflected by its Grade II* listing and Schedule Monument status</li> <li>• Believed to be the last working example in Great Britain – very rare survival of a former industrial structure with technological interest.</li> <li>• Serves as a reminder of the importance of the River Wey to the successful development and growth of Guildford as an industrial and commercial centre</li> <li>• Illustrates the River Wey’s history as a working river and the transportation of goods to London, including coal, grain and timber</li> </ul>	<p><b>Artistic &amp; Architectural</b></p>	<p><b>Archaeological</b></p>	
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>The setting of this heritage asset is already, to some degree, compromised, as a result of the elevated Millbrook carriageway, the gyratory and the post-war Friary Court development, and any proposed development affecting its setting should not be compounding this. I feel that the proposed scheme fails this by virtue of the increase to height, massing and scale. At present the existing department store structure, whilst readable in the view looking south, such as the one presented in <b>TVIA 23</b>, appears to sit at a height similar to Friar Court, which sits between the asset and the department store structure. As a result, it appears as a congruous structure in the townscape, and does not really impact upon on the Crane’s setting, by</p>			

virtue of it being situated behind Friary Court. Equally in the existing view, it's low height (when compared with the proposed scheme) allows for its large floor plate to be screened, to some degree, by virtue of a combination of the tree planting alongside The White House Public House and the curvature of the river. In contrast, the proposed development's size and scale would undermine all of the above. Building A's 9 storey height would result in the proposed development rising over the Friar Court structure, thereby starting to encroach upon and undermine the Crane's human scale setting. Additionally, together with Building B's 8 storey height, the entire length of the development would become readable, as the upper 2-3 storeys and roofscape will sit above the existing tree line. The reality of development true scale and massing

It is mentioned in the supporting Townscape, Visual Impacts and Built Heritage Assessment (pg. 102) that *"the proposed development would help draw the viewer attention away from the detractor in this view (Friary Court)."* Whilst I do not necessarily disagree with this statement because of its scale and size, I would contend that St Nicholas' Church already performs this role much more successfully, as there is a greater degree of separation between the Church and Friary Court. In fact, what the proposed development does is to bring the detractive qualities of the Friary Court more in to focus as there is a lesser degree of separation between the two structures. The series of modelled views set out below illustrate the concerns noted above.



Figure 9a: View looking south from The Gyratory over The River Wey – as existing

Figure 9b: View looking south from The Gyratory over The River Wey – showing the proposed development, without vegetation

Figure 9c: View looking south from The Gyratory over The River Wey – showing the proposed development, with vegetation

**OS-E: 499400.970; OS-N: 149448.738; Height (AOD) 36.44; Heading 150.5°; Lens 24mm.**

In conclusion it is considered that the proposed development will have a negative impact on the setting of this heritage asset due to the compounding visual challenge and distraction the proposal places upon the prevailing human scale of the asset when considering its current compromised context, to the extent where it would result in less-than-substantial harm. I would place this harm at the lower end of the spectrum, given that access to the view in question is somewhat limited, due to the nature of the Gyratory, but also with consideration to the fact that Friary Court, which is more immediate to the asset's setting, provides a small degree of buffering. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>
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<b>11</b>	<b>HERITAGE ASSET: Quarry Street (nos 6, 8, 8a, 13 &amp; 55)</b>	<b>GRADE: II*</b>
Description		Contribution of Setting
<p>Quarry Street is a 400m long narrow historic street, which runs north to south, that is likely to date to the Saxon period. It is situated to the east of the application site and at its closest it is approximately 40m away.</p> <p>It served as an early southern route out of the town, starting at the lower end of the High Street and running gently downwards towards the river. It contains a number of imposing terraced buildings set on the back of the pavements, the majority of which are 2-3 storeys in height. A good number of the properties date to the 16<sup>th</sup> and 17<sup>th</sup> Centuries and are of timber framed construction with most having been re-fronted in brick at a later date, most likely the 18<sup>th</sup> or 19<sup>th</sup> Centuries. Architectural styles and frontage width vary, which adds to the interest and character of the street. There is also considerable variety when it comes to the street's roofscape, with pitched, gables, hipped and parapeted all making an appearance.</p>		<p>These assets are experienced both individually and as a group with the other properties situated along Quarry Street, including St Mary's Church As a grouping they contribute to the understanding of the origins and evolution of the town. Also of influence on their setting is Guildford Castle which perches above the road to the east, properties and the commercial function of the High Street as well at the presence of the river. In some places, specifically the northern section of the street, the visual connection with the river has been lost with the introduction of development (existing department store, the town mill and the Yvonne Arnaud theatre) between the road and the river, however in the southern section this has been maintained.</p>
<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>Group of important building of more than special interest reflected by their Grade II* listing status</li> <li>Location and setting forms a pivotal part of the historic landscape of central Guildford with its early settlement focused around the immediate area around St Mary's</li> <li>Illustrates the evolution of this historic street from residential to predominantly commercial</li> </ul>	<ul style="list-style-type: none"> <li>Is illustrative of well-preserved 16<sup>th</sup> &amp; 17<sup>th</sup> Century domestic vernacular architecture within the locality</li> <li>Use of vernacular material and traditional building techniques in its construction</li> </ul>	
<b>12</b>	<b>HERITAGE ASSET: Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 &amp; Quarry Hill House)</b>	<b>GRADE: II</b>
Description		Contribution of Setting
<p>Quarry Street is a 400m long narrow historic street, which runs north to south, that is likely to date to the Saxon period. It is situated to the east of the application site and at its closest it is approximately 40m away.</p> <p>It served as an early southern route out of the town, starting at the lower end of the High Street and running gently downwards towards the river. It contains a number of imposing terraced buildings set on the back of the pavements, the majority of which are 2-3 storeys in height. A good number of the properties date to the 16<sup>th</sup> and 17<sup>th</sup> Centuries and are of timber framed construction with most having been re-</p>		<p>See <a href="#">Quarry Street (nos 6, 8, 8a, 13 &amp; 55)</a> entry.</p>

fronted in brick at a later date, most likely the 18 <sup>th</sup> or 19 <sup>th</sup> Centuries. Architectural styles and frontage width vary which adds to the interest and character of the street. There is also considerable variety when it comes to the street's roofscape, with pitched, gables, hipped and parapeted all making an appearance.	
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<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>• Large group of buildings of special interest as reflected by their Grade II listing status</li> <li>• Location and setting forms a pivotal part of the historic landscape of central Guildford with its early settlement focused around the immediate area around St Mary's</li> <li>• Illustrates the evolution of this historic street from residential to predominantly commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Is illustrative of well-preserved 16<sup>th</sup> &amp; 17<sup>th</sup> Century domestic vernacular architecture within the locality</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> </ul>	

**Impact of Proposal on Significance and Setting**

The proposed development by virtue of its scale, bulk and massing challenges the domestic scale and grain of this collection of heritage assets. This will be mostly experienced by those properties situated on the western side of the road, and specifically in the more private settings of their rear gardens/amenity space. Nevertheless, there would be some appreciation of the incongruous relationship between these assets and the proposed development when navigating along Millbrook, and it certainly would undermine ones existing appreciation of entering or traversing through an historic town.

Giving consideration to the above it is considered that the proposed development will have a negative impact on the setting of this group of listed buildings by virtue of the visual challenge and distraction the proposal places upon the prevailing human scale of the surrounding townscape. I would assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm of the mid-point of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>
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<b>13</b>	<b>HERITAGE ASSET: 5-6 Millmead</b>	<b>GRADE: II</b>
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<b>Description</b>	<b>Contribution of Setting</b>
<p>This asset is situated approximately 35m to the southwest of the application site.</p> <p>Originally an early 17<sup>th</sup> Century single timber framed house covered over by a plain tiled roof that faces toward the River Wey, which has now been divided and converted to offices. 18<sup>th</sup> (rear right) 19<sup>th</sup> (rear left) and 20<sup>th</sup> century extensions are identifiable. Its front elevation is clad in whitewashed roughcast, whilst the ground floor level of the left-hand return takes on a pebbledash covering with tile hanging above.</p>	<p>Millmead is a small characterful street of human scale which runs parallel to the river, with open views on to it. It is lined by a mixture of different uses including residential, commercial and community on its west side and where development occurs, it is generally characterised by pitched roofed properties of a variety of ages and styles.</p> <p>The area around the theatre and Millmead is heavily used for recreation so that, although it retains the historic form of riverside paths and meadow, the quantity of benches, bins and signage gives the area more of the atmosphere of a municipal park.</p>

<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>Is a building of special interest as reflected by its Grade II listing status</li> </ul>	<ul style="list-style-type: none"> <li>Is illustrative of well-preserved 17th Century domestic vernacular architecture within the locality</li> <li>Use of vernacular material and traditional building techniques in its construction</li> </ul>	

**Impact of Proposal on Significance and Setting**

The proposed development would represent a considerable change to the local setting of this heritage asset, a change of the kind not seen since the completion of the department store’s development or the completion of the Yvonne Arnaud theatre, both of which took place over 50 years ago. The proposed development by virtue of its scale, height and massing, is considered to have a damaging impact on the setting of this heritage asset due to the visible challenge the proposal places upon the human scale of this 17<sup>th</sup> century asset. This concern is best illustrated by the series of 3D model images provided below (Figures 9 and 10), as **TVIA view 19** does not feature the heritage asset to show the relationship between the two sites.

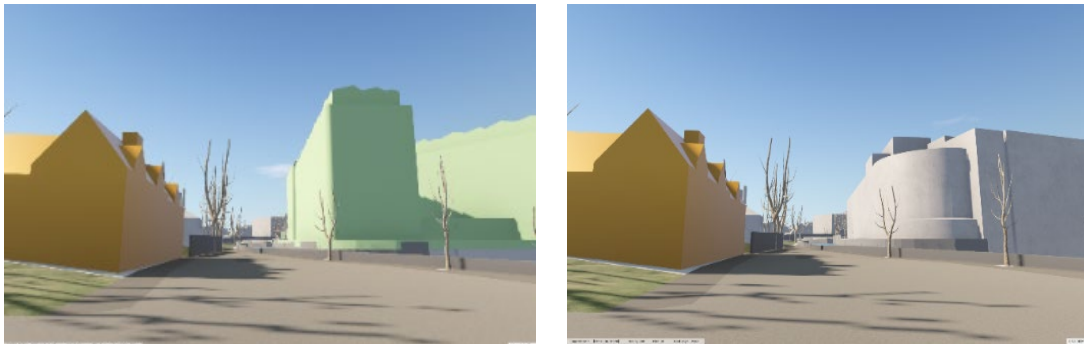


Figure 10a: View looking north, taken from Millmead near to the Britannia Public House – showing proposed development  
 Figure 10b: View looking north, taken from Millmead near to the Britannia Public House – as existing  
 OS-E: 499525.80; OS-N: 149136.90; Height (AOD) 33.14; Heading 4.7°; Lens 24mm.



Figure 11a: View looking north, taken from Millmead Island footpath – showing proposed development

Figure 11b: View looking north, taken from Millmead Island footpath – as existing

OS-E: 499514.60; OS-N: 149195.20; Height (AOD) 33.36; Heading 348.2°; Lens 24mm.

What this group of images helpfully convey is the significant contrast of scale between the heritage asset and Block B of the proposed development and how this juxtaposition will overwhelm and challenge the assets current open, human scale, riverside setting.

Given the above commentary and also conscious of the fact that the layout of the proposed development would offer views towards the heritage asset from the site which are currently unattainable, by virtue of the introduction of the proposed riverside walk I have to conclude that the introduction of the proposed development within the setting of this asset would result in less-than-substantial harm towards the midpoint of the spectrum, due to sites have a close and intervisible relationship with each other, as well as sharing elements of the same open, human scale, riverside setting. It is therefore advised that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Mid-range of less-than-substantial**

14	HERITAGE ASSET: Millmead House, Millmead		GRADE: II
<p><b>Description</b></p> <p>This asset is situated approximately 140m to the southwest of the application site.</p> <p>This 3 storey mid-17<sup>th</sup> Century mansion house is located on the western bank of the River Wey, built for William Haydon, a draper turned banker. Originally, the property which was 2-storeys and had a simple rectangular plan, sat within extensive gardens and was accessed from Bury Street via a long sweeping driveway that circumnavigate the perimeter of the grounds. Following its C17<sup>th</sup> residential use it served as girls' school in the early part of the 18<sup>th</sup> Century and eventually was bought by the Guildford Rural District Council in 1926 and has been used as local government offices ever since.</p> <p>Since its construction, the brick constructed property, that is covered over by a low-pitched slate roof, has undergone a number of modifications, most notably the addition of the 3<sup>rd</sup> storey, as well as the right-hand projecting extension which saw the original rectangular plan form alter to an 'L' shape plan form. These additions are thought to date from the 19<sup>th</sup> Century.</p> <p>Internally, the original main staircase survives, as does some internal panelling, cornices and fireplace surrounds in the mayor's parlour. Also intact is the former Rural District Council Chamber which is at 1<sup>st</sup> floor level.</p>		<p><b>Contribution of Setting</b></p> <p>The building and its immediate setting have changed considerably since it was first constructed. Historically the assets immediate setting would have been defined by its extensive garden and sweeping driveway, however today the above has been replaced by modern council office pavilions to the west and south of the property, and a swathe of surface car parking between its principal elevation and the river.</p> <p>The idyllic riverside and edge of town setting is something that has been a constant to its setting and most likely an influential factor for the property's location and development. Another constant in its setting has been the Weir House, which historically form part of the wider estate. However today there is a recognisable degree of separation between these two sites.</p> <p>Looking more widely, the north side of the site is neighboured by 19<sup>th</sup>/early-20<sup>th</sup> residential development that generally has a fine grain and is domestic in its scale. On the site's southern side, the grain of development takes on a much looser character, and there is a notable shift in the age of development, becoming much more recent in age, reflecting the expansion of the town southwards along Portsmouth Road.</p>	
<b>Significance</b>			
<p><b>Historic</b></p> <ul style="list-style-type: none"> <li>Is a building of special interest as reflected by its Grade II listing status</li> <li>Association with the notable Guildford Haydon, a draper turned banker, who set up Haydon's Bank on the High Street (location of Lloyds Bank), one of the first banks in the town</li> </ul>	<p><b>Artistic &amp; Architectural</b></p> <ul style="list-style-type: none"> <li>Is illustrative of well-preserved 17th Century high status classical Georgian architecture within the locality</li> <li>The use of a non-vernacular material, such as slate, within the construction palette indicates the prosperity of its occupants</li> </ul>	<p><b>Archaeological</b></p>	
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>I am satisfied that by virtue of the distance between the asset and the application site, together with its discrete, screened location, opportunities to view the proposed development in conjunction with this asset would be very limited. I therefore conclude that the proposed development will not harm any element of setting that contributes to this heritage assets significance.</p>			
<b>Harm Identified</b>		<b>No harm to significance identified.</b>	



<b>15</b>	<b>HERITAGE ASSET: Weir House, Millmead</b>		<b>GRADE: II</b>
<b>Description</b>		<b>Contribution of Setting</b>	
<p>This asset is situated approximately 220m to the south of the application site.</p> <p>Weir house survives as a rare example of a small, modest Regency villa (early C19<sup>th</sup>) with later C19<sup>th</sup> and C20<sup>th</sup> additions to the north. The structure is situated on the west side of Millmead Weir where the Wey and Godalming Navigations run through Guildford. It is 3-storeys on its eastern side and 2-storeys with basement level on its western side owing to the sloping topography of the site. The property is constructed from brick that is concealed by a colourwash stucco and the structure is covered over by a low-pitched hipped slate roof on the earliest part of the structure, whilst the extension is covered by a clay tiled roof.</p> <p>The property is thought to have been constructed by the Haydon<sup>8</sup> family and formed part of the Millmead House estate, it is now in the ownership of the National Trust</p>		<p>The position of Weir House in a meadow next to the river and within striking distance of Guildford town centre, as well as its architectural form are all in character with Regency villas of the early 19th century.</p> <p>The idyllic riverside and edge of town setting is something that has been a constant to its setting and appears to be an influential factor for the property's location and development. The Another constant has been its relationship with the Millmead House Estate, with evidence seeming to suggest that it was purposefully constructed as a relatively high-status house within the Millmead House Estate as a house for leisure. However, despite this history there is a recognisable degree of separation between these two sites today, by virtue of the heavy vegetive screening, as well as the intervening modern council chamber pavilion.</p> <p>Views through to the property from the riverside are limited due to the screening from the treelined riverbank, however some dappled views through are achievable during the winter months.</p>	
<b>Significance</b>			
<b>Historic</b>		<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>Is a building of special interest as reflected by its Grade II listing status</li> <li>Association as part of the Millmead House Estate</li> <li>Haydon Family - Successful local family, drapers turned bankers, who set up Haydon's Bank on the High Street (location of Lloyds Bank), one of the first banks in the town</li> <li>Bloomsbury Group – Vanessa Bell was a tenant of the property in 1911</li> <li>Possibly painted by Vanessa Bell – bears a striking resemblance to a painting called 'The Steps in Playden' – identical to the south front of Weir House</li> </ul>		<ul style="list-style-type: none"> <li>Only villa of its type in Guildford</li> <li>Sited within a picturesque setting with southward views having remained virtually unchanged</li> <li>Rare surviving example of a Regency villa in an urban context</li> </ul>	<ul style="list-style-type: none"> <li>Survival of Weir House and its context plays an important role in the understanding of small early regency villa's – as little study has been done on this subject matter</li> </ul>
<b>Impact of Proposal on Significance and Setting</b>			
I am satisfied that by virtue of the distance between the asset and the application site, together with the assets discrete, screened location, opportunities to view the proposed development in conjunction with this asset would be very limited. I therefore conclude that the proposed development will not harm any element of setting that contributes to this heritage assets significance.			
<b>Harm Identified</b>		<b>No harm to significance identified.</b>	

<sup>8</sup> Successful local family, drapers turned bankers, who set up Haydon's Bank on the High Street (location of Lloyds Bank), one of the first banks in the town

<b>16</b>	<b>HERITAGE ASSET:</b> Nos 2-6 [even] High Street	<b>GRADE: II</b>	
<b>Description</b> <p>This asset is situated approximately 120m to the west of the application site.</p> <p>It is a 3 storey classically Georgian house of deep red/brown brick and colour washed stucco (ground floor), which is now converted into offices. Its shallow plain tiled roof is obscured by a stone coped parapet. A modern C20<sup>th</sup> office extension which turns the corner on to Portsmouth Road sited to the side/rear and adjoins the host building by means of a contrasting semi-glazed link.</p>		<b>Contribution of Setting</b> <p>The asset's immediate setting is principally formed by the varied and eclectic townscape of Portsmouth Road, which includes some traditionally formed 2 storey properties through to 11 storey tower blocks. The dominant scale of St Nicholas Church, which sits directly to the east of the asset is also a significant immediate influence.</p> <p>The property's situation at the High Street's junction with Portsmouth Road means that its setting is impacted by a lot of activity, movement and noise.</p>	
<b>Significance</b>			
<b>Historic</b>		<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>Is a building of special interest as reflected by its Grade II listing status</li> <li>Illustrates the evolution of the town's historic core</li> </ul>		<ul style="list-style-type: none"> <li>Is illustrative of well-preserved 17th Century domestic vernacular architecture within the locality</li> <li>Use of vernacular material and traditional building techniques in its construction</li> <li>Attractive classical and symmetrical architectural expression</li> </ul>	
<b>17</b>	<b>HERITAGE ASSET:</b> High Street (nos 23-37 [odd], 43-45 [odd], 71-83 [odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even])	<b>GRADE: II</b>	
	<b>HERITAGE ASSET:</b> High Street (nos 72-78 [even], The Angel Hotel, Lloyds Bank)	<b>GRADE II*</b>	
<b>Description</b> <p>High Street is an 880m long, wide, attractive, historic street, which runs west to east. It commences at the River Wey crossing and rises steeply in a straight line up the town's eastern valley slope. It is considered to be a street of two distinct halves, the lower section, which is characterised by its steeper gradient, the retention of the cobbled road surface and almost a continuous frame of 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> Century properties, of varying styles, on either side, most of which are listed. The contrast to this is the upper section, which has a shallower incline, an increased presence of 20<sup>th</sup> Century development and modern street surfaces. The street is the main commercial corridor of the town and is partially pedestrianised.</p> <p>The properties that form part of this assessment are all situated within the lower section of the High Street. They are 3-storeys in height with architectural expressions, including material palette and roofscape, varying from one plot to another. Retail units occupy the ground floor in all instances.</p>		<b>Contribution of Setting</b> <p>These assets are experienced both individually and as a group with the other properties situated along the steeply rising cobbled High Street, including the Guildhall, Abbotts Hospital and Holy Trinity Church. As a grouping they contribute to the understanding of the origins and evolution of the town and the predominance of muted vernacular materials, including red brick, timber, stone, stucco and clay roof tiles also adds a sense of harmony which contributes to a strong sense of place.</p> <p>The tower of St Nicholas Church, which occupies a site on the west bank of the River Wey, beyond the old town bridge, is a notable feature when taking in views down the High Street of this diverse and attractive collection of historic buildings, as is verdant mature treed skyline that rises behind it. This provides a welcome scenic contrast to the townscape but also illustrates the close relationship of the town with the surrounding countryside.</p>	
<b>Significance</b>			
<b>Historic</b>		<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>

<ul style="list-style-type: none"> <li>• Large group of buildings of special interest as reflected by their Grade II listing status</li> <li>• Location and setting forms a pivotal part of the historic landscape of central Guildford with its early settlement focused around the immediate area</li> <li>• Illustrates the evolution of this historic street to suit new demands and fashions</li> </ul>	<ul style="list-style-type: none"> <li>• Is illustrative of well-preserved 17<sup>th</sup>, 18<sup>th</sup> &amp; 19<sup>th</sup> Century domestic vernacular architecture within the locality</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> <li>• Considerable group value</li> </ul>	
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**Impact of Proposal on Significance and Setting**

The proposed development by virtue of its scale, bulk and massing challenges the historic scale and grain of this collection of heritage assets. This will be mostly experienced by those properties situated below Market Street, as it is acknowledged that the impact of the proposed development reduces the higher up the High Street one goes, this is as a result of the limited views over to the site by virtue of the townscape and the increasing gradient of the High Street, as a result, the cut off where views through to the proposed development become restricted is somewhere around Market Street. An appreciation of the incongruous relationship between these assets and the proposed development is demonstrated in **TVIA views 12, 40 & 41**, with Block A projecting incongruously above the low, human scale of these heritage assets and their townscape setting.

It is considered that as a collective the resultant harm to these assets would sit at the lower end of the less-than-substantial spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>
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<b>18</b>	<b>HERITAGE ASSET:</b> Nos 1-3[odd], Bury Street	<b>GRADE: II</b>
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<p><b>Description</b></p> <p>This asset is situated approximately 65m to the west of the application site.</p> <p>This former house, now offices dates was original designed and constructed in the early C19<sup>th</sup> and exhibits C20<sup>th</sup> alterations. The 2-storey structure is built from sandstone blocks, laid in courses, with yellow brick dressings, and is covered over by a low pitched, hipped slate roof. Its principal elevation, which faces on the Bury Street is defined by the original central doorway that is approached up a flight of steps to a flat-roofed porch with square piers on pedestals. A further door, covered by a similar porch, is also located on this elevation, on the far right side.</p>	<p><b>Contribution of Setting</b></p> <p>The asset’s immediate setting is principally formed from the townscape of Bury Street. This is one of the town’s earliest streets which has a notably narrow width and despite the current cleared site on the opposite side of the road one is able to appreciate that it has intimate and enclosed character that is reinforced by vigorous and varied articulation of roofs and gables from immediate surrounding development as well as the dominant scale of St Nicholas Church, which sits at the junction with the High Street.</p> <p>Directly to the south of the asset sits the Caleb Lovejoy Almhouses with which the heritage asset has a close visual relationship with, and when view collectively creates for an interesting and characterful street-scene.</p> <p>The original rear garden to the property has been replaced by surface carparking, and behind that sits Hays House, a 3-storey modern office building.</p>
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<b>Significance</b>		
<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>• Is a building of special interest as reflected by its Grade II listing status</li> <li>• Illustrates the evolution of the town’s historic core during the C19<sup>th</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Is illustrative of well-preserved Georgian neo-classical development within the locality</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> <li>• Group value with Caleb Lovejoy Almhouses which neighbour the site</li> </ul>	

**Impact of Proposal on Significance and Setting**

I am satisfied through model testing that the opportunities to view the proposed development in conjunction with this asset would be very limited. Partly due to the narrowness of the street but also due to the limited gaps and the presence of Hay House which is a large modern office development that sits between the asset and the development site. There is



potential for the proposed development to viewed through the gap to the left of the property as demonstrated in the image below, however it would create a layered townscape composition with Hays House, which doesn’t appear too incongruous in this view. I am therefore reassured that the proposed development will not harm any element of setting that contributes to this heritage assets significance or the wider Bury Street grouping of heritage assets. In reaching this conclusion I have taken into consideration the consented Plaza scheme that is to be built out on the opposite side of the street.

*Figure 12: View looking east through the gap between 1-3 Bury Street and St Nicholas’ Church– showing proposed development*

<b>Harm Identified</b>	<b>No harm to significance identified.</b>
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<b>19</b>	<b>HERITAGE ASSET:</b> Caleb Lovejoy's Almshouses, Bury Street		<b>GRADE: II</b>
<b>Description</b> <p>This asset is situated approximately 70m to the west of the application site.</p> <p>This terraced group of 4 almshouses which front onto Bury Street date from 1839 and were paid for by Caleb Lovejoy bequest. The set piece structure is constructed from sandstone blocks with grey/brown brick dressings and is covered over by a plain clay tiled pitched roof. They are formed in a symmetrical plan and elevation around a central two storey section flanked by single storey wings with gable end bays. Decorative paired cross-ridge stacks, placed diagonally, on the wings; paired round, cut-brick and corbelled stacks to sides of centre gables. Double gable end to centre with pierced, wavy-edged bargeboards under spike and pendant finials.</p>		<b>Contribution of Setting</b> <p>See nos 1-3 Bury Street entry.</p>	
<b>Significance</b>			
<b>Historic</b> <ul style="list-style-type: none"> <li>• Is a building of special interest as reflected by its Grade II listing status</li> <li>• Association with Caleb Lovejoy, a local benefactor and 17<sup>th</sup> merchant who stipulate the construction of the property after his death</li> <li>• Illustrate the need of charitable housing in Guildford at the time of construction</li> </ul>	<b>Artistic &amp; Architectural</b> <ul style="list-style-type: none"> <li>• Good example of early-mid 19<sup>th</sup> Century almshouses</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> <li>• Attractive classical and symmetrical architectural expression</li> <li>• Group value with nos 1-3 Bury Street which neighbour the site</li> <li>• Group value with St Nicolas Church, as Caleb Lovejoy was strongly associate with the church, having been baptised and buried here</li> </ul>	<b>Archaeological</b>	
<b>Impact of Proposal on Significance and Setting</b> <p>I am satisfied through model testing and <b>TVIA view 37</b> that the opportunities to view the proposed development in conjunction with this asset would be very limited. Partly due to the narrowness of the street but also due to the limited gaps in the streetscape and the presence of Hay House which, is a large modern office development that sits between the asset and the development site. There is potential for the proposed development to viewed through the gap to the right-hand side of the properties as demonstrated in <b>TVIA view 37</b>, however it would create a layered townscape composition with Hays House, which doesn't appear too incongruous in this view. I am therefore reassured that the proposed development will not harm any element of setting that contributes to this heritage assets significance or the wider Bury Street grouping of heritage assets. In reaching this conclusion I have taken into consideration the consented Plaza scheme that is to be built out on the opposite side of the street.</p>			
<b>Harm Identified</b>	<b>No harm to significance identified</b>		

<b>20</b>	<b>HERITAGE ASSET: West Bury House, Bury Street</b>		<b>GRADE: II</b>
<b>Description</b> <p>This asset is situated approximately 75m to the west of the application site.</p> <p>Westbury House, 15 Bury Street is one of the oldest buildings within the historic town of Guildford, with a northern front elevation, this substantial former dwelling is thought to date circa mid to late 17<sup>th</sup> century.</p> <p>It is principally constructed of brickwork, with some rubble masonry. The building is believed to have been re-fronted during the 18<sup>th</sup> Century and also has 20<sup>th</sup>. century extensions to south and east. Sandstone rubble with brickwork quoins and dressings, including a brickwork string course has been used to the western return beneath the brick Dutch gable and also to the south (rear). The principal elevation has a red/brown brick to front, with rubbed brickwork arches to the windows, with a steeply pitched hipped plain tiled roof partly obscured by a stone-coped parapet to the Dutch gable.</p>		<b>Contribution of Setting</b> <p>The curtilage comprises of a northern frontage onto the street, with iron railings flanking the entrance with a sloped hardstanding to the west with cobbles and the remainder of the plot includes a large recreational garden for the offices to the south east, with parking to the east. Westbury House has been extended to the east over 3 floors and also to the south, providing a large modern office complex.</p> <p>The asset's immediate street-scene is principally formed from the townscape of Bury Street. This is one of the town's earliest streets which has a notably narrow width and despite the current cleared site on the opposite side of the road one is able to appreciate that it has intimate and enclosed character that is reinforced by vigorous and varied articulation of roofs and gables from immediate surrounding development as well as the dominant scale of St Nicholas Church, which sits at the junction with the High Street.</p>	
<b>Significance</b>			
<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>	
<ul style="list-style-type: none"> <li>• Is a building of special interest as reflected by its Grade II listing status</li> <li>• Illustrates the towns development during the C17<sup>th</sup></li> <li>• Prominence within the historic townscape</li> </ul>	<ul style="list-style-type: none"> <li>• Complex story of architectural development</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> <li>• Attractive classical and symmetrical architectural expression</li> <li>• Group value with Caleb Lovejoy Almshouses</li> </ul>		
<b>Impact of Proposal on Significance and Setting</b> <p>I am satisfied through model testing and <b>TVIA view 37</b> that the opportunities to view the proposed development in conjunction with this asset would be very limited. Partly due to the narrowness of the street but also due to the limited gaps in the streetscape and the presence of Hay House which, is a large modern office development that sits to the left of the asset and the development site. There is potential for the proposed development to viewed through the gap to the left-hand side of the properties as demonstrated in <b>TVIA view 37</b>, however it would create a layered townscape composition with Hays House, which doesn't appear too incongruous in this view. I am therefore reassured that the proposed development will not harm any element of setting that contributes to this heritage assets significance or the wider Bury Street grouping of heritage assets. In reaching this conclusion I have taken into consideration the consented Plaza scheme that is to be built out on the opposite side of the street.</p>			
<b>Harm Identified</b>	<b>No harm to significance identified</b>		

<b>22</b>	<b>HERITAGE ASSET:</b> Cathedral Church of the Holy Spirit, Stag Hill		<b>GRADE: II*</b>
<p><b>Description</b></p> <p>This asset is situated approximately 1.1km to the north-west of the application site.</p> <p>Guildford Cathedral was designed by Edward Maufe in 1932/3, the building was the result of a competition to design a cathedral for the newly formed diocese of Guildford on land gifted for the building by the Onslow family.</p> <p>The cruciform cathedral with central tower is an imposing structure sitting on the crown of Stag Hill, the list description describes the architecture as “Modified gothic style with arts and crafts influences.” Writing in 1932, Sir Edward Maufe said: ‘The idea has been to produce a design, definitely of our own time, yet in the line of the great English Cathedrals; to build anew on tradition, to rely on proportion, mass, volume and line rather than on elaboration and ornament.’ Pevsner Architectural Guide described the building as ‘sweet-tempered, undramatic curvilinear gothic’, and the interior as ‘noble and subtle.’ The exterior is brick with stone dressings, the bricks used in construction were made from clay from the hill on which the building stands.</p>		<p><b>Contribution of Setting</b></p> <p>Today the Cathedral is a visually prominent landmark of Guildford and can be seen for miles around sitting on top of the green verdant mound of Stag Hill. The building has a commanding presence in many views around the town and at night, when the floodlit building is seen against the dark cushion of Stag Hill, the silhouette is particularly dramatic. It is seen as a single monumental entity on top of a green hill.</p> <p>Its elevated position also provides a vantage point over the town centre where a number of landmark structures and assets can be identified in view, such as Guildford Castle and Holy Trinity Church. In this view the dramatic valley, in which the town sits, is easily identifiable as the relationship between the town and its landscape setting.</p> <p>A comprehensive plan for landscaping the setting of the cathedral was never produced, so Maufe’s design focuses on the two approaches to the landmark, from the South and West. Local views along these approaches also contribute to the appreciation of this heritage asset.</p> <p>Its local setting now includes the post war buildings of the University Surrey on the north hillside.</p>	
<b>Significance</b>			
<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>	
<ul style="list-style-type: none"> <li>• It is one of only three Anglican cathedrals built in England since the 17th century.</li> <li>• Association with Sir Edward Maufe, known for his work on places of worship and memorials, including the Air Forces Memorial at Egham</li> </ul>	<ul style="list-style-type: none"> <li>• West doors, bronze and glass, angel engravings by John Hutton<sup>9</sup>. Also engraved the angels within the South Transept doors</li> <li>• Central buttress pier to Maufe’s design but executed by Vernon Hill<sup>10</sup>. The pier is crowned by a figure of St John the Baptist to a design by Eric Gill<sup>11</sup></li> <li>• Roundel window in the east gable of the chancel with a figure of Christ in Majesty is by Anthony Foster<sup>12</sup> to a design by Eric Gill</li> <li>• Extensive number of statues across the Cathedral including, The Hand of God, Archangel Gabriel, St</li> </ul>		

<sup>9</sup> Glass engraving artist, known for the glass engravings on the Great West Screen of Coventry Cathedral - Screen of Saints and Angels

<sup>10</sup> English sculptor lithographer, illustrator and draughtsman who worked regularly with Sir Edward Maufe including the Runnymede Air Force Memorial

<sup>11</sup> English sculptor, typeface designer and printmaker who was associated with the Arts and Craft movement, producing sculpture work for the BBC’s Broadcasting House and 55 Broadway, St James, London (former TFL headquarters) amongst others.

<sup>12</sup> English sculptor. Foster was Gill’s assistant and stepped in to complete the sculpture following Gill’s death

	Martha, St Catherine and the Gilded Angel (weathervane) by Alan Collins <sup>13</sup> <ul style="list-style-type: none"> <li>• Statues of St Cecilia and Lady Margaret Beaufort by Dennis Huntley<sup>14</sup></li> </ul>	
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>Visual prominence was a key factor in the siting of this heritage asset on Stag Hill, not least for symbolic reasons. The architectural design emphasis is that prominence through its enormously impressive scale including its imposing mass and height. The share brick walls, simple fenestration and massive central tower present an imposing silhouette that can be appreciated across the historic town. an important element of the setting and relationship between the cathedral and the town is the visual interplay with the other church towers that form important elements of the historic townscape, as well as the ability to be able to appreciate the visual relationship with the castle. As such it is considered that the proposed development, by virtue of its scale, massing and height, challenges the visual interplay between the Cathedral and historic town churches, particularly St Marys Church, where the visual relationship is severely undermined by proposed schemes dominant scale and massing, but also St Nicholas Church, where its landmark tower is engulfed and lost by having the west elevation of the proposed development as its new backdrop.</p>		
<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>	

<sup>13</sup> English sculptor, most notable for the design and execution of the John. F. Kennedy Memorial at Runnymede

<sup>14</sup> English sculptor whose most notable works are those at Guildford Cathedral.



## HISTORIC PARK AND GARDEN

<b>23</b>	<b>HERITAGE ASSET:</b> Jellicoe Roof Garden, High Street		<b>GRADE: II</b>
<b>Description</b>		<b>Contribution of Setting</b>	
<p>This asset is situated approximately 120m to the east of the application site.</p> <p>The garden of c 770m<sup>2</sup> is situated above the former Harvey's department store (now House of Fraser), which is a five-storey building on the north side of Guildford High Street. The Sir Geoffrey Jellicoe designed garden occupies one of the roofs of the building and is surrounded to the south, east, and west by plain cast-iron railings (c 1m high). The garden has an L-shaped floor plan following the outline of the underlying roof. Its main component is a shallow lily pool, which forms a large sheet of water covering the entire roof space, except for the site of the former cafe, in which various flower beds and viewing platforms are set, connected by steppingstones.</p>		<p>The main attributes of setting that contribute to this heritage assets significance are principally the department store itself, which includes nos.105-111 High Street, as well as the extensive views out over Guildford and the surrounding countryside, which provide a sense of connection between the asset and its wider surroundings</p>	
<b>Significance</b>			
<b>Historic</b>		<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>
<ul style="list-style-type: none"> <li>Association with Sir Geoffrey Jellicoe, one of the 20<sup>th</sup> century's most celebrated landscaped architects</li> </ul>		<ul style="list-style-type: none"> <li>Designed to symbolise the flight of the first sputnik</li> <li>The circular shapes in the design 'embody the idea of planets spinning through space' (Architectural Review 1957)</li> <li>Jellicoe said that it was "...<i>primarily a sky garden... the underlying idea has been to unite heaven and earth the sensation is one of being poised between the two.</i>"</li> </ul>	
<b>Impact of Proposal on Significance and Setting</b>			
<p>The proposed development would be seen from this unique public vantage point by virtue of its scale, height, massing and bulk. Currently from this vantage point one is able to observe and appreciate the fine urban grain and human scale of the historic core of the town as well as take in the dramatic valley topography and treelined back drop which adds to the towns distinctive character but also provides a narrative to its existence and evolution. The introduction of the proposed development will undoubtedly significantly challenge this outlook, as the proposals exaggerated and contrary scale and massing completely severs views over toward the river and the south west part of the town. From this position one is also able to clearly grasp how the development impairs one's appreciation and understanding of the town's medieval origins, as the structures form is so far removed from the historic townscape in which it is to sit alongside. As no views points have been captured in the submitted documentation relating to this asset, modelling has been carried out by the LPA using the applicant's submitted model. The resultant existing and proposed images, which demonstrate the above concerns, are set out below.</p>			

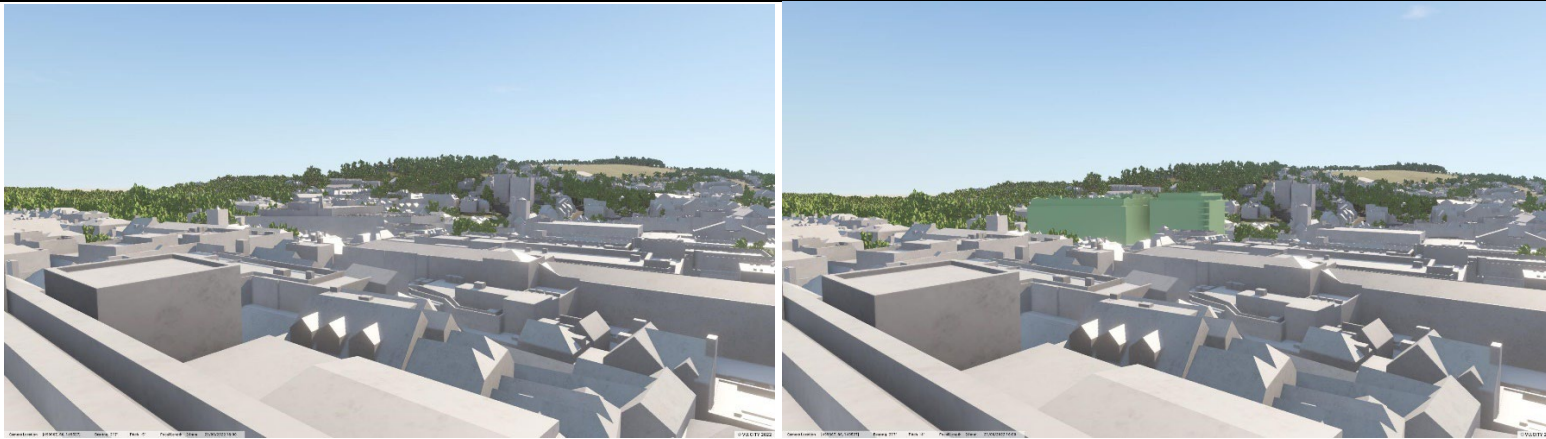


Figure 13a: View looking south west, taken from the Jellicoe Roof Garden – as existing  
 Figure 13b: View looking south west, taken from the Jellicoe Roof Garden – showing the proposed development  
 OS-E: 499567.60; OS-N: 149527.20; Heading 212°; Lens 24mm.

In conclusion it is considered that the proposed development will have a negative impact on both the significance and setting of this heritage asset due to the visual challenge and distraction the proposal places upon the prevailing human scale and traditional form upon the townscape which defines this assets outlook and context, but also from the fact that its scale, massing and height causes further erosion to the sense of connection between the asset and its wider rural surroundings. When giving consideration to the asset’s uniqueness, particularly in terms of its outlook, and Jellicoe’s vision that the idea of the garden was “to unite heaven and earth the sensation is one of being poised between the two” I would determine the resultant harm as being less-than-substantial at the low-medium end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

<b>Harm Identified</b>	<b>Low-medium end of less-than-substantial</b>
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## CONSERVATION AREAS

<b>24</b>	<b>HERITAGE ASSET:</b> Millmead and Portsmouth Road Conservation Area		<b>GRADE:</b> N/A
Description		Contribution of Setting	
<p>The application site sits directly within this conservation area. It is a conservation area that was designated in 1989.</p> <p>This large conservation takes in development to the south of the town, taking in part of the historic core on the west side of the river, including the church of St Nicolas and the lower section of The Mount. The area also encompasses Millmead and the river and extends southwards towards the meadows, taking in development between the river and Portsmouth Road, a major route out of Guildford. In essence it is an area of two distinct halves. The east half, which has a predominantly open character with the key focus being the river, and the western half, which is more urban in its character and form.</p> <p>In terms of the western ‘character area’, this is an area which displays a diverse range of buildings and building styles that makes for an interesting townscape. One is able to get a sense of Guildford’s development and history through the retained historic street patterns and buildings, particularly in its northern section where the core of the area is relatively secluded, and generally has a fine grain and is domestic in its scale. This is in contrast to the southern part of the area where the urban grain becomes much looser, and the development become much more recent in age.</p> <p>With regards to the eastern ‘character area’, the attractive river is the dominant feature, providing a strong visual stimulation in an urban setting with a strong character worthy of preservation and enhancement.</p>			
<b>Significance</b>			
Historic	Artistic & Architectural	Archaeological	
<ul style="list-style-type: none"> <li>Retention of historic street patterns illustrating the expanding historic town and diverse buildings and uses of which it comprises</li> <li>Growth of this area influenced by the improved trading links that came about from the construction of the Wey Navigation</li> <li>Attractive river and its landscape provides visual stimulation, as well opportunities for informal recreational enjoyment, educational development and historical enrichment</li> </ul>	<ul style="list-style-type: none"> <li>Diverse and interesting range of buildings and building style covering a broad span of time</li> <li>Interesting townscape formed as a consequence of its valley topography, architectural variation and incidental spaces and landscape</li> <li>Number of properties by known architects such as Norman Shaw and Thackeray-Turner</li> </ul>		
<b>Impact of Proposal on Significance and Setting</b>			
<p>The proposed development by virtue of its incongruous scale, height and massing will appear as an overbearing and dominating presence, which visually competes with the generally low, human scale of development that characterises this conservation area, but more immediately, it significantly undermines the open and softer character that prevails along this idyllic river corridor. Some of the views which reinforce the above concerns include <b>TVIA view 19, 23 &amp; 24</b>.</p> <p><b>TVIA views 19 &amp; 24</b>, are two views taken from Millmead and what they articulate is just how out of scale and character the proposed development is with the immediate openness of the river corridor. <b>View 19</b> does explain in para 6.259 that the <i>“the architecture is clearly inspired by the 19<sup>th</sup> red brick riverside buildings, such as The Billings; the latter are described in the Bridge Street Conservation Area Appraisal as providing a “visually strong frame for the river”</i>. Whilst that may be true, it is clear that the character of the river at The Billings is much different to the character in this location, something which is highlighted in paragraphs 5.23 &amp; 5.24 of the same document; thus, the architectural approach should be more befitting for the immediate context and character.</p>			

**TVIA view 23** is a panoramic view taken from the Friary Bridge over the River Wey looking towards the conservation area. It is a view which demonstrates the two distinct character areas which define this conservation area, with the tower of St Nicholas serving as the marker between them. One can note that to the left (in this view) of the tower the character is more open and verdant, whilst the character to the right (in this view) of the tower is more urban, but generally of a low, human scale. With the introduction of the proposed development one can observe that the open and verdant character becomes compromised and begins to cause harm to the conservation area.

Giving consideration to the above, it is considered that the proposed development neither preserves nor enhances the character of this conservation area, as it directly compromises the established character by virtue of its scale, height, massing and architectural form. Equally, it also diminishes one's appreciation and understanding of town's historic development and evolution. The level of harm identified is considered to be less-than-substantial at the mid-point of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Mid-range of less-than-substantial**

25	HERITAGE ASSET: Guildford Town Centre Conservation Area	GRADE: N/A
<p><b>Description</b></p> <p>This conservation area is located directly to the east of the application site with Millbrook forming the conservation areas starting point. It was designated in 1969 and is one of the Borough's conservation areas which benefits from a character appraisal (adopted 2006).</p> <p>The focus of this large Conservation Area is Guildford's historic town centre, which takes in Guildford Castle, the High Street and a mix of commercial, residential and civic areas. The Conservation Area is bounded to the West by Millbrook and the modern shopping area; to the South by the mediaeval chalk quarries and early 20th century suburbs; and to the east and north by late 19th century residential suburbs.</p> <p>The character appraisal divides the conservation area into four character areas Guildford Castle and the quarries; the High Street; 19th century housing to the south of Sydenham Road; and 19th century and later development to the north of the High Street.</p> <p>The Guildford castle and the quarries character area sits on a west facing slope that drops down to the River Wey. A mix of uses can be found here - mainly offices, tourism and leisure, and some residential. Its most important buildings are Guildford Castle and St Mary's Church. Architectural and building materials vary – bargate stone, clunch, flint, brick, and clay tiles are all found here. It is characterised by terrace properties set on the back of pavements, many of which are listed and a number of which date to the 16th and 17th centuries and are timber framed. Roofscape features, such as steeply pitched gables and brick chimneys also contributed to the visual interest in views of and within this area.</p> <p>The High Street is the towns historic commercial corridor that climbs dramatically in her easterly direction from the junction with Millbrook. It is connected to two subsidiary east-west corridors, one lying to its north (North Street) and the other to its south (Castle Street/Sydenham Road) by narrow lanes that run broadly north-south. These 'gates' as the lanes are historically known tended to be owned by inns and taverns and became public roots from the 16th century onwards. Buildings which define this area are of 2 to 3 storeys, a large number of these are former town houses of the 17th 18th and 19th centuries with the ground floors now presenting as shops. Architectural expression varies from one plot to another, and this lends the High Street a '<i>unity-in-diversity</i>' as Nairn and Pevsner term it. A number of Guildford landmarks can be found in this area including the Guildhall with its projecting clock, Holy Trinity Church and the Jacobean Abbots Hospital.</p>	<p><b>Contribution of Setting</b></p> <p>The conservation area's setting is influenced by the character of the adjoining conservation areas of Millmead &amp; Portsmouth Road and Wey &amp; Godalming Navigations to the west, Stoke Fields to the North and Waterden Road and Charlotteville to the east.</p> <p>A further influence are the surrounding hills which offer important elevated views of the town centre enabling one to appreciate the significance of the conservation area and its relationship to the wider town. Views of particular note are from Pewley Hill, St Catherine's Hill; the Hogs Back; Farnham Road and Stag Hill. Equally, there are reciprocal view back out from the conservation area towards the surrounding wooded hills to the west.</p>	

Notable views and vistas within the conservation area include: <ul style="list-style-type: none"> <li>• Along The High Street</li> <li>• Into and out of the Castle Grounds, focusing on the Norman Keep</li> </ul>		
<b>Significance</b>		
Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>• Origins as a Saxon settlement focused on the High Street, Guildford Castle and Quarry Street</li> <li>• Survival of its medieval plan</li> <li>• Development and growth over the centuries – becoming the County town of Surrey</li> <li>• The importance of the River Wey Navigation and later the arrival of the railway</li> <li>• Reference in art and literature over the years</li> </ul>	<ul style="list-style-type: none"> <li>• Rich townscape of early defensive, civic, domestic, educational and religious buildings</li> <li>• Many landmarks are important contributors to the identity of the town</li> </ul>	
<p><b>Impact of Proposal on Significance and Setting</b></p> <p>The proposed development appears in a number of views from this conservation area. Some of the most significant ones are demonstrated in the supporting Townscape, Visual Impacts and Built Heritage Assessment’s Views and Visual Impact Assessment, these include <b>TVIA views 03-10, 12, 14-17, 21, 31, 32, 36, 40, 41 &amp; 42</b>. In a number of these, most particularly, <b>TVIA views 09, 10, 16 &amp; 40</b> the proposed scheme appears as an overbearing, incongruous presences amongst the prevailing historic form and character of the conservation area. It’s size and scale competes visually with the low human scale of development within the conservation area and the attractive layer pitched roofscape of the town. Its size and prominence also diminish the significance and understanding of the river valley’s role in the town’s development, particularly with regards to its defensive narrative, by virtue of it cutting through the view from the castle to the historic bridging point and the historic route leading from the Hogs Back and down The Mount.</p> <p>A couple of other view which are particular pertinent is demonstrating the incongruous and insensitive relationship of the proposed scheme with this conservation area are <b>TVIA views 21 &amp; 31</b>. These two views are taken from Millbrook, which forms the western boundary of the Town Centre Conservation Area, as well as the eastern boundary of the Millmead and Portsmouth Road Conservation Area. What they both illustrate is just how out of scale the proposed development is with the surrounding townscape. It is acknowledged that by virtue of its floor plate, the existing departments store structure is also of a very different scale to surrounding development, however this is somewhat softened by its curving form, its low scale (which is only slightly taller than the surrounding buildings) but also the strategic and considered use of two contrasting material across its façade. Thus, in contrast the only real positive quality that I can see being offered by the proposed development from this perspective, is the fact it breaks down the large floor plate into two smaller ones and that there is a slight design and material treatment for each building, although I am not convinced that it works overly well as it is not distinctively different enough.</p> <p>Giving consideration to the above it is considered that the proposed development will have a negative impact on the setting of this conservation area as well as views to and from it, by virtue of the visual challenge and distraction the proposal places upon the prevailing human scale of the townscape and one’s appreciation and understanding of town’s historic development and evolution. I would assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm of the mid-point of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>		
<b>Harm Identified</b>	<b>Mid-range of less-than-substantial</b>	

<b>26</b>	<b>HERITAGE ASSET:</b> Wey and Godalming Navigations Conservation Area	<b>GRADE:</b> N/A
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<b>Description</b>	<b>Contribution of Setting</b>
This conservation area was designated in 2002 as part of a joint strategy with Waverley, Woking, Runnymede and Elmbridge councils. In total, the conservation area runs for 20 miles (from the River Thames at Weybridge to the Town Bridge at Godalming). It specifically covers the long and sinuous Wey and Godalming Navigation channel throughout the borough, however, it is slightly fragmented within the town centre as a result of other transecting conservation areas. The relevant section in terms of this application is in fact a small segment, measuring approximately 100m, that runs between the boundaries with the Millmead and Portsmouth Road Conservation (Town Bridge) and the Bridge Street Conservation (Gyratory). Relative to the application site, it is situated directly to the north.	In the context of the section which sits closest to the site, given its open nature its immediate setting is heavily influenced by the character of the adjoining conservation areas of Millmead & Portsmouth Road, Bridge Street and the Town Centre. Looking slightly wider, as the area is situated in the valley floor, then its setting is also influenced by the layer development to the east and west.  Being situated so close to Millbrook, the Gyratory and Portsmouth Road Car Park its setting is one which is associated with a lot of activity, movement and noise.

**Significance**

Historic	Artistic & Architectural	Archaeological
<ul style="list-style-type: none"> <li>• One of the earliest waterways in Britain to be made navigable – linking Guildford to the River Thames</li> <li>• Locally important and environmentally sensitive corridor through Surrey, linking heavily populated and commercially developed suburban areas with open countryside.</li> <li>• Development and use of the navigation has significantly influenced local history townscape and landscape through the Wey valley, and has supported Guildford's growth from the late 17th century until the arrival of the railways in the mid-19th century</li> <li>• Offers unique opportunities for informal recreational enjoyment, educational development and historical enrichment</li> </ul>	<ul style="list-style-type: none"> <li>• There is group value from structures associated with both its function (e.g. locks and lock keepers cottages) and use as a working waterway (e.g. mills and wharfs)</li> </ul>	

**Impact of Proposal on Significance and Setting**

As already noted, the relevant section in terms of this application is in fact a small segment, measuring approximately 100m, that runs between the boundaries with the Millmead and Portsmouth Road Conservation (Town Bridge) and the Bridge Street Conservation (Gyratory). It directly adjoins on to the application site at the Town Bridge. The character of this small area is one which has a fairly open feel, with relatively unrestricted views out towards the surrounding townscape. In terms of the TVIA viewpoints, there are none which have been taken directly within the conservation area, however **TVIA view 23**, which is taken from the Gyratory (Friary Bridge) is a good illustrative example of the proposed developments relationship with this section of the conservation area. I would actually suggest that the comments which have been made for the Treadwheel Crane are relevant in this case, in that the proposed development is incongruous and challenging to the prevailing open character of this part of the conservation area. In fact, I do believe that the scheme is contrary to a

number of the key points made by the National Trust, who are owners and custodians of this watercourse, as set out in their planning guidance for development<sup>15</sup>. The most pertinent of which is in relation to increase in building height on existing developed sites adjacent to the Navigations or within the visual setting of the Navigations.

Giving consideration to the above it is considered that the proposed development will have a negative impact on the setting of this conservation area as well as views to and from it, by virtue of the visual challenge and distraction the proposal places upon the prevailing human scale of the surrounding townscape. I would assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm at the mid-point of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Low end of less-than-substantial**

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<sup>15</sup> National Trust (2011) Planning Guidance for development next to the River Wey and Godalming Navigations



<b>27</b>	<b>HERITAGE ASSET:</b> Bridge Street Conservation Area		<b>GRADE:</b> N/A
<b>Description</b>		<b>Contribution of Setting</b>	
<p>This conservation area is located directly to the north of the application site, (approximately 105m) starting at Friary Bridge (Gyratory). It was designated in 2003 and is one of the Borough’s conservation area’s which benefits from a character appraisal, adopted at the time of the designation.</p> <p>It is focused upon the grade II listed Onslow Bridge and a small section of the River Wey. This small conservation area retains urban fabric from the late 19th century that is linked to the town's industrial and mercantile expansion. The supporting character appraisal describes the historic interest of the conservation area as <i>“the hub up late 19th and early 20th century phase of commercial and industrial growth of the town following the arrival of the railway and the subsequent construction of Onslow Bridge, Bridge Street and Onslow St.”</i></p> <p>The area includes the Rodboro buildings (Grade II) which were the first purpose-built car factory in Britain, if not the world and the Central Hall Picture Palace, now known as the Casino Nightclub, which was the first cinema in Guildford and among the first to be opened after the introduction of the cinematographic act in 1910. Architecturally the area has a coherent character and similar architectural themes are used throughout the area with many of the newer buildings having been designed to successfully pick up on the established themes but applying a modern twist. Examples of the architectural themes exhibited include the use of pilasters and pier buttresses; brick and terracotta detailing; nonstandard windows and doors; symmetry and the back of pavement building line. A strong sense of enclosure is created by flat elevations usually three or four storeys high. Another aspect of the character of this area is movement with the Gyratory serving as a major vehicular route within the town</p>		<p>The main elements of setting that contribute to the significance of this heritage asset are the riverscape and townscape characteristics found in the adjoining conservation areas of the Wey and Navigations and Millmead and Portsmouth Road. Equally, it can be argued that townscape characteristics which define Guildford Town Centre and its conservation area are also big influences.</p>	
<b>Significance</b>			
<b>Historic</b>	<b>Artistic &amp; Architectural</b>	<b>Archaeological</b>	
<ul style="list-style-type: none"> <li>Evidences the town’s industrial and mercantile past centred around the growth of the railway</li> <li>Site of the 1<sup>st</sup> purpose-built car factory in Britain – Rodboro Buildings</li> <li>Town’s second river crossing point- built 1882 – bridge was required to improve the access to the new station</li> <li>Bustling and busy environment – both historically and today</li> </ul>	<ul style="list-style-type: none"> <li>Coherent character, particularly with the more historic fabric as this was constructed within a 30-year period</li> <li>Industrial and commercial character</li> <li>Lower scale and massing (3-4 storeys)</li> <li>Buildings crowned with pitched roofs, often gable ended to the street</li> <li>Use of projecting bay windows at first floor</li> </ul>		

## Impact of Proposal on Significance and Setting

The proposed development's effect on this conservation area is largely restricted to its southern edge, which is defined by the gyratory. There are also opportunities for glimpsed views along the river corridor, which runs centrally through the area, as well as from Onslow Bridge. Most of the significant views have been captured and are demonstrated in the supporting Townscape, Visual Impacts and Built Heritage Assessment's Views and Visual Impact Assessment, these include **TVIA views 18, 23, 27, 28 & 33**. In a number of these, specifically, **TVIA views 18, 23, 26 & 27** the proposed scheme does make its presence known in unsubtle manner. In the case of **TVIA views 18, 26 & 27** the use of wire framing does not honestly reveal the true impact of the proposed development upon views out from this conservation area as it provides a rather ambiguous understanding of the true mass that would be readable in view. In response to this, modelling has been carried out by the LPA using the applicant's submitted model of these three viewpoints. The images generated are set out below:



Figure 14a: TVIA view 18 (Bridge Street) as existing  
Figure 14b: TVIA view 18 (Bridge Street) showing proposed development  
**OS-E: 499342.538; OS-N: 149546.609; Height (AOD) 36.32; Heading 144.39°; Lens 24mm.**



Figure 14c: TVIA view 26 (Farnham Road at Park Street junction) as existing  
Figure 14d: TVIA view 26 (Farnham Road at Park Street junction) showing proposed development  
**OS-E: 499284.266; OS-N: 149486.603; Height (AOD) 39.82; Heading 125.18°; Lens 24mm.**



Figure 14e: TVIA view 27 (Walnut Bridge) as existing  
Figure 14f: TVIA view 27 (Walnut Bridge) showing proposed development  
**OS-E: 499256.184; OS-N: 149650.501; Height (AOD) 36.18; Heading 145.715°; Lens 24mm.**

What this collection of existing and proposed clarifies and confirms is that in **TVIA views 18 & 27** the proposed development by virtue of its inflated scale and massing and sheer dominance pretty much terminates and overwhelms the view upstream (south view), as well as undermining the legibility of the river valley form, which is particularly acute in **TVIA view 27**. The resultant concern arising from **TVIA view 26** is that from this angle the proposed scheme's sheer dominance in height and bulk in such close proximity to the tower is a harmful encroachment on not just the heritage asset of St Nicolas' Church but also its landmark tower's open background setting, that is framed by the tree lined skyline. Notwithstanding the above when using the modelling software to test this **TVIA view 26** it became apparent that there would be points of view from the pavement on the west side of the road where the proposed development would straddle St Nicholas' tower. This is illustrated in the image below. What is also apparent in this view is that the height of Building A appears to be slightly higher than the tower itself, but equally, a comparison between the existing and proposed illustrates to what degree the proposed development would compromise views of the tree lined backdrop.



Figure 14g: Farnham Road at Park Street junction as existing

Figure 14h: Farnham Road at Park Street junction showing proposed development

Giving consideration to the above it is considered that the proposed development will have a negative impact on the setting of this conservation area as well as views to and from it, by virtue of the visual challenge and distraction the proposal places upon the prevailing human scale of the surrounding townscape. I would assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm of the lower end of the spectrum, given the distance between the application site and the conservation area. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

**Harm Identified**

**Low end of less-than-substantial**

## LOCALLY LISTED BUILDING

<b>28</b>	<b>HERITAGE ASSET: 39 High Street</b>		<b>LOCALLY LISTED</b>
<b>Description</b>		<b>Contribution of Setting</b>	
<p>High Street is an 880m long, wide, attractive, historic street, which runs west to east. It commences at the River Wey crossing and rises steeply in a straight line up the town's eastern valley slope. It is considered to be a street of two distinct halves, the lower section, which is characterised by its steeper gradient, the retention of the cobbled road surface and almost a continuous frame of 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> Century properties, of varying styles, on either side, most of which are listed. The contrast to this is the upper section, which has a shallower incline, an increased presence of 20<sup>th</sup> Century development and modern street surfaces. The street is the main commercial corridor of the town and is partially pedestrianised.</p> <p>The property's description reads as followed:  <i>Shop, early 19th century facade. Three storeys, painted brick. Hipped slate roof hidden behind parapet with projecting cornice. Painted brick quoins and string course between first and second floors. Narrow vertical recess with arched head running up through first and second floors to centre of elevation, breaking through string course. To either side to second floor a large-pane sash window; to first floor a taller bordered sash with segmental-arched pediment above. Modern shopfront to ground floor</i></p>		<p>This asset is experienced both individually and as a group with the other properties situated along the steeply rising cobbled High Street, including the Guildhall, Abbotts Hospital and Holy Trinity Church. As a grouping they contribute to the understanding of the origins and evolution of the town and the predominance of muted vernacular materials, including red brick, timber, stone, stucco and clay roof tiles also adds a sense of harmony which contributes to a strong sense of place.</p> <p>The tower of St Nicholas Church, which occupies a site on the west bank of the River Wey, beyond the old town bridge, is a notable feature when taking in views down the High Street of this diverse and attractive collection of historic buildings, as is verdant mature treed skyline that rises behind it. This provides a welcome scenic contrast to the townscape but also illustrates the close relationship of the town with the surrounding countryside.</p>	
<b>Significance</b>			
<b>Historic</b>	<b>Artistic &amp; Architectural</b>		<b>Archaeological</b>
<ul style="list-style-type: none"> <li>• Location and setting forms a pivotal part of the historic landscape of central Guildford with its early settlement focused around the immediate area</li> <li>• Illustrates the evolution of this historic street to suit new demands and fashions</li> </ul>	<ul style="list-style-type: none"> <li>• Is illustrative of well-preserved 19<sup>th</sup> Century domestic vernacular architecture within the locality</li> <li>• Use of vernacular material and traditional building techniques in its construction</li> <li>• Considerable group value</li> </ul>		
<b>Impact of Proposal on Significance and Setting</b>			
See <a href="#">High Street</a> entry.			
<b>Harm Identified</b>	<b>Low end of less-than-substantial</b>		

#### 4. CONCLUSION

4.1. The proposal is substantial and has the potential to have an impact across an extensive area of Guildford. The primary impact of the current proposal on the heritage assets is on the special character and appearance of the Millmead and Portsmouth Road Conservation Area and the contribution made by setting to the significance of the following heritage assets:

	Heritage Asset	Level of Harm Identified
1 /1a	St Mary's Church & Miles Tomb, Quarry Street	
2	St Nicolas Church, High Street	
3	Church of Holy Trinity, High Street	
4	Guildford Castle Keep	
5	Remains of Shell Keep, Guildford Castle	
6	Former private apartments, Guildford Castle	
7	Castle Arch, Quarry St	
8	Town Mill, Millbrook	
9	Yvonne Arnaud Theatre, Millbrook	
10	Treadwheel Crane, Millbrook	
11	Quarry Street (nos 6, 8, 8a, 13 & 55)	
12	Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 & Quarry Hill House)	
13	5-6 Millmead	
16	High Street nos 2-6 [even]	
17	High Street (nos 23-37 [odd], 43-45 [odd], 71-83 [odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even]) & (nos 72-78 [even], The Angel Hotel, Lloyds Bank)	
21	Cathedral Church of the Holy Spirit, Stag Hill	
22	Jellico Roof Garden	
24	Town Centre Conservation Area	
25	Wey and Godalming Conservation Area	
26	Bridge Street Conservation Area	
27	39 High Street	

4.2. The special interest or significance of these assets are typically architectural and historic, however there are examples of assets having some archaeological significance, such as the Castle, and cumulatively they illustrate the evolution of Guildford as an historic county town.

4.3. The attributes of significance which have been commonly identified in the above detailed assessment are:

- Survival of historic, domestic scaled, urban grain which by virtue of contrast, contributes to the visual dominance of prominent historic civic buildings, such as the castle, cathedral, Holy Trinity Church, St Mary’s Church and St Nicholas’ Church, individually and cumulatively.
- Ability to appreciate the position of prominent historic civic buildings, such as the castle, cathedral, Holy Trinity Church, St Mary’s Church and St Nicholas’ Church, from the topography and landscape setting of the town.
- Appreciation of contrasting form, and fabric to the prevailing vernacular for key historic buildings to establish and reinforce civic and functional prominence and historical importance within the hierarchy of the town.
- The evolution of Guildford’s development, stimulated by the coming of the Wey Navigation and more recently the railway, which facilitated the transporting of goods and materials.

4.4. Based on the above, the setting and context of the development is therefore clearly a complex, historic and sensitive one.

4.5. It would appear that the qualities and significance of this context has not been properly understood. In particular the natural topography, urban grain, significant views, streetscape and character; and landmark historic buildings and their settings appear to have informed the proposals design to a very limited extent. This has led to a proposal that causes harm to a significant number of heritage assets. In all instances the harm identified is less-than-substantial in term of the NPPF but is at the upper end of the spectrum with regards to the churches of St Mary’s and St Nicholas. The identified harm to the historic environment of Guildford and its heritage assets, some of which are Grade II\* and Grade I listed and Scheduled Monuments, and therefore of exceptional interest, has to be given great weight, with even greater weight being applied to those higher graded assets, this is to ensure that the historic environment and the assets are conserved in a manner appropriate to their significance. Legislation and guidance are clear that harm should be avoided or minimised, and where it remains, it has to be clearly justified and balanced against any arising public benefits.

4.6. The analysis of impact undertaken is in fact in question. Whilst the application is supported by a Townscape, Visual Impact and Built Heritage Assessment, there are questions over the soundness of some of the analysis, particularly as the resultant ‘effect’ is determined as either ‘neutral’ or ‘beneficial’ for all heritage assets assess. This is clearly contrary to the analysis above, and it would appear that a high degree of weighting and focus is being given to the benefits of the site’s redevelopment and issues such as height, massing and form appearing to be ignored or downplayed. This is particularly noticeable for (but not restricted to) those assets where a high or medium sensitivity has been identified and, or where the magnitude of change has been identified as high or medium.

Cumulative Assessment

4.7. PPG guidance on the Historic Environment, clearly states in paragraph 18a-013-20190723 that *“when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.”* Given the quantum and calibre of heritage assets that are within the immediate context of the development site a cumulative assessment is considered to be essential. Whilst there is a section titled Cumulative Effects Assessment within the supporting Built Heritage Assessment, this in fact relates to consideration of cumulative schemes as opposed to cumulative heritage assets.

4.8. The level of harm identified for each of the assets assessed, which is outlined in the table below.

	Heritage Asset	Level of Harm Identified
1 /1a	St Mary’s Church & Miles Tomb, Quarry Street	

2	St Nicolas Church, High Street	RED
3	Church of Holy Trinity, High Street	ORANGE
4	Guildford Castle Keep	ORANGE
5	Remains of Shell Keep, Guildford Castle	ORANGE
6	Former private apartments, Guildford Castle	ORANGE
7	Castle Arch, Quarry St	ORANGE
8	Town Mill, Millbrook	ORANGE
9	Yvonne Arnaud Theatre, Millbrook	ORANGE
10	Treadwheel Crane, Millbrook	ORANGE
11	Quarry Street (nos 6, 8, 8a, 13 & 55)	ORANGE
12	Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 & Quarry Hill House)	ORANGE
13	5-6 Millmead	ORANGE
14	Millmead House, Millmead	GREEN
15	Weir House, Millmead	GREEN
16	High Street nos 2-6 [even] &	ORANGE
17	High Street (nos 23-37 [odd], 43-45 [odd], 71-83 [odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even]) & (nos 72-78 [even], The Angel Hotel, Lloyds Bank)	ORANGE
18	Nos 1-3[odd], Bury Street	GREEN
19	Caleb Lovejoy's Almshouses, Bury Street	GREEN
20	West Bury House, Bury Street – Grade II	GREEN
21	Cathedral Church of the Holy Spirit, Stag Hill	ORANGE
22	Jellico Roof Garden	ORANGE
23	Millmead and Portsmouth Road Conservation Area	ORANGE
24	Town Centre Conservation Area	ORANGE
25	Wey and Godalming Conservation Area	ORANGE
26	Bridge Street Conservation Area	ORANGE
27	39 High Street	ORANGE

Gradings

RED = Upper End of Less than Substantial

ORANGE = Mid-range of Less than Substantial

LIGHT ORANGE = Low end of Less than Substantial

GREEN = No harm to significance identified

4.9. What this table demonstrates that there are 22 heritage assets out of 27 assessed where harm to significance from the proposed development has been identified, and that this harm is across the whole 'less than substantial' spectrum, from low level to high level. Given the significant quantum mentioned, it can only be concluded that when considering the historic environment as a collective that there is also resultant cumulative harm from the proposal. I don't believe that the collective harm is at level where it could be classed in the substantial harm category as I don't believe that it satisfies the definition of substantial harm that came out in case law as a result of Bedford BC v SSCLG38 – The High Court held that in order for harm to designated assets to be considered substantial, "the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated

*altogether or very much reduced.*". As a result, one can only determine that the level of cumulative harm is at the 'less than substantial' threshold. Given that there are a couple of assets where the individual level of harm is at the higher end of the 'less than substantial' spectrum, one has to take this as the starting point for grading the cumulative harm. Mindful that there are no higher levels within this particular spectrum I therefore can only conclude that the cumulative harm is graded at the highest level of 'less than substantial' harm. As has been advised for each of the individual assessments this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.



# Consultation – GBC Design & Conservation

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**Application No.:** 21/P/02232 (AMENDED AUGUST 2022)

**Case Officer:** John Busher

**Conservation Case Officer:** LB

**Location:** Debenhams, Millbrook, Guildford, GU1 3UU

**Proposal:** Demolition of existing building and erection of two buildings comprising residential accommodation (Use Class C3), retail floorspace (Use Class E) and cinema (Sui Generis), erection of a retail pavilion (Use Class E), together with car and cycle parking, plant and all highways, landscaping and other associated works.

## **1 INTRODUCTION**

1.1 These comments respond to the package of amendments that have been made to the original scheme submitted in October 2021. They should be read in conjunction with the Conservation comments that were initially provided.

## **2 DESIGN AMENDMENTS**

2.1 The amended scheme is explained clearly in the Design and Access Statement – July 2022 Addendum and the appended June 2022 Addendum. Revisions to the scheme include:

### Town Centre Building

- Removal of two storeys
- Revised materiality
- Natural light introduced to staircase cores

### Riverside Building

- Reduced massing
- Removal of the profiled parapets
- Omission of corner projecting balconies
- Reduction in roof plant enclosures
- Natural light introduced to staircase cores

### Public Realm

- Removal of the Pavilion
- Widening of the Riverside Promenade
- Amended Civic Square Design
- Revised Design to the pocket park
- Introduction of 'greening' alongside Millbrook

## **3 IMPACT ON HERITAGE ASSETS**

3.1 The following chart identifies the harm to each of the heritage assets as per the original submission (Oct 21), it then discusses, where necessary, those revisions in terms of impact on significance and/or setting and then re-evaluates the level of harm identified.

## OCT 2022 – Amendment Comments

Heritage Asset	Summary of Impact on Significance and Setting (Oct 21 Submission)	Harm Identified (Oct 21)	Impact of Proposal on Significance and Setting (Aug 22 Amendments)	Harm Identified (Aug 22)
St Mary's Church & Miles Tomb, Quarry Street	<p>Previous comments concluded that the proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visible challenge the proposal places upon this intentional scale and prominence that distinguishes its position (civic and functional) within the hierarchy of the town. In particular, it is the visual challenge to and distraction from one's appreciation of its stone tower that results in the proposed development causing harm, as it diminishes the church tower's legibility within its context as well as its significance and role as a landmark.</p>	<p>Less-than-Substantial (High)</p>	<p>The actions of reducing in height of the proposed Town Centre Building (Building A) the tapering of the southern end of the proposed Riverside Building (Building B), as well as the simplification of its parapet detailing have all had an impact in helping to mitigate and reduce the level of harm previously identified, nevertheless, I am not convinced that the actions taken have completely resolved the concerns raised to the extent that there is no harm to this asset. It is still deemed that the scale of the proposed scheme is still of a quantum which is considered to continue, to some extent, visibly challenge the intentional scale and prominence of the church (civic and functional) within the hierarchy of the town, particularly when it comes to the legibility of its tower. Though there is clear acknowledgement that level of challenge, overall, has been reduced by the actions taken.</p> <p>Previous comments focused on the impact of the proposed development's scale, height, massing and materiality upon the Church's setting and significance, with consideration to two key TVIA views (<b>TVIA views 9 and 35</b>). In the instance of <b>TVIA view 9</b> the reduced height of the amended Town Centre Building (Building A) means that it now falls behind the church roofline, out of sight. Riverside Building (Building B), however, would still remain visible in this view, nevertheless its more simplified parapet provides a cleaner building silhouette and thus a calmer backdrop.</p> <p>Equally, with regards to <b>TVIA view 35</b> the reduced height of the Town Centre Building (Building A) does alleviate to some degree some of the concerns raised about the challenge the proposal's scale height and massing places upon the setting of this heritage asset, however it is my view that the actions taken do not fully resolve those issues, and I still consider the scheme to challenge and compromise this assets setting, from this position, as the scheme continues to compromise the lush green back drop of Pewley Hill.</p> <p>Additional modelling was carried out on the previous iteration of the scheme, testing a wider range of possible views around the heritage asset. These views were approximately replicated (as no official model was submitted) for the purposes of this assessment, the images of which are in Appendix 1. From this exercise, it was appreciated that the reduced height of Town Centre Building (Building A) and the tapering of the Riverside Building (Building B) does assist in lessening the harm to the setting</p>	<p>Less-than-Substantial (Medium)</p>

			<p>of St Mary's Church and churchyard, whilst confirming that they do not eliminate it, as the scheme's scale and dominance is still of a challenging quantum.</p> <p>There is confidence that the amendments made do go some way towards helping to reduce the harm previously identified, however, harm is still identified. I am satisfied having assessed the TVIA views that were mentioned in my previous comments (<b>TVIA 9 &amp; 35</b>) as well as additional modelling undertaken, that the level harm to special character and appearance of this heritage asset has reduced from the high end of the less-than-substantial spectrum to somewhere mid-point. This is also done with consideration to the benefits arising from the newly created view centred upon the church and its tower. Therefore, as harm is still identified I advise that this needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
St Nicolas Church, High Street	<p>Previous comments concluded that the proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visible challenge the proposal places upon this intentional scale and prominence that distinguishes its position (civic and functional) within the hierarchy of the town. In particular, it is the visual challenge to and distraction from one's appreciation of its stone tower that results in the proposed development causing harm, as it diminishes the church tower's legibility within its context as well as its significance and role as a landmark.</p>	Less-than-Substantial (High)	<p>The actions of reducing in height of the proposed Town Centre Building (Building A) and the materiality changes have both significantly had a beneficial impact in trying to address the harm to St Nicholas Church that was attributed to the original proposal. Nevertheless, it cannot be said that the revisions have completely omitted harm, as the scale of the proposed scheme is still of a quantum which is considered to continue, to some extent, visibly challenge the intentional scale and prominence of the church (civic and functional) within the hierarchy of the town, particularly when it comes to the legibility of its tower. Though there is clear acknowledgement that level of challenge, overall, has been reduced by the actions taken.</p> <p>Previous comments focused on the impact of the proposed development's scale, height, massing and materiality upon the Church's setting and significance, with consideration to three key TVIA views (<b>TVIA views 13, 23 and 35</b>). In all three instances the revisions made have helped significantly to limit the extent the proposed development would project, encroach or interfere within the asset's immediate setting, resulting in a much more subservient and considered relationship, and one which ensures that the church and its tower remain as the main focus. Equally, the materiality of the oxidised copper roof, helps Town Centre Building (Building A) relate better to St. Nicholas Church and its immediate townscape.</p> <p>There is confidence that the amendments made do go a significant way in helping to reduce the harm previously identified, however, harm is still identified. I am satisfied having assessed the TVIA views that were mentioned in my previous comments (<b>TVIA 12, 13, 18, 23, 26, 35 &amp; 41</b>) that the level harm to special character and appearance of this heritage asset has reduced to the low-medium point of the less-than-substantial spectrum. Therefore, as harm is still identified I advise that this needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low/medium)

Church of Holy Trinity, High Street	Previous comments concluded that the proposed development by virtue of its scale, height and massing would have a damaging indirect impact upon the setting of this heritage asset as a result of it severing views from the west through to the landmark tower.	Less-than-Substantial (Low)	<p>In spite of the amendments made to the scheme the indirect harm to this heritage asset which was originally identified still remains. This is clarified by the modelling of <b>TVIA view 25</b> (Appendix 1) which illustrates that irrespective of the changes made, the views through to Holy Trinity's landmark tower still remains completely severed by the scale and massing of the proposed development.</p> <p>As nothing has really changed in terms of the resultant harm, I can only conclude that the degree identified in previous comments still remains valid.</p>	Less-than-Substantial (Low)
Guildford Castle Keep	Previous comments concluded that the proposed development by virtue of its scale, height and massing, would have a damaging impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the relationship between the castle site and the historic buildings in the town's historic core. It will also diminish the significance and understanding of the river valley's role in the castle's narrative as a defensive function for the town as well as the towns growth.	Less-than-Substantial (Low)	<p>Whilst overall, the buildings would be taller than the existing former Debenhams store, the reduced height of Town Centre Building (Building A), together with the stepping down of Riverside Building (Building B) are considered to be positive actions toward reducing the perceived bulk and massing of the proposed scheme. These actions both allow this proposed development to sit more comfortably below the treed skyline of the opposite valley side and also assists in enabling it to sit cohesively with the layered historic roofscape of the town's historic core, all of which are welcomed and beneficial outcomes that have aided in mitigating the harm that was previously identified.</p> <p>Nevertheless, even accounting for the positive impact of these revision, there is no denying that the resultant proposed development's overall scale and mass would in some instances still appear incongruous to the general human scale and character of development that prevails in the town's historic core, as well as being a visual challenge to the relationship between the castle site and the river. One of the best views to illustrate this is <b>TVIA view 16</b>. In this view, despite the upper floor stepping, the scale height and massing of Riverside Building (Building B) remains largely similar to that as before. Given the limited improvements in this view I cannot determine that the mitigating actions taken as part of this revised submission have resolved previous concerns, thus harm still remains.</p> <p>Equally, whilst the revisions go some way towards improving the relationship of the proposed development in the context of St Mary's Church that had been previously noted in relation to <b>TVIA view 10</b>, they do not resolve the severance of the view and longstanding intervisibility between the castle keep/motte and the ancient parish church of St Nicolas.</p> <p>Giving consideration to the concerns raised regarding <b>TVIA views 10 &amp; 16</b>, I can only conclude that harm to the setting of this heritage asset continues to be identified and that this remains as less-than-substantial at the lower end of the spectrum. I therefore advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low)
Remains of Shell Keep,	Previous comments concluded that he proposed development by virtue of its scale, height and massing, will have a	Less-than-Substantial (Low)	Whilst overall, the buildings would be taller than the existing former Debenhams store, the reduced height of Town Centre Building (Building A), together with the stepping down of Riverside Building (Building B) are considered to be positive actions toward reducing the perceived bulk and massing of	Less-than-Substantial (Low)

<p>Guildford Castle</p>	<p>damaging impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the relationship between the castle site and the historic buildings in the town's historic core. It will also diminish the significance and understanding of the river valley's role in the castle's narrative as a defensive function for the town as well as the towns growth.</p>		<p>the proposed scheme. These actions both allow this proposed development to sit more comfortably below the treed skyline of the opposite valley side and also assists in enabling it to sit cohesively with the layered historic roofscape of the town's historic core, all of which are welcomed and beneficial outcomes that have aided in mitigating he harm that was previously identified.</p> <p>Nevertheless, even accounting for the positive impact of these revision, there is no denying that the resultant proposed development's overall scale and mass would in some instances still appear incongruous to the general human scale and character of development that prevails in the town's historic core, as well as being a visual challenge to the relationship between the castle site and the river. One of the best views to illustrate this is <b>TVIA view 16</b>. In this view, despite the upper floor stepping, the scale height and massing of Riverside Building (Building B) remains largely similar to that as before. Given the limited improvements in this view I cannot determine that the mitigating actions taken as part of this revised submission have resolved previous concerns, thus harm still remains.</p> <p>Equally, whilst the revisions go some way towards improving the relationship of the proposed development in the context of St Mary's Church that had been previously noted in relation to <b>TVIA view 10</b>, they do not resolve the severance of the view and longstanding intervisibility between the castle keep/motte and the ancient parish church of St Nicolas.</p> <p>Giving consideration to the concerns raised regarding <b>TVIA views 10 &amp; 16</b>, I can only conclude that harm to the setting of this heritage asset continues to be identified and that this remains as less-than-substantial at the lower end of the spectrum. I therefore advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
<p>Former private apartments, Guildford Castle</p>	<p>Previous comments concluded that he proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the relationship between the castle site and the historic buildings in the town's historic core. It will also diminish the significance and understanding of the river valley's role in the castle's narrative as a defensive</p>	<p>Less-than-Substantial (Low)</p>	<p>Whilst overall, the buildings would be taller than the existing former Debenhams store, the reduced height of Town Centre Building (Building A), together with the stepping down of Riverside Building (Building B) are considered to be positive actions toward reducing the perceived bulk and massing of the proposed scheme. These actions both allow this proposed development to sit more comfortably below the treed skyline of the opposite valley side and also assists in enabling it to sit cohesively with the layered historic roofscape of the town's historic core, all of which are welcomed and beneficial outcomes that have aided in mitigating he harm that was previously identified.</p> <p>Nevertheless, even accounting for the positive impact of these revision, there is no denying that the resultant proposed development's overall scale and mass would in some instances still appear incongruous to the general human scale and character of development that prevails in the town's historic core, as well as being a visual challenge to the relationship between the castle site and the river. One of the best views to illustrate this is <b>TVIA view 16</b>. In this view, despite the upper floor</p>	<p>Less-than-Substantial (Low)</p>

	function for the town as well as the towns growth.		<p>stepping, the scale height and massing of Riverside Building (Building B) remains largely similar to that as before. Given the limited improvements in this view I cannot determine that the mitigating actions taken as part of this revised submission have resolved previous concerns, thus harm still remains.</p> <p>Equally, whilst the revisions go some way towards improving the relationship of the proposed development in the context of St Mary's Church that had been previously noted in relation to <b>TVIA view 10</b>, they do not resolve the severance of the view and longstanding intervisibility between the castle keep/motte and the ancient parish church of St Nicolas.</p> <p>Giving consideration to the concerns raised regarding <b>TVIA views 10 &amp; 16</b>, I can only conclude that harm to the setting of this heritage asset continues to be identified and that this remains as less-than-substantial at the lower end of the spectrum. I therefore advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
Castle Arch, Quarry St	Previous comments concluded that the proposed development by virtue of its scale, height and massing, will have a damaging impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the relationship between the castle site and the historic buildings in the town's historic core. It will also diminish the significance and understanding of the river valley's role in the castle's narrative as a defensive function for the town as well as the towns growth.	Less-than-Substantial (Low)	The location of this asset is relatively well sheltered as a result of the immediate surrounding developed context of Quarry Street. As such I am satisfied that by virtue of the distance between the asset and the application site, together with its sheltered location, opportunities to view the proposed development in conjunction with this asset are not possible. I therefore conclude that the proposed development will not harm any element of setting that contributes to this heritage asset's significance.	No harm to significance identified
Town Mill, Millbrook	Previous comments identified that the proposed development, as originally submitted, would have a negative impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the prevailing human scale of the asset.	Less-than-Substantial (Medium)	Overall, I am confident that the actions taken (tapering back top 3 storeys, removal of corner balconies and simplifying the parapets) have made a significant difference to the perceived bulk and mass of the Riverside Building and thus have lessened the harm to the setting of the Town Mill. However, I cannot say that these actions have completely omitted the harm, as the increase in height of the scheme towards the northern end of the site is still discernible in views from the heritage asset, as illustrated in <b>TVIA view 20</b> , however it is not as immediate as it was before, thus allowing the proposed development to have a more comfortable and compatible relationship with this particular heritage asset.	Less-than-Substantial (Low)

			<p>Equal to the above, it is acknowledged that the 'V' shaped plan form of the proposed building and its open core would serve as a welcomed enhancement to the existing abrupt flat faced elevation of the former department store and that space formed would provide for views towards the heritage asset from the site which are currently unattainable, and thus is factored in my overall consideration.</p> <p>As such, I conclude that the resultant harm to the setting of this heritage asset has been reduced through the revisions made and would assert that the resultant level of harm in this instance would be categorised as less-than-substantial and I would place this harm at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
Yvonne Arnaud Theatre, Millbrook	Previous comments identified that the proposed development, as originally submitted, would have a negative impact on the setting of this heritage asset due to the visual challenge and distraction the proposal places upon the prevailing human scale of the asset.	Less-than-Substantial (Medium)	<p>Overall, I am confident that the actions taken (tapering back top 3 storeys, removal of corner balconies and simplifying the parapets) have made a significant difference to the perceived bulk and mass of the Riverside Building and thus have lessened the harm to the setting of the Yvonne Arnaud Theatre. However, I cannot say that these actions have completely omitted the harm, as the increase in height of the scheme towards the northern end of the site is still discernible in views from the heritage asset, as illustrated in <b>TVIA view 20</b>, however it is not as immediate as it was before, thus allowing the proposed development to have a more comfortable and compatible relationship with the Theatre.</p> <p>Equal to the above, it is acknowledged that the 'V' shaped plan form of the proposed building and its open core would serve as a welcomed enhancement to the existing abrupt flat faced elevation of the former department store and that space formed would provide for views towards the heritage asset from the site which are currently unattainable, and thus is factored in my overall consideration.</p> <p>As such, I conclude that the resultant harm to the setting of this heritage asset has been reduced through the revisions made and would assert that the resultant level of harm in this instance would be categorised as less-than-substantial and I would place this harm at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low)
Treadwheel Crane, Millbrook	Previous comments identified that the proposed development, as originally submitted, would have a harmful impact on the setting of this heritage asset due to the compounding visual challenge and distraction the scheme places upon the human scale of the	Less-than-Substantial (Low)	In my view the reduction in height of the Town Centre Building (Building A) has successfully helped to reduce this structure's overall presence, as well as allowing it to sit and appear more proportionally comfortable within its immediate town and riverscape. Equally the revisions made to the materiality and architectural detailing of its facade (in terms of tone, colour, texture, application etc...) together with the height variation have aided in providing differentiation between the two structures.	No harm to significance identified

	asset when considering its current compromised context.		All of the above has had a beneficial impact upon the setting of the Treadwheel Crane. And when giving consideration to the fact that Friary Court, which is more immediate to the assets setting, would provide a reasonable degree of buffering, without being compounded by proposed scheme. Therefore, I am content that the adjustments made have successfully resolved the harm previously identified.	
Quarry Street (nos 6, 8, 8a, 13 & 55)	Previous comments concluded that the proposed development, as originally submitted, by virtue of its scale, bulk and massing challenged the domestic scale and grain of this collection of heritage assets, mainly experienced by those situated on the western side of the road and those towards the High St.	Less-than-Substantial (Low)	<p>The scheme has now been revised in such a way that the southern end of the upper floors (storeys 7 and above) now tapers back in order to reduce the perceived bulk and mass of the building. This results in the maximum storey height at the Riverside Building's (Building B) southern end being 6 storeys. This equates to a height of approximate 20.3m (floor – parapet) as opposed to a previous height of 28m (approx.). This reduction of height and mass in this location is considered to be a welcomed positive step, however in terms of its impact upon this particular group of heritage assets it would only achieve marginal improvements.</p> <p>The removal of the 2 storeys from the Town Centre Building (Building A) is more successful in terms of helping to mitigate harm, with its proportions being more comfortable than before, and its reduced height and massing helping to limit this building's visual impact on the assets of Quarry St, particularly those at the High St end.</p> <p>Nevertheless, given the overall scale of development in such close proximity to these assets I am unable to say that these actions of refining the proposed development have completely omitted the harm. Whilst I am accepting that the proposed development is of a much improved design than the former department store, I am still of the opinion that the proposed development is still of a scale, bulk and massing which is a challenge to the prevailing domestic scale and grain of this group of heritage assets, and as such, I would still assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low)
Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 & Quarry Hill House)	Previous comments concluded that the proposed development, as originally submitted, by virtue of its scale, bulk and massing challenged the domestic scale and grain of this collection of heritage assets, mainly experienced by those situated on the western side of the road and those towards the High St.	Less-than-Substantial (Low)	The scheme has now been revised in such a way that the southern end of the upper floors (storeys 7 and above) now tapers back in order to reduce the perceived bulk and mass of the building. This results in the maximum storey height at the Riverside Building's (Building B) southern end being 6 storeys. This equates to a height of approximate 20.3m (floor – parapet) as opposed to a previous height of 28m (approx.). This reduction of height and mass in this location is considered to be a welcomed positive step, however in terms of its impact upon this particular group of heritage assets it would only achieve marginal improvements.	Less-than-Substantial (Low)



			<p>The removal of the 2 storeys from the Town Centre Building (Building A) is more successful in terms of helping to mitigate harm, with its proportions being more comfortable than before, and its reduced height and massing helping to limit this building's visual impact on the assets of Quarry St, particularly those at the High St end.</p> <p>Nevertheless, given the overall scale of development in such close proximity to these assets I am unable to say that these actions of refining the proposed development have completely omitted the harm. Whilst I am accepting that the proposed development is of a much improved design than the former department store, I am still of the opinion that the proposed development is still of a scale, bulk and massing which is a challenge to the prevailing domestic scale and grain of this group of heritage assets, and as such, I would still assert that the resultant harm in this instance would be qualified at less-than-substantial, and I would place this harm at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
5-6 Millmead	<p>Previous comments identified that the proposed development, as originally submitted, would represent a considerable change to the local setting of this heritage assets, a change of the kind not seen since the completion of the former department store's development or the completion of the Yvonne Arnaud Theatre. In summary there were concerns with the proposals scale, height and massing, particularly the Riverside Building (Building B) within the setting of this heritage asset, as it placed a visible challenge upon its human scale.</p>	Less-than-Substantial (Medium)	<p>The scheme has now been revised in such a way that the southern end of the upper floors (storeys 7 and above) now tapers back in order to reduce the perceived bulk and mass of the building. This results in the maximum storey height at the Riverside Building's southern end being 6 storeys. This equates to a height of approximate 20.3m (floor – parapet) as opposed to a previous height of 28m (approx.). This reduction of height and mass in this location is 'in principle' considered to be a welcomed positive step, in terms of helping to reduce and mitigate the proposed structures impact upon the river's setting as well as the setting of this particular heritage asset (5-6 Millmead). However, to fully validate this position, consideration need to be given to these changes in terms of the existing context of the site.</p> <p>The existing former department store's height at its southern end is shown to measure at 18.4m (approx.) whilst the height of the proposed scheme (at the southern end of the Riverside Building) reaches 20.3m. When a comparison between the two is made, one calculates that the overall increase in height at this point of the site is approximately 1.9m, thus not much taller than the existing building. As such, relatively speaking, this increase in height is considered to be subtle in nature and is unlikely to be noticeably legible, particularly from 5-6 Millmead.</p> <p>Overall, I am confident that the actions taken (tapering back top 3 storeys, removal of corner balconies and simplifying the parapets) have made a significant difference to the perceived bulk and mass of the Riverside Building and thus have lessened the harm to the setting of 5-6 Millmead. I cannot say that these actions have completely omitted the harm, as the increase in height of the scheme towards the northern end of the site is still discernible in view with the heritage asset,</p>	Less-than-Substantial (Low)

			however as the modelling illustrates (Appendix 1) it is not as immediate as it was before, by virtue of the upper storey tapering, and thus allows for a more comfortable relationship within this riverside setting. I therefore conclude that the resultant harm has been reduced significantly and thus deem that the introduction of the proposed development within the setting of this asset would result in less-than-substantial harm towards the lower end of the spectrum. I therefore still advised that this revised level of harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.	
Millmead House, Millmead	Previous comments concluded that by virtue of the distance between the asset and the application site, together with its discrete, screened location, opportunities to view the proposed development, as originally submitted, in conjunction with this asset would be very limited.	No harm to significance identified	I am satisfied that the revisions made do not jeopardise this, therefore I still conclude that the proposed development will not harm any element of setting that contribute to this heritage assets significance	No harm to significance identified
Weir House, Millmead	Previous comments concluded that by virtue of the distance between the asset and the application site, together with its discrete, screened location, opportunities to view the proposed development in conjunction with this asset would be very limited.	No harm to significance identified	I am satisfied that the revisions made do not jeopardise this, therefore I still conclude that the proposed development will not harm any element of setting that contribute to this heritage assets significance	No harm to significance identified
High Street nos 2-6 [even]	Previous comments concluded that the by virtue of the proposed developments scale, bulk and massing, as originally submitted, it would challenge the historic scale and grain of this collection of heritage assets.	Less-than-Substantial (Low)	The revision sees the removal of 2 storeys to the Town Centre Building (Building A), taking the structure down to 7 storeys in height as well as changes to materiality, including lighter brickwork, lighter window surrounds and an oxidised copper termination. These actions have helped significantly to limit the extent the proposed development would project over the historic roofline of the properties on the south side of the High Street, resulting in a much more subservient and considered relationship that adds positively to the historic roofscape layering of the town centre.  I am therefore content that the revisions made have successfully resolved the harm previously identified.	No harm to significance identified
High Street (nos 23-37 [odd], 43-45 [odd], 71-83	Previous comments concluded that the by virtue of the proposed developments scale, bulk and massing, as originally submitted, it would challenge the historic scale and grain	Less-than-Substantial (Low)	The revision sees the removal of 2 storeys to the Town Centre Building (Building A), taking the structure down to 7 storeys in height as well as changes to materiality, including lighter brickwork, lighter window surrounds and an oxidised copper termination. These actions have helped significantly to limit the extent the proposed development would project over the historic roofline of the	No harm to significance identified

<p>[odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even]) &amp; (nos 72-78 [even], The Angel Hotel, Lloyds Bank)</p>	<p>of this collection of heritage assets, this would mostly be experienced by those properties situated below Market Street, by virtue of the rising topography. These concerns were mostly recognised in <b>TVIA views 12, 40 &amp; 41</b>, with Town Centre Building (Building A) projecting incongruously above the low, human scale of these heritage assets and their townscape.</p>		<p>properties on the south side of the High Street, resulting in a much more subservient and considered relationship that adds positively to the historic roofscape layering of the town centre.</p> <p>I am therefore content having viewed <b>TVIA views 12,40 &amp;41</b> as well as <b>TVIA view 07</b> that the revisions made have successfully resolved the harm previously identified.</p>	
<p>Nos 1-3[odd], Bury Street</p>	<p>Previous comments concluded that opportunities to view the proposed development, as originally submitted, in conjunction with this heritage asset would be very limited, with the only potential view through being through the gap to the left of the property. This view principally took in the upper floors of the 9 storey Town Centre Building (Building A), and it was concluded that the resultant layering townscape with Hays House behind didn't appear too incongruous to result in harm to the heritage asset.</p>	<p>No harm to significance identified</p>	<p>The revision sees the removal of 2 storeys to the Town Centre Building (Building A), taking the height of the structure down to 7 storeys in height. The reduced height wouldn't completely remove the proposed development from view, but it would be more limited and constrained.</p> <p>No harm was identified previously, and I am satisfied the revisions made maintain this.</p>	<p>No harm to significance identified</p>
<p>Caleb Lovejoy's Almhouses</p>	<p>Previous comments concluded that opportunities to view the proposed development, as originally submitted, in conjunction with this heritage asset</p>	<p>No harm to significance identified</p>	<p>The revisions sees the removal of 2 storeys to the Town Centre Building (Building A), taking the height of the structure down to 7 storeys in height. The reduced height wouldn't completely remove the proposed Town Centre Building (Building A) from view as demonstrated in the revised <b>TVIA view 37</b></p>	<p>No harm to significance identified</p>

, Bury Street	would be very limited, with the only potential view through being through the gap to the right of the property as demonstrated in <b>TVIA view 37</b> . This view principally illustrated the whole of the 9 storey Town Centre Building (Building A) and the northern part of the Riverside Building (Building B) which sat at 8 storeys. It was concluded that the resultant layering townscape with Hays House behind didn't appear too incongruous to result in harm to the heritage asset.		but it would be more limited and constrained. Equally the removal of the profiled parapets on the Riverside Building (Building B) helps to rational the parapet level.  No harm was identified previously, and I am satisfied the revisions made maintain this.	
West Bury House, Bury Street	Previous comments concluded that opportunities to view the proposed development, as originally submitted, in conjunction with this heritage asset would be very limited, with the only potential view through being through the gap to the left-hand side of the property as demonstrated in <b>TVIA view 37</b> . This view principally illustrated the whole of the 9 storey Town Centre Building (Building A) and the northern part of the Riverside Building (Building B) which sat at 8 storeys. It was concluded that the resultant layering townscape with Hays House behind didn't appear too incongruous to result in harm to the heritage asset.	No harm to significance identified	The revisions sees the removal of 2 storeys to the Town Centre Building (Building A), taking the height of the structure down to 7 storeys in height. The reduced height wouldn't completely remove the proposed Town Centre Building (Building A) from view as demonstrated in the revised <b>TVIA view 37</b> but it would be more limited and constrained. Equally the removal of the profiled parapets on the Riverside Building (Building B) helps to rational the parapet level.  No harm was identified previously, and I am satisfied the revisions made maintain this.	No harm to significance identified
Cathedral Church of the Holy Spirit, Stag Hill	Previous comments concluded that the proposed development, as originally submitted, by virtue of its scale, massing and height, challenges the visual interplay between the Cathedral	Less-than-Substantial (Low)	Firstly, it should be mentioned that the previous comments erroneously failed to take into consideration the presence of the Guildford Station scheme, which is currently under construction. Revisiting this has allowed me to clarify that the visual interplay between this asset and the medieval parish church of St Mary's has already been compromised by the Station scheme, thus I am satisfied that the scale, massing and height of the proposed scheme (as originally submitted and as amended)	Less-than-Substantial (Low)

	<p>and historic town churches, particularly St Marys Church, where the visual relationship is severely undermined by proposed schemes dominant scale and massing, but also St Nicholas Church, where its landmark tower is engulfed and lost by having the west elevation of the proposed development as its new backdrop.</p>		<p>does not bring any further challenge to this. To confirm this, I have provided a modelled image in Appendix 1.</p> <p>However, for clarity, I don't believe the oversight would have affected the level of harm identified. Firstly, the proposals dominant scale and massing is still considered to have a negative impact upon the visual relationship between the Cathedral and St Nicholas Church. Secondly, the value placed on the significance of the visual relationship between the remaining town churches and the Cathedral is, in my view, amplified, as a result of the lost visual connection with St Mary's Church.</p> <p>Turning attention to the revised scheme, the amendments made are certainly welcomed, particularly the tapering back of the top 3 storeys of the Riverside Building (Building B). I consider that these actions have made a significant difference to its perceived bulk and mass. However, I cannot say that these actions have completely omitted the harm previously identified, as the height of Building B is still very much taller than St Nicholas's landmark tower, and generally speaking the structure is still considered to be of a fairly dominant scale and massing. Thus, there are remaining concerns over the impact upon the tower's townscape and historical legibility.</p> <p>I therefore maintain that the resultant harm is no different than before, being at the low end of less-than-substantial. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
Jellico Roof Garden	<p>Previous comments concluded that the introduction of the proposed development, as originally submitted, would significantly challenge the outlook and connection to the wider rural surrounding by virtue of its exaggerated and contrary scale and massing to that which prevails. There was recognition that it would sever views over towards the river and south-west part of the town, but equally that it would impair one's appreciation and understanding of the town's medieval origins, as the structures form is so far removed from</p>	<p>Less-than-Substantial (Low/medium)</p>	<p>Overall, from the outlook of this heritage asset the proposed amendments mitigate a very limited amount of the harm previously identified despite the amendments made to the scheme.</p> <p>It is still considered that the proposed scheme, by virtue of its scale, massing and length, would continue to sever views over towards the river and south-west part of the town and undermine the sense of connection between the asset and its wider surroundings, as per the Oct 21 submission, however there is acknowledgement that this would be to a lesser degree as result of the reduction in height to the Town Centre Building (Building A), and the revisions to the Riverside Building's (Building B) parapet.</p> <p>Equally, the revisions made would have a nominal impact upon resolving the concerns arising about the visual challenge the proposal places upon the prevailing human scale, character and traditional form upon the surrounding historic townscape which defines this asset's immediate outlook and context, as the development would still be seen as a prominent, juxtaposing intervention that is contrary to the prevailing townscape and fine grain.</p>	<p>Less-than-Substantial (Low/medium)</p>

	the historic townscape in which it is to sit alongside.		<p>As noted in the previous comments, no viewpoints have been captured in the submitted documentation relating to this asset, therefore modelling has been carried out by the LPA. The sequence of modelling demonstrated in Appendix 1 helps to confirm that some mitigation of harm is evident, as a result of the amendments made, but nevertheless harm still remains.</p> <p>I'm not convinced, in terms of this unique heritage asset, that the mitigating actions taken are enough to reduce the level of harm to a point where it can be classified as 'Low end of Less-than-Substantial' and therefore conclude that the resultant harm remains as being less-than-substantial at the low-medium end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
Millmead and Portsmouth Road Conservation Area	Previous comments concluded that the proposed development, as originally submitted, by virtue of its incongruous scale, height and massing will appear as an overbearing and dominating presence, which visually competes with the generally low, human scale of development that characterises this conservation area. It was also recognised that it significantly undermines the open and softer character that prevails along this idyllic river corridor.	Less-than-Substantial (Medium)	<p>It is acknowledged that the amendments made to the scheme have had an impact in helping to mitigate and reduce the level of harm previously identified, nevertheless, I am not convinced that the actions taken have completely overcome the harm in totality.</p> <p>The reduction in height to the Town Centre Building (Building A), the tapering of the southern end of the proposed Riverside Building (Building B), the materiality changes and the simplification of the parapet detailing of Building B, have all had a significantly beneficial impact in the main, when it comes to this conservation area, particularly in regard to the proposals perceived bulk and massing when viewed from the Millmead Embankment. Whilst overall, the buildings would be taller than the existing former Debenhams store, the reduced height of Building A, together with the stepping down of Building B are considered to be positive actions toward reducing the perceived bulk and massing of the proposed scheme. Nevertheless, even accounting for the positive impact of these revision, there is no denying that the resultant proposed development's overall scale and mass would appear incongruous to the general human scale and character of development within this conservation area.</p> <p>There is confidence that the amendments made do go a significant way in helping to reduce the harm previously identified, however, harm is still identified. I am satisfied having assessed the TVIA views that were mentioned in my previous comments (<b>TVIA 19 23 &amp; 24</b>) that the level harm to special character and appearance of this conservation area has reduced to the lower end of the less-than-substantial spectrum. Therefore, as harm is still identified I advise that this needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low)
Town Centre Conservation Area	Previous comments concluded that the proposed development, as originally submitted, would present itself as an overbearing, incongruous presences amongst the prevailing historic form	Less-than-Substantial (Medium)	It is acknowledged that the amendments made to the scheme have had an impact in helping to mitigate and reduce the level of harm previously identified, nevertheless, I am not convinced that the actions taken have completely overcome the harm previously identified.	Low end of Less-than-Substantial

	<p>and character of this conservation area. Specifically, concerns were raised that its size and scale would visually compete with the low human scale of the conservation area as well as undermining its attractive layered pitched roofscape. Harm was also identified to the significance and understanding of the river valley's role in the town's development and evolution, with particular reference to the way the proposal severs through the view from the castle to the historic bridging point and the historic route leading down from the Hogs Back, down The Mount.</p>		<p>The reduction in height to the Town Centre Building (Building A), the tapering of the southern end of the proposed Riverside Building (Building B) and the materiality changes have all had a significantly beneficial impact in the main, when it comes to this conservation area. In many areas it has helped the scheme assimilate with the townscape, with the scheme now appearing in many of the mentioned TVIA views in a more limited capacity. This included <b>TVIA views 03, 07, 09, 10, 12, 17, 30, 31, 40 &amp; 41</b>. In many of these views the proposed scheme appears more subservient and has a more considered relationship with the surrounding town and roof scape.</p> <p>Nevertheless, there are some situations and views where the proposed scheme, in spite of the welcomed amendments has not been able to fully resolve the concerns relating to its visual dominance and challenge to the prevailing domestic scale of the Town Centre Conservation Area. These instances are certainly in the minority, when compared with the original scheme, and tend to be concentrated around the Millbrook boundary, thus having a more direct relationship with the proposed scheme. The view which best captures this concern is <b>TVIA views 21</b>, however one does acknowledge that the level of concern has substantially reduced when compared with the original submitted scheme.</p> <p>Having undertaken this further assessment I am content that the level of harm to the setting of this conservation area has substantially reduced. I am unconvinced that I can justify there being no harm, given what has been discussed above, however I am more than satisfied that the level of harm has diminished to being at the lower end of less-than-substantial. Nevertheless, I still advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
<p>Wey and Godalming Conservation Area</p>	<p>Previous comments concluded that the proposed development, as originally submitted, would have a negative impact on the setting of this conservation area as well as views out from it, by virtue of the visual challenge and distraction the proposal places upon the human scale of the surrounding townscape.</p>	<p>Less-than-Substantial (Low)</p>	<p>It is acknowledged that the amendments made to the scheme have had an impact in helping to mitigate and reduce the level of harm previously identified, nevertheless, I am not convinced that the actions taken have completely resolved the concerns previously raised.</p> <p>Despite the welcomed amendments, I am still conscious that the proposed scheme would still appear visually dominant in views out from this conservation area, by virtue of its height, scale &amp; massing, and thus would continue to challenge the surrounding human scale townscape. Nevertheless, I do acknowledge that the level of challenge is reduced as a result of the positive actions taken in reducing the height of the Town Centre Building (Building A) and the tapering of the Riverside Building (Building B). Equally, there is recognition that the outwards architectural expression, materiality and detailing of the scheme is certainly well considered and would achieve in providing visual interest and a sense of place, and thus can be taken as an enhancement to the setting of this CA. Whilst these</p>	<p>Less-than-Substantial (Low)</p>

			<p>positive outcomes are strongly welcomed, they, in my opinion, do not overcome or resolve the expressed concerns in totality.</p> <p>Giving consideration to the above, I can only conclude that harm to the setting of the CA continues to be identified. In this instance, whilst reduced, it remains as less-than-substantial at the lower end of the spectrum. I therefore advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	
Bridge Street Conservation Area	<p>Previous comments concluded that the proposed development, as originally submitted, would have a negative impact on the setting of this conservation area as well as views out from it, by virtue of the visual challenge and distraction the proposal places upon the human scale of the surrounding townscape, in particular St Nicholas' Church, as well as the legibility of the river valley form and views up stream.</p>	Less-than-Substantial (Low)	<p>It is acknowledged that the amendments made to the scheme have had an impact in helping to mitigate and reduce the level of harm previously identified, nevertheless, I am not convinced that the actions taken have completely resolved the concerns raised.</p> <p>An area where it has been particularly successful is the southern tapering to the Riverside Building (Building B). This as demonstrated through the evolution of <b>TVIA view 26</b>, has succeeded in reducing the proposed development's dominance surrounding St Nicholas's landmark tower, almost completely omitting the straddling that had been identified as a significant concern and thus allowing more of the existing tree lined background to be retained.</p> <p>Also contributing positively, but in a more limited way, is the reduction in height and changes to materiality of the Town Centre Building (Building A). These changes aid with providing definition and identity between the two structures in some outward views from the CA, such as <b>TVIA view 26</b>, thus avoiding the appearance of a single dominant mass. The amendments also contribute to softening the developments appearance in such views as well.</p> <p>The areas where the proposed amendments have had limited success are those outward southern views focused along the River Wey - <b>TVIA views 18 &amp; 27</b>. In these views I still consider that even with the amendments made the proposed scheme by virtue of its inflated scale massing and dominance, continues to appear at odds with the existing townscape, as well as undermining the legibility of the river valley form. Nevertheless, I do acknowledge that this is now in a more reduced way than previously and that the outwards architectural expression, materiality and detailing of the scheme is well considered, providing visual interest and a sense of place.</p> <p>Given that there are still some concerns, I would still assert that there is harm and that the resultant harm in this instance would remain as less-than-substantial at the lower end of the spectrum. In doing so, I advise that this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.</p>	Less-than-Substantial (Low)



<p>39 High Street</p>	<p>Previous comments concluded that the proposed development, as originally submitted, by virtue of its scale, bulk and massing would challenge the historic scale and grain of this collection of heritage assets, this would mostly be experienced by those properties situated below Market Street, by virtue of the rising topography. These concerns were mostly recognised in <b>TVIA views 12, 40 &amp; 41</b>, with Town Centre Building (Building A) projecting incongruously above the low, human scale of these heritage assets and their townscape.</p>	<p>Less-than-Substantial (Low)</p>	<p>The revisions see the removal of 2 storeys to the Town Centre Building (Building A), taking the structure down to 7 storeys in height as well as changes to materiality, including lighter brickwork, lighter window surrounds and an oxidised copper termination. These actions have helped significantly to limit the extent the proposed development would project over the historic roofline of the properties on the south side of the High Street, resulting in a much more subservient and considered relationship that adds positively to the historic roofscape layering of the town centre.</p> <p>I am therefore content having viewed <b>TVIA views 12,40 &amp;41</b> as well as <b>TVIA view 07</b> that the revisions made have successfully resolved the harm previously identified.</p>	<p>No harm to significance identified</p>
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#### 4. CONCLUSION

4.1. Despite the revision made, the proposed scheme continues to be substantial and thus continues to have the potential to have an impact across an extensive area of Guildford. The primary impact of the current proposal on heritage assets remains focused on the following heritage assets:

	Heritage Asset	Level of Harm Identified (OCT 21)	Level of Harm Identified (AUG 22)
1 /1a	St Mary's Church & Miles Tomb, Quarry Street		
2	St Nicolas Church, High Street		
3	Church of Holy Trinity, High Street		
4	Guildford Castle Keep		
5	Remains of Shell Keep, Guildford Castle		
6	Former private apartments, Guildford Castle		
7	Castle Arch, Quarry St		
8	Town Mill, Millbrook		
9	Yvonne Arnaud Theatre, Millbrook		
10	Treadwheel Crane, Millbrook		
11	Quarry Street (nos 6, 8, 8a, 13 & 55)		
12	Quarry Street (nos 1-5, 9, 11-12, 14-20, 43-44, 48-59, 64 & Quarry Hill House)		
13	5-6 Millmead		
14	Millmead House, Millmead		
15	Weir House, Millmead		
16	High Street nos 2-6 [even]		
17	High Street (nos 23-37 [odd], 43-45 [odd], 71-83 [odd], 93-99 [odd], 103-111 [odd], 46, 54-56 [even], 68-70 [even], 80-82 [even], 90-92 [even], 117-119 [even]) & (nos 72-78 [even], The Angel Hotel, Lloyds Bank)		
18	Nos 1-3[odd], Bury Street		
19	Caleb Lovejoy's Almshouses, Bury Street		
20	West Bury House, Bury Street – Grade II		

21	Cathedral Church of the Holy Spirit, Stag Hill		
22	Jellico Roof Garden		
23	Millmead and Portsmouth Road Conservation Area		
24	Town Centre Conservation Area		
25	Wey and Godalming Conservation Area		
26	Bridge Street Conservation Area		
27	39 High Street		

4.2. The above table demonstrates fairly simply the identified harm to each of the heritage assets for both the initial proposal (Oct 21) and the now revised scheme (Aug 22), and one can conclude that the suite of revisions made to the proposed scheme have, in main, been successful at mitigating, reducing or overcoming the level of harm previously identified to a reasonable number of heritage assets.

- The total number of assets where the identified harm has either decreased or been omitted in total through the suite of revision made = **12**. This represents 44% (12/27) of the total asset groups assessed.

4.3. A further break-down of the results reveals the following:

Level of Harm	Original Scheme (OCT 21)	%	Amended Scheme (AUG 22)	%
No harm to significance identified	5	18.5	10	37
Less-than-Substantial (Low)	14	52	14	52
Less-than-Substantial (Low/medium)	1	4	2	7
Less-than-Substantial (Medium)	5	18.5	1	4
Less-than-Substantial (High)	2	7	0	0

- 4.4. This data set whilst also corroborating the conclusions reached in paragraph 4.2, also demonstrates that the actions taken to have address previous concerns have:
- Doubled the number of assets where no harm to significance is identified (5 > 10)
  - Completely eliminated high level of harm
- 4.5. It would appear that the qualities and significance of this context appears to be more understood than the previous iteration of the development with amendments now seeming as though they have been informed, to a certain degree, by factors such as natural topography, urban grain, significant views, streetscape and character, and landmark historic buildings and their settings, given the above results. Nevertheless, there are a number of assets where harm still remains. As confirmed above, in all instances the harm identified is less-than-substantial in terms of the NPPF, however the amendments to the scheme have facilitated in reducing, mitigating, or overcoming the level of harm previously identified to a reasonable number of heritage assets. The highest degree of harm now identified is mid-point on the spectrum - St Mary's Church.
- 4.6. The identified harm to the historic environment of Guildford and its heritage assets, some of which are Grade II\* and Grade I listed and Scheduled Monuments, and therefore of exceptional interest, has to be given great weight, with even greater weight being applied to those higher graded assets, this is to ensure that the historic environment and the assets are conserved in a manner appropriate to their significance. Legislation and guidance are clear that harm should be avoided or minimised, and where it remains, it has to be clearly justified and balanced against any arising public benefits.
- 4.7. Given what has been discussed throughout this assessment and the conclusions reached, I am still concerned that the Environmental Statement 2: Townscape, Visual Impact and Built Heritage Assessment Addendum still maintains that the amended proposed development would "enhance the character and appearance of the Millmead and Portsmouth Road Conservation Area" and that there would be "no harm to the heritage significance of any heritage assets as a result of the Amended Proposed Development." This is clearly and radically contrary to the above analysis and therefore question the approach taken and whether an honest assessment has been made.

#### Cumulative Assessment

- 4.8. PPG guidance on the Historic Environment, clearly states in paragraph 18a-013-20190723 that "*when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.*" Given the quantum and calibre of






heritage assets that are within the immediate context of the development site a cumulative assessment is considered to be essential. Whilst there is a section titled Cumulative Effects Assessment within the supporting Built Heritage Assessment, this in fact relates to consideration of cumulative schemes as opposed to cumulative heritage assets.

- 4.9. Using both the tables illustrated in paragraphs 4.1 & 4.3 one is able to extrapolate the following:
- The number of assets where no harm to significance is identified has increased from 5 to 10. This means that the number of assets where harm has been identified has reduced from 22 to 17. In percentage terms this represents a 18% (approx.) reduction.
  - The level of harm now identified ranges from 'less-than-substantial (low)' to 'less-than-substantial (medium)', meaning that 'less-than-substantial (high)' has been eliminated
  - The number of assets that now have been identified as having harm of 'less-than-substantial (medium)' [*the highest level of identified harm for the amended scheme*] has reduced from 5 to 1.
  - The total number of assets where the identified harm has either decreased or been omitted in total through the suite of revision made = **12**. This represents 44% (12/27) of the total asset groups assessed.
- 4.10. Despite the noted reduction to the number of heritage assets where harm to significance has been identified, it is still of a significant quantum where one can only conclude that when considering the historic environment as a collective that there is resultant cumulative harm. As before I don't believe that the collective harm is at level where it could be classed in the substantial harm category as I don't believe that it satisfies the definition of substantial harm that came out in case law as a result of Bedford BC v SSCLG38 – The High Court held that in order for harm to designated assets to be considered substantial, "*the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.*" Thus, as before, one can only determine that the level of cumulative harm is at the 'less than substantial' threshold.
- 4.11. As there has been a shift in the degree of harm identified, with the elimination of 'less-than-substantial (high)' my starting baseline point for calculating cumulative harm of the amended scheme is 'less-than-substantial (medium)' – *the highest level of identified harm for the amended scheme*.
- 4.12. I have concluded that there is no reason to increase the baseline of the cumulative harm having given consideration to the following:
- majority of assets (14/17 - 82%) where harm has been identified fall into the 'less-than-substantial (low)' category

- limited number of assets (3/17 - 18%) fall into either 'less-than-substantial (low/medium)' [2] or 'less-than-substantial (medium)' [1]
- with the exception of the Millmead and Portsmouth Road Conservation Area, which for clarity is identified as being 'less-than-substantial (low)', all harm identified is to the setting of assets, thus more indirect

4.13. Thus, for clarity, the level of cumulative harm identified is graded at 'less-than-substantial (medium)'. As has been advised for each of the individual assessments this harm needs to be weighed against the public benefits of the proposal as directed by paragraph 202 of the NPPF.

APPENDIX 1 – Scale and Mass Modelling

HERITAGE ASSET	EXISTING	OCT 2021 SUBMISSION	AUGUST 2022 SUBMISSION
<p><b>Church of St Mary, Quarry Street</b></p> <p>1) View looking west, from the north of the church, taken from Quarry Street</p> <p>2) View looking north-west from the south of the church, taken from Quarry Street</p>			
			

**Church of  
Holy Trinity,  
High Street**

View looking  
east, along Bury  
Street, taken  
from Portsmouth  
Road



**5-6 Millmead**

View looking  
north, taken from  
Millmead near  
the Britannia  
Public House





**Jellico Roof Garden**

View looking south-west, taken from the Jellicoe Roof Garden



**Cathedral Church of the Holy Spirit, Stag Hill**

View looking south-east, taken from the east side of the Cathedral

