



## Appeal Decision

Inquiry Held on 7th-10th and 13th-15th November 2017

Site visits made on 6th, 7th, 8th, 9th, 10th, 13th, 14th & 15th November 2017.

**by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 February 2018**

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**Appeal Ref: APP/Y3615/W/16/3161412**

**Guildford Station and Car Park, Station Approach, Guildford, Surrey GU1 4UT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Solum Regeneration against the decision of Guildford Borough Council.
  - The application Ref 14/P/02168, dated 26 November 2014, was refused by notice dated 30 June 2016.
  - The development proposed is a mixed use redevelopment comprising 438 residential dwellings (Class C3 use); station retail/financial and professional services/food and drink and leisure floorspace (Class A1/A2/A3/Sui Generis and D2 uses); station and general office floorspace (Sui Generis and Class B1 uses); station improvements including new station building with booking hall and concourse (Sui Generis use); replacement station and office car parking, new residential car parking, cycle parking, a Station Plaza including new public realm with hard and soft landscaping, new access and servicing arrangements, plant and associated works.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 22 January 2018.

### Decision

1. The appeal is allowed and planning permission is granted for a mixed use redevelopment comprising 438 residential dwellings (Class C3 use); station retail/financial and professional services/food and drink and leisure floorspace (Class A1/A2/A3/Sui Generis and D2 uses); station and general office floorspace (Sui Generis and Class B1 uses); station improvements including new station building with booking hall and concourse (Sui Generis use); replacement station and office car parking, new residential car parking, cycle parking, a Station Plaza including new public realm with hard and soft landscaping, new access and servicing arrangements, plant and associated works at Guildford Station and Car Park, Station Approach, Guildford, Surrey GU1 4UT in accordance with the terms of the application Ref 14/P/02168, dated 26 November 2014, subject to the conditions set out in the schedule at the end of this decision.

### Procedural matters

2. The description of development used in the formal decision above is the amended version formally agreed by Guildford Borough Council (GBC) and subsequently set out in the Statement of Common Ground (SoCG).
3. A final version of the SoCG was submitted during the second week of the Inquiry. This formalised a range of issues set out in the former draft and, most importantly for the efficient running of the Inquiry, established that for the purposes of this appeal, the current position is that GBC are able to demonstrate a two year supply of housing land. The SoCG also clarified broad agreement on key aspects of the section 106 agreement, principally in relation to Affordable Housing (AH) mitigation for the effects of the development on the Thames Basin Heaths Special Protection Area (TBHSPA) and transport sustainability measures, thus overcoming the three related reasons for refusal set out in the decision notice, which are as a consequence, no longer defended.
4. In evidence GBC had maintained that the setting of St Nicolas Church, a Grade II\* listed building, was harmed by the proposals. During the course of the Inquiry they accepted however that the relationship of the development to the church was more appropriately to be considered in the context of its effect on the broader townscape. This is reflected in the reasoning below.
5. Planning obligations are submitted under section 106 of the Act comprising an Agreement in respect of TBHSPA mitigation (comprising a financial contributions of £1,950,348.73 towards Suitable Alternative Green Space (SANG) and £230,348.73 in respect of Strategic Access Management & Monitoring (SAMM), £338,714 towards highway infrastructure improvements and £218,947 towards the provision of public art on the site. The Agreement also makes provision for on-site AH comprising 45 shared ownership properties (SOPs). A provision of the obligation in respect of AH also facilitates a review of the provision should the actual yield of development value exceed that anticipated (overage). There is disagreement between the parties over the terms of the extent and use of the overage defined and there are thus alternative paragraphs reflecting these differences in the Agreement. This matter is considered in more detail below under 'Section 106 matters'.
6. A Unilateral Undertaking (UU) has also been submitted by the appellant securing a financial contribution to Guildford Station platform works. It is accepted (as set out in the SoCG) that these constitute off-site works and are therefore not necessary to allow the grant of planning permission for the development. They are nevertheless also considered below in the aforementioned section.
7. Given the nature and extent of the site, the proposals and the points within its environs from which it may be understood, a series of site visits were undertaken over the course of the two weeks of the Inquiry. These visits included the station site in the early morning, longer views from within and without the town, incorporating those from the Castle Motte and Keep, the Cathedral tower and the Jellicoe Roof Garden off the High Street.

### **Main Issues**

8. The main issues in this case are:
  - a) the effect of the proposed development on the setting of designated heritage assets, including a Grade II\* listed building, a Grade II registered

landscape, the Bridge Street, Wey & Godalming and Millhead and Portsmouth Road Conservation Areas and undesignated heritage assets lying within them;

- b) the effect of the proposed development on the character and appearance of the surrounding townscape and the wider area and;
  - c) in the event of a conflict with development plan policy, national policy or statutory requirements (in respect of listed buildings) in relation to the above, whether there are any other material considerations, by way of public benefits (including the delivery of market and affordable housing in the context of current housing land supply in the borough, transport infrastructure and broader economic uplift) that determine the development should be approved other than in accordance with these policy constraints.
9. In addition to the above a range of other matters were raised by a number of parties at the Inquiry, including the Guildford Access Partnership (GAP), the Guildford Society (GS) and the Guildford Vision Group (GVG). These are specifically addressed in 'Other matters' below.

## **Reasons**

### *The site*

10. The site comprises the current station buildings arranged in linear form north/south adjacent to the existing track and platforms and its attendant areas of extensive car parking laid out to the east of the station buildings. The site lies to the west of the historic core of the town on the rising ground on the far bank of the canalised River Wey. Although now largely dominated by modern commercial office buildings, the historic relationship of the railway and river can still be understood through the survival of The Billings, a former warehouse sitting on the very bank of the river in close proximity to the station precincts. There can be little doubt that the coming of the railway, as is the case with many historic towns, had a significant effect on Guildford. This was certainly the case by the 1880s, when the station complex, and the volume of traffic flowing through it, had increased considerably in size. Not only the station but engine depot and transit sheds would have been clearly visible from the historic town looking towards the rising ground to the west. Moreover, these integrated transport modes were also the catalyst for the growth of the industrial activities and structures on the eastern bank of the river, again evident in the historic mapping and photographs of the town<sup>1</sup>.
11. The old station buildings were demolished and replaced in the 1980s and its forecourt, already without its former transit sheds, was remodelled to accommodate extensive areas of car parking. The difference in levels between this area and the road below, now being defined by a tall brick retaining wall, is breached only by the access ramp to the carpark above. At the same time adjacent sites were cleared and redeveloped with modern commercial buildings architecturally characteristic of that decade, which now define the character of the margins of the site today. It must be partly as a result of this degree of change that the Millmead and Portsmouth Road Conservation Area (M&PRCA) stops short of the station approach to the south and why the Bridge Street Conservation Area (BSCA), incorporating the eponymous Grade II Onslow

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<sup>1</sup> ID22.

Bridge dating from after the coming of the railway, terminates on the eastern side of Walnut Tree Close adjacent to the station carpark.

12. That said, because of its location, extent and degree of topographic elevation, the site has a close relationship with its immediate surroundings and can be seen from key points within the town as well from the surrounding wider area, including from the tower of the Cathedral to the north west. Also reflecting its importance as a key transport node and the open extent of the greater site, it has long been recognised as having the potential for redevelopment. This is codified in the now saved Policy GT8 of the Guildford Borough Local Plan 2003 (GBLP) and in Policy A7 of the Guildford Borough Proposed Submission Local Plan: strategy and sites (GBPSLP). Both iterations of the policy seek a comprehensive mixed use of the site to incorporate a new station, homes, shops, offices, open space and leisure uses.

*The proposals*

13. The proposals reflect these policy aspirations and have evolved over a considerable time, undergoing significant amendment in response to engagement with statutory and non-statutory bodies and public consultation. Beyond fulfilling expectations of multiple uses anticipated by policy, the proposals also include a primary area of civic open public space, other areas of open green space, a new and enlarged station building and a multi-storey car park to compensate for the loss of the open facility to be developed. Improvements to the functionality of the Walnut Tree Close junction and improved pedestrian and cycle links to the town centre are also provided through planning obligations. Above all it is expected to deliver residential accommodation on a significant scale (the draft policy anticipated approximately 350 homes) along with a concurrent policy expectation that 25% of these be affordable (the draft policy anticipates at least 40% affordable homes).
14. The scheme has change significantly in response to consultation, with the southernmost elements around the station being reduced in height. The effect though has been a redistribution of development across the site, rather than a net reduction in its quantum. This has had consequences, with an overall flattening of the profile and selective thickening of elements of the scheme. This in turn has resulted in further articulation of the form of the structure and the deployment of different material treatments.
15. There is a useful summary of the evolution of the proposals and how they have changed in response to the dialogue with key agencies in the SoCG. The result is a sequence of eight development blocks ranging from six to ten stories arranged in parallel to the railway with an extensive plaza to the southern end. This is focused around the replacement station building with elements enclosed by the associated residential blocks to south, north and east. To the north of these lies the carpark and beyond, a further sequence of residential elements with associated open space and links to Station Approach and Walnut Tree Close to the east. Each block has a measure of visual differentiation both reflecting the differing character of their uses and to variegate the principle elevation with different tones and textures to relieve the extended mass of the combined structure.
16. This is a long, narrow site with significant infrastructural, public realm objectives and commercial floorspace to deliver, in conjunction with high expectations on providing much needed affordable and market housing. Whilst

the viability assessment provided in relation to the provision of affordable housing (and accepted by the Council) is project-specific, it cannot easily be ignored in relation to the deliverability of the site in the wider sense. With the parameters of the site clearly set and aforementioned policy-led expectations in place, this was always going to be a substantial development, by however means it was to be brought forward. The question therefore asked by these particular proposals is whether they can deliver the key policy objective of providing a mix of uses, public realm and station improvements on the site, which engages with its urban context and at the same time safeguards the setting of designated heritage assets within its milieu? It is to these matters that I now turn.

*Effect on the setting of designated heritage assets*

*The cathedral*

17. There is no dispute amongst the parties that Sir Edward Maufe's Cathedral Church at Guildford is a building of outstanding architectural and historic interest. It is unquestionably an assured ecclesiastical building in its own right, drawing as it does from the deep well of the Gothic building tradition in Britain, as well as assimilating the overtly modern (see the reinforced concrete of the crossing) and Arts and Crafts references current and influential at the time of its design. There can also be no dispute that the immediate setting of the Cathedral Church, with the long formal approach of the western garth (and its early accommodation of the motorcar) is also an intimate and key component of its setting.
18. Maufe, like his clients, must also have very much approved of the proposed location for the new Cathedral on Stag Hill, an eminence that for long has been a prominent element in the topographical context of the historic town. Aside from being a clear site in reasonable proximity to the town, its elevated position provided the ideal platform on which the new edifice could be seen, both from the town below, but also from many points from within the newly established diocese, some at a considerable distance<sup>2</sup>.
19. In the context of the definition of setting offered in the National Planning Policy Framework<sup>3</sup> (the Framework), (which advises this is 'surroundings in which a heritage asset is experienced'), this defines the setting of the Cathedral in very broad terms. Indeed, as the appellant suggests, such a broad scope means that many, many development proposals may be held to come within its setting. Most would agree however that aside from some generic inter-visibility, a great number of such proposals could not reasonably be held to engage with or alter its setting in a material way. For the purposes of this appeal therefore we need to look more closely at the context of the Cathedral as it is perceived from the town, and in which context this development will be viewed.
20. Historic England (HE), in their combined formal response to the proposals, argue the 'Maufe deliberately exploited the hilltop setting for his monumental church, intended to be seen above the town, in near and far views'<sup>4</sup>. They go on to suggest the effect is an 'imposing', 'commanding' and 'monumental' structure perhaps with the intention of dominating the town. There is much cogency to

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<sup>2</sup> A map in the Cathedral shows it to be very close to the epicentre of the Diocese. From the tower the modern towers of London are visible, whilst views to the west and south reach to the Hampshire and north Sussex.

<sup>3</sup> Annex 2: Glossary, p56.

<sup>4</sup> CD A14 and CD B11 – HE consultation letters.

this view, and I conclude this sense of lofty dominance, separate from the urban fabric of the town below, defined by the skirting of pasture and the maturing tree cover in proximity to the building, enhance these characteristics. The eastern slopes below the Cathedral can rightly therefore be argued to comprise an element of the setting of the listed building and, insofar as they serve to maintain its sense of isolation and dominance on the skyline, contribute substantially to the significance of the designated heritage asset.

21. There are a number of locations from within the town where this relationship can be understood. Primary among them is when the Cathedral is viewed across the roofs of the old town and its modern extension west of the river from the town's Castle Motte. There are a number of reasons why this view is generally recognised as being an important (though not exclusive) platform for considering the acceptability or otherwise of the proposals. Firstly, it offers an open vantage point with its own degree of elevation from which the Cathedral may be viewed, in south easterly perspective, across the townscape of the settlement. Additionally, it is an iconic and highly designated heritage asset popular with visitors and residents of the town as a refuge from its busy streets. This recreational use has some provenance<sup>5</sup> and the high level of public access means views from the Motte, and to a lesser degree the Keep, will have a degree of collective consciousness and memory.
22. That said, the significance of the co-visibility of the two highly graded heritage assets (the Castle and the Cathedral) can be over-played. As HE point out, there is no such binary representation of historic temporal and spiritual power at display here, as expressed in other such co-relationships presented by the Council<sup>6</sup>. Both structures are literally of different Ages and their co-visibility is fortuitous, though undoubtedly picturesque in the proper meaning of the term. The reverse view of the Castle from the cathedral tower affirms this conclusion, where the Castle is seen against the backdrop of other buildings and trees to the south east of the town. Whilst the significance of this view in-the-round may have been overstated (none of the seats offer a prospect directly over this part of the town and the tree cover is not apparently managed to enhance the view) it still nevertheless provides a significant platform from which consider the effect of the development on the setting of the Cathedral.
23. It is the case that the amended scheme does not completely avoid breaking the skyline to the south of the Cathedral in the view from the Motte. The southernmost elements of A1 Block break beyond the extended clump of trees forming part of the broader verdant apron at the base of the Cathedral. However, this is a very modest breach, the Council's wireline composite most clearly identifying two small notches of sky being occluded<sup>7</sup>. Furthermore, this infringement is some distance from the base of the building itself and, when measured against the proximity of the visible University buildings to the north, not far short in terms of equidistance. Moreover, it is at this most southerly point that this element of the structure is at its most visually permeable, with the upper floors set back within open brick structure incorporating internal balconies. This, combined with the pale brickwork used to clad it gives this, the most elevated element of the structure, a lighter more open character.

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<sup>5</sup> The grounds of the Castle were laid out as a public park in the later C19.

<sup>6</sup> Coleman PoE Appendix 11.

<sup>7</sup> Ibid Appendix 6, A55.

24. As the development progresses north along the site its mass drops down perceptibly, again when viewed from the Motte. Here the breaks in its form and the changing roof heights rapidly take its profile back amongst the existing development on the lower eastern slopes of the Cathedral. Taking all of the above into account, I conclude that although the margin is close, the proposals enable sufficient of the verdant treed hilltop to remain in view, thus allowing the Cathedral to retain its isolated primacy or dominance on the skyline above the town, so preserving its setting and therefore its significance.
25. It is accepted that the redistribution of building mass following the amendment to the scheme has resulted in a greater degree of horizontal emphasis, but it does not follow automatically that this results in a monolithic, largely unbroken length of assertive architecture, as the Council suggest<sup>8</sup>. It is perhaps coincidental that Blocks A2 and B forming the 'Civic Character Area' around the Station Plaza are aligned almost directly below the Cathedral in the Motte view. It is here that the development is at its most three-dimensional, as each component block serves to enclose the formal open space giving a sense of depth, shade and texture to the main southern component of the scheme. This theme is carried northward with differing elements breaking forward or stepping back at upper levels in an almost post-modern form of concatenation, giving texture and rhythm to the extended elevation.<sup>9</sup>
26. Similarly, it is not reasonable to assert that the mixed application of materials has no or very limited effect or that it is, as the Council suggest, 'a brick box with openings cut-out'. The differing brick treatments and tones, in conjunction with changing proportions of openings and fenestration all add variegation and texture to the elevations, helping to contextualise the development with the surrounding townscape.
27. It is apparent that when viewed from the tower of the Cathedral this depth and texture is not so readily expressed, as the development is compelled to observe the linear assertion of the railway. Nevertheless, there is still a continuing change in rhythm set by the varying roof heights, material colour changes and elevational texture through the provision of balconies. In fact, from this elevated perspective the A1 Block terminates almost within the visual envelope of the Debenhams Building to the south and below the stern flat roofed buildings of the northern town centre. Whilst emphasising the historic divide of the railway on the one hand, the development would also successfully blend with the wider tableau of the modern town beyond on the other.
28. I fully accept that whilst not a public view in the full sense, access to the tower nevertheless still allows up to approximately 600 people a year to take in the grand prospect it reveals. The view from the tower of the Cathedral is certainly one instructive to this case, not least in that it confirms the conclusions set out above that the development can sit within the envelope of the town here and avoid harm to character, but because it also emphasises the very extent of the Cathedral's visual reach, and therefore its expansive setting.
29. This is nevertheless a substantial development proposal. It is the case that as a result of its scale form and extent, it will interpose, intervene and insert itself within the townscape of modern Guildford, certainly within the setting of the

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<sup>8</sup> Paragraph 19, Closing Submissions.

<sup>9</sup> The Palladian theory of staccato composition.

Cathedral. It can rightly therefore be held to affect and indeed perceptibly alter its setting.

30. Such interposition however can, in my view, be achieved whilst also ensuring that sufficient of the hilltop remains in view so allowing the dominance of the Cathedral, set upon its green bosky eminence (most specifically in views from the Motte) to be fully safeguarded. My conclusions therefore accord with those of HE, who have confirmed in their second letter that in achieving this aim, their main concerns over the setting of the designated heritage asset had been addressed<sup>10</sup>. I duly afford the assurance of this view significant weight. The 'Bowl' methodology applied by GBC as a measure of defining some form of cordon sanitaire at the base of the Cathedral has a measure of analytical merit. However, it proves as much as any other approaches, for example as set out by HE in their advice on settings and views of heritage Assets<sup>11</sup> that any such undertaking should apply a rigorous analytical process.
31. Moreover, the proposals in their broader context, because of their articulation, detailing and material treatment, would not result in a monolithic, unduly assertive development adversely challenging the Cathedral in either proportions or architectural expression. For all these reasons therefore, the proposals would preserve the setting of the Grade II\* listed building in accordance with the expectations of the Act<sup>12</sup>. It would also meet the objectives of paragraph 132 of the Framework which anticipates great weight being given to the conservation of designated heritage assets and their settings. For the same reasons they would accord with saved Policy HE4 of the GBLP, which seeks to safeguard the settings of listed buildings through the control of development.
32. I note the reference to saved Policy HE1 in the Council's reasons for refusal No.1. However, this refers to proposals which would affect listed buildings, specifically in relation to alterations and additions to them and has no relevance to these proposals.

*The roof garden*

33. As the Register description states, the roof garden, sitting atop the former Harvey's department store, was designed as part of the shop building as a whole by Sir Geoffrey Jellicoe and Partners in 1956-7<sup>13</sup>. Jellicoe's self-confessed aim for the garden (was for) 'primarily a sky garden and the underlying idea has been to unite heaven and earth; the sensation is one of being poised between the two'. The registration description goes on to suggest persuasively the 'the water in the garden was to reflect the sky with its different cloud formations, and to emphasise this, Jellicoe created a viewing platform on top of the café, so the garden could be viewed from above'.
34. This strongly suggests to me that the intention was *primarily*, in landscape terms, an introspective exercise in defining an elevated outdoor space where the viewer was brought literally to the joining of their terrestrial platform with the heavens, the sensation being amplified by the reflections of the sky when specifically viewed from the now lost flat roof above the café designed specifically for that purpose. Of course, there is also little doubt that in addition to this spectacle, the panorama of the town, with its surrounding green

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<sup>10</sup> Ibid CD B11.

<sup>11</sup> Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (2<sup>nd</sup> Edition).

<sup>12</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>13</sup> Harvey's is now under the branding and ownership of House of Fraser.



topography forming its own bond with the heavens, would reinforce this aesthetic construct. However, the intermediary townscape, particularly to the west on both sides of the river, was also changing, and has continued to change over time. It is reasonable, on the basis of the architect's stated intentions, to conclude that this intervening townscape was little more than an incidental participant in the greater delight of the fusion of heaven and earth.

35. The development proposals would be discernible in views from the garden to the west (beyond the utilitarian superstructure of the associated building). They would, because of their height, obscure views of a band of tree planting to the west of the railway. But they do not intercede in the critical relationship with the skyline of the higher ground to the west, the unchallenged pre-eminence of the Cathedral in that view, or the dynamic relationship between it and the heavens above. The proposed development would be evident in views from the garden and this general outlook, forming part of its significance, would be altered. But this degree of alteration, or change, would not constitute material harm, as the asset's significance would remain undiminished as a result of it. Once again therefore, there is no conflict with the expectations of paragraph 132 of the Framework, which anticipates great weight being given to the conservation of designated heritage assets, including their setting.

*Setting of the conservation areas, including that of the Billings, a non-designated heritage asset*

36. The site lies immediately to the west of the Bridge Street Conservation Area. This is a relatively modest area focused on the eponymous Onslow Bridge, a Grade II listed structure. It is defined as much as by its positive townscape structures as by key survivals of the new town's industrial and mercantile past. There are former factory buildings and on the east bank of the canalised river, a substantial former warehouse building.
37. Chief amongst the non-designated heritage assets within the area, and easily both the most striking and well preserved, is The Billings, a complex of warehousing and former processing facilities standing on the west bank of the River Wey. Formally facing the transit sheds and yard of the station to the west, this is now replaced by the road and the retaining wall of the station car park, crested by parked vehicles. It has a striking concave elevation to the east with a rank of five lower gabled bays set between taller gabled and eaved end-bays. It can be clearly appreciated in views from the approaches along Bedford Road to the east and Onslow Street further afield. It can also, perhaps most advantageously, be viewed from the bridge, whilst there are also elevated views of the complex from the existing station carpark and Walnut Tree Close. In contrast to other identified buildings within the conservation area however, it is not identified as a locally listed building.
38. Despite the scale and proximity of the proposed development in relation to The Billings when seen from the bridge, the historic building convincingly holds its own. Whilst the new buildings enfold the old, taking their cue from the height of the exiting Bridge House, the curved frontage and the lively staccato of the gables allow The Billings to stand their ground in this prospect. Their setting would once again be affected, even significantly changed, but this would not amount to material harm such as to suggest conflict with paragraph 135 of the Framework.

39. The position is rather more challenging in relation to the views from Bedford Road and Onslow Street<sup>14</sup>. In the latter, the longer view, the disparity in scale between the proposed development and the historic building is at its most apparent. From here the new buildings would appear to finish at almost twice the height of The Billings, diminishing its visual presence as a consequence. However, this disparity rapidly diminishes on the approach to the pedestrian bridge where the shortened perspective allows the two to be seen almost in balance, the gables of The Billings almost meeting the leading edge of the station building. Nevertheless, in this critical view the setting of The Billings, notwithstanding the acknowledgement that any development on the site is likely to have a similar effect, the setting of the non-designated asset would be diminished, harming its significance to a modest degree.
40. However, such a conclusion still does not account for the effect of the development on The Billings when viewed from the west. Yes, although set-back across the Station Plaza, the new buildings will still be of imposing scale. But what they will also do is frame an open civic space, at grade with The Billings, thus allowing it to engage with other buildings around a coherent space which at the present moment it simply does not do. The present arrangement, with the bluff intimidating retaining wall of the carpark, reduces the road to a hostile conduit for through-traffic, hostile to pedestrians. The present appeal site to the west of The Billings actively and significantly detracts from the setting of the non-designated heritage asset, and the proposals would significantly improve them. When considering the balance of harms and benefits of the proposals in-the-round, I conclude the overall effect on the significance of the asset would be neutral. In this regard therefore there would be no conflict with paragraph 135 of the Framework in respect of the non-designated heritage asset.
41. Given the contribution The Billings makes to the character and appearance of the conservation area in relation to these proposals, it follows that there would be no material harm to the setting of the Bridge Street Conservation Area as a whole. There is therefore no conflict with paragraph 132 of the Framework or with saved Policy HE10 of the GBLP, which specifically seeks to safeguard the settings of such assets.
42. The Wey and Godalming Navigation Conservation Area covers a small section of the river and its canalised banks between the Onslow and High Street Bridges. Though abutting the Bridge Street Conservation Area to the north, it is set very much below the substantial modern commercial buildings that intercede between it and the station site. There would be very little co-visibility between the two entities and no harm to the setting of the conservation area would result, again in accordance with paragraph 132 of the Framework and saved Policy HE10 of the GBLP.
43. The Millhead and Portsmouth Road Conservation Area to the south of the Navigation is considerably larger in extent, including the valley floor and the rising ground to the west. Encompassing the river and the navigational infrastructure of the commercial waterway, it offers a naturalistic and picturesque context away from the bustle of the new and old town.
44. The proposals would be framed by the existing buildings along Bury Street, occluding the open sky between. However, the profile of the new structure sits

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<sup>14</sup> CD B8 Addendum views 22-23 Appendix 8 Supplementary Environmental Statement.

below the parapets of both opposing structures and appears subservient in this view. Similarly, views of the proposed development from the High Street Bridge are almost completely obscured by the existing modern development and no material effect to the setting of the conservation area would result. No conflict with paragraph 132 of the Framework or saved Policy HE10 would therefore arise.

45. Deeper within the Millhead conservation area there are views back along the river, most specifically from the pedestrian bridge, where people can take in the prospect of the town, including the imposing edifice of St Nicolas Church (a Grade II\* listed building) standing on the western abutment of High Street Bridge. The proposed development would be visible to the west of the tower above the ridge of the chancel roof. The sky-take here at first glance seems considerable until it is realised that it is difficult to differentiate the oxidised lead or zinc of the roof cladding with the tone of the sky above; once this is understood the actual loss of space around the tower is considerably reduced. Moreover, the element of the development seen here is A1 Block with its pale brick and upper open-work fenestration. This would be a very light visual touch on the context of the tower and would not amount to harm to either the setting of the Grade II\* listed building or to the wider townscape context. No conflict with either the expectations of the Act, paragraph 132 of the Framework or saved Policy HE4 of the GBLP (which seeks to safeguard the setting of listed buildings) would therefore result.

*Effect on the character and appearance of surrounding townscape*

46. A good deal of the Council's concerns relating to the effect of the development on the surrounding townscape, including the suggested 'monolithic' form of the building and its 'unrelieved mass' have been addressed above in respect of the setting of the Cathedral and roof garden. The GS affirms that most of the points on design and on heritage assets they wished to make were consistent with those made by the Council. They do however go further in their criticisms of the scheme in relation to the town of Guildford, using reasoned, though at other times passionate and provocative language to describe the development as the 'Great Wall of Guildford' or a 'monster'. These epithets are also accompanied by a range of comparative examples to emphasise the point; there is an interesting discourse on the comparative city block proportions in a number of global conurbations, including New York, as well as street frontages closer to home in London, in relation to the development proposed.

47. Whilst interesting in themselves, such approaches, shorn of context (or in the case of Manhattan, the corresponding block heights) do not meaningfully help the decision-maker to reach a conclusion in respect of these particular proposals. As has been stated earlier, the linear nature of the site, its infrastructure and policy-led use requirements will, to a significant degree, determine that any redevelopment of this site will necessitate a structure or structures of some substance. This is acknowledged also in respect of The Billings when viewed from Onslow Road; any new development will almost certainly be seen above it.

48. Rather than abstract notions of city block length, it is necessary to understand how the proposals will visually engage with their context. For this to be successfully achieved in design terms this does not necessarily mean it has to 'fit-in' or replicate existing patterns and styles of architecture. Indeed, such an

approach can rapidly lead into error, especially in relation to a site like the station which, by the fairest of interpretations, the westerly context is a desultory, incoherent nowhere-place.

49. When the proposed development is properly considered in the context it will be perceived (as best we can from the visual and three-dimensional material before us) it is self-evident the development does not constitute a 'wall' but is a vigorously articulated group of architectural components set in different heights and planes to one and other. The residential blocks to the north are more assertively articulated with set-backs and staggered roof lines, further softening their form. The whole is variegated by the application of a mix of materials that picks up the variety of the site's townscape context.
50. At the same time however, the proposals, in the wider townscape context, are still indeed clearly discernible as something other from those that surround it. This however, is no bad thing in itself. As the South East Regional Design Panel (SERDP) point out in their letter 'the station is the driving ambition and opportunity to deliver the future success of the town. It must be conceived in its urban design as the key component of the development'<sup>15</sup>. Here, in pure design terms, and in the key view from the Castle Motte, the new station building, with its luminous translucent façade, achieves this visual focus, with the enablement of the strong discernible civic space that forms its context. I concur with the conclusions of SERDP that the main design moves set out here (in the final form of the development) are 'sound', and afford their views, as a key authority in the region on design matters, significant weight.
51. This broad architectural intention is further underpinned by the quality of the urban environment that would be created at a human level. The Station Plaza and coterie of symbiotic uses will create an active space framed by civic architecture expressing high quality detail, materials and finish. This would be a quantum move away from the present circumstances which offers none of these attributes or aspirations that the station, and indeed the town, have very long needed. The proposals then, whilst differing from but successfully engaging with their surroundings, respect their context, and so accord with saved Policies G5(1), G5(2) and G5(6) of the GBLP which respectively seek to safeguard the context of new development, guide scale, form and proportion and important public views and roofscape. For the same reasons, the proposals would also accord with the policies requiring good design set out in section 7 of the Framework, specifically paragraphs 63, 64, 65 and 66 thereof, which seek to raise the standard of design generally, anticipate that development proposals take opportunities to improve character and quality of an area and support the grant of planning permission for development that promotes high levels of sustainability, which it is unquestionably agreed this development is in locational terms.

## **Other matters**

*Prematurity of the proposals in relation to the emerging development plan*

52. GVG have presented a broad range of objections to the proposals, a number of which are consistent with those expressed by GS and GBC for example in relation to design and the extent of transport and other benefits presented. Their main concern however is that the grant of planning permission for these

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<sup>15</sup> CD B10.

proposals would be premature in relation to the examination and testing of the emerging new development plan, the GBPSLP. This is largely predicated on a significant conflict with key proposals in the GVG town centre masterplan that has been developed by the group through local input and consultation and which they intend to present to the Examining Inspector at the upcoming examination of the GBPSLP with the hope of their incorporation into the plan. At the heart of the GVG plan is a new bridge crossing the railway and river that will, they suggest, significantly shift the main flow of traffic to the north of the existing gyratory, unlocking further opportunities for transport improvements (including line capacity at the station) and public realm improvements.

53. There is much to commend the GVG approach, both in exploring legitimate aspirational objectives for the town centre and as a vehicle for engaging local people in the strategic planning process. The real challenge for such local initiatives however, is to secure the buy-in of the local decision-making authorities and key infrastructure stakeholders, in this case Network Rail (NR), Surrey County Council (SCC) as highway authority, and crucially, GBC as the development management decision-maker and plan-maker. For all its merits however, the GVG plan does not, in the crucial respect of the strategic new bridge, have the active support of any of these key players. Indeed, despite the view of GVG that the plan will get a hearing at the upcoming local plan examination (and I have no reason to believe it will not) it will do so not having been supported or included in the draft plan by any of the key participants in the plan-making process, most significantly GBC, the author of it.
54. This decision is not the forum for a pre-run of the local plan examination, and I am mindful not in any way to fetter the Inspector's thinking on the soundness or otherwise of the plan. However, guidance set out in Planning Practice Guidance (PPG) on the prematurity of development is clear that where specific development proposals would undermine the plan-making process by predetermining decisions on development 'central to the emerging local plan', and that plan is at an advanced stage, a case for prematurity may be made. However, despite a very lengthy gestation (and no doubt consideration of the GVG plan) and extensive public consultation, the emerging GBPSLP contains no specific policies with regard to the GVG bridge and related highway works that would be undermined by this proposal.
55. Moreover, whilst there may be disagreement as to whether the current development proposals comply with emerging development plan policies in respect of design and heritage assets, there is no suggestion they compromise the delivery of other aspects of the plan in strategic planning terms. In short therefore, there is no support for the prematurity argument from any of the key participants in the plan-making process and most significantly from GBC.
56. In this key regard therefore I am only able to afford such a prematurity argument very limited weight. Whilst this may come as a disappointment to GVG, they may still carry their case for the wider plan to the GBPSLP examinations, and all the work of the wider plan seeking other improvements may still be invested in other town centre master planning initiatives as they come forward in the future.

*Access for all*

57. GAP raised a number of concerns in relation to the proposal, including a lack of separation between cyclists and pedestrians in the public spaces, the limited

provision of taxi spaces in proximity to the station entrance and the absence of cover in the event of inclement weather, the absence of measure to deter or control anti-social behaviour in the public spaces, apparent lack of access to the greater station beyond the new ticket hall, doubts over the accessibility of the residential units for disabled people, concern over the limited provision of affordable homes and car parking spaces and the apparent lack of a controlled crossing from Walnut Tree Bridge to the site.

58. A number of these points, such as the question over weather protection at the taxi ranks and lift access to the residential units, can be resolved through the interrogation of the detail of the proposal. Detailed drawings indicate the taxi ranks will have covered waiting areas with spaces between each one to facilitate access. Whilst the shortest appropriately graded route from the taxi rank has been offered, this will be at a greater distance than that offered at the current station. However, in other respects access will be enhanced. The ramp from Walnut Tree Close is not to currently agreed grade and the extensive reordering of the fore court area here, with the provision of a lift to enhance direct access, will offer a significant improvement in this approach to the station<sup>16</sup>. The appellant also makes clear that the station forecourt will not be a shared surface as such and cyclists and pedestrians will be filtered through way-marking to anticipated destinations and routes. Moreover, concerns over disabled parking provision and access to the station have been resolved through specific derogation agreement from the Department of Transport and there is sufficient flexibility in the management of the car parking stock to allow increased disabled parking provision if greater demand is identified.

59. It is the case that taxi users, including those with disabilities, will have to walk further to the new station than at present. However, this is as much if not more the result of the opportunistic use of the otherwise presently redundant bus bays than any form of formal provision. In any event, in other respects access for all people to the station will be materially improved, especially from the Walnut Tree Close direction. Whilst no crossing of the road at this point is currently proposed, there is provision, based on future assessment of traffic flows, for such if proven necessary or desirable. It should also be remembered that the Council's concerns in respect of these matters were made in the context of a judgement on the extent of the benefits the scheme may bring, not on the basis of a clear and identified objection on the grounds of deficiency. No conflict with development plan policy or statute (in the context of the Equality Act) has been identified and in my view, the balance of access improvements across the development for all people outweighs the minor shortfalls.

*Future provision for the expansion of the railway station*

60. Both GVG and GS express concerns that the proposals would compromise the future expansion of the railway station through precluding an additional platform. To this end GVG presented evidence indicating that the application to dispose of the land by NR to the Office for Rail and Road (ORR) had been withdrawn in 2015. NR however has advised that significant further work on route planning and expansion has been undertaken such that there will be no future objection from ORR to the land transfer in respect of Guildford Station. The appellant has stated that the development may proceed without prejudice to the possible future expansion of the station and this position is supported by

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<sup>16</sup> Provision for a pedestrian lift is secured through condition, with the justification set out in paragraph 87 below.

NR in its capacity as rail network manager. I am therefore satisfied on the basis of the evidence before me that this is indeed the case and no substantive objection to the proposals can be sustained on these grounds.

*Taxis and cycle provision*

61. I acknowledge the concerns expressed in relation to taxi-tank provision and the apparent constraints on the system proposed. However, this appears partly based on the anticipated loss of the current arrangement relied significantly on the use of the currently redundant bus bays to accommodate taxi provision. Whilst there may be some constraints in the approach proposed, these are not insuperable as self-regulating taxi service provision demonstrates in other circumstances and, once again, there is no formal planning objection based on the arrangement proposed either from GBC or SCC.

62. From a cyclist's perspective I can also understand the frustration that the development proposed does not do more to resolve some of the wider structural barriers (most obviously evident in the notorious gyratory of the bridge crossings in Guildford) to increased cycle use and safety. However, the scheme nevertheless does offer improvements to town centre connectivity for cyclists and the storage of bikes at the redeveloped site. Whilst not enough for some, such an approach is supported by SCC and there are no planning objections on grounds of inadequate cycle network provision put forward or defended by GBC. On the basis of the evidence I heard at the Inquiry, I have no substantive basis to disagree with either of their conclusions.

*Transport, housing and other infrastructure issues*

63. GS assert that the development proposal will lead to a worsening of infrastructure constraints in the town, threaten the viability of other development in west Guildford and impair GBC's ability to deliver its new local plan. It may be the case that Guildford has had to wait some time for a tangible improvement to the station area and its associated transport infrastructure seen as central to improving the local road network. Indeed, it may also be the case that these proposals will not deliver the wider strategic improvements aspired to by the GS and GVG. But on the evidence before the Inquiry it is not right to say that the delivery of future transport infrastructure, including additional platform capacity at the station nor the Sustainable Movement Corridor identified in the GBPSLP, will be compromised by these proposals. This is not the case, and there are no objections to it from NR, SCC or GBC, the local planning authority, on these grounds.

64. Nor is it correct to suggest that no or negligible benefits would result from the development. The passenger experience of using the station would be significantly and demonstrably improved and the Station Plaza and its connection to the town centre would be very significantly better than that which exists at present. Whilst it is right that increased housing provision should not be accepted at unreasonable costs to the environment, there can be no doubt, as agreed by both parties, of the acute need for market and affordable housing in the Guildford area. I have not identified any material conflict with development plan policy or statute in respect of the character and appearance of the area or setting of designated heritage assets. However, it is right to acknowledge that this development will bring forward a significant number of new homes, some within the next five year planning cycle. This will mean homes for people in the town where they may not otherwise have been

available. Although the number of these defined as affordable will be less than development plan policy anticipates, this is justified by the independent assessment of the appellant's viability assessment commissioned by the Council, and remains a positive contribution nevertheless. Moreover, these new homes will be in a highly accessible location, one of the key incentives to encourage residents to use modes of transport other than the motorcar, thus incrementally supporting the aims of GS and GVG, as well as GBC, to achieve modal shifts in transport choices.

65. Whilst not necessary to justify the development in terms of policy conflict, it is right to acknowledge the proposed development will bring forward a plan-led mixed use development with a range of socio-economic benefits, an outcome the planning system should aim to facilitate.

### **Section 106 matters**

66. It is agreed that the site lies within the 400m to 5K zone of the TBHSPA. In accordance with the TBHSPA Avoidance Strategy Supplementary Planning Document 2017 (TBHSPAASSPD) provision should therefore be made to avoid any significant adverse effects on the designated European site. The first schedule of the section 106 agreement requires that phased payment be made to GBC for the purposes of upgrading an area of SANG within the borough. Further payments are also facilitated for the future management and monitoring of the SANG through the provision of a SAMM. The TBHSPAASSPD is framed such that any such contributions must fully mitigate any threat to the site (thus rendering any development acceptable in planning terms), should be appropriately calibrated (thus being proportionate) and that it be directly related to the site (insofar that such SANG capacity is available within the borough). As such therefore these contributions accord with the Community Infrastructure Levy (CIL) Regulations (Regulation 122) and may appropriately be taken into account.

67. Saved policy H11 of the Guildford Borough Local Plan (GBLP) makes clear that development proposals should make provision for an element of affordable housing on residential sites, with 'unidentified sites' required to deliver at least 30% AH on the site. This policy also accepts that 'the final number of units to provided may vary with regard to site suitability, the need for affordable housing, and any other material planning or marketing considerations'. As agreed in the SoCG, the proposed development 'will not deliver sufficient revenue to allow for the delivery of a policy compliant level of affordable housing'. Thus the section 106 agreement makes provision for 45 shared ownership dwellings, reflecting the parameters of the viability assessment. The schedule also ensures that no more than 85% of the market dwellings are first occupied prior to the availability of the affordable units.

68. This consensus is based on a Financial Viability Statement submitted and later supplemented by an Update Appraisal by the appellant and independently reviewed by GBC's appointed Assessor. Moreover, in these circumstances, and the policy expectation, the section 106 agreement also makes appropriate provision for a review of AH delivery with particular regard to any 'overage' (the amount by which actual development profit exceeds base development profit) and the use to which that should be put.

69. In the context of the overall conclusions of the tested viability assessment, and in terms of general reasonableness, it is appropriate, and fair, that any overage



payment should amount to no more than the affordable housing policy equivalent sum requires. Moreover, in respect of the use of any such additional monies, it is also appropriate that any additional payments found to be necessary under these terms are specifically directed to the further provision of AH, and not to other infrastructure requirements. With specific regard to the terms of the relevant obligation in the section 106 agreement therefore, it is appropriate in relation to overage that paragraph 5.8.1 applies, and that in respect of its use and application, paragraph 3.1 is relied upon. With all these matters considered this obligation also conforms to the regulatory tests, and may accordingly be taken into account.

70. The agreement also facilitates a contribution of £38,714 towards highway improvements to enhance pedestrian and cycle safety and increased connectivity between the site and the town centre. These improvements, including enhancements to waymarking legibility and to the replacement of the Walnut Tree Bridge or Gyratory functionality will make the proposed development acceptable in planning terms, are proportionally calibrated and are directly related to the site. As such, they too may appropriately be taken into account.
71. The agreement also secures a financial contribution of £218,947 towards public art on the site. Such a contribution is anticipated by GBC's Planning Obligations Supplementary Planning Document and by their Public Art Strategy for Guildford. It is entirely appropriate that a scheme of this magnitude make such a contribution, rendering it acceptable in planning terms. Also being proportionately determined in light of the above, and directly related to the site, such a contribution may also be taken into account.
72. It is agreed in the SoCG that the unilateral undertaking presented in respect of the platform improvements proposed for Guildford Station, constituting off-site works, are not necessary to allow the planning permission to be granted. In other words, they may not be taken into account in the same mitigatory sense the other measures are presented as above. Neither, for the avoidance of doubt, may they be considered benefits of the scheme in any planning balance. However, it is noted that the sum of the payments are accounted for in the agreed viability appraisal and are, at the very least, thus a unilateral commitment to spending the monies at Guildford Station. This may assuage the concerns of some that these could otherwise be spent on any part of the rail franchise network.

## **Conclusions**

73. The proposals accord with statutory requirements, the policies of the development plan and with the expectations of the Framework. Moreover, a further range of potential planning harms can be fully mitigated through planning obligations properly taken into account in this decision. As such, a balancing consideration of any benefits the development may bring, as anticipated by the third main issue identified at the outset, does not arise. However, it should also be remembered that the Framework at paragraph 6 makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 reminds us that there are three dimensions to this development principle: economic, social and environmental. Paragraph 47 of the same is emphatic in its expectation that there will be a significant boost to housing supply across the country.

74. In addition to avoiding harm to heritage assets and townscape quality and other harms, this proposal offers tangible benefits to the built environment around Guildford Station. It also provides a significant amount of market housing and a lesser number of viability-calibrated affordable units, in addition to an enhanced station facility. These are very significant social benefits. The proposals also bring forward a major development site with a mix of uses that will create employment opportunities for those seeking work. These are clear economic benefits to the borough. This is therefore a form of sustainable development that the Framework supports. And, as paragraph 14 states at its third bullet point, this means approving development proposals that accord with the development plan without delay.
75. This is however a proposal that has polarised opinion. Some are shocked by it and its anticipated effects. Perhaps unavoidably, they may have the same reaction to this decision. Strong and well-presented arguments have been put before the Inquiry in support of these views and they rightly merit the fullest consideration. However, as my reasoning demonstrates, a different, structured conclusion can be arrived at, aided by the input of key expertise in the field from HE and SERDP, the opinions of both I have given significant weight.
76. For all these reasons therefore, and having carefully considered all the matters raised in evidence and at the Inquiry, I conclude the appeal should be allowed.

### **Conditions**

77. The appeal being allowed, the following conditions are attached. The detailed assessment of the phased delivery of the development presented by the appellant, relies on the almost immediate fulfilment of prior commencement conditions in order that expectations are met. This is especially relevant to the delivery of housing units within the first cycle of five year housing supply. It is therefore appropriate in this context, and the advice set out in paragraph 027 Reference ID: 21a-027-20140306 of the PPG, which suggests consideration of a reduced commencement date to assist development delivery, that the standard commencement period of three years be reduced to two.
78. A condition is also attached requiring that the development be carried out in accordance with the plans hereby approved (as set out in the detailed schedule in the SoCG) to afford certainty in the development process. Moreover, and in light of the two above conditions, it is also necessary that a further condition is attached requiring the development be carried out in accordance with specific site construction phasing plans already submitted with the appeal.
79. In order that the proposed development truly delivers on the design and finish quality offered in the application, conditions are necessary to secure details of materials (including sample panels), details of all balconies, doors and fenestration, details of vents, flues, roof plant (including cowls and screening), lift over-runs and details of shop front and advertisement strategy, prior to the relevant phase of the development commencing.
80. Also in relation to design, given the sensitivities over the height of the development it is necessary, prior to all development taking place, for a condition to secure details of existing and proposed site levels, so that the precise datum of the proposed development may be established.

- 81.As matters of both hard and soft landscaping are closely related to design quality in this proposal a series of three conditions are necessary to secure appropriate details in this respect, materials, management, street furniture, planting programmes and boundary treatments in order to ensure the delivery of the highest quality public and private realm treatment and safeguard that quality in the future.
- 82.Also to fully safeguard and enhance the existing ecology and tree stock on the site a series of a further three conditions are necessary to secure ecological mitigation and enhancement measures and a tree protection plan for the site both during and after the construction period so that such on-site ecology may be fully safeguarded.
- 83.Similarly, a condition is also required to secure a programme of archaeological investigation undertaken to a prior-approved scheme, in order that any below ground remains on the site a fully understood and mitigated prior to development commencing.
- 84.Given the urban riverine context of the site it is also necessary that a suite of conditions (six in total) is attached both securing the proper drainage of the site, close control of any water infiltration methods and a clear understanding of the effects of the development on current water abstraction sources and any necessary mitigation so that comprehensive water management is secured across the site.
- 85.Also accounting for the scale of the development and the presence of adjacent uses a condition is required to secure details of the design and programming for the foundations and piling on the site in order that living and working conditions for adjacent occupiers are safeguarded. Again, given the extent of the site and its clear anticipated phasing, it is appropriate that these details be submitted prior to each specified phasing rather than prior to any development taking place, which may risk retarding the start date of the early phases of the work.
- 86.Because of the past history of the site as railway infrastructure and industrial transit facility a further suite of conditions (three in total) are necessary to fully address the risks associated with ground contamination. Investigative reports need to fully safeguard ground and surface water contamination during and after construction, phased verification reports are also required, as will be the need for a contingency in the event of unforeseen contamination being identified. All are necessary to fully safeguard water quality both during and after construction.
- 87.Effective delivery of the highway components of the proposal is critical to the success of the scheme; to this end a further series of conditions are required to address different elements of the package. Thus prior to the opening of the commercial units of the scheme a condition is necessary to secure full details of the station forecourt works. Such details will need to include provision for bus and taxi shelters and short term parking provision. These details shall also include the detailed design for a pedestrian lift within the forecourt area to facilitate direct and convenient access for all from the Walnut Tree Bridge approach to the station entrance.
- 88.A condition is also required to secure construction of modifications to the station forecourt area, including agreed visibility zones, to fully safeguard the safety of all station forecourt users. A similar condition is also required to secure

construction of the car park access to the residential units and car park, for the same reasons. A further condition is also necessary to secure the provision of cycle and car parking, loading/unloading and service vehicle manoeuvring space within the site, again to ensure the safety and convenience of all road and forecourt users. To complement these provisions a further condition is also necessary to secure provision of a Servicing and Delivery Management Plan, again to safeguard highway and forecourt users.

89. A condition is also necessary to secure details of the carriageway widening and modification of the Walnut Tree Close/Bridge Street Junction prior to the commencement of development. The works shall be constructed in accordance with the agreed details with an agreed timescale and no later than the occupation of the 289<sup>th</sup> dwelling. Whilst consideration has been given to an earlier commencement time (the 138<sup>th</sup> dwelling) the benefits of this earlier delivery, whilst significant phases of construction remain to be completed, is not made clear. In the absence of such a benefit, the latter trigger is considered appropriate.
90. In order to maximise and enhance sustainable travel modes conditions are also necessary to secure Residential and Station User Travel Plans and to secure legible pedestrian and cyclist waymarking schemes across the site clearly identifying linkages with the town centre and other key institutions.
91. Also given the extent, duration and complexity of construction on the site a condition is necessary to secure, prior to the commencement of development, a Construction Transport Management Plan. This should cover a wide range of site-related management issues to safeguard the safety and convenience of all road users and the living and working conditions of adjacent occupiers. For related reasons in relation to the latter a condition is also required to secure a scheme setting out the hours of construction, thus further securing the reasonable management of the site during construction.
92. Because of the proximity of the site to the operational railway it is very necessary that conditions are attached securing appropriate levels of sound insulation, especially in respect of the residential accommodation. Whilst it is right that any such condition should stipulate minimum standards of noise attenuation, associated considerations of ventilation would be covered by appropriate sections of the Building Regulations so any additional requirements secured through a further clause of the condition may be considered duplicatory. Two further conditions are also considered necessary to secure appropriate levels of noise insulation in respect of the commercial units and to ensure that any plant associated with the development be kept to agreed acceptable levels. The former being necessary to safeguard working conditions of occupiers, the latter to safeguard similar conditions and the living conditions of other occupiers within and without the development.
93. Sustainable development is at the heart of the appellant's case and it is therefore appropriate that conditions are attached that secure appropriate standards in the development and finishing of all units, with the clear intention that the approach should be to secure a reduction in carbon emissions across the development. Thus three conditions are attached to ensure the development meets the current standards of acknowledged sustainable development expectations.

94. Because the mix of planning uses across the site have been definitively agreed, a condition is necessary to ensure those uses are complied with. Similarly, it is also appropriate that a condition is attached ensuring that the retail development hereby approved does not exceed that anticipated in development plan policy, in order that the land uses anticipated by the development plan are adhered to.

*David Morgan*

**Inspector**

### **Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the following approved plans:

| <b>Drawing No.</b>            | <b>Drawing Title</b>                                 | <b>Rev</b> | <b>Scale</b> | <b>Size</b> |
|-------------------------------|------------------------------------------------------|------------|--------------|-------------|
| <b>Existing</b>               |                                                      |            |              |             |
| B20E01                        | Existing Site Elevations                             | P1         | 1:500        | A1          |
| B90P00                        | Existing Site Plan                                   | P1         | 1:500        | A1          |
| <b>Proposed Site Sections</b> |                                                      |            |              |             |
| T20S01                        | Proposed Site Sections 14 & 15                       | P4         | 1:500        | A1          |
| T20S02                        | Proposed Site Sections 01 & 16                       | P4         | 1:500        | A1          |
| T20S03                        | Proposed Site Sections 02, 03 & 04                   | P2         | 1:500        | A1          |
| T20S04                        | Proposed Site Sections 05, 07 & 08                   | P2         | 1:500        | A1          |
| T20S05                        | Proposed Site Sections 09 & 08                       | P3         | 1:500        | A1          |
| <b>Proposed Site Plans</b>    |                                                      |            |              |             |
| T20P-1                        | Proposed Lower Ground Floor Plan                     | P2         | 1:500        | A0          |
| T20P00                        | Site Plan, Proposed Ground Floor                     | P3         | 1:500        | A0          |
| T20P01                        | Site Plan, Proposed First Floor Plan                 | P2         | 1:500        | A0          |
| T20P02                        | Site Plan, Proposed Second Floor Plan                | P3         | 1:500        | A0          |
| T20P03                        | Site Plan, Proposed Third Floor                      | P2         | 1:500        | A0          |
| T20P04                        | Site Plan, Proposed Fourth Floor                     | P2         | 1:500        | A0          |
| T20P05                        | Site Plan, Proposed Fifth Floor                      | P2         | 1:500        | A0          |
| T20P06                        | Site Plan, Proposed Sixth Floor Plan                 | P2         | 1:500        | A0          |
| T20P07                        | Site Plan, Proposed Seventh Floor Plan               | P2         | 1:500        | A0          |
| T20P08                        | Site Plan, Proposed Eighth Floor                     | P3         | 1:500        | A0          |
| T20P09                        | Site Plan, Proposed Ninth Floor                      | P2         | 1:500        | A0          |
| T20P10                        | Site Plan, Proposed Tenth Floor                      | P2         | 1:500        | A0          |
| <b>Proposed Elevations</b>    |                                                      |            |              |             |
| T20E01                        | Station & Blocks A1, A2 & B, Proposed East Elevation | P2         | 1:200        | A1          |
| T20E02                        | Station & Blocks A1, A2 & B, Proposed West Elevation | P2         | 1:200        | A1          |
| T20E03                        | Blocks A1 & C, Proposed South                        | P2         | 1:200        | A1          |

| Drawin<br>g No.          | Drawing Title                                               | Rev | Scale | Size |
|--------------------------|-------------------------------------------------------------|-----|-------|------|
|                          | Elevations                                                  |     |       |      |
| T20E04                   | Blocks A2 & C, Proposed South Elevation                     | P2  | 1:200 | A1   |
| T20E05                   | Blocks A1 & A2, Proposed North Elevations                   | P2  | 1:200 | A1   |
| T20E06                   | Blocks C & B, Proposed East Elevation                       | P3  | 1:200 | A1   |
| T20E07                   | Blocks C , Proposed West & North Elevations                 | P2  | 1:200 | A1   |
| T20E08                   | MSCP & Block B , Proposed South & North Elevations          | P3  | 1:200 | A1   |
| T20E09                   | Block D, Proposed East & West Elevations                    | P3  | 1:200 | A1   |
| T20E10                   | Block D, Proposed South & North Elevations                  | P2  | 1:200 | A1   |
| T20E11                   | Block E, Proposed East & West Elevations                    | P2  | 1:200 | A1   |
| T20E12                   | Block E, Proposed South & North Elevations                  | P2  | 1:200 | A1   |
| T20E13                   | MSCP & Block B, Proposed West Elevation                     | P3  | 1:200 | A1   |
| <b>Building A1 Plans</b> |                                                             |     |       |      |
| TA120P00                 | Building A1, Ground Floor Plan                              | P2  | 1:100 | A1   |
| TA120P01                 | Building A1, 1 <sup>st</sup> Floor Plan                     | P2  | 1:100 | A1   |
| TA120P02                 | Building A1, 2 <sup>nd</sup> to 6 <sup>th</sup> Floor Plans | P3  | 1:100 | A1   |
| TA120P07                 | Building A1 7 <sup>th</sup> Floor Plan                      | P1  | 1:100 | A1   |
| TA120P08                 | Building A1, 8 <sup>th</sup> Floor Plan                     | P2  | 1:100 | A1   |
| TA120P09                 | Building A1, 9 <sup>th</sup> Floor Plan                     | P2  | 1:100 | A1   |
| TA120P10                 | Building A1, Roof Plan                                      | P2  | 1:100 | A1   |
| <b>Building A2 Plans</b> |                                                             |     |       |      |
| TA220P00                 | Building A2, Ground Floor Plan                              | P2  | 1:100 | A1   |
| TA220P01                 | Building A2, 1 <sup>st</sup> Floor Plan                     | P2  | 1:100 | A1   |
| TA220P02                 | Building A2, 2 <sup>nd</sup> Floor Plan                     | P3  | 1:100 | A1   |
| TA220P03                 | Building A2, 3 <sup>rd</sup> - 4 <sup>th</sup> Floor Plans  | P2  | 1:100 | A1   |
| TA220P05                 | Building A2, 5 <sup>th</sup> - 6 <sup>th</sup> Floor Plans  | P2  | 1:100 | A1   |
| TA220P07                 | Building A2 7 <sup>th</sup> Floor Plan                      | P1  | 1:100 | A1   |
| TA220P08                 | Building A2, 8 <sup>th</sup> Floor Plan                     | P2  | 1:100 | A1   |

| <b>Drawing No.</b>              | <b>Drawing Title</b>                                                      | <b>Rev</b> | <b>Scale</b> | <b>Size</b> |
|---------------------------------|---------------------------------------------------------------------------|------------|--------------|-------------|
| TA220P09                        | Building A2, 9 <sup>th</sup> Floor Plan                                   | P2         | 1:100        | A1          |
| <b>Building B Plans</b>         |                                                                           |            |              |             |
| TB20P00                         | Building B, Ground Floor Plan                                             | P2         | 1:100        | A1          |
| TB20P01                         | Building B, 1 <sup>st</sup> Floor Plan                                    | P2         | 1:100        | A1          |
| TB20P02                         | Building B, 2 <sup>nd</sup> - 6 <sup>th</sup> Floor Plan                  | P2         | 1:100        | A1          |
| TB20P07                         | Building B, 7 <sup>th</sup> Floor Plan                                    | P2         | 1:100        | A1          |
| TB20P08                         | Building B, 8 <sup>th</sup> Floor                                         | P2         | 1:100        | A1          |
| TB20P09                         | Building B, Roof Plan                                                     | P1         | 1:100        | A1          |
| <b>Building BC (MSCP) Plans</b> |                                                                           |            |              |             |
| TBC20P00                        | MSCP, Ground Floor Plan                                                   | P3         | 1:100        | A1          |
| TBC20P01                        | MSCP, 1 <sup>st</sup> Floor Plan                                          | P2         | 1:100        | A1          |
| TBC20P02                        | MSCP, 2 <sup>nd</sup> Floor Plan                                          | P2         | 1:100        | A1          |
| TBC20P03                        | MSCP, 3 <sup>rd</sup> Floor Plan                                          | P2         | 1:100        | A1          |
| TBC20P04                        | MSCP 4 <sup>th</sup> to 6 <sup>th</sup> Floor Plans                       | P1         | 1:100        | A1          |
| TBC20P07                        | MSCP, 7 <sup>th</sup> Floor Plan                                          | P2         | 1:100        | A1          |
| TBC20P08                        | MSCP, 8 <sup>th</sup> Floor                                               | P4         | 1:100        | A1          |
| TBC20P09                        | MSCP, 9 <sup>th</sup> Floor - Roof Plan                                   | P3         | 1:100        | A1          |
| <b>Building D Plans</b>         |                                                                           |            |              |             |
| TD120P00                        | Building D, Ground Floor Plan, Sheet 1 of 2                               | P2         | 1:100        | A1          |
| TD120P01                        | Building D, 1 <sup>st</sup> and 2 <sup>nd</sup> Floor Plans, Sheet 1 of 2 | P2         | 1:100        | A1          |
| TD120P03                        | Building D 3 <sup>rd</sup> Floor Plan Sheet 1 of 2                        | P1         | 1:100        | A1          |
| TD120P04                        | Building D, 4 <sup>th</sup> Floor Plan, Sheet 1 of 2                      | P2         | 1:100        | A1          |
| TD120P05                        | Building D, 5 <sup>th</sup> Floor Plan, Sheet 1 of 2                      | P2         | 1:100        | A1          |
| TD120P06                        | Building D, 6 <sup>th</sup> Floor Plan, Sheet 1 of 2                      | P2         | 1:100        | A1          |
| TD120P07                        | Building D, 7 <sup>th</sup> Floor Plan, Sheet 1 of 2                      | P2         | 1:100        | A1          |
| TD120P08                        | Building D, 8 <sup>th</sup> Floor Plan, Sheet 1 of 2                      | P2         | 1:100        | A1          |
| TD220P00                        | Building D, Ground Floor Plan, Sheet 2 of 2                               | P2         | 1:100        | A1          |
| TD220P01                        | Building D, 1 <sup>st</sup> and 2 <sup>nd</sup> Floor Plan, Sheet 2 of 2  | P2         | 1:100        | A1          |
| TD220P03                        | Building D 3 <sup>rd</sup> Floor Plan, Sheet 2 of 2                       | P1         | 1:100        | A1          |

| <b>Drawin<br/>g No.</b>               | <b>Drawing Title</b>                                                                 | <b>Rev</b> | <b>Scale</b>  | <b>Size</b> |
|---------------------------------------|--------------------------------------------------------------------------------------|------------|---------------|-------------|
| TD220P04                              | Building D, 4 <sup>th</sup> Floor Plan, Sheet 2 of 2                                 | P2         | 1:100         | A1          |
| TD220P05                              | Building D, 5 <sup>th</sup> Floor Plan, Sheet 2 of 2                                 | P2         | 1:100         | A1          |
| TD220P06                              | Building D, 6 <sup>th</sup> Floor Plan, Sheet 2 of 2                                 | P2         | 1:100         | A1          |
| TD220P07                              | Building D, 7 <sup>th</sup> Floor Plan, Sheet 2 of 2                                 | P2         | 1:100         | A1          |
| TD220P08                              | Building D, Roof Plan, Sheet 2 of 2                                                  | P2         | 1:100         | A1          |
| <b>Building E Plans</b>               |                                                                                      |            |               |             |
| TE20P00                               | Building E , Ground Floor Plan                                                       | P2         | 1:100         | A1          |
| TE20P01                               | Building E , 1 <sup>st</sup> Floor Plan                                              | P2         | 1:100         | A1          |
| TE20P03                               | Building E, 3 <sup>rd</sup> Floor Plan                                               | P1         | 1:100         | A1          |
| TE20P04                               | Building E , 4 <sup>th</sup> Floor Plan                                              | P2         | 1:100         | A1          |
| TE20P05                               | Building E , 5 <sup>th</sup> Floor Plan                                              | P2         | 1:100         | A1          |
| TE20P06                               | Building E , 6 <sup>th</sup> Floor Plan                                              | P2         | 1:100         | A1          |
| TE20P07                               | Building E , 7 <sup>th</sup> Floor Plan                                              | P2         | 1:100         | A1          |
| TE20P08                               | Building E , Roof Plan                                                               | P2         | 1:100         | A1          |
| <b>Station Plans &amp; Elevations</b> |                                                                                      |            |               |             |
| A-613-PL-061                          | Proposed Station Ground Floor                                                        | P2         | 1:100         | A1          |
| A-613-PL-062                          | Proposed Station Mezzanine and 1 <sup>st</sup> , 2 <sup>nd</sup> levels              | P2         | 1:100         | A1          |
| A-613-PL-063                          | Proposed Station 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> and Roof levels | P2         | 1:100         | A1          |
| A-613-PL-070                          | Proposed Station and Office GA Sections                                              | P3         | 1:100 / 1:200 | A1          |
| A-613-PL-071                          | Proposed Station and Office East and West Elevations                                 | P2         | 1:100 / 1:200 | A1          |
| A-613-PL-072                          | Proposed Station and Office Platform Elevations                                      | P2         |               | A1          |
| A_613-PL-090                          | Proposed Station Square Plan                                                         | P2         | 1:200         | A1          |
| A_613-PL-091                          | Proposed Station Square Sections BB & CC                                             | P2         | 1:200         | A1          |
| A_613-PL-092                          | Proposed Station Square Section Elevation AA                                         | P2         | 1:200         | A1          |

3. The development hereby approved shall be erected in accordance with the phasing plans 30097\_GFD-ST\_PHAS-01-01 to 30097\_GFD-ST\_PHAS-01-12 (inclusive (all Rev 00)).
4. Before the commencement of the relevant phase of the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works) details and samples of the proposed external surface materials of the buildings including colour and finish 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 and samples.

5. Before the commencement of the relevant phase of the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works) sample panels of all proposed external wall finishes, of not less than 1 metre square, showing proposed brick, brick bond, pointing and / or paint finish, shall be constructed on site, inspected 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 phase of the development for comparison. The development shall only be carried out in accordance with the approved sample panel(s).
6. Before the commencement of the relevant phase of the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works) details of the design, construction and material of the balconies, Juliet balconies, windows and doors (to include the depth of reveal, method of opening, details of head and side casing and cills) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be at a scale of not less than 1:20 and sample elevations and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall only be carried out in accordance with the approved details.
7. Before the commencement of the relevant phase of the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works) details and drawings of all proposed vents, flues, downpipes, satellite dishes, all roof plant and machinery, lift over-runs shall 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.
8. No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
9. Notwithstanding the Advertisement Regulations, before the commencement of the relevant phase of the development hereby approved, a Shopfront and Advertisement Strategy shall be submitted to and agreed in writing by the Local Planning Authority. This shall include drawings of the detailed external design of the shopfronts and advertisements across the site. The development shall only be carried out in full accordance with the agreed details.
10. Before the commencement of the development hereby approved (excluding operations including site preparation, demolition, excavation and enabling works), full details of both the hard and soft landscape proposals to include a schedule of landscape maintenance for a minimum period of 10 years, samples and of any hardstanding materials and details of any street furniture, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the installation of the landscaping shall be phased across the site. The approved landscape scheme (with the exception

of planting, seeding and turfing) shall be implemented in accordance with the agreed phasing arrangements.

11. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first occupation of the relevant phase of the development. Any trees or plants which, within a period of 10 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 season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.
12. Before the commencement of the relevant phase of the development (excluding operations including site preparation, demolition, excavation and enabling works), details of the external and internal boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the relevant phase of development. The approved scheme shall be maintained in perpetuity.
13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The approved details shall be implemented in accordance with the approved scheme and its phasing.
14. Before the development hereby approved is commenced, an Ecological Enhancement and Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in accordance with timescales to be agreed in writing by the Local Planning Authority and retained in perpetuity.
15. The development hereby approved shall only be carried out in accordance with the mitigation measures detailed in Section 4 of the Wardell Armstrong ecological appraisal assessment as provided at Appendix 14 of the Supplementary Environmental Statement. Unless otherwise agreed in writing by the Local Planning Authority, the above identified mitigation measures shall be retained in perpetuity.
16. The development hereby approved shall not commence until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or any later revised standard) has been submitted to and approved in writing by the Local Planning Authority. The Statement and Plan shall include details of the phasing of the implementation of the protection measures. The development 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 fencing has been erected in accordance with the Tree Protection Plan. Within any areas fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority. The fencing shall be maintained in accordance

with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

17. The development hereby approved shall not commence until details of the design of a Surface Water Drainage Scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
  - a) Detailed drawings of all the SuDS / drainage elements and layout;
  - b) Finalised drainage calculations showing that all storm events up to the 1 in 30 year storm event are contained within the drainage system and that the 1 in 100 year + CC storm event is suitably managed on site; Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to avoiding risks to people and property
  - c) Details of construction phasing, i.e. how drainage will be dealt with during works including pollution prevention
  - d) Details of the required maintenance regime for the suds elements and who will be responsible for maintenance

No discharge of foul or surface water from the site shall be accepted into the public system until the approved drainage works have been completed in full.

18. Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System, relevant to that phase, has been constructed as per the agreed scheme.
19. Prior to the first occupation of each phase of the development, details of the proposed maintenance regimes for each of the SuDS elements shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed and maintained in accordance with the agreed details.
20. No infiltration drainage shall take place within the site unless otherwise agreed in writing by the Local Planning Authority. Where infiltration drainage techniques / methods are approved, it shall be clearly demonstrated that there will be no adverse impact on surface or ground water quality. The development shall only be constructed and maintained in accordance with the agreed details.
21. The development hereby approved should not be commenced until Impact Studies of the existing water supply infrastructure have been submitted to, and approved in writing by the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The development shall only be carried out in full accordance with the agreed details.
22. The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority, of how the developer intends to ensure the water abstraction source is not

detrimentally affected by the proposed development both during and after its construction.

23. Prior to the commencement of the relevant phase of the development hereby approved, details regarding the foundation / piling design shall be submitted to and agreed in writing by the Local Planning Authority. This shall include:
1. the methods to be used
  2. the depths of the various structures involved
  3. the geological strata upon which each type of structure will be founded
  4. the density of piling if used
  5. details of materials to be removed or imported to site
  6. a foundation and piling risk assessment to assess and address the risks associated with water quality

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

24. The development hereby approved shall not commence until a scheme to further assess and address the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of:
1. A site investigation scheme, based on chapter H of the submitted Environmental Statement to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This must assess both the risks to groundwater and surface water quality during the construction phases and post-development phase.
  2. The results of the site investigation and detailed risk assessment referred to in element 1 (above) 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.
  3. 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 element 2 (above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  4. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
25. Prior to the occupation of each phase of the development hereby approved, a verification report demonstrating 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. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified

in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

26. If, during development of each relevant phase, contamination not previously identified is found to be present at the site then no further development of that phase (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.
27. The retail and commercial units hereby approved shall not be first opened for trading until the proposed Station Plaza works to include the provision of a pedestrian lift have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size, design and location of the proposed bus and taxi shelters, the type design and location of the short term cycle parking and the detailed designs for the pedestrian lift. The development shall only be constructed in accordance with the agreed details which shall be maintained thereafter.
28. The proposed modifications to the vehicle accesses serving the Station Forecourt shall be constructed in accordance with the approved plan MBSK151127-1A and in compliance with a timescale to be agreed with the Local Planning Authority. Such accesses shall be provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
29. Prior to the first use of the new station concourse or the first occupation of any dwelling the vehicle access serving the proposed car park and residential development shall be constructed in accordance with the approved plan MBSK151127-1A and shall be provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
30. Prior to the commencement of development (excluding operations including site preparation, demolition, excavation and enabling works) a scheme for the proposed carriageway widening of Walnut Tree Close including the modification to the junction of Walnut Tree Close/Bridge Street, all as broadly indicated on plan MBSK151127-1A shall be constructed in compliance with a timescale to be agreed in writing by the Local Planning Authority and no later than the occupation of 289 dwellings. Such works shall be constructed wholly at the applicant's expense in accordance with the technical and road safety audit requirements of the Highway Authority (and shall include a road pedestrian crossing or what measures are required by the road safety audit).
31. Prior to commencement of development the proposed Residential Travel Plan and Station (staff and user, including retail and office use) Travel Plans forming part of the application shall be submitted to and agreed with the Local

Planning Authority in accordance with the requirements of the County Highway Authority. The Travel Plans shall include the measures and requirements set out in the consultation response of the County Highway Authority dated 11 December 2014.

32. Before the first occupation of the development hereby approved, a pedestrian and cycle waymarking improvement scheme within the site shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall include a map, and pedestrian and cycle finger posts, to identify routes, journey times and distances to and from the immediate vicinity of the site and details of the phasing and installation of these measures. The approved scheme shall be installed in accordance with the approved details and kept in place thereafter.
33. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for the relevant phase for (i) vehicles / cycles to be parked; (ii) for the loading and unloading of vehicles and; (iii) for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter, the parking, loading and unloading and turning area(s) shall be retained and maintained for their designated purpose(s).
34. No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) delivery, loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the highway and a commitment to make good any damage identified by the before and after construction surveys
  - (j) On-site turning for construction vehicles
  - (k) the phasing of the implementation of points (a) to (j) above

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

35. Before the occupation of the retail and commercial units hereby approved, a Servicing and Delivery Management Plan 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.
36. Prior to commencement of the development, a scheme setting out the hours of construction shall be submitted to and agreed in writing by the Local Planning Authority. The works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall be carried out in accordance with the agreed scheme.

37. Prior to the first occupation of any of the dwellings hereby approved a scheme showing how the occupants will be protected from noise emanating from the nearby commercial operation and railway operation shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
38. Before the first use commences, the retail units should be insulated in accordance with a scheme submitted to and agreed in writing by the Local Planning Authority. Such a scheme should take into account the operational noise levels allowed for the units.
39. The level of noise emitted by all fixed plant on the site shall not exceed a rating level of 5 dB below the minimum background noise level LA90,5 minutes at the nearest noise sensitive premises or representative measurement position. The noise levels shall be determined at the nearest existing noise sensitive properties to the development. The measurements and assessment shall be made according to BS4142:1997.
40. Prior to first occupation of each of the non-residential parts of the Development buildings hereby approved, a BREEAM Final (Post-Construction) Certificate, issued by the BRE (or equivalent authorising body), must be submitted to the Local Planning Authority and approved in writing to demonstrate that a Very Good rating has been achieved for each non-residential building, unless otherwise agreed in writing, for the non-residential part of the development. All the measures integrated shall be retained for as long as the development is in existence.
41. The residential units of the development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department and agreed in writing to demonstrate that this condition has been met, unless otherwise agreed in writing by the Local Planning Authority.
42. The energy efficiency and carbon emission reduction measures as detailed in the submitted Energy Statement (prepared by Hurley Palmer Flatt, Reference WED04596R and dated September 2014 and October 2015) shall be implemented in full in each phase area prior to the first occupation of each phase of the development and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
43. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order, the units hereby approved for A1, A2, A3 and D2 purposes shall only to be used for these uses and no other purpose.
44. No A1 retail unit in the development shall exceed 850 square metres (GIA) in floorspace.





## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Morag Ellis QC and  
Mrs Anabelle Graham-Paul of  
Counsel

They called

Mr Richard Coleman Dip Arch (Cant) ARB RIBA RIAI

Mr Joe Ellis CEng MICE MCIHT

Mr Kevin Goodwin BA TP MRTPI

### FOR THE APPELLANT:

Mr Russell Harris QC

He called

Dr Christopher Miele BA MA PHD IHBC MRTPI

Mr Euan MacGillivray ARB RIBA RIAI

Mr Steven Butterworth BA TP MA MRTPI

Mr Ian Campbell Mitchell BSc MSc MCILT

### INTERESTED PERSONS:

Ms Gemma Roulston -  
Guildford Access Group (GAP)  
& Surrey Coalition of Disabled  
People (SCDP)

Mrs Diana Lockyer-Nibbs -  
GAP & SCDP

Mr Douglas Clare - cycling  
improvements

Mr John Rigg, Guildford Vision  
Group (GVG)

Mr Julian Lyon, Chair The  
Guildford Society (GS)

Mr Robert Benjafield -  
Resident

### **Documents submitted at the Inquiry**

1. Appearances for the Appellant
2. Draft Statement of Common Ground (SoCG)
3. Submissions by the Guildford Society (GS)
4. Appendices GS
5. Prof of evidence J Lyon GS
6. Further appendices GS
7. Submissions Guildford Vision Group including plan document (GVG)
8. Appendices GVG
9. Night skyline view Guildford Borough Council (GBC)
10. Townscape sketch amendment GBC
11. Google collection of photographs GBC
12. Opening submissions- Appellant
13. Opening submissions GBC
14. Appearances GBC
15. Statement Mr Benjafield
16. Additional submissions GVG
17. Swept path analysis Appellant
18. Employment generation estimates Appellant
19. Signed SoCG Appellant
20. Draft unilateral undertaking Appellant
21. Draft conditions Council
22. Aerial photographs of station/river Appellant
23. Red line extract – GS
24. Station survey extract GS
25. Design panel document Appellant
26. Technical note in response to GAP submissions
27. Proposals extracts GS
28. Guildford Town Centre Transport Package document GVG
29. Letter Office of Rail and Road – GVG
30. Network Rail response to above Appellant
31. Closing submissions GBC
32. Bedford case (CO/9953/2012) GBC
33. Mordue case (C1/2015/1067) GBC
34. Closing submissions Appellant
35. Section 106 explanatory note
36. Signed and dated section 106 Agreement and unilateral undertaking