



Appeal Decision

Hearing Held on 11 October 2018

Site visit made on 11 October 2018

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 9 November 2018

Appeal Ref: APP/Y3615/W/18/3195333

Land at Guildford College Stoke Park Campus, Stoke Road, Guildford GU1 1EZ

- 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 Stone Grove Stoke Park Limited against the decision of Guildford Borough Council.
 - The application Ref 17/P/00509, dated 3 March 2017, was refused by notice dated 3 November 2017.
 - The development proposed was demolition of existing buildings and redevelopment to provide purpose built student accommodation with 553 bedspaces, 149 sq m D1 floorspace, 969 sq m of student amenity space including a gym and student hub and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to provide purpose built student accommodation with 527 bedspaces, 210 sq m D1 floorspace, 1030 sq m of student amenity space, 17 car parking spaces (13 permanent and 4 temporary), 316 cycle parking spaces and associated works at Guildford College Stoke Park Campus, Stoke Road, Guildford GU1 1EZ in accordance with the terms of the application, Ref 17/P/00509, dated 3 March 2017 as subsequently amended, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GSA-HLM-V1-00-DR-A-00002 revision P2, GSA-HLM-V1-00-DR-A-00010 revision P2, GSA-HLM-V1-00-DR-A-00011 revision P2, GSA-HLM-V1-00-DR-A-00012 revision P2, GSA-HLM-V1-00-DR-A-00013 revision P2, GSA-HLM-V1-00-DR-A-00101 revision P5, GSA-HLM-V1-00-DR-A-00211 revision P3, GSA-HLM-V1-00-DR-A-00212 revision P3, GSA-HLM-V1-00-DR-A-00310 revision P2, GSA-HLM-V1-00-DR-A-00311 revision P2, GSA-HLM-V1-00-DR-A-00312 revision P2, GSA-HLM-V1-00-DR-A-00320 revision P4, GSA-HLM-V1-00-DR-A-00321 revision P4, GSA-HLM-V1-00-DR-A-00501 revision P6, GSA-HLM-V1-00-DR-A-15001 revision P2, GSA-HLM-V1-01-DR-A-00101 revision P5, GSA-HLM-V1-01-DR-A-00501 revision P6, GSA-HLM-V1-02-DR-A-00101 revision P5, GSA-HLM-V1-03-DR-A-00101 revision P5, GSA-HLM-

V1-04-DR-A-00101 revision P5, GSA-HLM-V1-05-DR-A-00101 revision P5, GSA-HLM-V1-06-DR-A-00101 revision P5, GSA-HLM-V1-XX-DR-A-00201 revision P5, GSA-HLM-V1-XX-DR-A-00202 revision P5, GSA-HLM-V1-XX-DR-A-00203 revision P4, GSA-HLM-V1-XX-DR-A-00204 revision P4, GSA-HLM-V1-XX-DR-A-00301 revision P5, GSA-HLM-V1-XX-DR-A-00302 revision P5, GSA-HLM-V1-XX-DR-A-00303 revision P5, GSA-HLM-V1-XX-DR-A-00304 revision P4, GSA-HLM-V1-XX-DR-A-00305 revision P3, GSA-HLM-V1-XX-DR-A-00306 revision P1, 00307, GSA-HLM-XX-XX-DR-A-00001 revision P2, DMWR/A/1/3370-A-SK-010 revision A and Tree Protection Plan 9290/02 revision B.

- 3) No development shall take place (except for site clearance and demolition) until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be retained operational thereafter.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No demolition/development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Scheme.
- 6) No site clearance, preparatory work or development shall take place until the scheme for the protection of the retained trees indicated on drawing 9290/02 revision B (the tree protection plan) has been implemented in accordance with the recommendations of the submitted Tree Report Stage B by Ian Keen dated 20 June 2017. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within

- those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 7) No development above ground level (with the exception of demolition, site clearance and ground works) shall take place until details (to a scale of at least 1:20) of window and door plans, elevations, sections, reveals, colour, texture and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 8) No development above ground level (with the exception of demolition, site clearance and ground works) shall take place until sample panels not less than one metre square of all new facing brickwork and reveals showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.
 - 9) No development above ground level (with the exception of demolition, site clearance and ground works) shall take place until details of all equipment including rainwater goods proposed to be affixed to the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and no additional plant, rainwater goods, aerials, flues or other items shall be fixed to the buildings.
 - 10) The development shall be carried out and retained thereafter in accordance with the recommendations contained in section 5 of the Preliminary Ecological Appraisal by Simlaw Ecology reference SE1617-461 dated 21 February 2017.
 - 11) The development shall be carried out and retained thereafter in accordance with the recommendations contained in the Energy and Sustainability Assessment prepared by Eight Associates dated 1 March 2017
 - 12) The development shall be carried out and retained thereafter in accordance with the recommendations contained in paragraph 5.6 of the Environmental Site Assessment Phase 1 submitted by SLR dated February 2017.
 - 13) The development hereby permitted shall be constructed to 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). No part of the development shall be occupied until the local planning authority has been provided with a copy of the wholesome water consumption notice described at regulation 37(1) of the Building Regulations 2010 (as amended).
 - 14) Prior to first occupation of any part of the development, both the site and the land to the north-west of the site shown on drawing number 3370-A-SK-012 shall be landscaped (with the exception of planting, seeding and turfing which shall be carried out no later than the first planting season following first occupation) and provided with external lighting in accordance with a scheme of both hard and soft landscape works,

boundary treatments and means of enclosure and external lighting previously submitted to and approved in writing by the local planning authority. The completed scheme shall be retained for ten years in accordance with an approved scheme of management and/or maintenance previously submitted to and approved in writing by the local planning authority.

- 15) No part of the development shall be occupied until the works to Lido Road indicated on drawing ITB14029-GA-006 have been constructed in accordance with the drawing and until 17 parking spaces have been laid out and subsequently retained for their intended purpose in accordance with approved drawing DMWR/A/1/3370-A-SK-010 revision A and until secure parking for bicycles has been provided and subsequently retained for its intended purpose in accordance with approved drawing GSA-HLM-V1-00-DR-A-00101-P5.
- 16) No relevant part of the development shall be occupied until the mitigation measures to protect the proposed student units from the effects of external noise recommended in the Environmental Noise Assessment report by SLR, reference 418.06763.00001 dated February 2017 have been installed and kept operational thereafter.
- 17) The Travel Plan to be approved in accordance with the submitted s106 Agreement shall be implemented upon the first and each succeeding occupation of the development. The development shall be implemented and carried on in accordance with the approved Travel Plan.
- 18) The development shall be implemented and carried on in accordance with the updated Student Housing Management Plan submitted as Appendix 36 to the Statement of Common Ground between Stone Grove Stoke Park Limited and Guildford Borough Council dated October 2018 and the Future Generation Tenancy Agreement submitted as Appendix 10 to the Planning Evidence by Will Edmonds of Montagu Evans dated January 2018.
- 19) The 210 sq m of non-residential educational use (Class D1 Use) hereby approved shall be retained and used for no other purpose (including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Procedural matters

2. The description of development in the headings above is that as originally submitted to the Council. The scheme was amended during its consideration by the Council to reduce the number of bedspaces and increase the quantity of ancillary accommodation. The amendments were the subject of re-consultation. Adjustments to the parking provision were made during the lifetime of the appeal. These last were the subject of advertisement and so I am satisfied that nobody would be prejudiced by basing my decision on the scheme as amended. A revised description of development was agreed with the Council in a Statement of Common Ground and further amended at the Hearing. It is that description which I use in allowing the appeal.

Main Issues

3. By the time of the Hearing, agreement had been reached, in the form of a planning obligation, on two of the main issues (cycle routes and pedestrian facilities and the Thames Basin Heaths Special Protection Area) which formed the basis of the reasons for refusal. Consequently, only two main issues remain for consideration. They are the effect of the proposal on
 - The character and appearance of the area, and
 - The supply of and demand for car parking.

Reasons

Character and appearance

4. The development proposed would comprise four substantial buildings around a courtyard. Each building would take the form of a rectangular cuboid with little or no articulation other than by surface detail of fenestration and brickwork detailing. The stripped-back simplicity of form and decoration results from the recommendations of the Design: South-East Design Review Panel which considered previous iterations of the proposal on two occasions.
5. Although the advice of the Design Panel conflicts with policy G5(6) of Guildford Borough Local Plan adopted January 2003 which requires that flat roofs should be avoided in most circumstances and roof features such as chimneys, dormers, cupolas and clock towers should be used to add interest, the more recent Paragraph 4.20 of the Council's Planning Contributions SPD advises that the Design Review Panel's recommendations will help secure a higher quality of design in new development and so their advice carries great authority in considering the character and appearance of this proposal. I note that it is not proposed to carry through the requirements of Local Plan policy G5(6) into the emerging Local Plan which has just concluded its examination.
6. The north-west frontage facing the rise up towards the site along Lido Road would present elevations of three of the buildings respectively six, six and five storeys high. These heights, together with their elevated position, would give the development a commanding presence over this approach otherwise lined with the relatively long low buildings of the Guildford Lido and the original School of Arts building of Guildford College. Nevertheless, it would be too distant from St John's Church to have any effect on the setting of that listed building or those associated with the church.
7. The topographical elevation of the proposal, the stolid, though not unpleasant, proportions of these three facades and their storey heights greater than the 2-3 storeys of the original School of Arts building would feel overpowering in a smaller space but the scale of the space enclosed by the proposed development, the Lido and the School of Arts Building is large. It is determined by the length of the facades of the existing buildings and the space between them which contains mature lime and plane trees amongst others.
8. There would be a not displeasing proportional relationship between the existing and proposed buildings in this space in that although the central pavilion of the proposed development would be about twice the height of the existing School of Art building, at about 37m it would be approximately half the latter's 75m length. The end facades of the two flanking pavilions of the new development

would each be about half the length of its central pavilion and so, although taller and more eminent, the lesser extent of the blocks proposed on this elevation would avoid the effect of the development giving an oppressive feeling. Moreover, in contrast to the current situation, there would be both a physical and visual connection through to the park behind which would provide further relief to the quantity of built development proposed.

9. In relation to Stoke Park on the opposite side of the proposed development, the development would be sited in a hollow at one corner of the park, partially tucked away behind maturing trees which mask the large industrial shed-like building occupied by the Wey Valley Bowls Club. Because it would be cut into the topography, its height on this elevation would be reduced to four and five stories. Proportions would consequently be more elongated, relating to a golden number in the case of the central block on this frontage and so can be expected to be pleasing to the eye.
10. Also because of its position, it would be visible only from a portion of the park, approximately that comprising its western third. At close range its height would breach the skyline but from further into the park, perspective would reduce its apparent height and it would merge into the tree belt below the skyline. In this context, its institutional scale would fully complement that described in the Guildford Landscape Character Assessment January 2007 as townscape character area 10D Guildford College/Stoke Park. The key characteristics of this character area are said to include large scale institutional buildings, often educational, set in open grounds.
11. In accordance with the recommendations of the Guildford Landscape Character Assessment, the proposal would remove inappropriate and low quality buildings and make better use of an existing developed site. It would also, as recommended, improve pedestrian links into the park.
12. The study tells us that at Stoke Park the remains of the historic designed landscape forms the setting for modern development. This proposal would be consistent with that observation. The study also notes that institutions are often set in elevated locations and prominent in views from the surrounding area. This proposal would conform with that observation when seen from the A25 Parkway, as the appellant's Accurate Visual Representations demonstrate. It would not, however, impinge on any view of the Cathedral from Stoke Park.
13. Part of the character of Stoke Park, as I observed on my site visit, is that a number of large scale buildings are visible around its edge. The Wey Valley Bowls Club has already been noted but there are also the former buildings of Burchatt's Farm visible at the eastern end of the park, residential buildings in London Road, the sports buildings of Guildford High School and beyond them the school's academic buildings prominent on the skyline. The proposal would add to these and so reinforce its existing character.
14. I conclude that, notwithstanding the conflict with Local Plan policy G5(6), the proposal would have an acceptable effect on the character and appearance of the area. It would comply with other parts of Local Plan policy G5 which require respect for topography, views, relationships, surrounding scale, height, proportions and materials.

Car parking

15. Drawing number DMWR/A/1/3370-A-SK-010 revision A submitted at the appeal hearing makes it clear that the proposal would provide 17 car parking spaces, of which four would be provided temporarily at times when demand from students for dropping off and collecting their possessions is at its peak. Concerns were expressed that this would be nowhere near sufficient to provide for the daily comings and goings of 527 residents, their visitors and deliveries.
16. However, it was established that the site of the proposal is outside the boundaries of the Controlled Parking Zones which control parking in surrounding streets and, as such, residents of the proposed development would not be eligible to apply for permits to park in those streets. The proposal makes provision for introducing controls on currently uncontrolled public car parks nearby. The University of Surrey, to which most residents can be expected to belong, has policies which discourage the use of cars to reach its campus.
17. Moreover the proposed tenancy agreement and management plan for the development would preclude the ownership of cars by residents other than those requiring use of a car to accommodate a physical disability and would include a travel plan to provide a bespoke service of car-free travel advice to the scheme's residents. Their adoption could be required as a condition of the development. The number of parking spaces for disabled people would be proportionate to the number of disabled people requiring use of a car expected to reside at the development.
18. I conclude that these measures in combination would limit the demand for car parking to that supplied by the proposal with the result that there would be no adverse effects on the demand for and supply of car parking in the wider neighbourhood. The proposal would therefore comply with Local Plan policy G1 (1) which requires compliance with parking standards. In this case those standards require provision of fewer than 1 space per student, fewer than 1 space for every 3 daily visits and fewer than 1 space per member of staff.

Other matters

19. The proposal is accompanied by a signed and dated planning obligation. This provides;
 - a sum of £75,000 as a contribution towards the implementation of parking control measures at the Council's car parks on Lido Road and at Stoke Park,
 - a contribution of £150,000 towards the provision of cycle and pedestrian infrastructure on routes likely to be used between the site and Surrey University,
 - highway works on Lido Road to extend footways to the entrance to Guildford College car park and to render the remaining shared surface more attractive to pedestrians,
 - a monitoring fee of £1,000,
 - £20,564.92 towards access management of the Thames Basin Heaths Special Protection Area,

- £182,949.81 as a contribution towards the cost of upgrading and maintaining Sustainable Alternative Natural Greenspace in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2017,
- £250,000 as a contribution towards environmental improvements in Stoke Park,
- a Travel Plan,
- a Travel Plan Monitoring Fee of £6,150,
- a limitation on the use of the student accommodation to its authorised purpose only.

All sums of money would be index-linked.

20. The site is within the 5km zone of influence of the Thames Basin Heaths Special Protection Area. There is therefore a risk that the proposed development may have a significant effect on this European site (either individually or in combination with other plans or projects). An Appropriate Assessment (though not described as such) is reported within the Council's Committee Report. Natural England has been consulted but raises no objection subject to a legal agreement to secure SANG and SAMP contributions. The conclusion reached is that subject to the completion of a legal agreement to secure those mitigations, the development would not harm the integrity of the Thames Basin Heaths Special Protection Area. I concur with that assessment.
21. I am assured by the Council that there is capacity within the Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 to accommodate the SANG upgrading resulting from this development and that there would be no conflict with the pooling limitations of the CIL Regulations. I have no information which would lead me to come to a contrary view. The measures included in the s106 Agreement are necessary and proportionate to satisfy the Council's third and fourth reasons for refusal and so I am satisfied that they meet the test for planning obligations. Consequently, I have taken them into account in reaching my decision on this appeal.
22. There is an undoubted housing need for student accommodation in Guildford, recognised in the Council's evidence base for its emerging Local Plan and by the allocation of this site for that purpose in that emerging revised Local Plan, albeit for a considerably lesser number of units than proposed in this appeal scheme. The information about potential supply given during the Hearing does not suggest that a sufficient supply is yet assured and so the provision offered by this development must be regarded as a benefit.

Conditions

23. The Council suggested that 31 conditions would be necessary to make this development acceptable in the event of this appeal being allowed. I have considered these in the light of national Guidance and the wording of the model conditions set out in the annex to the otherwise superseded Circular 11/95, the Use of Conditions in Planning Permissions, preferring the wording of the latter where appropriate.

24. The limitation on the validity of the permission is required by statute. The reference to the adopted plans allows advantage to be taken of the provisions for minor variations to the scheme. Because the success of the appearance of the scheme would so much depend on detailing of windows, brickwork and rainwater goods, I agree that conditions are necessary to require the submission and approval of details of these matters. No condition requiring details of site levels, floor or ridge levels is necessary, since these are shown on the submitted sections and elevations and there is no information to suggest that these are unacceptable.
25. The previous history of the site as the location of Stoke Park Manor House necessitates a scheme of archaeological investigation, which must be a pre-commencement condition because the investigation cannot be carried out after development has commenced. Similarly, the scheme for the protection of trees to be retained must be implemented prior to commencement of development or it would have no point. Likewise a Construction Management Plan, which could include a Waste Minimisation Statement, needs to be submitted and approved before commencement, or it would have no point.
26. At the time of writing this decision, no firm details are available of the landscaping, lighting or boundary treatment to be carried out around the development and on the site immediately to its north-west over which the developer has obtained rights. Because these would be matters in the public view, details of the landscaping layout and boundary treatment need to be submitted for approval before implementation and their implementation needs to be before occupation. Likewise, no details are provided of the arrangement for surface or foul water drainage to be provided. As these would need to be installed at an early stage of development, submission of these details must be a pre-commencement condition.
27. A number of features of the development would provide public benefits. To secure these, it is necessary that they are required by condition. They include the improvements to pedestrian facilities along Lido Road, the bicycle parking and the limited vehicle parking, the Travel Plan, the Student Housing Management Plan and Tenancy Agreement, ecological mitigations and the non-residential education use element of the proposal.
28. Certain conditions are necessary to comply with planning policies, such as measures to achieve land decontamination and water and energy efficiencies.
29. The southern corner of the proposed development would be close to the existing skateboarding facility in Stoke Park. Mitigation measures to protect the development against noise generated by this facility would be necessary to provide acceptable living conditions for residents and can be secured by condition.

Conclusions

30. Through the application of conditions and the planning obligation, the proposal would comply with policies M6 and NE1 of Guildford Borough Local Plan adopted in January 2003 and policy NRM6 of the otherwise cancelled South East Plan. Although also complying with policy G1 and other parts of policy G5 of the Local Plan, this proposal would be contrary to policy G5(6). Statute requires that I determine this appeal in accordance with the development plan unless material considerations indicate otherwise. Material considerations in

this case are those described in my reasoning in earlier sections of this decision and include;

- that the emerging Local Plan which has just concluded its examination does not propose to continue policy G5(6)
- that the proposal is consistent with advice given by the Design:South-East Design Review Panel
- that the proposal is consistent with the Guildford Landscape Character Assessment
- the benefits of providing student housing

31. I therefore allow this appeal subject to the conditions listed.

P. W. Clark

Inspector

APPEARANCES

FOR THE APPELLANT:

Andrew Tabachnik QC	Thirty Nine Essex Chambers, instructed by Montagu Evans LLP
Will Edmonds BA Hons DipTP MRTPI	Senior Partner, Montagu Evans LLP
Dr Chris Miele MRTPI IHBC FRHS FSA	Senior Partner, Montagu Evans LLP
Jeff Stokes RIBA	Director, DMWR architects
Mark Gimingham BA(Hons)BTP CMILT MCIHT	Partner, i-Transport

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Goodwin BTP MRTPI	Director, KG Creative Consultancy
Glenn Macfarlane	Macfarlane and Associates
Sarah White	Principal Solicitor, Guildford Borough Council

INTERESTED PERSONS:

Donna Collinson	Stoke Next Guildford Residents' Association
Ian Handy	University of Surrey Students' Union

DOCUMENTS

- 1 Letter from Councillor Matt Furniss, Deputy Leader, Guildford Borough Council
- 2 Notice of date, time and place of Hearing
- 3 Drawings 3370-A-SK-010 revision A Proposed Site Layout Plan Amended Parking Option, ITB14029-GA-002 revision A Car park 1 Arrangement – Option 2 and ITB14029-GA-003 revision A Car Park 2 Arrangement – Option 1
- 4 Agreed description of development
- 5 Guildford Borough Local Plan adopted January 2003, policy NE4
- 6 Guildford Borough Council Thames basin Heaths Special Protection Area Avoidance Strategy 2017
- 7 Evidence of publicity for adjustments to car parking layout