



Appeal Decision

Site visit made on 2 July 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/R3650/W/19/3223641

Westbrook Mills, Borough Road, Godalming GU7 2AZ

- 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 Mr J Patterson of Stonegate Land & Estates against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1524, dated 6 July 2018, was refused by notice dated 15 February 2019.
 - The development proposed was described as the "change of use to provide 128 units following the grant of permission under application CR2018/0011. Extensions to provide a new roof design and alterations to provide new doors and replacement windows/provision of additional parking/bin stores and cycle stores."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The buildings at Westbrook Mills have planning permission for change of use from offices to 99 dwellings arising from a prior approval application under Council reference CR/2017/0019 that was allowed at appeal. That permission carries great weight in the planning process. My attention has also been drawn to an alternative scheme for up to 128 dwellings that was approved under prior notification application reference CR/2018/0011. However, I understand that would require substantial alterations to the roof and, as a result, it is unclear whether it can be implemented. As a result, I consider that it can carry limited weight in the planning process.
3. The proposed development was amended during the course of consideration by the Council such that the resulting development on the site would comprise 24 dwellings in addition to the 99 previously approved. I note that the Council amended the description of the development in their decision notice to read "Erection of fourth floor roof extensions to existing buildings 1 and 2 to provide 24 dwellings (including 7 affordable) together with alterations to elevations of buildings 1, 2 and 3, layout of parking and landscaping works. The proposed drawings show an additional 99 dwellings which do not form part of this application".
4. The proposal would result in the provision of 99 units as previously approved, plus an additional 24 units within an altered roof. Given the nature of the proposals, I consider that the 99 dwellings should be considered as part of the proposed development.

5. The planning application was recommended for approval subject to receipt of a satisfactory planning obligation relating to affordable housing and to mitigate the effect of the development on the Wealden Heaths Phase I Special Protection Area (SPA). No such obligation has been submitted. I note that these matters were not referred to in the reasons for refusal. Nevertheless, in the absence of such an obligation, reference to affordable housing should not be in the description of development. I will consider these as main issues in this appeal.
6. Taking account of all the above, I consider that the description of development put forward by the applicant and set out in my banner heading above is more accurate than that of the Council. However, the number of units proposed has reduced from 128 to 123. I will consider the appeal on that basis.
7. I understand that Westbrook Mills is located within the Green Belt and the appellant and Council agree that the proposed development would not be inappropriate development within the Green Belt and would not harm the openness or permanence of the Green Belt. I see no reason to disagree with their conclusions in this regard.
8. The National Planning Policy Framework (the Framework) was revised following the decision of the Council. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
9. The Godalming and Farncombe Neighbourhood Plan (NP) was made during the course of the appeal. In these circumstances, the Framework states that the NP forms part of the development plan. The appellant had the opportunity to comment on the NP during the course of the appeal. Consequently, I have given full weight to the NP in coming to my decision.

Main Issue

10. Taking account of the above, the main issues are:
 - the effect of the proposed change of use and extension to provide new roof design on the character and appearance of the existing building and surrounding area;
 - whether or not the proposed development would make adequate provision for affordable housing; and
 - the effect of the proposed development on the Wealden Heaths Phase I Special Protection Area.

Reasons

Character and appearance

11. Westbrook Mills comprises a series of large office buildings in substantial grounds by the River Wey. It is located close to the centre of Godalming, but separated from it by the railway embankment, such that the immediate surroundings have a rural character and appearance. However, the existing buildings have the appearance of a large modern office block.
12. The proposal would replace the existing pitched roofs of the buildings with an additional floor within a mansard style roof and timber clad gable ends. The gable ends would have feature projections that seek to replicate similar

features typical of old mill buildings. The appearance would provide a rhythm to the roofscape with a number of contemporary details. The lower pitched roofs on projections to the building would be removed and replaced with flat roofs that provide private balconies to some of the flats.

13. These changes to the buildings would considerably alter the character and appearance of them. Nevertheless, it would provide additional variety and visual interest to the buildings that would reflect the character and appearance of the historic use of the site and location adjacent to the River Wey.
14. For these reasons, I conclude that the proposed development would reflect the character and appearance of the surrounding area. As such, it would comply with Policy TD1 of the Waverley Borough Local Plan (Part 1) (LP1), Policies D1 and D4 of the Waverley Borough Local Plan (LP), Policy GOD5 of the NP and the Framework that seek high quality design that does not harm the visual character and distinctiveness of a locality, is sympathetic to the scale, mass, height and form of neighbouring properties, integrates well with the site and responds to the distinctive local character of the area in which it is located.

Affordable housing

15. Policies AHN1 and AHN3 of the LP1 and the Framework seek to provide a mix of dwellings, including affordable housing. Policy AHN1 of the LP1 requires a minimum provision of 30% affordable housing on all housing developments of at least 11 dwellings.
16. I have set out above that it is appropriate to consider the proposed development as providing 123 dwellings. Nevertheless, I note that the prior notification for 99 dwellings would not provide any affordable housing and I consider that is a material consideration of great weight. I note reference to the prior notification reference CR/2018/0011 for 128 dwellings and that this would not provide any affordable housing. I have set out above that this carries limited weight in the planning process. Consequently, the development would result in provision of at least 11 dwellings and, as such, provision of affordable housing would be required.
17. I note that the Council calculated the provision of affordable housing on the basis of an additional 24 dwellings, such that seven dwellings would be equivalent to the provision of 30% of dwellings as affordable. However, no legal agreement or other mechanism for the provision of any affordable dwellings has been provided.
18. For these reasons, I conclude that the proposed development would not make adequate provision for affordable housing. As such, the proposed development would conflict with Policies AHN1 and AHN3 of the LP1 and the Framework.

Special Protection Area

19. The SPA is classified under the EC Birds Directive. The nearest part is the Thursley, Hankley & Frensham Commons Site of Special Scientific Interest (SSSI) approximately 4km away. The qualifying features of the SPA are the populations of nightjar, woodlark and Dartford warbler. The appeal site is located within 5km of the SPA, where residents of new housing development may visit the SPA for recreational purposes and thereby cause harm through disturbance of the populations of protected birds.

20. As the proposal would not be directly connected with or necessary to the management of the protected sites, it would, either alone or in combination with other projects, be likely to have a significant effect on the SPA. It is necessary to consider any effects on a precautionary basis. As a result, if I were to allow the appeal it would be necessary for me, as the competent authority, to carry out an appropriate assessment to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects.
21. As the effect of the development on the SPA would arise from recreational pressures, the provision of Suitable Alternatively Natural Greenspace (SANG) or financial contribution toward its provision may be sufficient to conclude that there would not be likely to be a significant effect on the SPA. However, I understand that the planning application for provision of a SANG at Westbrook Mills has been refused and no legal agreement suggesting alternative provision has been submitted. Natural England have drawn my attention to a subsequent planning application under reference WA/2019/0984 that proposes contributions toward a SANG at Eashing Lane in Guildford as mitigation, but I have little information on that.
22. I understand that another substantial development for the provision of 147 dwellings in Godalming has been approved under reference PWA/2012/1078 without a requirement to provide SANG. I note that no SANG was required in relation to the conversion of the buildings to provide 99 dwellings. It is unclear how much additional impact the further 24 dwellings would have and limited information has been provided as to why a SANG would be required for this development. No mechanism has been suggested to provide mitigation toward any effect of the development on the SPA.
23. As I have concluded that the proposed development would conflict with other development plan policies, I have not completed an appropriate assessment. Taking all the above into account and in accordance with the precautionary principle, additional development would be likely to have an adverse effect on the integrity of the SPA. On that basis, I conclude that there is an unacceptable risk of harm to the integrity of the SPA such that the proposal would be likely to conflict with the Habitats Regulations and the Framework. These seek to protect nature conservation sites of international importance, such as SPAs, including requiring adequate measures are put in place to avoid or mitigate any potential adverse effects on the ecological integrity of SPAs.

Conclusion

24. I have found that the proposal would not result in harm to the character and appearance of the area. However, that is not sufficient to outweigh the lack of provision of affordable housing and risk of harm to the integrity of the SPA. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed

AJ Steen

INSPECTOR