GODALMING KEY SITE

PHASE 2 DEVELOPMENT

PLANNING STATEMENT

Flambard Developments Limited

November 2009

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1.0 Introduction

1.1 This Planning Statement has been prepared by Nathaniel Lichfield and Partners (NLP) on behalf of Flambard Developments Limited to accompany a full planning application for the redevelopment of part of the Key Site, Godalming. The proposed development comprises 182 one, two and three bedroom residential units, 195 car parking spaces at basement level, four car parking spaces at ground level, 316 cycle parking spaces, 1,375m² (GEA) commercial floorspace for a range of uses (potentially comprising A1, A2, A3, B1, D1 and D2 uses), accommodation for Surrey Police Authority, associated highway works and landscaping.

1.2 The site is located to the east of Godalming Town Centre. Flambard Way forms the north western boundary, with Catteshall Lane to the south and Victoria Road to the east. Phase I of the Key Site (the “Atrium”) is located to the east of the proposed development beyond the Waverley Borough Council staff car park and The Wharf Nursery. A site location plan is attached at Appendix 1.

1.3 The site is identified in the Waverley Borough Council (WBC) Local Plan (2002) as a strategic site suitable for redevelopment. Policy TC6 of the WBC Local Plan recognises that the site is appropriate for a range of uses. In 2000 the Council commissioned Roger Evans Associates to produce a Development Framework for the site which was adopted in 2001.

1.4 In 2007 a planning application was submitted to redevelop the Godalming Key Site. The application was appealed on the grounds of non determination and the Inspector recommended approval. However, the Secretary of State (SoS) refused the application due to deficiencies in the detailed design quality of the scheme which the SoS considered weighed against the proposal.

1.5 In addition to the recent planning policy context the application proposals have, therefore, taken account of the SoS decision, the physical characteristics of the site, constraints in terms of existing uses, the requirements of the redevelopment and the need for remediation. Consultation has also taken place with the Council, local residents, CABE, English Heritage and other key stakeholders.

Structure of the Report

1.6 The statement provides a detailed assessment of the application proposals against relevant national, strategic and local planning policy and guidance. It also sets out the overall planning and regeneration benefits that will be delivered by the scheme. The application is accompanied by an Environmental Statement (ES) which has been prepared under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) England and Wales
Regulations 1999 (as amended). The ES considers the impact of the development including the following:

1 Landscape and Visual Impact;
2 Townscape and Heritage;
3 Traffic and Transportation;
4 Soil and Ground Conditions;
5 Water Resources;
6 Noise;
7 Archaeology;
8 Socio-economic and Community Impacts;
9 Sustainability;
10 Construction;
11 Air Quality;
12 Ecology; and
13 Hydrology (including FRA).

1.7 A Non-Technical Summary of the information contained in the ES is also provided.

1.8 In addition to the ES, a Design and Access Statement prepared by Allies and Morrison sets out the design evolution and general design principles underpinning the scheme (including a comparison with the refused scheme). A detailed Transport Assessment and Sustainability Statement are also provided. The applicant is providing detailed financial information to the Council concerning the viability of the development and the scope to deliver affordable housing. Since this information is commercially sensitive it is being provided on a confidential basis and is exempt from the provisions of the Freedom of Information Act.

1.9 This Planning Statement provides background to the proposals and appraises the proposals in the context of the relevant planning policy guidance. The Planning Statement is structured as follows:

1 A description of the site and the surroundings in Waverley (section 2.0);
2 The planning history of the site (Section 3.0);
3 The proposals for the site (Section 4.0);
4 A review of relevant planning policy at national, regional and local level (Section 5.0);
5 Summary of Technical Reports (Section 6.0)
6 An assessment of the proposals in the context of planning policy (Section 7.0); and,
7 A summary of the key issues (Section 8.0).

1.10 This statement should be read in conjunction with the range of information submitted with the planning application including the application forms, plans, Design and Access Statement, Environmental Statement and Transport Assessment.
2.0 Site and Surroundings

The Site

2.1 Godalming is located approximately 30 miles south-west of London and 34 miles from Portsmouth. The nearest surrounding towns are Guildford (4 miles) and Farnham (8 miles).

2.2 Godalming Key Site is located on the eastern edge of Godalming Town Centre. The site is bounded to the north west by Flambard Way and Woolsack Way, to the south by Catteshall Lane and to the east by Victoria Road, the police and WBC employee car park/and The Wharf Nursery School.

2.3 The application site is approximately 1.11 hectares in size including the proposed highway improvements. Topographically, the site slopes from east to west with the lower eastern point of 39m AOD to a high of 44m AOD at the apex of the site. The local gradient is therefore in excess of 1:20.

2.4 The site is located on a former gasworks and has also been used as a scrap yard, engineering workshops and garages. All of these are potentially contaminating uses. More recently, the site has been used by a range of companies, but only the Godalming Police Station (and residential facility) and DJB Exhibitions remain in active use.

2.5 The site buildings are predominately built of brick and are either one or two storeys in height with the exception of the police residential facility which is the equivalent of a three storey building.

2.6 The majority of the site is currently in the ownership of Flambard Developments with agreements currently in place with Surrey Police Authority to redevelop the site, subject to relocation of the main police offices, a new facility on the Key Site and provision for police parking.

Surrounding Area

2.7 The site is surrounded by a range of uses including residential, retail and warehousing. Adjoining residential properties include the cul-de-sac of Victoria Road to the south and to the east, beyond the car park and nursery is a new residential development, known as The Atrium (Phase I of the Key Site). The Atrium comprises 50 residential units and was granted permission in September 2003 (Ref: WA/2002/2359). There are also residential properties to the south of the site along Catteshall Lane and at the top of Flambard Way opposite the police station.

2.8 The east and north of the site are dominated by retail parks and warehousing. To the east, beyond Victoria Road (and to the south east of The Atrium) is the Royal Mail delivery office. There is also a petrol filling station and office space.
on Woolsack Way and beyond this is a Sainsbury’s superstore. Towards the north of the site is a small retail park, while a Waitrose store is located to the north-west of the site on Flambard Way.

**Accessibility**

2.9 The site also has good public transport links. Godalming train station is located approximately 750m from the Key Site and provides links to Central London and Portsmouth (two services per hour) as well as smaller towns en route including Haslemere, Guildford and Farncombe.

2.10 There are good bus links from the site to a number of other towns located within close proximity of Godalming. These include the ‘46’, ‘70’ and ‘71’ which run to Milford, Haslemere, Midhurst, Farnham and Aldershot and the ‘42/44’, ‘503’ and ‘523’ which provide services to Farncombe, Guildford, Milford and Busbridge.

2.11 The site has good routes linking it to public highways and other locations in close proximity. The A3100 links Godalming with Guilford (to the north) and the A3 to central London (north-bound) and the south coast of England. The A3 also links up with the M25 motorway which is 14 miles from Godalming.
Planning History

Background

3.1 The Roger Evans Development Framework (2001) provides a historical context of the application site and surrounding area. The gasworks was built in 1836 at the junction of The Wharf and Catteshall Lane providing the first known development on the site.

3.2 The adjacent Victoria Road housing was built in 1887. The gas works became redundant in 1960 and the buildings at the junction of The Wharf and Catteshall Lane were removed to make-way for the Godalming Police Station which was constructed in 1969.

3.3 In the late 1980s the new Flambard Way route was constructed, and the southern side of Bridge Street was cleared to make way for the Waitrose supermarket and its associated parking area which was granted planning permission in December 1993 (Ref: WA/93/1304).

Recent Planning Applications

3.4 An outline planning application (Ref: WA/1990/0449) was submitted by Godalming Coachworks Ltd for ‘the erection of a three storey building to provide offices on a cleared site’. The application was granted planning permission on 19 March 1990. A subsequent outline planning application (Ref: WA/2000/1855) on the same site was submitted in 2000 for ‘the erection of a three storey office building with associated parking following demolition of existing buildings’. The application was granted in December 2001.

3.5 An outline application (Ref: WA/2000/1709) for the ‘erection of a building to provide approximately 930sqm of office space (Class B1) following demolition of existing buildings’ at Jordan’s, Flambard Way was approved on 8 January 2001.

3.6 An application for the ‘change of use from car repairs/sales to retail (A1) use for the sale of parts, plants and other garden sundries’ (Ref: WA/2002/2020) was refused permission in December 2002. The reasons for refusal included the material adverse impact on the vitality and viability of the town centre shopping area and detracting from the character and appearance of the area and neighbouring dwellings.

Phase I

3.7 Phase I forms the first phase of a comprehensive redevelopment of the Godalming Key Site. The proposal was for the development of a 3/4 storey “L-shaped” building to provide 50 residential units with underground and surface parking, landscaping and other works. The development proposed 33 x 2 bedroom and 17 x 3 bedroom units with 53 of the 76 car parking spaces underground and cycle storage. The application (Ref: WA/2002/2359)
submitted on behalf of Belevedere Smith Properties was approved on 30 September 2003 subject to the signing of a s106 Agreement.

3.8 A subsequent planning application to vary the original permission was submitted in 2004 to increase the height and number of residential units. The application (Ref: WA/2004/1750) for the ‘erection of a part 4 part 5 storey building to provide 60 flats with underground and surface parking, landscaping and associated works’ was recommended for approval but was refused by committee in February 2004 on the grounds that it would be visually intrusive and detrimental to the character and appearance of this part of Godalming.

3.9 The 2003 permission has been implemented on site.

**Phase II (The Appeal scheme)**

3.10 In June 2007 a detailed planning application was submitted for phase II redevelopment of the Godalming Key Site. The proposals comprised:

- demolition of the existing buildings and the redevelopment of the site for a mix of uses comprising residential accommodation, flexible employment generating commercial space with the potential to accommodate a range of uses (potentially including A1, A2, A3, B1, D1 and D2), a replacement police station, plus associated car and cycle parking and landscaped public, communal and private amenity space.

3.11 The development incorporated four blocks of between three and eight storeys in height forming a v-shaped development which followed the road alignment of Flambard Way and Catteshall Lane with communal gardens within the enclosed building space. The proposed residential development was 100% market housing and had the following mix:

- 101 one bedroom units;
- 102 two bedroom units;
- 23 three bedroom units.

3.12 Although not directly linked, a development at Langham Park which was approved by WBC in November 2006 would have provided 38 affordable units off-site, a site for The Wharf Nursery, offices (intended to house the Godalming Police Station on a temporary basis) and an industrial unit. This permission remains live and submissions have been made to discharge the conditions.

3.13 The proposed commercial floorspace at the Key Site included 884.4sqm of flexible employment generating commercial floorspace suitable for a range of possible uses including A1 shops, A2 financial and professional services, A3 café, B1 office, D1 non-residential institutions and D2 leisure. The commercial accommodation was to be located at ground floor level to active frontages and natural surveillance onto Flambard Way.
Parking and Access

The scheme was accessible from Flambard Way and Catteshall Lane and included 281 car parking spaces within a basement car park (two levels). The basement car park was to be accessed from the existing access point through the completed Phase I site of the Key Site. The breakdown of parking was as follows:

<table>
<thead>
<tr>
<th>Number of spaces</th>
<th>Type</th>
<th>User</th>
</tr>
</thead>
<tbody>
<tr>
<td>174 (car)</td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>67 (car)</td>
<td>Waverley BC employees</td>
<td></td>
</tr>
<tr>
<td>30 (car)</td>
<td>Godalming Police</td>
<td></td>
</tr>
<tr>
<td>10 (car)</td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>226 (cycle)</td>
<td>Residential</td>
<td></td>
</tr>
</tbody>
</table>

21 of the car parking spaces were compliant with wheelchair space requirements

Landscaping/Amenity Space

The development provided a mix of private, communal and public amenity space [and the majority of the residential units had private amenity space in the form of a balcony or terrace.

Appeal (Phase II)

The applicant appealed the application on the grounds of non determination. The proposals were considered at a public Inquiry and the Planning Inspector recommended approval. However the application was refused by the Secretary of State (SoS) on 31 October 2008. Copies of the Inspector’s Report and SoS decision are attached at Appendix 2

The SoS’s decision drew the following conclusions:

1. the Key Site is a sustainable location
2. the proposal would assist in meeting the supply of housing required in the area
3. the proposals would bring broader regeneration and infrastructural benefits
4. the provision of affordable housing off site was a net benefit albeit of limited weight to the proposed development
5. the site could accommodate buildings of the scale, height and mass proposed.
6. In terms of detailed design, the proposal failed to reinforce local distinctiveness and this weighed heavily against the scheme.

The last of these conclusions led to the refusal of planning permission.
Description of Proposal

4.1 Following the SoS decision the applicant has appointed new architects, Allies and Morrison, and a revised scheme has been developed. A summary of the proposals is set out below and the evolution of the scheme design since the appeal is explained in more detail within the Design and Access Statement.

Site Boundary

4.2 The site is bounded by Flambard Way and Catteshall Lane, but unlike the appeal scheme the proposals do not include the nursery site (owned by Surrey County Council) or the Council staff car park (owned by Waverley Borough Council), both of which are located to the north of Victoria Road. Surrey County Council proposes to re-build The Wharf Nursery. Although Flambard Developments Ltd has written to Waverley Borough Council regarding its future plans for the staff car park, no response has been received. Accordingly, the new proposals contained within this application have been designed to allow for future phases of development of the Key Site should SCC and WBC choose to pursue their own proposals in the future.

4.3 The application site also includes a section of Catteshall Lane and a small section of Flambard Way.

Layout, Scale and Massing

4.4 The proposal seeks to demolish all buildings on site and construct a series of new buildings around the perimeter of Catteshall Lane and Flambard Way. The proposed buildings range in height from three storeys (plus a lower ground floor servicing level) at the Victoria Road end of Catteshall Lane to eight storeys at the junction of Catteshall Lane and Flambard Way (plus a lower ground floor servicing level). From this junction the buildings then gradually reduce in height along Flambard Way to five storeys (plus a lower ground floor servicing level). The changes in height ensure that the residential proportions of Victoria Road are respected whilst also creating a landmark feature at the Flambard Way/Catteshall Lane Junction.

4.5 Internally a series of three courtyards is proposed that runs broadly parallel with Flambard Way. To the south, the courtyards are enclosed by three storey mews buildings. The eastern-most courtyard is enclosed to the north east by a garden wall whilst the other two courtyards are enclosed by a four and five storey residential building. To the south of the enclosed courtyards and west of the gardens at Victoria Road is a large landscaped open space.

4.6 At basement level the development will be served by a two storey basement car park with access via Catteshall Lane.

4.7 Further details of the proposed design and layout are set out within the design and access statement.
Uses

4.8 The proposed development comprises 182 residential units and has the following mix:

1 48 one bedroom flats
2 115 two bedroom flats;
3 16 three bedroom flats; and
4 3 three bedroom houses

4.9 At ground floor level on the junction with Flambard Way and Catteshall Lane 10 commercial units are proposed (aprox. 1,259m² GIA). It is proposed that the units will have a flexible use within Use Classes A1, A2, A3, B1, D1 and D2. One of the units will provide accommodation for the Surrey Police in the form of a neighbourhood police office.

Landscaping/Amenity Space

4.10 The proposed development will create a series of three courtyard spaces which are connected by pedestrian routes through the site. Towards the centre of the development, adjacent to the boundary with Victoria Road, is a large landscaped space which is enclosed by the proposed residential units. The central space can be accessed from both Flambard Way and Catteshall Lane, it will be a communal space for residents and, during daylight hours, will also be available to the general public. The contrasting spaces of the courtyards and central open space will create a quality and varied environment. Access through the site will also be created from Catteshall Lane and Flambard Way. Further details on the landscaping strategy are set out within the Design and Access Statement. The central open space will include a multifunctional ‘playable space’, suitable for young children.

Parking and Access

4.11 The proposed development includes a two storey basement car park, with 195 car parking spaces. The basement car park is accessed via a ramp located along Catteshall Lane and within the basement car park there is stair and lift access to the individual apartment blocks. In addition to the spaces provided at basement level, four parking spaces will be available at street level along Catteshall Lane. Within the basement it is also proposed to provide 316 cycle parking spaces. The parking spaces will be distributed as follows:

<table>
<thead>
<tr>
<th>Type of space</th>
<th>Breakdown and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>166 (standard car spaces)</td>
<td>Residential, basement</td>
</tr>
<tr>
<td>17 (disabled car spaces)</td>
<td>Residential, basement</td>
</tr>
<tr>
<td>2 (disabled car spaces)</td>
<td>Residential, Catteshall Lane</td>
</tr>
<tr>
<td>2 (car club spaces)</td>
<td>Residential Catteshall Lane</td>
</tr>
<tr>
<td></td>
<td>Proposed parking provision</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>12 (standard car spaces)</strong></td>
<td>Commercial, basement</td>
</tr>
<tr>
<td><strong>316 cycle spaces</strong></td>
<td>Residential, basement</td>
</tr>
<tr>
<td><strong>10 cycle spaces</strong></td>
<td>Commercial, basement</td>
</tr>
</tbody>
</table>

### 4.12
Pedestrian links to the site are provided at three points along Flambard Way and between the commercial units and the residential block along Catteshall Lane.

### 4.13
The footway along the eastern side of Flambard Way adjacent to the site will be widened and the environment improved with tree planting. As part of the application it is proposed to create a new pedestrian refuge along Flambard Way to provide a safer improved link from the site to Waitrose.

### 4.14
It is proposed that Catteshall Lane will become a shared surface area, with parking bays, street furniture and landscaping to achieve a predominantly pedestrian area where vehicles will travel at reduced speeds. The parking bays will be for short-term parking to replace the parking spaces that are already present in this location. No long-term parking spaces will be provided except for the proposed installation of two parking spaces reserved for disabled residents.

**Servicing**

### 4.15
Waste generated by individual residential units will be separated into recycling and general waste by residents and stored temporarily in cupboards, located adjacent to the front doors of each residential unit. The cupboards will be accessible from both inside and outside the flats. The waste will be collected at regular intervals by the management company and stored in a central refuse area.

### 4.16
For the commercial units, four refuse collection points will be provided.

### 4.17
A lay-by will be provided on Catteshall Lane adjacent to the site waste storage area. The lay-by is sufficient to accommodate 12m refuse vehicles. A second lay-by is also proposed on Flambard Way. These lay-bys will also be used for deliveries to the commercial units. Further details on servicing and refuse are set out within the accompanying Design and Access Statement.
5.0 **Planning Policy**

5.1 This section of the report sets out the planning policy context for the application proposals, providing a review of the planning policy documents at national, strategic and local level.

5.2 The development plan comprises the following key documents:

- South East Plan (2009); and
- Waverley Borough Local Plan 2002 (the Council is in its early stages of producing its Local Development Framework and the saved policies within the 2002 Local Plan remain part of the statutory development plan for Development Control purposes).

5.3 The schedule contained at Appendix 3 sets out a detailed list of the planning policies that are applicable to the site. In addition below we provide a summary of the key policies that apply to the proposed development.

**Site Specific Policies**

5.4 Policy TC6 relates specifically to the Godalming Key site and confirms that the Council will support the co-ordinated development of the site with a mix of uses appropriate to an edge of centre location provided that:

a Development improves the townscape, is of high quality design and complements the scale & character of the town
b vehicular access is restricted to Catteshall Lane and south section of Woolsack Way;
c appropriate off-site highway works are funded by the development (including pedestrian and cycle links to the town centre)
d the proposals include remedial measures to deal with any identified contamination;
e the amenities of Victoria Road are protected; and
f an impact study for foul & surface water drainage is carried out.

5.5 The following preferred landuses are identified for the site: replacement police station, replacement day nursery, car parking, employment uses, including offices, light industry and hotel.

**Development Framework (Roger Evans, 2001)**

5.6 In 2001 a Development Framework was produced for the Godalming Key Site. The area covered by the Framework includes the application site, the nursery and the Council car park. The Framework identifies that Flambard Way has the potential to become more clearly a town centre street, whilst Cateshall Lane is
identified as being of residential character. The need to improve links between the site and the town centre is also acknowledged. The Framework sets out a range of design options for the site with a number of blocks of two and three storeys in height being envisaged with potential for higher buildings at focal points. The Roger Evans’ Development Framework is now several years old. Following the 2008 appeal inquiry, the inspector’s report comments that “Such a document would normally be accorded substantial weight although it is now several years old. More particularly, it is common ground that the proposals as illustrated would not be viable” (para 16).

Heritage

5.7 The site is not designated within a Conservation Area (although it is adjacent to the Godalming Town Centre Conservation Area). Regional Guidance confirms that policies should seek to protect conserve and where appropriate enhance the historic environment. Local Plan policy HE8 identifies a need to preserve or enhance the character of conservation areas. The policy notes that a high standard of design will be required for developments adjoining a conservation area and that important views will be protected (Policy HE8).

5.8 PPG15 confirms that the desirability of preserving or enhancing a conservation area is a material consideration when assessing development proposals which are outside a conservation area, but would affect its setting, or views into or out of the area (para 4.14).

5.9 There are no listed buildings at the site. The closest listed building is the grade II listed Olde Steppe House in Brighton Road, which forms part of the foreground to views of the Key Site from the west. There are a number of listed buildings located in the High Street, Wharf Street, Bridge Street and Brighton Road, but none of these buildings have a visual relationship with the site. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) require that when considering application proposals local authorities should have special regard to the desirability of preserving the setting of a listed building. PPG15 clarifies that “…the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it.” (2.17)

Design

5.10 High quality design is promoted across planning guidance and policies (Waverley Policy D4, Regional Spatial Strategy and PPS1). Policies seek to ensure that proposals are of an appropriate scale, height and massing, that materials respect local distinctiveness, incorporate high landscape design, provide adequate amenity space and protect and enhance the appearance of the street scene. The amenity of others should not be harmed by proposals and proposals should be inclusive (para 35, PPS1)
Housing

5.11 A wide range of housing choice is promoted by national guidance (para 9, PPS3) and the Council’s local policies seek to promote smaller residential units (Policy H4) and identify that 30% of dwellings should be affordable (Policy H5). Policy H4 identifies that the Council will require the following in relation to housing density:

a  at least 50% of units to be 2 bed or less;
b  not less than 80% of units to be 3 bed or less; and
c  no more than 20% of units to exceed 165 m² (GEA), excluding garaging.

5.12 The Council promotes densities between 30 and 50 dwellings per hectare (net) and encourages higher densities at places with good public transport accessibility or around major modes along good quality public transport corridors.

5.13 Each dwelling should have access to a usable outdoor area and should make appropriate provision for children’s play (Policy H10) and any environmental impacts (privacy, noise, light or vibration) should be resolved or limited (Policy D1).

5.14 A Housing Needs and Market Assessment Survey for Waverley Borough Council was published in February 2009. The results of the Survey have been fed into a Strategic Housing Market Assessment (SHMA) for West Surrey (comprising Guildford, Waverley and Woking), February 2009. The Waverley Survey (Executive Summary) identifies that:

1 to meet all needs, an estimated 515 additional units of affordable housing would need to be provided per annum over the five years (2008 to 2013) (para. S27).
2 the main affordable housing requirement is for social rented housing (around 52% of the need) (para. S28)
3 across all tenures there is a shortfall of 706 dwellings per annum. Of this shortfall around 46% is for affordable housing (of which half is intermediate housing).
4 In the market sector there is a shortfall of 381 units per annum. The majority of the market shortfall is for two and four bedroom homes although a shortage is also shown for other sizes (para S38).
5 the requirement for intermediate housing makes up around 23% of the net shortfall of housing in the Borough and there are shortages shown for both two and three bedroom homes. (para S39).
6 The shortage of social rented housing makes up around 23% of the total shortfall of housing in the Borough. There is a shortage of all sizes of accommodation in this sector (para S40).
Transport and Parking

5.15 Developments should be located so as to reduce the need to travel, public transport should be promoted and safe access should be provided for pedestrians, and road users, including cycling (Policy M1, M2, PPG13).

5.16 Cycle parking facilities should meet adopted standards and maximum car parking standards should be adopted and parking should be appropriate to the sites location (Policy M5, RSS Policy T4 and Policy M14). For development control purposes Waverley Council is using the Surrey Parking Strategy as a guide to assess development proposals. This document sets out a maximum standard of parking provision in new residential developments of an average of 1.5 spaces per residential unit (1 space per 1 bed, 1.5 spaces per 2 bed and 2 spaces per 3 bed). The total average for parking provision should not exceed an average of 1.5 spaces. In general, 5% of parking spaces should be disabled parking spaces.

5.17 Development proposals should provide accessibility for everyone, including people with disabilities and those with young children (Policy D9, Policy M9).

Sustainability

5.18 Government guidance promotes sustainable and inclusive patterns of development (Para 5, PPS1), seeks to make efficient use of resources (para 22, PPS1) and identifies that local authorities may wish to promote on site renewable energy generation in new developments (para 8 PPS22). Policy NRM11 of the Regional Spatial Strategy (RSS) requires that new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless not feasible or viable. The policy also identifies that developments should be designed for energy efficiency, to incorporate renewable energy sources and promote energy efficiency. The RSS also promotes the integration of CHP and use of biomass fuel (Policy NRM12).

Town Centre

5.19 Policy TC3 encourages investment in town centre uses and requires that development should not adversely affect the vitality and viability of the defined shopping area. The sequential approach to site selection is promoted through PPS6 and Draft PPS4.
6.0 Summary of Technical Reports

6.1 The planning application is accompanied by the following main technical reports and supporting documents:

1. Design and Access Statement
2. Transport Assessment (prepared by RPS);
3. Travel Plan (prepared by RPS) (Appended to the Transport Assessment);
4. Sustainability Statement (Prepared by Good Design Practice);
5. Statement of Community Involvement; and
6. Viability Appraisal (prepared by Jones Lang LaSalle);

6.2 A summary of the conclusions of these technical assessments is set out below:

**Design and Access Statement**

6.3 The SoS concluded that the refused scheme had the capacity to accommodate the proposed scale, height and mass of the development. The design and access statement sets out the detailed design approach for the proposals and explains how the scheme has evolved following the SoS refusal. It identifies how the SoS criticisms of the previous detailed design approach have been addressed and concludes that the current proposal would change the character of the site from one that currently has a derelict landscape condition and many detracting elements to a high quality design (buildings and public realm) that would have a positive effect on the character of the site and its immediate surroundings. The overall magnitude of architecture and landscape change would be high, and the resulting impact on the site’s character would be significant and beneficial.

6.4 Landscaping: Details of the proposed soft and hard landscaping are set out within section 7.0 of the statement and at appendix 2. The proposed landscaping scheme and treatment of the proposed spaces will create a significantly enhanced environment and will create public access though the site.

6.5 Access Statement (Appendix 1): it is identified that the general arrangement plans and the detailed dwellings layout indicate that all of the key requirements for accessibility will be met by the proposals. Detailed design evolution will be required as part of the development process. The access statement explains how the proposals will meet the requirements of the Regional Spatial Strategy and the Local Plan, to ensure that the proposed development will promote inclusive access.

6.6 Waste Storage and Collection Strategy (Appendix 4): The strategy concludes that sufficient space is allocated for waste bins and compactors with additional space for manoeuvring bins within the proposed development. Two lay-bys are
also proposed for the collection of refuse from the residential and commercial units.

**Transport Assessment**

6.7 The Key Site occupies a central and sustainable location, the proposed uses on site cause no significant increase in traffic flows on the surrounding network and the scheme brings forward both improvements to pedestrian linkages between the Key Site and Godalming town centre and a package of measures to support and encourage travel on foot, by bicycle and by public transport.

6.8 The parking standard for the proposed dwellings is 1.0 space per dwelling. This complies with local and national standards and is consistent with the site’s sustainable location.

**Travel Plan**

6.9 The proposed Travel Plan for the residential element of the development will deliver a further package of measures to support and encourage travel on foot, by bicycle and by public transport. These measures include £200 per residential unit to be used for either travel by public transport or by bicycle, cycle training, travel packs and other sources of information and a car club.

**Sustainability Statement**

6.10 The report sets out a strategy for exceeding the minimum renewable energy requirements of Policy SE2 in order to achieve Code for Sustainable Homes Level 4 standard. The proposed energy strategy incorporates a community biomass fuelled boiler, with wood chip sourced from local woodlands. The general design of the proposals also results in increased energy efficiency through optimising the use of natural day light, reducing water consumption (through grey water recycling from showers/basins and rainwater harvesting) and by seeking to minimise waste.

**Statement of Community Involvement (SCI)**

6.11 The design of the proposed scheme has evolved following consultation with a range of organisations and a public exhibition. The evolution of the scheme demonstrates a comprehensive process of consultation with on-going refinements of the scheme and significant changes in the number of residential units proposed.

**Viability Appraisal**

6.12 The application is supported by a viability appraisal which concludes that the provision of affordable housing on site is not financially viable. However, the provision of 38 units of affordable housing is proposed off site at Langham Park.
Environmental Statement

The Environmental Statement (ES) submitted to accompany the planning application concludes that the proposed development will have no significant environmental impacts. A summary of the conclusions set out within the individual ES chapters is set out below:

<table>
<thead>
<tr>
<th>ES Chapter</th>
<th>Summary of Conclusions</th>
</tr>
</thead>
<tbody>
<tr>
<td>B: Landscape &amp; Visual Impact</td>
<td>Overall, the application site has the capacity to accommodate the proposed development and the overall landscape and visual impact would be beneficial and significant.</td>
</tr>
<tr>
<td>C: Townscape and Heritage</td>
<td>The development results in positive effects on views and character areas immediately surrounding the site through a high standard of architecture and urban design, and use of good quality materials. The setting of the Olde Steppe House and front wall would be enhanced by the development, as would the setting of both the Godalming and River Wey and Godalming Town Centre Conservation Areas. Overall the development will have a beneficial effect on townscape and heritage assets of Godalming.</td>
</tr>
<tr>
<td>D: Traffic and Transport</td>
<td>Provided the suggested mitigation measures are implemented during the construction phase of the development, the residual transport impacts of the development would be neutral to positive. Overall the scheme itself brings positive benefits in terms of transport environmental impacts, particularly for pedestrians.</td>
</tr>
<tr>
<td>E: Soil &amp; Ground conditions</td>
<td>Provided that mitigation measures are suitably implemented. The proposals would not increase the risk to human health or controlled water receptors.</td>
</tr>
<tr>
<td>F: Water resources</td>
<td>The site is situated within Flood Zone 1 and is not subject to planning constraints associated with fluvial flooding. A number of mitigation measures have been incorporated into the design of the site to reduce the potential impact on hydrology, flood risk, water quality and water resources, both at the site and to the surrounding environment.</td>
</tr>
<tr>
<td>G: Noise</td>
<td>The site is considered to be suitable for residential development. The recommended internal noise levels in BS8233 and the World Heath Organisation are achievable by means of suitable glazing and ventilation.</td>
</tr>
<tr>
<td>H: Archaeology</td>
<td>There is no existence or former existence of any sites of archaeological significance within the proposed development area. As such, there is no requirement for mitigation as the proposed development will have no impact on potential archaeological deposits.</td>
</tr>
<tr>
<td>I: Socio Economic</td>
<td>The proposal will make a positive contribution to the socio-economic and community facilities within the area. Where local needs cannot be met within the 1.5km catchment area, these are generally available within 10km of the site which is considered acceptable given the rural location of Godalming and its good accessibility to nearby towns (Farnham,</td>
</tr>
<tr>
<td>Table 2</td>
<td>Summary of Environmental Statement Conclusions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>J: Air Quality</td>
<td>There are no air quality constraints to the proposed development. The air quality effects associated with the construction and operation of the development are predicted to be of negligible significance.</td>
</tr>
<tr>
<td>K: Sunlight/daylight</td>
<td>The results of the technical analysis demonstrate that the proposed development will practically fully satisfy the BRE Guidelines in terms of impact on daylight, sunlight and overshadowing. Overall, the proposed development will not give rise to any material deterioration to the amenity enjoyed by the existing neighbouring buildings.</td>
</tr>
<tr>
<td>L: Construction</td>
<td>Mitigation measures are proposed in conjunction with a Construction Management Plan and industry best practice guidance. Mitigation measures will seek to minimise noise and air quality impacts during the construction process.</td>
</tr>
<tr>
<td>M: Ecology</td>
<td>Overall the site is not of high intrinsic ecological value in the national, county, district or local context. As the site is isolated, small and of low ecological value, no significant impact on nearby SNClS is anticipated. Once mitigation measures have been applied the development will make a positive contribution to biodiversity and nature conservation value at the site.</td>
</tr>
</tbody>
</table>
Assessment

7.1 This section of the planning statement assesses all relevant planning issues. However, as identified at Paragraph 3.18, following the public inquiry on the previous scheme the only outstanding issue (and the SoS’s substantive reason for refusal) related to the detailed design of the proposals. All other matters were considered to be acceptable. The content of the Inspectors Report (August 2008) and Secretary of State’s (SoS) decision (October 2008) should therefore be given significant weight when considering the revised proposals.

7.2 The key considerations in assessing the proposed development are as follows:

1. The principle of the development on the site;
2. The acceptability of the proposed mix of uses;
3. The acceptability of the dwelling mix;
4. The suitability of the site for the proposed residential development in terms of context and the proposed density of development on the site;
5. The acceptability of the proposal in urban design terms;
6. The effect of the proposals on the character of the area, the setting of the conservation area and the effect of the proposals on the setting of Olde Steppe House;
7. The provision of, and access to amenity space both private and community on site and public open space in the vicinity of the site;
8. The impact of the proposal in terms of transportation and parking;
9. The provision of renewable energy and other sustainability measures incorporated into the design;
10. The wider planning and regeneration benefits delivered by the development; and
11. Wider planning benefits that should be required as part of the proposed development and which should be secured through planning obligations.

7.3 In addition to the assessment provided below the table at Appendix 4 provides a comparison of the general content of the refused and proposed schemes and Appendix 3 sets out how the proposals meet and address the applicable planning policy requirements.

The principle of the development on the site

7.4 The site is identified in the Waverley Borough Local Plan as a development site appropriate for a number of potential edge-of-centre uses to support the town centre (Policy TC6). The application site now excludes the Waverley Council staff car park and the County Council nursery site.

7.5 In devising a framework for the site, the Roger Evans Associates Development Framework considered that offices, sheltered housing, hotel development, light industry and community uses were all potentially viable and acceptable uses on the site. The Framework also notes that the Godalming Police Station, The Wharf Nursery School and Waverley Borough Council’s staff car parking should
be retained or re-provided in accessible locations. The Wharf Nursery and car park are unaffected by the proposals and will be retained. Police accommodation will be provided at the site, with a police station being provided off site in a more suitable location.

7.6 It was agreed at the Inquiry that the development options set out within the Development Framework would not be viable. Flambard Developments has sought to design a scheme that provides the replacement facilities within a commercially viable mixed use development. Both the SoS and Inspector considered that the appeal scheme would be an appropriate mix of size and type of dwellings (SoS decision para 30). The SoS also considered that the “...redevelopment of the site would also bring about regeneration benefits, remediation of a contaminated site and improvements to infrastructure.” (para 29). The principle of development at the site has therefore been established.

**Land Use Mix**

7.7 The Godalming Key Site is currently occupied by a mix of uses. The current uses include:

1. Godalming Police Station;
2. DJB Exhibitions (commercial use);
3. Council Car Park (excluded from the application site);
4. The Wharf Nursery (excluded from the application site); and
5. A mix of vacant light industrial business units scattered across the site.

7.8 The application proposals seek to redevelop the site based upon a predominately residential-led scheme, although the scheme will also include 10 units (1,259m² GIA, or 1,375m², GEA) of flexible commercial floorspace, potentially comprising A1, A2, A3, B1, D1 and D2 uses. One of the commercial units will be used by Surrey Police Authority.

7.9 The mix of residential and commercial floorspace at this site was considered to be acceptable by the Planning Inspector and SoS. The mix now proposed is therefore considered to be appropriate. As we have noted The Wharf Nursery and Waverley Borough Council staff car park are retained. It will be a matter for the respective Council’s to bring forward proposals for these sites.

**Residential use**

7.10 The proposal will provide a range of residential units of varying size and will make a valuable contribution to local residential stock. Accordingly, the proposed development responds to a defined strategic, borough-wide and local need for new housing. The site is surrounded by a range of uses, it is bounded on two sides by retail uses with residential on the other. It is well located in relation to a range of public transport options, amenity space, services and shops including Godalming High Street and is therefore considered to represent a sustainable location for housing. The area is regarded as having the capacity to accommodate a residential led development of the scale and density
proposed. In connection with the appeal scheme the SoS agreed with the Inspector’s report where it was identified that “...the achievement of a high quality mixed-use development appropriate to its setting is of paramount importance. I conclude that the position on housing land supply is not an overriding consideration in this case.” (Inspectors Report, para 422)

7.11
The Council’s Annual Monitoring Report 2002-2008 identifies that the Council have a five year housing supply if all extant permissions and all allocated sites are implemented (The Calculations set out by the Council show extant permissions up until October 2008). This includes an assumption that the Godalming Key Site is capable of providing 225 dwellings. If the Key Site is removed from the calculations or there is a 10% reduction in completions then the five year supply cannot be achieved. The proposed development is therefore important when viewed in the context of the Council’s planned provision of housing and will assist in addressing housing need in the Borough. We also note the conclusion of the February 2009 SHMA which highlights the shortfall of 706 dwellings per annum in Waverley across all tenures.

Employment Use

7.12
Although the proposed development will result in the loss of employment generating floorspace, these buildings are currently vacant with the exception of DJB Exhibitions. The existing DJB Exhibitions employs four full time employees. The Wharf Nursery no longer forms part of the proposals and it is understood that the building is to be refurbished and improved as part of separate proposals by the County Council. With regard to the police station it is noted that in addition to the provision of a neighbourhood police office at the Key Site, the applicant will enter into an agreement with Surrey Police Authority to provide new police station at an alternative location. The 65 staff currently employed at the Police Station will therefore be transferred to new, more suitable accommodation as part of the proposals, whilst a police presence will be retained at the application site.

7.13
Based on information provided by the developer, it is anticipated that up to 90 FTE jobs will be generated on the site during the construction period.

7.14
It is estimated that the 1,259m² (GIA) of flexible commercial floorspace that is included in the scheme will generate between 40 and 67 full time jobs. At present, 69 employees are employed at the site. The proposed development will result in up to 67 jobs on the site following completion. There will be a slight net decrease in jobs on the site; however, a number of jobs will be relocated to new premises at Langham Park, resulting in an overall net gain in the local area.

7.15
Further details in connection with employment are provided in the Socio-Economic Chapter J of the ES.
The broad range of ancillary commercial uses will make a positive contribution to the viability and vitality of this area of Godalming town centre and more than offset the loss of the existing commercial uses. Furthermore, the replacement police accommodation will meet the needs of the police authority.

**Retail Impact**

The proposal seeks the provision of ten commercial/office units (1,259m² GIA). The Waverley Borough Council Town Centres Retail Study (2008) identifies need for a further 850m² gross of convenience goods floorspace and 4,437m² gross of comparison goods floorspace for the period up to 2015. (total retail floorspace of 5,287m² gross). It is unlikely that all ten units will all be occupied by Class A1 uses, however, even if they were this would still allow for further growth within Godalming town centre as the proposal will only absorb 23% of the available floorspace up to 2015.

In terms of the sequential approach, the Council’s Retail Study indicates that the potential for growth in Godalming is limited to reuse of existing sites and the land between Catteshall Lane and Woolsack Way (i.e. the application site) (para 5.28). Further to this, it states that:

“Beyond this site, there are few obvious opportunities for development or extension to the existing town centre...” (Para 5.29).

PPS6 states that edge-of-centre sites are the next preference after existing centres particularly sites that are or will be well-connected to the centre (para. 2.44). The application site has been identified as a ‘Key Site’ within the Local Plan (2002) and one of the main objectives is to “… retain and secure a mixture of uses which support and complement the well being of the town and its centre” (Policy TC6). This clearly highlights that the application site is well connected to the town centre.

Godalming is a vital and viable centre and this is highlighted in the Council’s Retail Study. Only 3% of units within Godalming town centre were vacant at December 2007, significantly below the national average. Taking into account the scale of the proposal and the identified quantitative need, we consider the application proposals will not harm the vitality and viability of the town centre and will provide much needed retail floorspace.

The Council’s Retail Study confirms that there is a quantitative and qualitative need for further retail development within Godalming and that there are no sequentially preferable sites. Taking into the current health of the town centre and the scale of the proposal it is considered that it will not harm the vitality and viability of Godalming town centre.

Further to this, the ten commercial/office units (884m² gross) that were proposed as part of the appeal scheme were considered by both the Inspector and SoS to be appropriate (para 30, SoS letter). The SoS’s decision concludes that proposed commercial units would not undermine the objectives or emerging guidance on town centres and that the units could be used for retail or other town centre purposes (para 29). The Inspectors report identified that
“There is no suggestion that the objectives of existing or emerging guidance on town centres would be undermined” by the proposals (para 424)

7.23 Given the findings of the Council’s Retail Study and the SoS comments, it is considered that the proposed commercial units will enhance the proposed development and the town centre.

Community Facilities

7.24 The Local Plan encourages the retention and provision of new community facilities which includes emergency services. The existing police station and accommodation does not make the most efficient use of the land given its level of employment. Furthermore, the building has become dated and does not meet the required needs of a modern police station. As identified above a permanent police presence, in the form of a neighbourhood police office will be included within the proposed development but the main police station will be relocated to an alternative site. The Police Authority support the provision of improved accommodation and the proposed development will meet the criteria set out within Local Plan policy CF1.

Dwelling Mix

7.25 The proposed development will provide a mix of 48 one bedroom, 115 two bedroom and 19 three bedroom units. This will contribute to the existing housing mix within Godalming providing a range of accommodation to meet the requirements of the existing Godalming population. The Local Plan recognises that newly formed households will consist of single people, the elderly and people with disabilities and as such the proposed dwelling mix will meet the requirements of a range of community needs.

7.26 The residential element of the scheme has been designed to achieve Code Level 4 as assessed by the ‘Code for Sustainable Homes’ criteria and the non-residential uses of the scheme have been designed and assessed using BREEAM to achieve an “excellent” rating both standards substantially exceed current Building Regulation requirements.

Affordable Housing

7.27 Following a detailed assessment of the proposed development by Jones Lang La Salle it is concluded that no affordable housing can be provided as part of the proposals (see separate accompanying assessment). However, as was the case for the refused scheme, the applicant has agreed to provide a mix of 38 two and three bedroom units at Langham Park, where 100% affordable housing will be provided in a mix of tenures. This represents a provision of 17% affordable housing by units or 18% by habitable room, if the two schemes were considered in tandem (excluding Phase I).
**Residential Density**

7.28 The residential density of the proposed development is 164 dwellings per hectare (dph) based on a gross site area of 1.11 ha. The scheme proposes 529 habitable rooms which equates to 476 habitable rooms per hectare.

7.29 Due to the omission of the car park and nursery sites from the proposals, the application site varies in area from that of the refused scheme. Therefore in order more accurately compare the refused scheme with the proposed scheme Allies and Morrison has produced a schedule for the 2007 scheme, which assumes an indicative building footprint for block B which fits within the current application site. This identifies that the refused scheme has a comparable density of 168 dwellings per hectare (dph) or 468 (approx) habitable rooms per hectare. The current proposal therefore closely approximates the density terms of the refused scheme.

7.30 Both schemes (refused and current application) have densities that are higher than the guidance contained with PPS3 and the Local Plan for urban areas. However, given that the site is located in a central area is accessible by public transport and is in close proximity to a range of shops and services, a development of this density makes the most efficient use of the site. Furthermore, the development will facilitate the regeneration of the site ensuring that the contamination on site as a result of its history as a gasworks, scrap yard, engineering workshops and garages is remediated. The density of the refused scheme was considered to be appropriate by both the Inspector and Secretary of State given the central location of the site.

7.31 Policy H4 relates to density and the size of dwellings. The proposed scheme meets the requirements set out within this policy as:

a) at least 50% of all the proposed dwelling units would be 2 bedroomed or less; and,

b) not less than 80% of all the proposed dwelling units would be 3 bedroomed or less; and,

c) no more than 20% of all the proposed dwelling units would exceed 165 square metres in total gross floor area measured externally, excluding garaging.

7.32 The proposal also broadly meets the residential space standards set out within the Council’s ‘Supplementary Planning Guidance Density and Size of Dwellings: Policy H4 of the Waverley Borough’ (October 2003). Which identify that generally most new two bedroom dwellings will measure approximately 70-90m² (GEA) and that most new three bedroom dwellings will measure approximately 90-110m² (GEA).
**Height, Scale and Massing**

7.33 The buildings proposed for the refused scheme ranged from 3-8 storeys and were considered by the Inspector and Secretary of State to be appropriate for the site. A comparison of the outline of the refused scheme and the elevations of the proposed scheme at Catteshall Lane and Flambard Way are contained at section 5.4 of the Design and Access Statement. The drawings demonstrate that the proposals are broadly similar to that of the refused scheme, but that there are elements that are either slightly taller or slightly lower than the refused scheme. The schedule at Appendix 5 also confirms that when assessing comparable areas the proposed scheme has a reduced footprint compared to the refused scheme. It is therefore considered that the proposed development (as with the case for the refused scheme) is appropriate in terms of height, scale and massing.

**Urban Design Considerations**

7.34 The previous scheme was refused on design grounds. The proposed design has evolved following detailed architectural and townscape analysis of Godalming by the new architects, Allies and Morrison, and also following various meetings with Waverley Borough Council and Commission for Architecture and the Built Environment (CABE). Details of the proposed design approach and its evolution are set out within the Design and Access Statement that accompanies the planning application.

7.35 As with the appeal scheme, the proposals will create a strong edge to Flambard Way, enclosing the open Waitrose car park. In developing proposals for the site it was considered important to develop a design that was sympathetic to the surrounding townscape and landscape including the Godalming Town Centre Conservation Area, and the nearby Lammas Lands, whilst at the same time making the most of an opportunity to redevelop a run-down brownfield site on the edge of the town centre. The design needed to carefully consider the relationship with the adjoining developments (properties along Victoria Road, the Council car park, Wharf Nursery and Phase I of the Key Site).

7.36 In designing the scheme, careful consideration has been given to the integration of the residential element into the wider area and the need to provide a gateway to this end of Godalming town centre. The design of the residential aspect of the scheme has considered the surrounding grain of other buildings, in particular character of the town centre and the courtyards that link through to the High Street. The commercial units have been included to provide an active frontage onto the Flambard Way/Catteshall Lane junction, with the intention of improving the link between the town centre and the proposed development. The residential aspects to the east and adjacent to Victoria Road have been designed to complement and integrate with adjoining residential areas by the use of appropriate scale and massing and, in the case of Victoria Road properties, to prevent overlooking and any adverse impact on daylight and sunlight. The design of the proposed buildings at the boundary with the Council car park and nursery has been designed to allow the building frontage along...
Flambard Way to be continued and will ensure that these sites can be developed in the future.

7.37 The scheme has incorporated a range of materials, including those that are already present and make up the built fabric within Godalming. The proposed materials include Surrey red brick, render, aluminium louvers and metal standing seam roofing.

7.38 A detailed explanation of the design principles that underpin the development proposals are set out in the Design and Access Statement that accompanies the planning application. In summary it is considered that the proposals will address the detailed design criticisms raised by the Secretary of State and initial feedback from CABE has reflected this view.

Setting of the conservation area and Olde Steppe House

7.39 The application site is in a prominent location close to the centre of Godalming. The Inspector considered that “…to all intents and purposes there are no views of the application site from within the conservation area” (Inspectors Report, para 375). The SoS identified that significant weight should be attached to the design aspect of the proposals. The proposals are broadly similar in scale to the refused scheme which was considered by the SoS to be appropriate in its context and complementary to the character of the area (para 17, SoS decision). Despite the SoS’s criticisms of the design of the appeal scheme, she agreed with the Inspector that the proposals would have “…no material effect on the character and appearance of the conservation area” (para 20). The proposed development is of a similar scale to the refused scheme and it is therefore concluded that the proposal will not have a materially harmful effect on the character and appearance of the conservation area. Indeed the proposed design will enhance the development’s relationship with its surroundings.

7.40 Beyond the apex of the site, to the west of Hambleton House is a grade II listed building known as Olde Steppe House. The Inspector and SoS agreed that there are very few locations that offer a good view of the setting of Olde Steppe House and that the appeal scheme would not materially affect Olde Steppe House. Despite the SoS’s criticisms in connection with the detailed design of the appeal scheme, it was considered that on balance the proposals would accord with policy and not adversely affect the setting of the listed building. The removal of the police station and its replacement with a new high quality development of a similar scale to the appeal scheme is therefore considered to be appropriate.

Residential Amenity

7.41 The proposed scheme has been sensitively designed to ensure a high quality residential and commercial environment, with detailed consideration given to the relationship between the various aspects of the scheme, including the adjacent uses at the Council car park, Wharf Nursery, the Atrium and residential
properties along Victoria Road. An illustrative masterplan for the whole of the Key Site is set out within the Design and Access Statement (Section 5.2.3). It demonstrates that the proposals have been designed to ensure that the possibility of future development on land adjacent to the application site is not compromised. Consideration is also given to the Surrey Country Council’s proposals at the Nursery and the Mount Green Housing Associations proposals on the two parcels of land either side of Victoria Road.

7.42 The proposed commercial floorspace at ground floor level on the Flambard Way elevation is considered to provide a more appropriate and active frontage onto a busy highway.

7.43 The scheme will create new ground level links between the proposed residential blocks improving the accessibility across the site and enhancing the vitality of the scheme as a whole compared to the existing position. The minimum distances between opposing windows within the proposed development and the overall site layout will ensure that the residential properties are not overlooked and high standards of amenity space are achieved.

7.44 In terms of residential amenity, the proposed development adheres to Policies H4 (Density and Size of Dwellings), D1 (Environmental Impacts of Development) and D4 (Design and Layout) of the Local Plan.

Amenity Space, Bio-diversity and Public Realm

7.45 The existing site provides no amenity space and therefore the proposed development will significantly improve upon the existing situation. Communal amenity space is provided within the proposed courtyards and the proposed central area of open green space (total area 2,814m²). These spaces would be available for residents to use and would also be accessible to the general public during daylight hours. In addition private amenity space is also provided in the form of a balcony or roof terrace and 14 of the proposed units also have a private garden. The total amount of private amenity space is 979m² (comprising 93m² of private gardens, 655m² of balconies and 231m² of roof terraces). The central open space and courtyard will include a areas for doorstep play, which is suitable for young children.

7.46 In addition, biodiversity benefits will be created through the planting of new trees and vegetation and the creation of 1,465m² of green/brown roofs. Flambard Way and Catteshall Lane will also be lined with semi-mature street trees which will enhance the public realm around the site.

7.47 The site is well located in relation to public amenity space and is within a few minutes walking distance of the Lammas Lands, Sczidons and Godalming Hillside (Policy BE5). The Ecology chapter of the Environmental Statement demonstrates that the proposals will have no significant impact on these designated areas. The site is not of high intrinsic ecological value in the national, county, district or local context. As the site is isolated, small and of
low ecological value, no significant impact on nearby SNCIs is anticipated. Once mitigation measures have been applied the development will make a positive contribution to biodiversity and nature conservation value at the site. Further details of the proposed landscape strategy are set out within the design and access statement and the ecological benefits of the proposal are set out within Chapter M of the Environmental Statement.

7.48 It is considered that adequate on and off-site provision of amenity space will be available to new residents in the development. As with the appeal scheme (Inspector’s report 311) the applicant proposes to make a contribution towards equipped children’s play space, this will allow the Council to fund additional play space that is suitable for older children.

**Transport and Car Parking**

7.49 The proposed development will provide a total of 199 car parking spaces (195 at basement level and four at street level) of which 18 will be dedicated disabled spaces and two will be dedicated car club spaces. Of the total, 187 will be used by residents with 10 spaces for commercial uses. 316 secure cycle parking spaces will also be provided at basement level.

7.50 The level of car parking provision proposed adheres to the standards set out by Surrey County Council. The above parking provision represents a residential parking standard of approximately 1.0 space per residential unit. The proposed cycle and car club parking spaces will promote more sustainable forms of travel and given that the site is accessible by a choice of means of public transport and is in close proximity to a range of shops and services it is considered that there is no need to provide a higher level of residential parking.

7.51 The Transport Assessment concludes that the proposals will cause no significant increase in traffic flows on the surrounding network. The scheme brings forward both improvements to pedestrian linkages between the Key Site and Godalming town centre and a package of measures to support and encourage travel on foot, by bicycle and by public transport.

**Renewable Energy and Sustainable Development**

7.52 The scheme has been designed to incorporate a series of sustainable measures to meet and indeed exceed the Council’s sustainability objectives. This includes the provision of alternative energy through the implementation of a biomass boiler which it is estimated will meet some 34% of the energy demands of the development. Other sustainable design measures include high levels of insulation, effective layout of the block to improve energy efficiency, particularly solar gain during the winter, appropriate choice of materials and opportunities for resource and water conservation and waste recycling. Where possible the scheme has incorporated best practice principles. The development will be designed to comply with “Secured by Design” requirements and will be designed to comply with “Lifetime Homes” Standard. The proposals will also aim to meet Code Level 4 of the Code for Sustainable Homes Code.
The proposed development will meet the relevant sustainability related policies and further details in connection with sustainability/energy demand are set out in the separate report produced by Good Design Group.

**Planning and Regeneration benefits**

The proposed development will result in economic, community and environmental benefits to the town centre including the following:

1. The remediation of a contaminated brownfield site in a prominent edge of centre location;
2. The scheme will provide a mixed use development on an existing under-utilised contaminated brownfield site;
3. The proposed development will deliver high quality market housing contributing to the strategic and borough-wide demand for housing and reduce the pressure for Greenfield development in the Borough;
4. It will improve the visual amenity of the area through the redevelopment of well designed buildings to replace the existing buildings on the site which are in a poor state of repair and have few architectural merits;
5. The proposal will provide police accommodation at the site (the main police station will be relocated to more suitable accommodation);
6. The proposal responds positively and sensitively to both the location’s urban context and more recent surrounding developments in the area;
7. The proposal will not result in any unacceptable impact in terms of residential amenity; and
8. The proposal will meet car parking requirements, whilst also encouraging more sustainable forms of transportation.

**s106 heads of terms**

The refused scheme included the following provisions set out within a unilateral undertaking:

1. Contribution to off site play provision (£85,590)
2. Contribution to cycle way improvements (£25,500)
3. Travel Plan for the commercial and residential elements of the developments. Costs in kind but not specifically expressed – equivalent to £96,000) plus auditing payment of £6000 to the County Council
4. A commitment to building 38 affordable dwellings at Langham Park with clauses linking development stages of the key site to the delivery of the affordable units and a commitment to discharge the planning conditions at Langham Park.

The highway improvements on Flambard Way and Catteshall Lane were to be secured via s278 agreement.

The SoS and Inspector agreed that the appeal scheme did not need to contribute towards improvements to the existing leisure centre at Godalming
(the Inspector concluded (para. 413) that there was adequate provision for indoor sport). With regard to provision the SoS and Inspector agreed that an education contribution was not necessary and that there would be no unacceptable demands on education provision. We are not aware of any material changes in circumstances since the SoS’s decision and therefore no contribution is proposed towards education or leisure.

7.57 There are no known material changes in circumstances at the Key Site which would justify a departure from the s106 obligations deemed to be adequate by the Inspector/SoS. The suggested approach is therefore based on a pro-rata reduction based on the residential component of the schemes.

7.58 The GKS appeal scheme comprised 600 habitable rooms whereas the current proposal contains 529 habitable rooms (88%). The following contributions are therefore considered to be applicable to the proposals:

1. Travel plan commitment of £84,480 plus £5,280 monitoring fee
2. Cycle path contribution of £22,440
3. Contribution to equipped play space of £75,319
4. Provision of 38 units at Langham Park as previously proposed (subject to the grant of any necessary planning permissions by WBC).
8.0 SUMMARY

8.1 This Planning Statement sets out the planning case for the redevelopment of the Godalming Key Site for a mixed of uses comprising;

1 182 residential units;
2 1259m\(^2\) of commercial floorspace (including 80m\(^2\) police accommodation);
3 Car parking and highways and access improvements; and,
4 Landscaped public, communal and private amenity space.

8.2 The 182 residential units that form part of the scheme will make a significant contribution to the housing demand within Waverley Borough. Furthermore, the provision for 1259sqm of commercial floorspace including a range of possible uses (A1, A2, A3, B1, D1 and D2) will make a contribution to employment within the town.

8.3 The relocation of the existing police station to a new site and provision of an on site neighbourhood police office will improve the community facilities available within Godalming.

8.4 The application proposals represent an opportunity to redevelop a run-down and predominately derelict brownfield site that has had a history of contaminating land uses. The application proposals will result in a substantial improvement to the urban environment in this part of Godalming. The application proposals have been developed in consultation with officers at WBC, CABE and a range of other stakeholders. The result is a high quality design by a leading, award winning, architectural practice and a sustainable mixed use scheme. The proposal addresses the design criticisms raised by the Secretary of State’s decision on the previous scheme and has already received strong pre-application support from CABE with all concerns raised addressed in the application submission. In terms of scale, massing and density the proposed development closely complies with the refused scheme which was considered to be appropriate by both the Planning Inspector and Secretary of State.

8.5 Flambard Developments trust that officers and Members will recognise the substantial and wide ranging benefits of the scheme and the changes made to address the matters raised in the appeal decision. We therefore respectfully submit that planning permission for Phase II of the redevelopment of the Key Site should be granted.
Appendix 1   Site location plan
Secretary of State’s decision (Oct 2008)
Report to the Secretary of State for Communities and Local Government

by Andrew S Freeman  BSc(Hons)  DipTP  DipEM  FRPI  FIHT  MIEenvSc
an Inspector appointed by the Secretary of State for Communities and Local Government

TOWN AND COUNTRY PLANNING ACT 1990
WAVERLEY BOROUGH COUNCIL
APPEAL BY
FLAMBARD DEVELOPMENT LIMITED

Inquiry opened on 1 July 2008
Land at Flambard Way, Catteshall Lane and Woolsack Way, Godalming, Surrey
File Ref: APP/R3650/A/08/2063055
File Ref: APP/R3650/A/08/2063055
Land at Flambard Way, Catteshall Lane and Woolsack Way, Godalming, Surrey

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Flambard Development Limited against Waverley Borough Council.
- The application Ref WA/2007/1390 is dated 8 June 2007.
- The development proposed is mixed use development of Phase II of the Godalming Key Site to provide for the demolition of the existing buildings and new development comprising residential accommodation and commercial floorspace within Use Classes A1, A2, A3, B1, C3, D1 and D2 (as alternative uses); replacement of existing police station; and provision for car parking and associated highway, access and landscaping works.
- The inquiry sat for 8 days on 1 to 4 July 2008 and 8 to 11 July 2008. The accompanied site visit was held on 11 July 2008.

Summary of Recommendation: Allow the appeal and grant planning permission subject to conditions

INTRODUCTION

1. This is an appeal against non-determination of a planning application. The original scheme was considered by the Council’s planning committee on 18 December 2007. The committee resolved that, had it been able to determine the planning application, the proposals would have been refused for the 10 reasons set out in the report.

2. The appellant then submitted amended plans in order to try and overcome objections of the Council. At the pre-inquiry meeting into the appeal, held on 16 April 2008, it was noted that the original scheme had been superseded. It was decided that there should be full consultation on the amended plans. This took place over the following weeks. The revised scheme was reported to the Council’s planning committee on 27 May 2008.

3. It was again resolved that, had the Council been able to determine the application, permission would have been refused. The reasons are as follows:

1. The scale, bulk, height and built form of the proposed development adjacent to the town centre is inappropriate and would detract from and compete with the prevailing character of the locality and setting of the Conservation Area in conflict with Policies SE4 and SE5 of the Surrey Structure Plan 2004 and Policies D1, D4, TC6 and HE8 of the Waverley Borough Local Plan 2002.

2. The design by reason of the palette of materials, over complex variety in the detailing would fail to provide a development that is locally distinctive and would be inappropriate to the site contrary to Policy SE4 of the Surrey Structure Plan 2004, Policies D1 and D4 of the Waverley Borough Local Plan 2002 and the principles of Surrey Design 2002.

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1 See CDs E11-E13
2 CD J13
3. The proposed development would be detrimental to the amenity of
neighbouring properties by reason of its overbearing impact in conflict with
Policy SE4 of the Surrey Structure Plan 2004 and Policies D1, D4 and TC6 of
the Waverley Borough Local Plan 2002.

4. It has not been satisfactorily demonstrated that the transportation
implications of the proposed development can be adequately accommodated
by the transportation infrastructure within the area contrary to Policy DN2 of
the Surrey Structure Plan 2004, and Policy M2 of the Waverley Borough Local
Plan 2002.

5. The development does not make provision for affordable housing in
accordance with Government Guidance and Policy DN11 of the Surrey
Structure Plan 2004 and Policies H5 and D14 of the Waverley Borough Local
Plan 2002.

6. The development does not make adequate provision for equipped play space
and indoor sports in conflict with Policies DN1 and DN13 of the Surrey
Structure Plan 2004 and Policies H10 and D14 of the Waverley Borough Local
Plan 2002.

7. The development does not make provision for a contribution to Education
provision in the area in conflict with Policy DN1 of the Surrey Structure Plan

8. In the absence of information to clarify the improvements required to the
drainage infrastructure the Council is concerned that a Grampian Condition
may be inappropriate as there is uncertainty about the prospects of such
improvements being achieved to make the development acceptable and
therefore conflicts with Policy DN1 of the Surrey Structure Plan 2004 and

4. In the above circumstances, the appeal relates to the amended drawings. The
landscape masterplan is for illustrative purposes only.

5. The appeal is one that the Secretary of State wishes to determine. The reason
is that the appeal raises policy issues relating to residential development of 150
or more dwellings or on more than 5 ha of land which would significantly impact
on the Government's objectives to secure a better balance between housing
demand and supply and create high quality, sustainable, mixed and inclusive
communities.

THE SITE AND SURROUNDINGS

6. The centre of Godalming lies to the south of the River Wey which runs east to
west through this part of the area. To the north of the River Wey, away from the
town centre, lie the Lammas Lands. These form part of the flood plain of the
river and are Areas of Strategic Visual Importance as well as Sites of Nature
Conservation Importance. The valley sides to the north and south are well

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3 Plans A1-A22 (Duplicated at a handy A3 size in CD MA-V)
4 Plan A22
5 See CD 11
6 See Doc 56 Pages 1 and 2
vegetated such that treed hill slopes are a characteristic feature of Godalming's setting.

7. The appeal site is about 1.6 ha in area. It is an edge-of-centre site that lies generally to the east of Godalming town centre. It is broadly triangular in shape and slopes down from west to east. Part of the site used to be a gas works and the land is contaminated. Much of the site is derelict although there are a number of productive uses. These include a police station (including flats in a section house or former section house with the address 1 - 6 High View), a children's nursery and an area of temporary car parking used by the Council.¹⁰

8. Adjoining the site to the northeast is a recently completed development known as The Atrium. This is a scheme of 50 apartments in a block that comprises Phase I of the Godalming Key Site. The block is mainly three storeys in height although there are two set-back penthouses in a fourth storey. The eastern boundary of the site, which also adjoins a terrace of two-storey houses in Victoria Road,¹⁰ is not exposed to important public views.

9. Along its southern boundary the site has a frontage to Catteshall Lane. There is a 2½ – 3 storey office block known as Hambledon House opposite the appeal site at the western end of Catteshall Lane. However, there is no development directly opposite the remainder of the frontage. The land rises steeply away and is retained along Catteshall Lane. On the higher ground there is both commercial (SCATS countrystores) and residential development (South Hill) but, because of extensive vegetation, this tends only to be glimpsed from Catteshall Lane. For much of the frontage, therefore, there are no buildings that define a built context for the site.

10. Slightly beyond the western apex of the site, and to the west of Hambledon House, is a Grade II listed building in office use known as Olde Steppe House. It is sited on the northeast corner of the junction of Brighton Road and Flambard Way. It is best seen from the junction although its exposure is modest and is compromised to some extent by a number of visual detractors. The listed building can also be seen from the northern end of Brighton Road and, to a lesser extent, from the Council's Queen Street car park and from the eastern end of Croft Road, albeit at an acute angle.

11. The northwestern boundary of the site is defined by a busy length of Flambard Way. This acts as a bypass to the town centre and severs the appeal site from the land opposite forming a discrete area. There are a number of relevant developments opposite this part of the appeal site although the degree of separation across Flambard Way is significant. Felicia Court is a development of flats that wraps round the corner of Wharf Street and Flambard Way. It is 2½ storeys in height with a deep roof. It is separated by a service yard from a Waitrose store.

12. The Waitrose store presents its southeastern elevation to Flambard Way. The store is a single storey structure set at a level below Flambard Way. It has a deep and complex hipped and gabled roof such that, along Flambard Way, its

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² See for example Plan B
³ See Local Site Photos, Figs B12 to B17, CD E6 Vol 2
⁴ A useful view of the site can be seen in the aerial photograph at Fig B4, CD E6 Vol 2
⁵ See these existing developments on Plan A4
scale is more like that of a building 2 - 2 1/2 storeys in height. The surface car park lies to the northeast of the store and is overlooked from the slightly higher level of Flambard Way. Views across the car park are considerably softened and broken up by maturing tree planting in amongst the parking spaces. There is no public access from Flambard Way. The frontage is impermeable at this point.

13. The Waitrose store, and indeed its service yard (but not the surface car park), are at the eastern end of the Godalming Conservation Area. This is a conservation area that is centred on the historic core of Godalming, a linear market town focused on High Street. The street layout dates back to the 12th century and includes a number of listed buildings amongst them the Parish Church of St Peter and St Paul towards the northwestern end of the Conservation Area. The majority of the buildings are two or three storeys in height. The architecture is traditional and the scale modest.

PLANNING POLICY


15. Local Plan Policy TC6 is specific to the Godalming Key Site. It states that the Council will support the co-ordinated development of the Godalming Key Site with a mixture of uses appropriate to an edge-of-centre location, provided that:

(a) development improves the townscape, being of high quality design and complementing the scale and character of the town;

(b) for a comprehensive development scheme, motor vehicular access is restricted to Catteshall Lane and the southern section of Woolshack Way;

(c) appropriate off-site highway works are funded by the development, including improved pedestrian and cycle links to the town centre and, where appropriate, facilities for public transport;

(d) a detailed investigation is undertaken to establish the nature and extent of soil and groundwater contamination, and proposals must include remedial measures to deal with any identified hazards;

(e) the residential amenities of Victoria Road are protected; and

(f) a full impact study is carried out in respect of both foul and surface water drainage.

16. Pursuant to Policy TC6, Supplementary Planning Guidance was adopted in November 2002 following public consultation. It is called the Godalming Key Site Development Framework (prepared by Roger Evans Associates). A number of blocks of two and three storeys in height are envisaged. Such a document

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11 The boundary is shown on Fig B7 in CD E6 Vol 2; see also Doc 41
12 CD C1
13 CD D1
14 Doc S6
15 CD D5 Para 4.2.2
would normally be accorded substantial weight although it is now several years old. More particularly, it is common ground that the proposals as illustrated would not be viable.

PLANNING HISTORY

17. The planning history of the site is set out in Doc CD E7. That document includes reference to the development of Phase I of the Key Site (The Atrium). In addition there is a prospective development at Langham Park that is of relevance to discussion of the appeal proposals. The development would include 38 affordable housing units; a permanent home for the children's nursery that is presently housed on part of the appeal site; and a temporary police station that would be used until a permanent facility on the appeal site was available.

THE PROPOSALS

18. As illustrated on the site plan the development would be arranged in four blocks. These would be of varying height and would be arranged facing Flambard Way to the northwest and Catteshall Lane to the south. The proposals would include:

- 225 flats (101 one-bedroom flats, 102 two-bedroom flats and 22 three-bedroom flats).
- A replacement police station (1,250 sq m).
- 884.4 sq m of commercial floorspace (10 units) in Use Classes A1, A2, A3, B1, C3, D1 or D2.
- 281 car parking spaces over two underground levels including 174 spaces for the flats, 67 spaces for employees of the Council; 30 secure spaces for the police and 10 spaces for the proposed commercial units.
- Landscaped public, communal and private amenity space.
- Use of the existing Phase I gated access off Woolsack Way.
- Alterations to the Flambard Way / Woolsack Way junction, a pedestrian refuge on Flambard Way and paving of Catteshall Lane.

19. Block A, adjacent to The Atrium, would rise to four storeys in height and would house the replacement police station (fronting Flambard Way) and flats. Its southwestern elevation, and the return wing of Block B, would overlook and enclose a paved public piazza.

20. In order to accommodate rising ground, the Flambard Way elevation of Block B would be stepped. It would have a height of five storeys with commercial units along the street frontage and flats on all levels. Similarly, Block C would step up the slope. That part closest to Block B would be six storeys in height. It would then rise to seven storeys and terminate in a "tower" with an eight storey element at the junction of Flambard Way and Catteshall Lane, the highest part of

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16 CD G10
17 The proposal can be visualised, with care, in a series of photomontages. See for example, CD K18i, m, n and o taken from the viewpoints indicated at C.1 in CD E6, Vol 2, Chapter C
18 Plan A4
the site. The return frontage to Catteshall Lane would step down through seven storeys to six storeys. The Flambard Way frontage would house commercial units and there would be flats at all levels.

21. Block D along Catteshall Lane would be of various heights and would contain only flats. There would be a small two-storey element adjacent to Victoria Road. It would then rise through three and four storeys to reach a height of five storeys alongside Block C.

22. The perimeter blocks would enclose a central courtyard that would be tiered and finished with hard and soft landscaping.

23. The proposals are accompanied by an Environmental Statement. All of the information has been advertised as information submitted pursuant to Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The responses comprise part of the environmental information. Proposed mitigation measures are set out in Doc 59 (repeated as Appendix B to this report). A Transport Assessment also accompanied the application.

OTHER AGREED FACTS

24. Other agreed facts are as set out in the Statement of Common Ground.

THE CASE FOR THE APPELLANT

Effect on character of the locality and the setting of the Conservation Area

Accepted Principles

25. As a matter of policy, it is common ground that the development should be of high quality in accordance with policy in the development plan and in national guidance, including PPS 1 and PPS 3. It is also common ground that the site in its existing condition is an eyesore and in need of redevelopment. In addition, the present contamination of the site requires to be addressed as a matter of substantial public importance (see Local Plan Policy TC6(d)). Further, it is appropriate for the site to be developed for mixed use but with significant residential development.

26. There is acceptance that the site is previously developed land in a derelict or semi-derelict and contaminated condition in a highly sustainable location. It is therefore a site which as a matter of policy should be developed effectively and efficiently to the highest density that accords with its character and location (PPS 3 and Structure Plan Policy LO3).

27. Specifically with regard to design, it was agreed that it would be appropriate to adopt a perimeter block basis and also that the use of modern design idiom

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19 CD E6
20 Doc S8
21 CD E5
22 Doc S6
23 The case set out is an edited version of the appellant's closing submissions - See Doc 96
24 See officer's report on Phase 1 (CD G8) and the Development Control Consultative Forum (CD F1 and F1a)
25 CD D1 - in contrast to the Cranleigh Brickwork site (Doc 61), the appeal site sustains significant water run-off in its existing state with implications for pollution of the surrounding watercourse and groundwater.
28 CD C1
would be appropriate and was indeed to be encouraged. In addition, it is common ground that the development should be legible and inclusive including public provision in the form of a piazza or similar open space.27

28. It is accepted that the layout should respond to two focal points, one at the junction of Flamand Way and Woolsock Way beside the proposed piazza and the other at the western apex.28 There has been little objection to the design approach adopted in respect of the former, which largely reflects the approach in the Framework Plan.

29. As to the apex site, English Heritage and the Council are seeking a low profile development. It is questionable whether such an approach would properly fulfil the townscape needs and opportunities at this important focal point and gateway to the town centre. Mr Stewart (himself a CAYB enabler) did not think that it would. He thought the result would be bland and would simply replicate the effect of Felicia Court and Hambledon Court. When one passes this point by car or on foot it is an area that at present suffers from real mediocrity. As CAYB has consistently urged, it calls out for a statement of distinction to mark the traveller’s arrival at the town centre.

30. It is also common ground that to attract support under Policy TC6 the development should improve the townscape, be of high quality design and complement the scale and character of the town. Whilst these are plainly interrelated, few would doubt the improvement at least in principle of modern development of the site in terms of appearance and the induced vitality and activity in this park of the town centre. In addition, it is considered that the design is of high quality both in context and in itself.

31. In terms of scale and character, there is some misunderstanding which is worth clearing up. Complementing does not mean, nor is intended to imply, a replication or mimicry of the existing scale and character. To complement something is defined as “to act as something that completes or rightly co-exists with something.” This aptly captures the sense of the policy, that is, to co-exist with the scale and character of the town. That is something to be informed by the particular location for the townscape feature in the form of the tower.

32. The ability to accommodate and the townscape need for a statement at this point is thus very important to the quality of rightful co-existence. Equally, each element of the design should properly be questioned as to its ability properly to co-exist in its immediate and local context and with the wider scale and character of the town. In these terms, the designers have not sought to adopt the Piers Gough “signature” approach to architecture given the Godalming context where something more conventional is called for. At the same time, there is no requirement to replicate the scale of buildings found in the Conservation Area.

33. It is also not in issue that the development should seek local distinctiveness (PPS 1 Para 36). It is a fallacy to equate this with an analysis of what specific building techniques or features mimic the scale of the historic town centre street scene. The question is whether the development is individual to the site and its location. It plainly is not just because of the careful use of materials typifying

27 CD D5 Para 3.1.1, Fig 9 and Para 4.4.1
28 CD D1 Paras 9.80 to 9.81; CD D5 Fig 9 and Para 3.2.4 A, D and E
the town centre but also its careful design accommodating the particular features of the site and its context.

34. The design is particular to the Key Site as part of Godalming. It is not some featureless box or array of 3 bed stancard house types which truly would constitute the “anywhere architecture” which is rightly to be avoided.

35. Returning to the accepted principles, this includes that the design should preserve the views to the Lammas Lands.\textsuperscript{29} Contrary to the false assertions of the Urban Design Officer (retained in evidence by Mr Falconer) the design carefully preserves those views (see Doc 12, View T1).

36. It is common ground that there should be a strong boundary/enclosure to Flambard Way enclosing the open Waitrose car park.\textsuperscript{30} Flambard Way forms part of the street scene and urban context for this part of the town centre (as the setting to, but not part of, the Conservation Area). It is rightly emphasised in the Development Framework that the car park and Flambard Way is an urban space that needs a strong enclosure.

37. To achieve that enclosure requires an urban form and massing that addresses the topography and can provide a real sense of definition to the open space. The massing in the five storey structure, with the top storey in the form of a set-back glazed feature, would effectively perform this role without being either lost or over-dominant.

38. Opposite the Waitrose store and service yard, this frontage would and should properly link with the architectural expression at the westerly apex. Again, with the strong and maintained support of CABE, it is legitimate and correct that the massing should be seen to build up to this climactic point of the cohesive and integrated design rising to six storeys with a two storey step to mark the corner feature.

39. There is acceptance that Catteshall Lare should be traffic calmed and improved for pedestrian and cycling use. There is support for the improved public space at this point.\textsuperscript{31} It is accepted by both Mr Falconer and the Urban Design Officer\textsuperscript{32} that the proposed design properly addresses “the existing townscape in terms of the careful use of materials and in particular the relationship with South Hill.”

40. The principles of the landscaping scheme are not criticised subject to approval of details. Illustrative proposals form part of the application and are detailed in the Design and Access Statement (DAS) Appendix.\textsuperscript{33} The evidence of Mr Wright demonstrates how the design responds to its orientation. There would be a well sunlit public space that would ensure overall benefit to new and neighbouring residents alike. The views from the east would be greatly enhanced with the removal of the existing sheds and other paraphernalia and their replacement with landscaped terraces and treescape. These would be set against the background of the new buildings in place of the modern brutalism of the police block.

\textsuperscript{29} CD D5 Para 3.2.3  
\textsuperscript{30} CD D5 Fig 6, Para 2.4.6 and Fig 9; and CD D1 Para 9.80  
\textsuperscript{31} CD D5 Para 3.1.3  
\textsuperscript{32} Doc 37 Para 6.1.42; English Heritage’s response dated 23 August 2007  
\textsuperscript{33} CD J12 App 1
41. Generally, the use of materials including brick is supported; the actual choice or quality of materials or other detailing can be the subject of condition.\textsuperscript{34} There was little or no issue as to Mr Wright's approach in deploying glazed elements to reflect the sky and give lightness to the top storey of the development. This can be compared to the use of expansive tiled or slate ridged roofs as adopted in Phase I.\textsuperscript{35}

42. It is also essential that the development should be coherent and comprehensive.\textsuperscript{36} Thus there should be no complaint that there is a common theme through the development in its use of materials and urban form, albeit one that is articulated and varied in its use of detail and height and massing. The buildings are not all the same. This could not be further from the truth. The design provides subtle but appropriate response to context; also a breaking up of the mass through the built form and detailing whilst ensuring coherence with, among other things, the adoption of the consistent capping with recessed top storey, itself articulated and varied in height.

43. As to access, it is a common principle that access should be limited to Catteshall Lane and Woolsock Way, enabling closure of the existing accesses to Flambard Way.\textsuperscript{37} In particular, the rationalisation of the existing accesses is welcomed and the use of the access to Phase I to serve both developments, as intended, is supported by the County Council and is obviously sensible. Perhaps more important is subordinating the dominance of the car, and particularly car parking, by undergrounding or other techniques (as anticipated in the design of Phase I).\textsuperscript{38}

44. Finally, no one questions the need for and public benefit in providing the police with new and modern state of the art premises, together with replacement modern premises for the Wharf School including the enhanced provision as part of the Sure Start scheme.\textsuperscript{39}

**Development Framework**

45. It is convenient to deal briefly with the policy context starting with the Development Framework. It is of some relevance that this is a 2001 brief formulated before there had been any, or any thorough, investigation of the site. Moreover, it was providing for a commercial/community development rather than a residential scheme.\textsuperscript{40}

46. In any event it is not proposed to be prescriptive.\textsuperscript{41} In its general guidance there is much which is reflected in the appeal proposals. Mr Wright made clear (as did the DAS) that the Development Framework was carefully taken into account in the formulation of the proposals in discussion with the Council and other stakeholders.

\textsuperscript{34} CD D5 Para 2.4.7  
\textsuperscript{35} CD D5 Figs 14 and 15  
\textsuperscript{36} CD D5 Para 2.3.2  
\textsuperscript{37} CD D1 Policy TCP5(b) and Para 9.82  
\textsuperscript{38} CD D5 Para 2.4.8  
\textsuperscript{39} CD D5 Para 3.1.4, 3.1.2 to 3.3.2 and 3.3.5 to 3.3.6; also the Development Control Consultative Forum at CD F1/F1a  
\textsuperscript{40} CD D5 Para 3.3.1  
\textsuperscript{41} CD D5 Para 1.1.2
47. The guidance in the Development Framework that the buildings should not exceed 3 (commercial) storeys should be seen in the light of the section at Figure 13, and the development illustrations at Figures 14 and 15, which show development generally including blocks 3½ or 4 storeys in height. Whilst there is a different approach in terms of a ridged roofscape, the framework makes clear that there is no objection to a modern roof treatment including a flat roof and/or parapet.

48. The set-back of the top floor of the scheme design echoes the ridge and parapet treatment in many buildings within the town centre. Mr Wright made clear his strong preference for the parapet/recessed storey approach over the more vernacular ridged roof. This was to avoid any unnecessary sense of dominance of the roof mass.

49. In this respect Paragraph 2.4.4 of the Framework Plan states:

"The historical background shows the changes that have affected the site and its surroundings, and its setting is now dominated by recent development. Nevertheless architecturally much of this new building makes strong reference to the vernacular types of the region, with complex gable roofs, red brick and plain tiling. It should be noted, however, that buildings in the historic town centre are of considerable architectural variety, with rendered surfaces, horizontal parapet lines and elements of classical formality, as well as the more rustic forms widely used by modern designers (and their Victorian predecessors)."

50. The guidance continues at Paragraph 5.2.1:

"The illustrations are not intended to prescribe a particular architectural style. They are shown in traditional pitched roof form to echo the modern vocabulary that has been developed on adjacent sites. However, innovating contemporary architecture could be quite acceptable in the context of the proposed urban form particularly to express the landmark locations at the apex of the site and the pedestrian court at D and E." [ie the junction of Flambard Way and Woolsack Way]

51. This advice is repeated in the justification for Policy TC6 in the Local Plan:

"Development must be of a high quality, designed to complement the scale and character of the town. This need not necessarily dictate the use of vernacular building styles and traditional materials."

52. The Development Framework does appear to suggest a reduction in height as one moves to the focal point at the apex of the site. This raises the problem touched on above. The framework correctly identifies the importance of a "key approach view and landmark" and "a key location with opportunities for a striking building form that exploits the angled site". However, this principle cannot be achieved by a suburban scaled building of two or three storeys.

53. On the eastern side, the relationship to Victoria Road and Phase I closely follows the guidelines in the framework. Thus Block A encloses a courtyard with The Atrium, very much in line with the principles shown within the framework plan. It is accepted by Mr Falconer that the design of The Atrium itself anticipated

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42 CD D5 Para 4.2.2
43 CD D5 Para 5.2.1
44 Doc 41 Figs 7, 8, 9a-c, 12 and 22
45 CD D1 Para 9.79
46 CD D5 Fig 9 and Para 3.2.4 point A
enclosure with Phase II forming what would be the focal point for the development at the junction between Flambard Way and Woolsack Way.\textsuperscript{47}

54. Overall it is suggested that the guidance in the Development Framework is properly reflected in the appeal designs. In so far as there is a departure from its terms, this would not in itself constitute a breach of the development plan or other policy. The framework is merely intended as guidance. It is not intended to be prescriptive or to dictate the final evolution of design for the site. In any event, in so far as it was adopted as Supplementary Planning Guidance (SPG) that would supplement Policy TC6, the framework should be applied in the light of that policy. This is considered below.

Local Plan\textsuperscript{48}

55. Reference has been made above to parts of the guidance in the Local Plan. The wording as adopted should be treated as considered and deliberately meaningful of its place for the application of what is now the Planning and Compulsory Purchase Act 2004 Section 38(6).

56. Thus the relevant section is introduced at Paragraph 9.52 of the Plan as "guidance" which is consistent with the terms of the policy itself, providing for the support of the authority. That is to be contrasted with policies that are restrictive (for example Policy D1 which provides that "Development will not be permitted where ...") or mandatory (for example Policy D1: "The Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment").

57. Thus the provisos set out in Policy TC6 are conditional on the proactive support of the Council. Conflict with them would not in itself bring the proposals into conflict with the development plan, albeit that it may be that the development would otherwise conflict with other design policies within the Plan, including the general design policies under Policy D4.

58. That is consistent with the justification for the policy, which at Paragraph 9.52 whilst describing the policy as guidance makes clear that the proposal should comply with other policies in the Plan.

59. The justification, including the reference to a limit to 3 storeys in height\textsuperscript{49} and stepping down the gradient,\textsuperscript{50} should not and cannot properly be used to support a conclusion that a development that did not accord with that guidance was perse in breach of the development plan for the purposes of Section 38(6). A design that (with the support of CABE) proposed development that exceeded 3 storeys and built the massing up the gradient would be appropriate and entitled to be judged on its own merits in accordance with the design policies in the Plan, including Policy D4.

60. For the reasons explained by Messrs Wright, Kelly, Stewart and Horne, it is submitted that the proposals would comply with the criteria (a)-(f) for support under Policy TC6 and otherwise with the design policies in the development plan.

\textsuperscript{47} Acknowledged in the officer's report at CD G4
\textsuperscript{48} CD D1 Policy TC6
\textsuperscript{49} Para 9.80
\textsuperscript{50} Para 9.81
Community and Stakeholder Involvement

61. In accordance with the sustainability advice in PPS 1 there has been thorough and comprehensive inclusion of the community and other stakeholders in consultation in respect of the development of the site since at least 2004.

Development Control Consultative Forum 5 September 2005

62. In January 2005, officers supported development of The Atrium site for a 4 and 5 storey development. It was concluding that:

"...the officers are of the view that the proposed building would not be too high or too bulky on this site even though it will not conform to the original objectives to incorporate vernacular pitch roofs. Comfort is taken from the already partly constructed building which is currently in three storeys and which helps the visualisation and assessment of the impact of an additional floor on the townscape."

63. In Annex 2 to that report, as part of the financial appraisal, the financial problems confronting the site were clearly recognised.

64. In the note of the Consultative Forum in September 2005, Godalming Town Council was recorded as welcoming the process of discussion and "openness on cost implications". It was "pleased to see the removal of the Police Station" and recognised "the issue" regarding affordable housing. The Godalming Trust also welcomed the discussion document, as Mr Musk confirmed, and raised a number of questions about viability and other relevant matters.

65. After September 2005, there were continuing and extensive discussions between the appellant, the Council, CABE and the District Valuer among others, resulting in what became the application proposal which is subject to the Consultative Forum on the 15 February 2007.

66. At Page 5 of the note of that meeting, the officers identified the main issues as "Finding a solution for the Contaminated Land on site" and "Achieving a viable scheme to accommodate the required land uses (incl Nursery off site, Police Station and Car Parking On site)". This was at a time when the appellant had acquired Langham Park following the Forum in September 2005 for use in connection with development of Phase II.

67. At Page 6, the Council records that the Roger Evans' scheme was not viable. As its "ideal scheme" the Council would seek a scheme that was as close to the Roger Evans' brief as possible: "At the same time a scheme that was viable financially and could accommodate the requirements of the land uses". It was concluded that "Any scheme that departs from the Roger Evans' brief will need to be justified on all its aspects".

68. Against that background the Town Council remained supportive of a number of the principles in the development and did not state any serious objection to the proposals. The Godalming Trust welcomed the link to Waitrose but questioned what the contamination situation is and expressed their concern about the heights of buildings.

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51 CD F1a
52 CD G8 19 January 2005
52 CD F1
69. It is noticeable from Pages 14 and 15 that the County Council and the Wharf School Chairman of Governors were unequivocally in support of the proposals.

70. Moreover the Waverley Cycle Forum (Pages 17 and 18) were generally supportive, particularly of the links to the town saying that it was “Delighted to see need to improve route to Waitrose but needs to go further. Underpass suggested”. It is accepted by Mr Falconer that there was no suggestion at that stage of a necessary contribution or proposal for a link across the Lammas Lands. Mr Musk confirmed that any such proposal “came later”.

**Other Stakeholder Involvement**

71. The stakeholder involvement in this case pre-application has been extensive. Any complaint by Dr Barker in this respect is more than a little disingenuous. To the knowledge of the applicant, English Heritage was copied in on all the responses by CABE from 2005. English Heritage appeared content with the way in which CABE was dealing with the matter. Certainly, had English Heritage wished to become involved directly, it had every opportunity to do so. As it was, it was content simply to become involved at the application stage.

72. Equally, there was close involvement with Council officers and members in the evolving design and the advice of CABE with total commitment from the appellant’s design team leading to the design which CABE was able to support.\(^{54}\) There was no suggestion at any stage during this process that the officers were not in support of the approach for the purposes of regenerating the site consistent with the policies in the development plan and the SPG.

73. That is not to say that other officers subsequently dealing with the proposal were not able to take a different view. It does powerfully demonstrate, however, that the design approach of CABE and the appellant as to massing, scale and layout was one that was a legitimate approach for the site and in turn complementary to the scale and character of the town.

**Consultations with CABE**

74. Given the importance attached to the advice of CABE by the Council and other parties, it will be useful briefly to consider its advice, particularly in the light of the most recent letter dated 30 June 2008.\(^{55}\) Here it was confirmed that its view remained the same as that expressed in the pre-application letter dated 3 April 2007.

75. The first letter, dated 27 September 2005\(^{56}\) (following the joint presentation of the scheme with the Council), records the careful scrutiny by the review panel chaired by Sir Nicholas Serota. The letter sets out specific and comprehensive advice as to the design approach, including the importance of contextual analysis in accordance with the advice in By Design. Even then, CABE expressed the view that the principle of building the massing of the development up the hill was the right approach, that it had no concern with the height of the buildings proposed and that the idea of stepping the building to form terraces with views towards the Lammas Lands was good and needed further exploration.

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\(^{54}\) CD F5a 3 April 2007
\(^{55}\) Doc 5
\(^{56}\) CD F5
76. Following that letter, the design team carried out a comprehensive contextual review in accordance with By Design. The designs were submitted to CABE who responded on 15 June 2006. In the response, CABE unequivocally commended the appellant’s team for the approach to and response to the advice in the previous letter including its contextual analysis. It welcomed the perimeter block approach and unequivocally stated that the scale and massing could be appropriate if high quality architecture could be achieved. They expressed a reservation on landscape design and, as a result, Capita Lovejoy was engaged to advise in that respect.

77. Importantly CABE advised:

"Godalming is a place with its own special character and existing buildings nearby are generally small in scale. Since this development proposes a break with this modest scale, we think that it will need to be of high quality to be acceptable; we are not yet convinced that this is the case. We support the aspiration to create a modern architectural expression, using traditional materials, but think that further work is required to achieve this successfully."

78. This is entirely in line with Mr Wright’s evidence. As noted above, co-existing with other development does not require repetition of scale or character and that the particular location and role in the overall townscape may require an approach that does adopt a different scale and character to achieve good and distinctive design which is still complementary of that which exists.

79. Following that letter, the design team worked up the proposals in accordance with the advice from CABE leading to the proposals that were essentially those the subject of the application and which were presented to CABE in the early part of 2007. The letter dated 3 April 2007 confirmed the previous advice as the context for the views in the letter. It concluded:

"We think the latest reiteration of the design is an improvement which we feel we can support. The design team has responded successfully to our previous concerns about landscape design, architectural expression, and the quality of the internal ‘streets’. We would be happy to see this proposal achieved, subject to conditions relating to detailed design and materials."

80. It is apparent from that letter that CABE’s concern about architectural form and design, apart from the detail of the design and materials, had been met and that it was prepared to “support” the appeal proposal. The nature of the remaining reservation is clarified in the third paragraph which advises that the client will “need to consider carefully the means by which it is procured. Great care and attention will be required in the resolution of the detailed design of the buildings and landscaping”.

81. Resolution of the detailed design of the buildings is not suggesting any fundamental re-design of appearance, massing or scale. It is plainly limited to detailing of various architectural details in terms of the façade albeit, at that stage, CABE was content that that should be the subject simply of a condition requiring, no doubt, detail of the façades and materials to be the subject of subsequent approval.

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57 CD F6
58 CD F5
59 CD FSA
82. Following the application, there was a change of personnel dealing with the application at CABE and Justin Kelly took over as the design review adviser for the application. The response to the application is dated 3 August 2007. Instead of confirming the previous views, it expresses the situation that the views in the letter “supersede all views which may have been expressed previously”. No explanation was given as to the reason for any change in view, but that has to be seen in the light of the letter dated 30 June 2008 which in fact confirms that there was no change in the fundamental support in principle for the design, subject to resolution of design detail and landscaping.

83. The letter dated 3 August 2007 confirms that the way in which the design team had developed their scheme was appropriate including the perimeter block approach. The letter also confirms that the scale is appropriate in its context, albeit subject to the point about high quality architecture and sensitive detailing as explained above. It specifically endorsed the tower height at the western end of the site because of “the significance of this corner” (consistent with building up the massing up the slope).

84. There is specific criticism about the tower to which, as Mr Wright explained, the appellant’s team responded in the subsequent amendments. Concerns included that the tower was inelegant and lacked confidence, both at the top and the base. There were too many different materials being used. There was also concern over the roof (which was their gull wing in approach) and a strong recommendation that this last point be reconsidered (which it was).

85. Generally, CABE thought that the building facades appeared “too busy” and the internal elevations were more successful than the exterior, due to their simplified detailing. The way forward was a simplified palette of materials with a concentration on quality of materials. Specific concern was expressed in respect of the use of white render on the tower. As was explained, all of those matters were addressed through the design changes that now form part of the current appeal.

Response of English Heritage 20 August 2007

86. It is convenient at this stage to consider the response of English Heritage. The case was allocated to Dr Barker because of his acquaintance with the area and particularly as a resident of Guildford. His response, dated 20 August 2007, is at CD E8. By this time he had been copied with the letter from CABE dated 3 August 2007. He notes that the site is adjacent to the Conservation Area and forms “one element” of the setting of Olde Steppe House but “it is located at a critical point for the perception of the town as a whole”. He recognises that redevelopment is clearly desirable and expresses the view that the uses are a matter for the Council.

87. He then confronts the view repeatedly confirmed by CABE as to the appropriate scale of the proposals. He does so on the basis “that the character of place should temper support for proposed development on this scale”. From the following paragraph it is clear that the issue was that generally development in Godalming rarely rises above 4 storeys in height. He therefore questioned whether an 8 storey residential tower is appropriate in this context.

60 CD F5A
61 Page 110
notwithstanding “the corner of the site and the scale of development to the north justifies an architectural response of a more robust scale and character than would be appropriate in the historic core of the town”.

88. That his concern was essentially with the height of the tower was manifest, we suggest, in his evidence in cross-examination and in answer to the Inspector. It is a point of principle and an approach which is fundamentally different from the approach of CABE and indeed Mr Stewart and the appellant’s architectural team. It may be thought that in the first place on this site and for this development it is more an architectural and design issue rather than a heritage question.

89. It is relevant that the only direct architectural advice to the inquiry was from Mr Wright, Mr Stewart and indirectly from CABE. This can be contrasted with Dr Barker who, as an architectural historian and local resident, is someone whose approach is admitted to be focused on “preserving the heritage”; also that of the urban design officer whose appraisal and advice seemingly played such an influential role in the approach and evidence of Mr Falconer.

90. In this regard, it may be noted that the advice of the urban design officer was characterised by a similar small scale townscape approach evidenced by her now revealed ambition to repress any repetition of The Atrium design which had been advocated and supported by the officers for Phase I of the site.

91. Returning to English Heritage’s letter of 20 August 2007, it criticised the use of the zinc and the “form of the roofs” in relation to the character of the town and its relationship along Catteshall Lane. The former has been addressed in the amendments by substituting glass panels for the zinc panelling. As to the latter, Dr Barker accepted in cross-examination that he was not suggesting that the roof needed to be ridged, but simply more varied.

Response of Surrey County Council

92. Surrey County Council has strategic responsibility for advice in the county on design and heritage. Its response is set out in its letter of 16 August 2007 and was subsequently confirmed in the light of the amended design. The letter commends the approach to the development taking account of the characteristics of the site, the redevelopment objectives and remediation and its sustainable location.

93. Specifically on design, it comments that the development would be “a key point structure that could act as a point or gateway feature. Level changes appear to work well in the elevations and suggest a reasonable relationship between building and street scene.” The density is accepted and the scale is described as “balanced”. In terms of residential amenity, it is described as potentially providing “a high quality residential and commercial environment” and “a high quality sustainable design and layout”. Specifically the landscape design statement is commended as “taking advantage of level changes, considering

61 CD D21
62 CD E8 Page 50
63 Top of Page 55: “Phase 1 of the key site is readily visible from Meadrow, and does sit uncomfortably with the wider townscape – it would be unacceptable to repeat this and cumulatively emphasise such an urban approach” It is difficult to reconcile this protest to what should surely be an urban approach to the redevelopment of a central and previously developed site.
64 CD E8 Page 127
65 CD J13 Page 15

Page 16
materials carefully and creating a good relationship between public and private spaces”.

94. Overall at Page 5 it concludes:

95. “From a townscape point of view the development will create a landmark statement at a key junction. It is unlikely there will be a visual conflict for the integrity of the Godalming Conservation Area or with other keynote buildings. The design and landscaping are, in our view, capable of being of a very high standard. The development is therefore likely to make a contribution towards Local Plan objectives for Godalming.”

Response of Urban Design Officer

96. It is also convenient at this point to make reference to the consultation response of the Urban Design Officer and to the Town Centre Character Appraisal. The appraisal, which was in response to the application the subject of this appeal, considered the proposed tower at Page 9, commenting that a “vertical emphasis might be appropriate to balance the town”. However, at Page 13 it is stated that “The nine storey corner element will dominate the vista along Flambard Way … undermining the domestic character of the existing townscape”.

97. The illustrated view in the Character Appraisal is of Felicia Court and Waitrose together with the police building. One can envisage that it might also have included Hambledon Court and Olde Steppe House. Thus, it can be seen that this pivotal entrance point to the town centre is one evidently which must be constrained to a “domestic character” or scale, something which is plainly contrary to the approach consistently supported by the officers throughout the pre-application discussions and indeed reflected in the approval of Phase I.

Amendments

98. The amended plans are in CD M. Reference to Drawing 150B Elevation 1 shows how for the tower the gull wing roof has been removed, the render has been changed to brick, vertical elements have been introduced so as to provide closer connection through to the base of the tower and the overall height has been reduced. From Elevation 5 (Drawing 152A) the lift element as a vertical feature is introduced on the Catteshall Lane frontage. The zinc is replaced by glazed spandrels along the set-back top storey.

99. Generally, the criticisms of CABE and to an extent those of English Heritage are met for the facades by changing the timber window louvres to grey metal, thus coinciding with the treatment of The Atrium (see Elevation 1, Drawing 150B and materials drawings, Elevations 020A and 021A). As indicated above, for the recessed top storey, the zinc panels are changed to glazed spandrels (Drawing 151B).

Response of English Heritage 8 May 2008

100. Dr Barker responded to the changes by letter dated 8 May 2008. By this time he had been enlisted to give evidence for the Council as part of the inquiry

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67 CD E8 Page 50
68 CD D21
69 For a summary of the amendments see the memorandum at CD J11
70 The reduction in height is perhaps of least importance but remains well balanced as part of the overall composition.
71 CD E8 Page 123
team and was already in discussion on his proof of evidence. In the response the following points are made:

- concern is expressed about the “principle” of a residential tower, referring back to the letter of the 20 August 2007;
- the letter recognises the amendments in respect of materials responding to the earlier criticisms; and
- so far as the tower is concerned, reservation is expressed in respect of its “proportion, silhouette, footprint and scale” concluding that “English Heritage remains of the view that the scale of the scheme does not respond appropriately to the character of Godalming and that in particular the tower element ... will cause detriment to the setting of the conservation area”.

101. Essentially, therefore it can be seen that it is the tower to which English Heritage fundamentally objected and does object. That is based on the premise that the “scale”, or predominantly the height, should remain one limited to the generally existing height of 4 storeys or less. As submitted above, the appellant, with CABE, regards that as inappropriate and an under-use of this gateway site where a feature of significance and distinction proposed as part of the development is justified and indeed in townscape terms is a requirement.

102. Dr Barker’s letter goes on to draw attention to the effect of the tower on the setting of “listed buildings within (the conservation area) and Olde Steppe House which is adjacent to the site.” Thus again it is the tower which remains the essential point of concern.

Response of CABE 30 April 2008

103. That letter was followed by an e-mail to CABE from Mr Falconer\textsuperscript{72} seeking in Mr Falconer’s words to rally support from CABE. It enclosed both of English Heritage’s responses. It drew attention to what was accepted to have been a misconception of Dr Barker as to the effect of the whole top storey being lit with glazed fenestration throughout its length. In any event the panel had its attention drawn expressly to the opposition of English Heritage, including its views on scale, together with the apparent endorsement of those views by the Council.

104. On 30 May 2008, CABE responded to the amended scheme.\textsuperscript{73} In the response (on this occasion with a new Commissioner Piers Gough) the view was (as explained in the letter of 30 June 2008) maintained as set out in the letter dated 3 April 2007. Thus, notwithstanding the views rehearsed by English Heritage, CABE unequivocally endorsed the height of the tower and the scale of the development subject to the architectural quality and detailing, as previously explained.

105. It again confirmed that the site was appropriate for the tower feature, given the significance of the corner but that the architecture of the tower was not of "sufficient quality" in that it lacked "inspiration" and did not “display the level of thinking or rigorous approach that is expected of such a significant proposal”. The reference was then made for the first time to the Guidance on Tall Buildings.

\textsuperscript{72} CD J14 Page 16
\textsuperscript{73} CD J14 Page 38
The letter goes on to criticise the landscape proposals in a manner which we suggest betrays some lack of familiarity with the detailed proposals and previous design work.

106. There is nothing specific as to the nature of any perceived deficiency in this response from Piers Gough, who had not previously been involved. In terms of the perceived lack of inspiration, reflecting the nature of the reviewer’s particular architectural approach with his “signature” architecture, Mr Wright’s considered view is that this would be inappropriate in context. A modern but more traditional theme would be more responsive and appropriate whilst delivering the townscape objective of an architectural expression of a building that would have prominence in this gateway or key location.

107. The reference to the Guidance on Tall Buildings is somewhat strange. It was not new advice having been originally promulgated in 2003. However, Mr Stewart (an original reviewer of the advice) explained its relevance in the present case and the interaction between the prominence of the building and the effect on its surroundings or visual envelope.

108. The only element of the scheme which is suggested to be “tall” for this purpose is the tower. On that basis the advice calls for a contextual analysis; that was precisely what was called for by CABE in its first (2006) response and thereafter provided by the appellant’s team to CABE’s expressed satisfaction. The same goes to the landscape criticism. It is not surprising perhaps that CABE felt on reflection that it should make clear in its letter dated 30 June 2008 that it was not departing from the views in its letter of 3 April 2007.

Conclusions on general design approach

109. Most of the general design issues have been dealt with above, in particular, the careful formulation of the proportions and detailing of the tower and its response to its location. It is a design that is proportionate but successfully delivers the townscape requirement for this important focal point at the gateway to the town. Issues relating to enclosure and scale generally have also been dealt with above.

110. Though the buildings proposed are larger than many older buildings in Godalming, their scale is mitigated by the division into base, middle and top. In addition, the building elements and details are related to the human scale. In terms of bulk, the footprints of the proposed buildings would be comparable with the Phase I buildings next door. The scheme has been carefully designed as a series of separate buildings in order to break down the bulk. Building heights have been carefully disposed in the different parts of the site. The tower acts as a prominent townscape landmark in an appropriate location. Along the prominent Flambard Way frontage, the buildings step up gradually emphasising the natural contours.

111. In terms of setting, the site is not far from the pleasant environment of the town centre; but it does not feel as if it has anything to do with that character when one is on the site. The large retail buildings and their car parks and the main road, are more prominent, and closer, elements of the setting. The scale, bulk, height and built form are all appropriate given the location of the scheme alongside a main road on the edge of the town centre and adjacent to an area of large-scale post-war development. The impact is strongly beneficial.
112. As to the wider views to which reference was made, these generally do not break the skyline albeit, in an urban situation, there will always be points at which any building can be seen against a skyline. In particular, views to which attention was drawn were of the site within its urban context, particularly for example the views from Bridge Road, across the Lammas Lands and from Chalk Road. Equally, the views from above, looking down from South Hill, were being viewed as part of an overall urban context within which the appeal development would remain a coherent part.

113. As to Catteshall Lane, attention has already been drawn to the enhancement in the public realm along the lane and particularly at the junction with Flambard Way where the building line would be drawn back to provide a new and enhanced public area with landscaping linking to the central landscaped courtyard. The starting point can properly be the existing 2 storey commercial building.

114. Further down by Victoria Road the existing building is built up to its boundary and extends behind to Victoria Road. The replacement is, as indicated, a 2 storey building (Block D) with the upper floor set back and then building up to a further storey, again set back. The façade, which is closer, is not immediately behind 2 Victoria Road and is less deep than the existing building. At the point where the block does come behind 2 Victoria Road, there is some 16 metres façade to side façade and again with the top storey of the 3 storey building set back.

115. As to the street at this point, there is nothing in the criticism made. It can be seen in terms of the overall relationship and set back in comparison to the existing from the relevant photographs. There would be no adverse impact whatever on the rear of the properties to the south of Catteshall Lane (Nos 50-61) which are above a retaining wall and facing the other direction.

116. On a final point, the Council has sought to criticise the Design and Access Statement and the townscape assessment in the Environmental Statement. These are new points raised for the first time at the inquiry. However, it should be noted that the DAS deals with all the requirements of Circular 01/2006. In addition, the Environmental Statement addresses all points on context, massing and height.

117. For the above reasons it is submitted that the general design approach can and should be supported as appropriate to the site and its location.

**Setting of the Conservation Area**

118. In terms of the setting of the Conservation Area, the relevant policy is in PPG 15 at Paragraph 4.14. In this respect, the immediate edge to the Conservation Area is Waitrose with the setting here comprising the car park and Flambard Way. Behind Waitrose within the Conservation Area is the service yard, Felicia Court and other modern development on the other side of Wharf.

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74 See CD D6 Vol 2 Chapter B Fig B4 and Fig B10 Photo 08; also Plan A4
75 See Fig B9 Photo 01 of CD E6 Vol 2, Doc 32 App 2 Photo 7 and Doc 12 App 4 View T2
76 Plan A7 Elevation 2
77 Plan A4
78 See for example Photo 01 in CD E6 Vol 2 Chapter B Fig B10
79 CD E6 Vol 2 Chapter B Fig B10 Photo 03; also Fig B4
80 CD A5
Street. Even within Wharf Street, there are no views until towards the southern end where it is in the context of the modern Felicia Court.  

119. As to the town centre itself, it is accepted that there is no view from within High Street or Church Street. The one view that Dr Barker was able to identify was from Wiggins’s Yard where there may be a view of the proposed development above the Waitrose roof. However, any view would be immaterial to the perception of the overall character and appearance of the Conservation Area and that view from this part of the Conservation Area is not an important contribution to or part of the special historic or architectural interest of the area as a whole.

120. Thus, so far as views out of the Conservation Area itself are concerned, there would be no adverse effect on the setting of this Conservation Area as an area of special architectural and historic importance.

Town Centre Character Appraisal

121. In turning to consider the views outwith the Conservation Area but of its setting it may be helpful to consider in the first place the Town Centre Character Appraisal. This was prepared by the Council’s Urban Design Officer. In turn, the views were imported into the evidence of Mr Falconer.

122. The Character Appraisal is an appraisal of the town centre and is not limited to the Conservation Area. It involved no public consultation or discussion with the appellant. It is advocative in style as if seeking to support a given conclusion and to that extent lacking objectivity.

123. The appraisal confirms the lack of visual effect of the appeal development on views from the Conservation Area including from Bridge Street, Wharf Street and Church Street. However there are a number of conclusions which are plainly misconceived, including that there would be likely to be a view over the Sun Public House (Page 5) with a “considerable adverse effect on the street scene” and thus concluding that there would be an “intrusive” and “detrimental impact on the town centre.” It is plain and was accepted by Dr Barker that there would not be a view from this point.

124. Secondly at Page 7 it concludes that there would be an “intrusive effect” on the The Burys which is “rural in character”. However, it was conceded by Mr Falconer that that part of The Burys was not only not in the Conservation Area but the only visibility would be from Bridge Road which is part of the urban townscape.

125. As to Bridge Road (Page 8), the assessment concluded that the “bulk and mass of larger flat blocks to the top of the hillside merge into the landscape given the careful selection of materials.” It is noticeable that there is no concern expressed at all about any adverse effect on the townscape at this point and particularly in respect of the appearance of the listed buildings in the photograph.

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81 See Doc 12 View Position T5
82 Doc 41 Fig 15
83 CD D21
84 This is the source of Dr Barker’s Fig 22 in Doc 41
126. It is submitted there would not be likely to be a view of the development above 19 Bridge Road and that even if there was it would be seen in the background and would not detract from the setting of the listed building or otherwise the townscape in this area (it hardly comprises part of the setting of the Conservation Area). In any event, any such view from the bridge is likely to be transitory and not a studied point of view or appreciation of the listed building.

127. At Page 8 in respect of Chalk Road the appraisal asserts that the development would compete with the spire of the Church of St Peter and St Paul with reference to its height, proportions and light pollution. However, it is clear that there would be no view of the development that could remotely be said to compete with the church or otherwise harm the view of the town.

128. In terms of light pollution this would be in the context of a lit town with development and street lighting extending up South Hill behind the development. External lighting for use in the development could be controlled if necessary by condition.

129. From the other direction, from Croft Road, the appraisal comments at Page 13 that the proposal might undermine this roofscape in some views. It is submitted that this cannot be justified as a criticism. The development will be modern with its green roofscape but would be seen in the overall context of the existing built fabric of the town. Dr Barker did not raise concern about views from this angle in any respect as to church spire of otherwise.\textsuperscript{85}

130. In respect of Flambard Way, at Page 13 it is said that the view towards the Lammas Lands would be lost. That is plainly false (see photomontage T1)\textsuperscript{86}. As stated above, this would not undermine “the domestic character of the existing townscape”.

Response of the Urban Design Officer

131. As is apparent from the response,\textsuperscript{87} the Urban Design Officer relied heavily on the Town Centre Character Appraisal. This officer plainly disliked The Atrium and its scale and was determined to influence the outcome against any repetition of that approved development, an approach which is inconsistent with the thrust of the Development Framework, the guidance of CABE and indeed other Council officers over the course of the pre-application negotiations or indeed the reality of revitalisation and regeneration of this central and important site.

132. In fact, no one at the inquiry criticised the four storey Atrium, notwithstanding the recognition that the design framework guidance was suggesting that development should not exceed three storeys.\textsuperscript{88}

133. It may be thought that this approach in the Urban Design Officer’s response had a particularly negative effect on the attitude to the proposed development, a view which continued to be endemic to the approach of Mr Falconer.

\textsuperscript{85} Doc 39 Para 9.5
\textsuperscript{86} CD J180
\textsuperscript{87} CD EB Page 50
\textsuperscript{88} See Page 57 of CD G4
Conclusion on Conservation Area setting

134. Overall, it is submitted that there would be no views of any significance or materiality from within the Conservation Area that would be adversely affected. Furthermore, so far as views outwith the Conservation Area are concerned, the immediate context is essentially a relatively undistinguished townscape with modern buildings of predominantly extensive footprints. This is in contrast to the more domestic grain in High Street and Church Street.

135. The development would not be seen as dominating the Conservation Area or otherwise breaking the skyline in the longer distant views of Godalming. In the circumstances there is nothing to support the concerns as to the impact of this development on the setting of the Conservation Area as an area of special architectural or historic interest or otherwise.

Setting of Olde Steppe House

136. It is not suggested that the setting of the existing listed building is itself important having been transformed by the new road, the present police station, Felicia Court, Hambledon House and all the road paraphernalia which goes with a major traffic junction. Olde Steppe House faces away from the appeal site and the only issue is the extent to which the background to the view of the listed building would be altered for better or for worse.

137. Interestingly, Dr Barker did not produce a photograph of Olde Steppe House from along Flambard Way. He chose to rely on what he described as a “direct and interesting view east from Queen Street”. That view is one through the back passage off Queen Street and is more of a glimpse. As Mr Stewart pointed out, by taking a step or two to the left the view includes the industrial premises of SCATS immediately to the right or south side of the photographs.

138. As already pointed out, the view down Flambard Way towards the Lammas Lands would remain. Moreover, there would be a considerable enhancement in the treatment and openness of Catteshall Lane at this point. It is submitted that the development would complement and give a focus to this part of the townscape. It would also bring real improvement through the removal of the existing police station and the provision of a building of distinction and quality. All this would be to the benefit of the setting of the listed building. Certainly there is nothing to suggest that the setting of Olde Steppe House would be adversely affected by the proposed development.

Effect on the occupiers of nearby properties

139. With regard to residents' amenities, it is relevant to consider that the site is part derelict and in part developed with industrial / commercial and other buildings and uses including car parking. It is also a site which is allocated for redevelopment to include mixed residential and urban purposes.

140. In terms of 2 Victoria Road, privacy can be satisfactorily addressed through a condition so far as the roof gardens / balconies are concerned. The separation distance of 16m between facades was accepted by Mr Falconer as being acceptable. The photographs illustrate the present fenestration including the

89 Doc 39 Para 9.11 and Doc 41 Fig 13
90 Doc 38 App 2 Photos 05 and 06; see also CD E6 Vol 2 Fig B4
velux window in the roof and the present outlook. The proposal will, as indicated above, be further away and less deep behind 2 Victoria Road than the existing.

141. In respect of 28 Victoria Road, the proposal is for a 3 storey building with the top floor set back which will be at an oblique angle to 28 Victoria Road.\(^{91}\) So far as Block B is concerned,\(^{92}\) it is agreed that a privacy screen can be provided on the balcony of Block B, with which Mr Falconer appeared to be satisfied.

142. Block A has 4 storeys with the top floor set back. The rear residential part comprises the third side to the proposed open square. The Atrium clearly envisaged completion of the square and has no windows in its western facade\(^{93}\) and no overlooking windows to 35 Victoria Road.\(^{94}\) The access road for The Atrium was always anticipated to serve as extended from Phase II.\(^{95}\) As indicated, The Atrium is of similar design and in particular Mrs Bell’s apartment has balconies on both sides at fourth storey level and would simply be looking at a facade at the rear part of Block A, which is commensurate in scale, albeit without the ridged roof.

143. As illustrated from Mr Pattison’s photographs,\(^{96}\) there would in fact be improvement through removal of the commercial buildings and clutter and the provision of the landscaped courtyard. Certainly there would be no overdominance of the proposed development including the tower feature at the far western point.

144. The test under Local Plan Policy D4 is whether there would be “significant harm” to the amenities of the neighbouring properties. In terms of daylight, Mr Wong was clear that maintenance of a vertical sky component in excess of 20% would ensure a good standard of daylight for the six properties affected. The relevant reductions would only be marginally in excess of 20% for the five of these properties experiencing a reduction in excess of 20% at all. Certainly there is nothing to suggest an overriding objection in this respect.

145. As to sunlight and overshadowing, his supplementary evidence and the drawings demonstrate that the new landscaped setting would enjoy good exposure to the sun and there would in fact be general improvement in the reduction of overshadowing. The loss of winter sunlight for 22 Victoria Road would not be significant taken with the other enhancements and the overall improvement in overshadowing for the terrace as a whole. In respect of both daylight and sunlight the standards of the Building Research Establishment would be met.

**Whether appropriate provision will be made for affordable housing**

**Background**

146. Documents relating to the consideration of viability are included in CD K but it will be appreciated that there were discussions with the appellant and the Council before the first letter from the District Valuer at CD K1 dated 12 July 2006.

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\(^{91}\) Illustrated in Doc 38 App 2 Photo 12  
\(^{92}\) See Plan A8 Elevation 3  
\(^{93}\) Doc 38 App 3 Photo 15  
\(^{94}\) Doc 38 App 3 Photo 12  
\(^{95}\) Doc 38 App 3 Page 39  
\(^{96}\) Photo A8
Earlier discussions included consideration of Phase I\textsuperscript{97} on 30 September 2003 recognising the importance of overall planning gain and the potential for affordable housing to be provided off-site through contribution.\textsuperscript{98}

147. The letter from the District Valuer\textsuperscript{95} dated 12 July 2006 was subject to considerable discussion, including the meeting of 31 July 2006,\textsuperscript{100} as to the basis for the conclusions originally reached.

**Langham Park**

148. On 21 July 2006,\textsuperscript{101} an application was made in respect of Langham Park with the expressed intention of relocating the Wharf Nursery and providing temporary police station accommodation in connection with development of the appeal site. The agents, in a letter dated 3 October 2006,\textsuperscript{102} set out the considerable merits of the application in its own right. At the time the Key Site was the subject of independent discussion.

149. On 3 November 2006,\textsuperscript{103} the officer’s report on Langham Park was presented to the committee. It dealt with the merits of the proposal having regard to employment generation and community uses (Page 84) and concluded that the development was to be supported as beneficial in its own right including the opportunity to provide temporary accommodation for the police station.\textsuperscript{104}

150. That then was followed by the concluding letter from the District Valuer dated 16 November 2006\textsuperscript{105} in which the figures from Gleeds were confirmed. It was concluded that the proposed scheme would make less than half the profit that would normally be expected (7.5%), a lower density would make less profit and the Roger Evans’ scheme would make a loss.

151. The officers’ views on viability as express at the Development Control Consultative Forum have been reported above. Following the application made in June 2007, the District Valuer expressed the view\textsuperscript{106} that he was content with the earlier valuation advice. Notwithstanding that, the financial viability was thoroughly reassessed under the guidance of Mr Falconer\textsuperscript{107} with a new appraisal (21 June 2007) based on the value of £3,767.40 per sq m (£350 per sq ft). Agency advice was given as to market values,\textsuperscript{108} Updated figures from Gleeds, including inflation from April 2006 to May 2007 were provided.\textsuperscript{109} Mr Falconer confirmed in cross-examination that there was no information requested that was not provided, so far as it was practicable.

152. Notwithstanding the earlier letter from the District Valuer, by 7 August 2007, the papers had been resubmitted to the District Valuer seeking further advice and
appraisal.\textsuperscript{110} That led to a further meeting with the District Valuer, the appellant, Gleeds and the Council on 17 September 2007. This is against a background of a loss of £1.1m on Phase I.

153. On 12 December 2007 the District Valuer gave further advice.\textsuperscript{111} It was concluded that the scheme would be viable with an element of social housing (see Para 20 of CD K22). However, this was based on values of £3,767.40 per sq m (£350 per sq ft) which was still the appropriate market value. In addition, it was confirmed that the acquisition costs were reasonable; also that the construction cost of £42m from the appellant was appropriate. This is of importance because the £42m refers to the figure of £42.5m quoted in DC K9 and is related to the Gleeds’ cost figures at CD K11 which includes inflation from April 2006 to May 2007.

154. The figure of £2m for remediation was confirmed as reasonable together with the costs of forming the car park. In addition, and without any explanation, the CEA/planning costs were reduced to £250,000.

155. The District Valuer adopted a period of 24 months for financing as the relevant period of the works as opposed to 36 months, which is the advice given relating to the appeal scheme. No direct evidence has been produced to justify 24 months as opposed to that in support of the 36 month period. In particular, the nature of the scheme is such that the remediation has to be carried out for the whole development.

156. There has to be relocation for that purpose for both the police and other uses. In addition, the final finishes of the development and phasing of the overall scheme would be difficult in terms of the amenity offered and the prospect for sales. At best, it has been suggested that Block A might be marketed in advance of the other blocks; but the crane for Block B would still be required to be seated in the car park and there would be all the adverse effects of continuing construction on the prospects for marketing the units. In any event, this made no difference to Mr Turner’s overall assessment allowing an average of 50% construction costs over the 3 year construction period to which Langham Park has to be added.

157. Even on that basis, the District Valuer concluded that a scheme involving 38 affordable units would make a profit of 10.2% and thus below his adopted minimum for viability of 15% on costs and that 20 units would represent “a good compromise”.

158. Appendix 4 to the letter is the appraisal of the District Valuer and it can be seen that:

- it does not allow for cost inflation which took place following May 2007;
- it uses land value of £3,767.40 per sq m (£350 per sq ft), which is not now supported;
- it includes no Section 106/278 costs;
- the reduction in planning costs is included at £250,000; and

\textsuperscript{110} CD K17  
\textsuperscript{111} CD K22
• it is based on the financing period for two thirds of the time.

Valuation

159. Against that background, the inquiry had the benefit of two independent valuers who had not previously advised, namely Mr Turner and Dr Fordham. The Council has not adduced any independent quantity surveying advice, other than indirectly through the District Valuer, who in turn had confirmed the approach of Gleeds. In addition, the authority has not adduced any independent agency advice, but has agreed through Dr Fordham as part of the Statement of Common Ground on valuation matters, a market value of between £3,552.12 and £3,659.76 per sq m (£330 and £340 per sq ft).

160. There is no challenge to the value taken for the affordable housing provision by Mr Turner and supported by Mr Parker. There is no challenge to the appraisal of Langham Park and in particular this is not currently viable. Financing over 24 months has been dealt with above.

161. It is accepted, in line with the District Valuer’s findings in the 16 November 2006 letter, that the more the scale of development on the Key Site is reduced, even with avoiding an underground car park, the more the viability of the scheme would reduce (even more non-viable). Indeed, there was no challenge to Mr Turner’s appraisal of Dr Fordham’s reduced scheme showing it to be dramatically unviable.

162. Differences from the Statement of Common Ground on valuation matters were noted under cross-examination. In particular, the value of the local authority car parking should not be included as income if existing use value is used (as, it was accepted, it should be).112

163. Whilst the District Valuer accepted that the acquisition costs of the appellant were reasonable, it is common ground that the appropriate approach would be on the basis of existing use values. Mr Turner’s existing use values113 are accepted. The considerable difference in costs between Dr Fordham and Mr Turner is simply because Dr Fordham has taken the overall figure for costs at May 2007. There has been no objective justification or evidence supporting not allowing for the cost increase since that time in accordance with the advice of the quantity surveyor.

164. There has been reference to the BCIS figures114 but they are non-scheme specific. They cover a huge range from £443 per sq m (£41 per sq ft) to £2,212 per sq m (£205 per sq ft). The appeal development is proposed to be good quality, in terms of architecture, materials and finishes, and would thus in principle justify a higher figure. It is in marked contrast to the evidence of Gleeds which is scheme specific being based on the actual Phase I costs. Moreover it has been checked by the independent and expert quantity surveyor resources of the District Valuer. It is suggested that the evidence of the appellant is to be clearly preferred. Dr Fordham is a pure economist and has no expertise to offer in this respect.

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112 Other difference are recorded in Doc 96 at Para 124
113 Doc 31 Tab 13
114 Doc 67
165. Dr Fordham’s evidence is that the appeal scheme is not viable and that his reduced scheme would be even less viable and the Roger Evans’ scheme more so. It can be seen that, on Mr Turner’s assessment,\(^{115}\) the appeal scheme would just be profitable at 1.16% on £3,552.12 per sq m (£330 per sq ft) market value and 3.96% at £3,659.76 (£340 per sq ft).

166. Plainly neither basis would justify the conclusion that it would be right to impose an obligation for the provision of affordable housing. This was the conclusion of the District Valuer equally in 2006 and effectively his conclusion in 2007. In addition, there is no challenge to Mr Turner’s conclusion in his development Scenario 8 that Langham Park itself would be barely profitable at 2.11% based on a market value £3,229.20 per sq m (£300 per sq ft) which is not challenged for that site.

167. The position of the Council is that the development should be effectively frozen until values improve to £4,036.50 (£375 per sq ft) when there could be new negotiations for some affordable housing provision. Alternatively, it was suggested orally that there might be some form of agreement by which affordable housing would be triggered on a notional increase in market value depending on the timing and completion of the development. That point has not been explored or demonstrated to be practicable or viable. It would be wholly inconsistent with a practical implementation of a redevelopment permission on this site. It was not put in cross-examination to any witness of the appellant.

168. The appellant proposes to bring forward comprehensive development of both the Key Site and Langham Park to include 38 affordable dwellings in accordance with the preferred tenure of the authority at Langham Park. There is nothing new in that, in that it was proposed as part of the DAS, the planning statement and the Environmental Statement. That would secure provision for 38 units which otherwise would seem improbable, having regard to the financial situation on the lines which the District Valuer sought to suggest as a compromise in November 2007 albeit without account of proper financing or other costs including the Section 106 and Section 278 costs that are accepted to be required.

169. On behalf of the appellant it is recognised that if this site was put on the market, it would be extremely unlikely that any other developer would proceed.\(^ {116}\) However this appellant is locked into the development with significant financial commitment\(^ {117}\) and a track record of having delivered, in accordance with the policies of the authority and at least previously with their support, notwithstanding the losses ultimately made on Phase I. The necessary funding is available; also the commitment to proceed.

170. The exercise in testing viability at £3,767.40 per sq m (£350 per sq ft) does not advance the position. There is no doubt that the public interest in securing affordable housing would be better served by supporting the proposals of the appellant which would secure 38 units of affordable housing with a mix of tenure sought by the Council in an area where the total provision over the past ten years has been only 31 units.

\(^{115}\) Doc 31 Tab 1
\(^{116}\) See Doc 31 Tab 6. This excludes professional fees for which allowance is otherwise made at 10%. See note.
\(^{117}\) Acquisition costs incurred £2.714m with planning etc costs and option cost in excess of £1m as well as acquisition of Langham Park - £2,648,368 Doc 31 Tab 6 (plus potential average)
171. All the indications are for a continuing decline in the housing market. Thus the prospect of future viability at £3,767.40 per sq m (£350 per sq ft) which would be only marginally viable, if at all, is not in any event borne out as a reality on the evidence. Importantly, the exercise carried out in cross-examination of Mr Turner omitted to include agreed costs which total £5,580,310. Thus the profit figure referred to in cross-examination of £11,536,121 (giving 19.5% of cost, 16.3% on GDV) misrepresents the agreed position.

172. With the deduction of the parking income of £1,005,000, the net profit becomes £10,531,121. With the further reduction of £5,580,310, it becomes £4,950,811 which, even if market value became £3,767.40 per sq m (£350 per sq ft), would only give a return of 7.12% on GDV and 7.66% on cost (which is plainly below the market percentage).

173. Turning then to the policy context for any decision in this respect, PPS 3 directs attention to the consideration of viability for the provision or inclusion of affordable housing. A similar approach is taken in the Structure Plan at Policy DN11. 118 Again, it is expressed in present terms, requiring negotiation. Local Plan Policy H5 is similarly expressed. It refers to negotiation and to provision depending on “the characteristics of the site, market conditions and other considerations”. Market conditions is plainly referring to the current market conditions, an approach also supported by the justification at Paragraph 6.42.

174. So far as the policy for the site is concerned, Policy TC6 does not expressly require the inclusion of any element of affordable housing. That is to be left to be judged in accordance with the general policies in the Plan (see Paragraph 9.52) which in turn are set out above and require negotiation and consideration of current market conditions and the characteristics of the site.

175. In the circumstances, it is submitted that there is no policy support whatever for sterilising this site until some uncertain future date when market values might overtake increases in building costs, enabling affordable housing to be included. In that respect, this appellant would be faced with continuing holding costs and it may be thought improbable that the present opportunity would endure for that indefinite period. It is also notable that over the whole of the period of the consideration in more favourable market conditions, in the event independent financial advice has never identified the ability to include affordable housing when the site characteristics and costs are properly understood.

176. Against the prevailing indications as to the future of the housing market and likely inflation on costs and finance charges, it is highly improbable that Dr Fordham’s pre-condition for inclusion of affordable housing would be realised in the foreseeable future. Thus, in the present case, the public interest would be best served by supporting the present proposal which is one particular to this appellant and properly secures in practical terms a provision of affordable housing, together with the other benefits flowing from the development. It is in the developer’s interest for the scheme to be built out as soon as practical.

118 CD C1
The effect on the safety and free flow of traffic

Traffic generation and junction capacities

177. Through his evidence and supplementary note, Mr Knowles has demonstrated that there would be no significant changes in the operation of the local network compared with that which currently exists. In addition, it is accepted that the site has outstanding locational credentials in terms of sustainability.

178. The scheme would provide significant improvements in terms of connectivity and accessibility to the public at large including connection through to the town centre for cyclists and pedestrians and the opportunity to open up Victoria Road. In terms of proportionality, it is important to bear in mind the considerable contribution to highway and transportation benefits in the total sum of £639,500 which is accepted as part of the development.

The Lammas Land cycle link

179. The central issue in respect of the Lammas Lands cycle link is the policy under Circular 05/2005 and whether the contribution is necessary to make the development acceptable. There is no evidence to suggest that the development would be unacceptable in the absence of any scheme to improve cycling proposals. The usage of Bridge Road is projected to be some four travel-to-work cycle trips in the peak hour. In contrast, the "methodology" of the County Council is based on the proposition the appellant should pay for the whole cost of the Lammas Lands link in the sum of £400,000.

180. There is also no evidence that the proposal would be value for money or that it is being considered against alternatives such as an improvement on line.

181. As for any decision in this respect, the Local Plan does include a proposal for a link across the Lammas Lands as Policy M7 with reference to conditions on Bridge Road (see Para 12.45 of the justification). However, it was never suggested that development pursuant to Policy TC6 of the Key Site should contribute in that respect in contrast to the actual contributions to be expected which were to improve the connection to the town centre.

182. The latter of course is something to be delivered as part of the scheme. As to funding of the Lammas Lands link, there is no funding in the current year. That is not surprising given the absence of any decision or definition of what is proposed and the practicality of its delivery. In contrast, so far as general funding is concerned, it is clear from LTP 2001 and LTP 2006 that there have always been funds available for new routes that have proven to be value for money and that attract sufficient priority on a local basis.

183. It appears that no bid has been made specifically for the Lammas Land link albeit that within LTP 2006 it may have formed part of the scheme identified between Godalming and Guildford. However the £3.2m fund has been awarded

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119 See Docs 22 to 26
120 See Para 6.6 and 6.26 of Doc 42
121 CD D1
122 See Policy TC6 and Paras 9.82 to 9.83
and is available for any scheme of sufficient merit. There is no reason why this link could not seek that funding.

184. Mr Stokes was not able to explain why the Cycling Forum regarded the link as critical to the strategy, whether that had taken into account value for money or alternatives or any other relevant consideration. He was able to confirm, however, that the County Council had not yet formally considered the proposal.

185. In these circumstances it is also relevant to consider whether the link would be deliverable. In this respect, there is no consideration of the implications including the effect on the Lammas Lands with this construction involving lighting and hard surfacing through a sensitive designated area; it is an area that apparently comprises registered common land with the additional controls in that respect; there has been no consideration or consultation of the Environment Agency so far as flood plain and related issues are concerned; and it would involve compulsory acquisition.

186. In this respect, there is no evidence to support the requirement for the development to secure the improvement. Quite apart from that there is no evidence for the provision of the link or any financial contribution to ensure that takes place or as to its feasibility or deliverability. Equally, there is no evidence to support the reasonableness of the contribution sought having regard to it being based on the cost of the total scheme without regard to alternatives or value for money. Thus it is a requirement that lacks proportionality, reasonableness or justification. If however the Secretary of State takes a different view, we would ask either for an indication before a decision is made to allow us to consider the position or alternatively a condition can be imposed.

**Travel Plan**

187. As indicated above, the location is highly sustainable and brings with it a large range of improvements. The financial investment in the Travel Plan in itself is some £96,000 and that incorporates provisions for enforcement by extending its period from five to nine years. It is not acceptable in principle to introduce uncertainty as to additional cost in a development of this kind particularly given the marginality of and sensitivity to additional costs where they are not fully justified.

188. Reliance was placed upon the Good Practice Guide\(^{123}\) but it can be seen that the advice is not requiring financial penalty but simply suggests as one of a potential range of remedial measures additional allocation of resources or funding. The proposals in the Travel Plan are equally consistent with that advice and would ensure overall the appropriate exploitation of the locational advantages of this site. Again, if the Secretary of State disagrees with this approach, we would ask her to consider either an indication of that disagreement to allow us to consider the position or alternatively a condition can be imposed.

**Whether there will be adequate provision for indoor sport**

189. In this respect, a sum of £154,163 is sought to go towards the improvement or maintenance of the existing leisure centre in Godalming. For the purposes of considering whether there is a need for that for the purposes of permission for

\(^{123}\) Doc 42 Annex 10
the development, it is important to consider not only the advice in Circular 05/2005 but also the evidence of capacity and provision. In that respect Capita Symonds\textsuperscript{124} in November 2006 reported comprehensively on the provision that there was no quantitative shortfall but that the Godalming Leisure Centre should be retained having regard to accessibility.

190. Their recommendation was that there should be improved maintenance and upgrading of those facilities and that in turn had been carried forward in the Corporate Plan 2008.\textsuperscript{125} There had been no suggestion whatever that any of that is dependent on or required specifically for the appeal development. It is a commitment and proposal that is independent of the appeal proposals. In so far as it has now been considered it is set out in Mr Falconer's Appendix 7 and the accompanying minute of the Executive and the Council dated 19 February 2008 committing funding for the proposal.

191. Paragraph 3.6 rejects some of Capita Symonds' recommendations including the training pool as simply not being value for money. There is no indication that that should become in some way value for money or required because of the appeal proposals.

192. Moreover funding of the proposals has already been put in place through a private finance initiative and what is being sought here is indeed to "recoup" the finance charges involved.\textsuperscript{126} That is not consistent with any additional obligation on the appeal proposals given the absence of any demonstrated need for the provision of the improved leisure facility for the purposes of the development or on any other basis. In so far as it is an existing proposal to meet an existing deficiency it should not be something for which the appeal proposals should be required to finance. Should the Secretary of State take a different view the position taken above would again apply.

**Whether there will be unacceptable demands on education provision**

**Introduction**

193. The total demand is for £782,081 for additional educational facilities. That has to be carefully considered against the advice in Circular 05/2005. The starting point is the duty on the education authority under the Education Act 1996 to secure schools that are "sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education." That is the underlying obligation. In addition, as a result of the Education and Inspections Act 2006, there is a requirement to "consider" parental representations regarding educational provision in the area. As expressed in the audit commission report\textsuperscript{127} that is a right for parents to express a preference and for it to be considered.

**Secondary school provision**

194. In this respect the sum required is £415,535. The position is straightforward. Broadwater School is the nearest and has acceptable standards of provision and facilities. There is ample spare capacity and the school is well able to accommodate children from the appeal proposals. Furthermore, taking both

\textsuperscript{124} See CD14b
\textsuperscript{125} CD D20
\textsuperscript{126} See Para 4.6 of the report
\textsuperscript{127} Doc 44 App 4 Page 8 Para 6
Broadwater School and Rodborough Technical College together, the future position is that with falling rolls there would be a surplus capacity of some 40.5% by 2017/2018. Thus the problem is one of over-supply.

195. It is suggested that the appellant should finance further provision. This would add to the over-supply for some unplanned and unspecified increase in capacity at Rodborough (a school further away and more remote from the appeal premises) ignoring the spare capacity at Broadwater. That is wholly outwith the concept of performance of public duty or any basis for demonstrating infrastructure deficiency to which the appellant should be required to contribute.

196. Mr Burton made reference to the 1996 Audit Commission report Trading Places;\(^{128}\) but that was a commission providing advice about how to handle primarily falling school rolls on an economic basis. At Page 11 Paragraph 9 it makes clear the flexibility in this respect advising an objective of maintaining 95% capacity albeit recognising that provision can be anywhere between 85% and 105% of the nominal capacity.

197. In the 2002 review of progress,\(^ {129}\) it is recorded that some 128,000 secondary places and 46,000 primary school places have been removed from the system with obvious saving. That goes nowhere to support the concept that one should be requiring these developers, or any developers, to add to what is unwanted surplus capacity.

198. Mr Burton then claims the presumption in favour of expanding to meet parental preference. He relies on Making Changes.\(^ {130}\) However, what is actually said in Paragraphs 4.30 to 4.32 of Making Changes is contingent upon in the first place a need to provide more capacity and in any event the “presumption” only occurs where “there is a strong case for approval on parental preference and standards grounds”. There is no evidence of either in the present case. There has been no examination of the basis for the first choice and certainly no evidence whatever of a need for expansion on standards grounds. There is no case accordingly for the demand made in respect of secondary education.

**Primary education**

199. In this case the demand is for some £366,546. Again the overall picture is one of falling rolls. Notwithstanding that, Table 7 as revised demonstrates a spare capacity of 11.4% at 2017/2018.\(^ {131}\) The same pattern applies if one looks at the reception year, which falls for 2012 and then flattens out. It is of course in about 2011/2012 that pupils from the appeal site would come into the system.

200. In this respect it is helpful to consider the table produced by Mr Melton of the primary schools under 2 miles by walking distance which shows 89% capacity and thus ample provision to accommodate pupils from the appeal development. Mr Burton accepts that this distance, subject to special needs, is the appropriate indicator and therefore that St Mark’s, which is 1.3 miles walking distance away, is closer than Loseley Fields Primary on which reliance is particularly placed by Mr Burton (notwithstanding that it is within the administrative area WA2 as opposed to WA1).

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\(^{128}\) Doc 44 App 4  
\(^{129}\) Doc 44 App 8  
\(^{130}\) Doc 44 App 2  
\(^{131}\) Doc 72
201. Mr Burton's Table 2\(^{132}\) is solely concerned with the position of first preferences as expressed for September 2008. It seeks to discount St Mark's, partly because it is within WA1 and partly because of its recent history. Of course the recent history itself predicates the few first preferences in the current year for that school. However at Paragraph 6.4\(^{133}\) and in cross-examination, Mr Burton conceded that the steps taken in respect of St Mark's have resulted in good progress with a radical realignment, ensuring restoration of that school to a full part in the system within the immediate future and certainly in time for pupils from the appeal site.

202. There is no question of the closure of that school in these circumstances, but rather as a public resource it should have full hearted support from the education authority and others. There are certainly no grounds for adding additional capacity elsewhere in the system in competition effectively with St Mark's at a time or a prospective situation where St Mark's should be looking for support.

203. There is nothing to the point as to the position between capacity and first preferences for 2008/9 in WA2 showing 238 first preferences at the infant stage for 210 identified places when contrast is made with WA1 where the position is reversed. This is likely to be influenced in any event by the position temporarily at St Mark's.

204. Moreover, as Mr Burton again conceded, there has been no examination within the WA2 schools on Table 2 or, for example, the actual locational area from which the first preferences are made for that denominational Roman Catholic (St Edmund's) school. Mr Melton was able to say that in fact it draws pupils from as far away as Cranleigh and Haslemere. It is noticeable that over one third of the suggested nominal deficit in capacity in fact arises from that school.

205. However, all of this fails to address the fundamental point. It is clear that in terms of schools accessible to the appeal site, that is within 2 miles of the primary and infants' location, there is no evidence of any likely deficit in capacity or inability to accommodate children of that age from the development. Indeed there is every benefit in having the additional provision of schools to prevent the surplus acting contrary to the public interest. In these respects there is no case for a contribution to be made. However, as above, if the Secretary of State takes a different view, then we would invite the Secretary of State to take either of the approaches to which we have previously referred.

**Accordance with the development plan**

206. In general terms, accordance with the development plan has been addressed. In specific respect to land supply, it is highly material to have regard to the emerging position at regional spatial strategy level with its recommended requirement of 250 dwellings per annum from Waverley. It may well be that, by the time of the decision, there is publication of the final strategy. In any event, according to PPS 3 Paragraph 53, regard should be had to the emerging Regional Spatial Strategy guidance.

\(^{132}\) Doc 43
\(^{133}\) Doc 72
207. In these circumstances, it is submitted that there would be less than a 5 years' supply.\textsuperscript{134} There is no justification for the partial application of the 10\% discount and none was suggested in cross-examination of Mr Horne. In these circumstances, Paragraph 71 of PPS 3 would, or should by analogy, apply supporting a favourable approach to consideration of the relevant issues. Certainly the likely shortfall in supply is a material consideration in favour of permission.\textsuperscript{135}

208. In conclusion, whatever the position on the 5 years' supply, it is submitted that the proposals would accord with the development plan in that not only would there be no conflict with policy at local, strategic or regional level, but more particularly this development would further the objectives of the development plan and attract the positive support under Policy TC6, among others.

209. In the circumstances, permission ought to be granted and the appeal allowed pursuant to Section 38(6) of Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise. In our submission, all the other material considerations in this context, in so far as they have not specifically related to matters arising under the development plan, would favour permission being granted.

Conclusion

210. For all the above reasons, we would ask that the appeal be allowed and permission granted, subject to the appropriate conditions and obligations to enable this important and sustainable development to proceed in the public interest without further delay.

THE CASE FOR THE COUNCIL\textsuperscript{136}

The crux of the appeal

211. The appeal proposals represent a very substantial proposed residential development next to Godalming town centre. They are not supported by CABE, English Heritage or the Council despite the fact that all acknowledge they would bring an end to the under-use of the site, achieve a number of undisputed regeneration objectives and despite the fact that the Council has worked hard with the appellant over the past 2 years to bring about an acceptable scheme for the site.

212. The level of in-principle support for the redevelopment of Phase II of the Godalming Key Site (enshrined in the development plan) makes the Council's position on this proposal all the more striking. The appellant's case has in part suggested that the Council in some fashion reneged on a working understanding over the design of the site, its viability and the question of affordable housing; but that is simply not the case. What has happened is that the proposals are deficient in a number of respects and seriously contrary to policy at a national and local level.

213. It is important to place on record that the Council remains very keen to see the regeneration of the rest of the Key Site. However, it does not feel that the

\textsuperscript{134} Some 4.1 or 4.2 years' supply depending which base date is used
\textsuperscript{135} See Doc 61 Para 19
\textsuperscript{136} The case set out is an edited version of the Council's closing submissions – See Doc 95
Secretary of State has a choice to make, between permitting this scheme or sterilising the appeal site. The costs, market and other variables change constantly over time and it is simply impossible to rule out an alternative coming forward with a different balance of costs and values that achieves the objectives of Policy TC6.

214. As Dr Fordham showed, even the current scheme with its high build and remediation costs would be viable if the value of the units was increased to values similar to those achieved in Phase I of the Key Site in the past 18 months to two years.

215. Another main reason why the benefits of the proposals cannot be given much weight is that they represent unviable development. Mr Turner’s evidence makes it clear that the scheme is not viable and will not make a commercial return. As a consequence there is little likelihood of anyone lending the appellant company the £50-60m needed to build it. This is despite the rather curious evidence that the appellant would take on such a proposition if it could. The viability of a project is not usually a material planning consideration; but it certainly is here, because it is expressly relied upon by the appellant to justify the grant of permission and therefore the supposed benefits that would flow from it.

216. The proposals are damaging in design, conservation and living conditions terms because they are simply too big for their context. The scheme’s design has been heavily influenced by the (failed) attempt to make a profit. There is in fact little underlying assessment which justifies either the height of the main elements or their overall scale and massing. As a result, the proposals should be rejected. They should not be rescued because the amount of housing is needed to make enough profit to regenerate the site. The appellant’s evidence tells us that the scheme is unviable in any event.

217. The proposals are also objectionable because, despite their size and complexity, they fall down in providing for adequate affordable housing and transport, leisure and education contributions. Again, there is no weight in the appellant’s argument that these should be reduced because they detrimentally affect the viability of the scheme. They have not been taken into account anyway.

218. In the end, once all the detail of the competing points of view has been studied, the planning position is relatively clear in overall terms. The development of the site has proceeded along high-density residential lines but has proved unviable. In so doing, it has outgrown the environmental capacity of the site, ballooning into an oppressively large and dominant set of structures quite out of keeping with the context.

219. The physical effect of the proposals is compounded by the costs to policy objectives through a lack of adequate provision, particularly in relation to affordable housing. Unless those behind the appellant company (a vehicle established to promote this scheme) know something the rest of us do not, it appears that the proposals will not happen anyway. That is a highly unsatisfactory basis on which to grant planning permission for a site as important as this one.
Design

220. This part of the Council’s evidence relates to the effect of the scheme on the character and appearance of the area, including the setting of the Conservation Area and the listed buildings.

221. The Council maintains its objection to the scheme’s scale, height and massing and continues to have grave doubts over the process which led the appellant’s team to be promoting the appeal scheme at appeal. It would certainly appear from the evidence that two key matters weighed heavily in the minds of the design team during the process. The first was the dictates of viability. The second was the notion that somehow the design should be seen as justified on its own terms. The result is an over-large scheme which is out of character with the area which surrounds it and clashes with it.

222. There is some irony in the emphasis placed by the appellant at the inquiry on the process of negotiation and scheme development. As Mr Wright recognised, CABE takes a holistic approach to whether design is good or not. Indeed, Mr Wright agreed that the Inspector should take the same approach, not artificially separating design detail and quality from matters of scale or height. CABE has made it quite clear that it does not support the grant of permission for the appeal proposals and has clarified that matter in correspondence. English Heritage and the Council as local planning authority also object to the proposals.

223. In the end, the story of design consultations is a story of failure as far as the appellant’s team is concerned. Mr Wright made several references to the support of Mr Bandosz (the previous case officer) to the notion of the appeal scheme having its own identity and standing apart from the town; but that is not what Mr Wright thinks the scheme does and not what he thinks it should do.

224. The irony is compounded because the documentation before the inquiry demonstrates that the process was not a rigorous design evolution but a catalogue of compromises. That led to the way the townscape analysis, the Design and Access Statement (DAS) and the evidence all shielded away from a proper assessment of the context and of the effect of the proposed height and massing on that context.

225. It will be recalled that the design team took as its starting point the Development Framework SPG of 2002. Mr Wright refers to it as his "first port of call". That work has substantial weight because it was properly consulted on and formally adopted. Nothing material has changed about the context of the site since that time.

226. The appellant’s design team, working on the basis of the framework document, initially produced a scheme of 3-5 storeys in height. Mr Wright confirmed that it was designed to the level at which a full planning application could have been made and that it was considered to be appropriate in design terms. It is a matter of some weight that, given a relatively free hand, the design team did not

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137 In cross-examination
138 Again in cross-examination
139 Doc 5
140 Both in examination in chief and cross-examination
141 Doc 11 Para 3.1
142 Doc 11 Para 5.2 – although no drawings of the scheme have been presented
143 In cross-examination
seek a development which needed to rise to 8 storeys in height in order to achieve what they considered to be good design on the appeal site.

227. Then, in 2005, the full effect of the remediation costs on Phase I led the team to re-focus its efforts. It produced a document in late 2005\(^{144}\) which began with an assessment of the framework scheme and then proceeded to look to an alternative.

228. The reasoning is instructive as to the real design drivers in this case. No criticism is made in the document of the urban design guidance in the Roger Evans’ work other than to argue for contemporary architecture rather than vernacular. That is understandable given that the team had previously arrived at an application-ready scheme which stuck closely to the Roger Evans’ guidance. Mr Wright confirmed\(^{145}\) that there was no criticism in the document of the other guidance that echoes Policy TC6 of the Local Plan.

229. The document’s third section begins with a diagrammatic representation of how the site acquisition costs drive the quantum of development, hence the parking requirements and so on round the circle. Design has its place; but it is clear how the overall process was working in this case by late 2005. The concluding section of the document pronounces the Roger Evans’ scheme “not functional” due to the costs involved on the site. It then proceeds to set out a scheme containing 4, 5 and 6 storey development. Mr Wright again confirmed\(^{146}\) however, that there was nothing inherently wrong with the design guidance in the adopted SPG.

230. There is little doubt that the size of the scheme (and therefore its height, massing and scale) was driven very largely by the perceived requirements to maximise the return from the site to pay for remediation, underground car parking and site acquisition costs. This is a matter which should weigh against the scheme in design terms because it indicates that it is not the careful assessment of the site’s context that has led the design. As a result, the process by which the scheme developed is flawed.

231. The appellant’s response has been to refer to meeting with the Council and CABE who, in turn agreed with the approach. There is some force in this. However, it does not quite do justice to the way views about the proposals changed as the scheme hardened into what is now before the Secretary of State.

232. CABE’s view is that the proposal should not be granted planning permission. Its outstanding concerns relate to architectural detailing and landscaping; but if the tower does not work architecturally, its scale and massing remain unresolved. It is not possible securely to rely on part of an overall judgement when CABE all along has said in relation to scale and height that any acceptance was subject to the resolution of the rest of the scheme and the provision of high quality design. CABE evidently does not believe that to have been achieved.

233. The Council for its part has never, as Mr Wright acknowledged\(^ {147}\), said that the scheme that is before the inquiry is acceptable in design terms. That is all the more weighty because the Council’s officers have been keen to spur the

\(^ {144}\) See CD F6
\(^ {145}\) In cross-examination
\(^ {146}\) In cross-examination
\(^ {147}\) In cross-examination
regeneration of the site for some years but, in the end, could still not recommend approval. The members were clear in their rejection of the proposals.

234. To return to the evolution of the scheme from the end of 2005, the design was then worked up further, growing yet more in size. The application scheme was partly based on advice from Mr Stewart’s firm, embodied in the Townscape Assessment.\textsuperscript{148}

235. That document does not set out the prevailing scale of buildings in the area or make any judgements about the prevailing heights of buildings in the area. It records some building heights but does not actually say what is obvious, namely that the site is surrounded by development of various kinds (town centre, suburban housing and retail units) that are all relatively low in terms of their heights and scales. It does not form a judgement about the overall character of the area based on those matters.

236. When the townscapes appraisal comes to examine the impact of the proposals, the reader is not presented with a full or fair assessment of the marked discrepancy in heights, massing and scale between any (and all) aspects of the site’s setting and what is proposed on it. The document says that the development proposed is “larger than most in Godalming” whereas it is obvious, and was confirmed by Mr Kelly, that what is proposed would be much larger than anything else in the town.

237. The document simply fails to grapple with actual effect of a wall of 4, 5, 6, 7 and 8 storey development in an area where existing development barely ever rises above 3 storeys in height and is usually of a much smaller primary scale.

238. There is nothing in the document about whether the proposals would “integrate with” or “complement” the townscapes of the town in terms of scale, height and massing. It is true that it makes that claim in relation to materials, pedestrian permeability, enclosure on Flambard Way and remediation of the site; but those are not the fundamentals of the design with which the Council is concerned. The overriding problem is the bulk of what is proposed and the effect that it would have on the character of the town. The Council’s view is that the townscapes appraisal fails to deal with that matter adequately.

239. By the time of the DAS (current scheme – March 2008), things had deteriorated further. The DAS fails the requirements of Circular 01/2006 because it fails to analyse key components of the context and fails to deal adequately with how the design’s scale, height and massing flowed from a contextual appraisal. The second point is a consequence of the first.

240. Mr Wright accepted in terms\textsuperscript{149} that the DAS does not contain an assessment of the prevailing heights, massing or scale of buildings in the area. He was not invited to reach a different view on that point in re-examination. He confirmed\textsuperscript{150} that the design team did not treat the DAS as a tick-box exercise and that it was a crucial document in explaining how the design had evolved. Paragraph 61 of the Circular requires a DAS to explain how local context has influenced the design; and Paragraph 81 stipulates that it should explain the design principles in

\textsuperscript{148} CD E6 Vol 1 Chapter C
\textsuperscript{149} In cross-examination
\textsuperscript{150} In cross-examination
terms of amount, layout, scale, landscape and appearance. There is no analysis of how the scale of the proposals grew out of the contextual appraisal. One can readily see why. It did not. It grew out of financial concerns.

241. It is fair of the appellant to point out that there has not been public criticism of the DAS from the Council; but one should bear in mind the appeal for non-determination and the firm view of the report to Committee that the scale, mass and height of the proposal was unacceptable. It is also noted that the original DAS was criticised as part of the consultations on that report by the Council’s Urban Design officer.151

242. However, the point is not one about process but about what the failings of the appellant’s design documents reveal about the failings of the proposal. Had the documents faithfully analysed what is now agreed, the result might have been very different. In particular, the appraisal needs to include the local area more generally; the site cannot be seen in isolation but should be linked to the town centre and improve the setting of the Conservation Area; and the scale, height and massing of buildings in the relevant area is relatively modest, not rising beyond 3 storeys in the vast majority of cases.

243. Instead, the DAS and the appellant’s evidence contain a strange ambiguity about the context of the site. This appears to have come about because of the pressing financial needs of the developer. Reliance is placed in the townscape analysis on the scale of Flambard Way and, in both the DAS and Mr Stewart’s evidence, on the “isolation” of the site due to the road network. Both of those contextual points are misplaced.

244. First, as Mr Kelly agreed,152 Flambard Way is a negative in townscape terms and should not be used as a design cue. Second, the scheme relies heavily on its proposed improvements to permeability and connections across Flambard Way to the town centre, both physically and visually.

245. Both Mr Wright and Mr Kelly made it clear153 that they do not regard it as satisfactory to approach design on the appeal site as if the site were in isolation. To do so is simply unjustified on the facts. The site is readily inter-visible with the suburban areas on South Hill, the town centre and the commercial area; and it will be experienced along with the town centre by many people, not just those who live in the proposed buildings. Since that is the case, it would be quite wrong to design proposals for the appeal site without reference, at every stage of the proceedings, to the context.

246. Mr Stewart154 also acknowledged that design must be rooted in context. That is what the document By Design, Better Places to Live (in which he had a hand) says at pages 16 and 19. His view,155 that there are two interlinked design tests, he clarified to mean that a design to be good had to meet both tests. It has to be both successful in its own right and in its context.

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151 See CD 68, consultation date 23 August 2007.
152 In cross-examination
153 In cross-examination
154 In cross-examination
155 Doc 13 Para 9.4 as clarified in cross-examination
247. The Council does not take the point that the design does not work for its purpose. However, it maintains it fails in its proposed context. Mr Stewart\textsuperscript{156} accepted that it shares a "generic" quality or a "family resemblance" to other blocks of flats elsewhere in the country; and the design director, Mr Wright, said\textsuperscript{157} that the only respect in which it could be said to be "locally distinctive" is in its use of red brick. Given the injunction about local distinctiveness in Paragraph 36 of PPS1, and the requirement that developments integrate with their surroundings, or "complement" them (in the words of the Local Plan), these are worrying admissions.

248. The Council therefore considers that there have been a number of serious flaws in the design process. In turn, these have led to a persistent failure to grapple with just how big the proposal is and whether that would sit with, or "complement", the local area.

249. The requirement for designs, particularly on this site, to do that is clear in adopted policy, as Mr Wright acknowledged.\textsuperscript{158} PPS 1 Paragraph 34 requires design to be "appropriate to its context"; and Paragraph 38 provides that matters such as scale, height and massing should be judged in relation to the neighbouring buildings and "the local area more generally".

250. The Surrey Design Guide, to which Mr Wright attaches some weight,\textsuperscript{159} advises that scale must be considered in context and that it is the positive features of the area that should be reinforced.\textsuperscript{160} He accepted\textsuperscript{161} that the character of the town centre Conservation Area was a valued and positive feature of the area.

251. Similar advice is found in Local Plan Policies D1, D4 and TC6.\textsuperscript{162} Policy TC6 uses the expression "complementing" the surroundings or the "scale and character of the town". Mr Wright accepted\textsuperscript{163} that in order to complement in this way, design would have to be appropriate and not "clash" with the scale and character of the town.

252. The gap in the DAS and townscape analysis might have been filled with the following points:

- The scale of the proposed buildings individually (except perhaps Block B) is larger than the scale of the buildings in the context and, in most cases, considerably larger. The scale of a 6-8 storey building does not complement the town's scale and character because it is so very different from it. There is no precedent for it in the town.

- The height of the proposed buildings, in the main, is higher than the surrounding buildings and, in the case of 5, 6 and 8 storey development, higher than any other building in the town except a 9 storey tower on a building a mile away outside the town on a school campus. The heights of the buildings are not drawn from the context, nor do they complement it, because they are so much higher.

\textsuperscript{156} In cross-examination
\textsuperscript{157} In cross-examination
\textsuperscript{158} In cross-examination
\textsuperscript{159} In cross-examination
\textsuperscript{160} CD C3 Paras 2.4.2 and 3.2.2
\textsuperscript{161} In cross-examination
\textsuperscript{162} CD D1
\textsuperscript{163} In cross-examination
The massing of the buildings is larger than any building in the town. The footprints of the majority of the proposed buildings are deeper than Phase I of the Key Site. There is no precedent for this kind of built form in the town.

253. That would have got nearer the main points. The buildings would be seen as a single development, as Mr Wright acknowledged. That is partly, as he said, because they would all have been constructed at the same time and would use homogenous materials. Their togetherness is emphasised by what the DAS refers to as the “very striking horizontal elements”. The roofline, and the glass upper storey, emphasise that aspect of the scheme.

254. As Mr Falconer said, the Council’s view is that the massing of the scheme seen in this way will emphasise, from many points of view around the area, the scheme’s overall size. The lack of variety serves to exacerbate, he said, the feeling of the scheme’s dominant size. The appellant's response, that there is some articulation in heights and facade treatments, is no real answer to this. The heights simply step up the hill; and the facades are all very similar, even if not identical.

255. From South Hill, as Mr Wright accepts, the scheme will break the sky line of the other side of the valley. It will superimpose the scheme where, at the moment, one sees some of the site and some of the town centre. From South Hill locations such as that in the photomontages, the proposals would efface views of the smaller scale and low key town centre.

256. The setting of the Grade II listed building the Olde Steppe House would be detrimentally affected because the remnant of its setting (which must be protected, as Mr Stewart agreed) still tells us something about its role on the Brighton Road. The tower will, as Mr Stewart said appear to be much taller in views from the Brighton Road junction; but, he said, that will be mitigated because it is seen further off.

257. However, even if that is the case, the tower is designed to draw the eye by its size. In addition, it has been designed to emphasize with an 8 storey element a junction which is far less important than that with Brighton Road. As such, the setting of the listed building will be yet further undermined. It will be reduced in relative importance by the much larger tower element. Its location will be further devalued by the over-emphasis given to the lesser junction.

258. The effect on the setting of the Conservation Area is set out in detail in the preceding points. There will be some views of the building from within the Conservation Area. However, the main effect will be on its setting. This will suffer intrusion from the scale, height and bulk of the proposed building. The overall scale of the town, and therefore its character, will be affected as will the relative importance of the Conservation Area in the heart of the town.

259. For these reasons, the proposals should be refused on design grounds.
Living conditions

260. These matters are best seen on the site visit. However, the Council would stress the following points for consideration at that time.

261. First, as Mr Horne agrees,¹⁷⁰ whether the proposal has an unacceptable effect on living conditions involves an overall judgement, taking into account the relationships between the buildings and spaces as well as effects on light and shading.

262. Second, the entire vista of the rear gardens and windows of Victoria Road west would be taken up with a mass of buildings between 2 and 8 storeys in height. It is acknowledged that there would be some views of the landscaping but the majority of the views would be of the buildings.

263. Third, Block D is very close to Victoria Road and will have a direct impact on views from the nearest properties. It will be right behind them, at its closest some 16m away. This is closer even than a London back-to-back distance, as Mr Horne said.¹⁷¹ It steps up away from them; but it will still be relatively close and much higher. Privacy might be maintained by obscure glazed panels but the overbearing effect is not easily mitigated.

264. Fourth, there will be detriment to shading and light received by some of the properties, as Mr Wong made clear. This will play a role in the general effect of the proposals on the living conditions in that area.

265. The Council remains of the view that permission should be withheld for this scheme because of the way it crowds in on Victoria Road west in particular.

Transportation points

266. The Council’s concern relates to the adequacy of the transportation provisions in the Section 106 obligation, in particular, the provision for recovery measures and the contribution towards a cycle link across the Lammas Lands.

267. As to the first point, Mr Knowles¹⁷² argues that the Travel Plan provides sufficient recovery measures. The appellant is committing to financial measures to stimulate use of cycles and other non-car modes and, to that end, will underwrite the residents to the tune of £200 for a range of those ends. However, the Travel Plan simply provides for whatever residue exists at the date of the first main review (year 5) to be paid to the Council for it to use for sustainable travel measures. Five years is some time after the opening of the scheme and it may well be that little or none of that money remains. If the Travel Plan has failed to meet its targets, then the current clause is of little use.

268. The County’s Good Practice Guide sets out 5 measures for recovery, three of which Mr Knowles accepts¹⁷³ do not apply in the circumstances of this appeal. The other two involve further financial provision but the appellant is unwilling to undertake this. The Council fully accepts that the site is in a relatively sustainable location and that it is making some payments already towards non-car travel. However, the whole purpose of a recovery mechanism is to rescue

¹⁷⁰ In cross-examination
¹⁷¹ In cross-examination
¹⁷² Evidence in chief
¹⁷³ In cross-examination
the position if the basics have failed. There is no real safety net in the
appellant’s current proposals and the County and Council’s view is that, without
such an additional provision, the proposals are unacceptable.

269. Turning to the Lammas Lands cycle link, the Inspector will have noted that a
link is part of the Local Plan travel policies. It is in Policy M7. 174 In other words,
it was either not the subject of objection, or survived objection, at the Local Plan
formulation stage. Mr Knowles did not refer to Policy M7 in his proof of
evidence. 175 Policy M7 is a joint pedestrian and cycle route.

270. The mystery about the appellant’s position is that the contribution of just over
£110,000 was formulated and suggested by its own consultants. 176 Whatever Mr
Knowles may say about the context for the offer, the trouble for his Circular
05/2005 case is that his firm were of the view that such a contribution to the
Lammas Lands link was “an appropriate, justified and fair commitment.” RPS
went so far 177 as to recommend to the appellant that the contribution be made.
It is frankly inconsistent now to say that such a contribution, directed specifically
at the Lammas Lands cycle link, is contrary to Circular 05/2005.

271. Mr Knowles 178 said that since after February the appellant agreed further sums
to be paid to the Council on transportation, including a £25,500 payment for
cycle measures, then the Lammas contribution was no longer appropriate. He
was forgetting that connections between the town centre and the appeal site are
governed by Policy TC6. There is an obvious need to improve provision for
cyclists in and around Flambard Way and therefore to make the site more
genuinely accessible by cyclists from the town centre. That is quite different
from the effect of the scheme on cycling needs going to the north.

272. Mr Knowles’ firm calculated that the typical daily use of the proposed cycleway
would be 8 journeys from the appeal site 179 but they went on to say, 180 that a
figure based on a strict calculation should be uplifted “reflecting the ambitious
targets for increasing cycle use”, saying that the calculation should be used “as
the basis for making a fair and appropriate contribution that fully reflects the Key
Site development’s location and impact”. There does not seem to be any rational
explanation for the change of heart other than instructions from the appellant.
None of the other matters agreed with the County are relevant to the use of the
Lammas Link or the impact to which Mr Wilson was referring.

273. Again, much of the appellant’s rearguard action on this contribution centred on
whether someone else was going to be paying for the link in any event, or
whether it was going to happen at all. It is true that the link has not been
funded by the County, and is not in the LTP2 list of 87 smaller schemes with
funding. However, there is pressure for it from the Waverley Cycle Forum and
the Council has been looking 181 at pre-feasibility options for the link either side of
the bridge.

174 CD D1. See also CD E6 Volume 2 Fig B7
175 In cross-examination
176 Doc 76
177 Mr Knowles in cross-examination
178 In cross-examination
179 Doc 76 Page 2
180 Doc 76 Page 3
181 Mr Stokes in cross-examination
274. Dealing first with the funding position, there is no basis for asserting that the scheme will come forward in any event in the near future. It has secured no funding and is not in the programme. As for the consideration of options and the practical or regulatory obstacles in the way of the delivery of the link, those matters have not progressed very far. That is true and weighs against the County's point of view here. However, as Mr Knowles\textsuperscript{182} recognised, if the contribution is appropriate in principle, the possibility of the money never being used to part fund the link can be avoided by means of a refund clause in a Section 106 obligation.

275. That is what the appellant should have done in this case. It should have offered the contribution its advisers had previously considered in unequivocal terms to be fair and appropriate and safeguarded the position with a refund clause. The appellant would have been protected if the eventual solution to improving cycling across the bridge was a more straightforward engineering or advisory cycle route although, as Mr Knowles noted,\textsuperscript{183} the LTP and the Local Plan do not indicate that cycle links should be provided in this cheaper but inferior version.

276. Mr Knowles maintained his position that the contribution was unnecessary in order to make the appeal scheme acceptable; but this not only sits very ill with Mr Wilson's earlier judgement, it gives inadequate weight to the fact that encouraging cycling in this part of the town is a Local Plan commitment. The appeal proposals, with the underground car park, are accepted to require a package of measures in order to persuade future residents to choose a more sustainable mode of travel. The proximity and evident utility of the Lammas Link to the appeal proposals gives it a direct connection with them. In the light of the policy objectives at local and national level this makes it necessary in Mr Stokes' view.

**Affordable housing**

277. The appellant accepts\textsuperscript{184} that the relevant Local Plan target for the site begins at 25%.\textsuperscript{185} That equates to 57 units for the proposals. The policy starts from the basic presumption that they will be provided on the appeal site. As Mr Parker agrees,\textsuperscript{186} this is large enough to provide them in a separate block of accommodation, without operational difficulties.

278. The Council accepts that the provision of new affordable housing in the area in the past few years has been small and that it is a priority to deliver new affordable housing. That is precisely why it urges a very cautious approach to the question of affordable housing provision on the appeal site, which is a highly sustainable edge of centre site which is ideal for on-site provision of affordable units. The entire affordable housing case promoted by the appellant stands or falls on the viability argument.

279. Policy permits schemes to come forward with a reduced amount of affordable housing where the scheme would not be viable with the full requirement. That is the typical situation and appeared to be the appellant's argument throughout.

\textsuperscript{182} In cross-examination
\textsuperscript{183} In cross-examination
\textsuperscript{184} Cross-examination of Mr Parker
\textsuperscript{185} CD D1 Policy H5 and Para 6.37
\textsuperscript{186} In cross-examination
2006 and 2007 when discussions proceeded with the Council and the District Valuer. However, since the arrival of Mr Turner in March 2008, the true picture has become clearer. The appeal proposals are unviable with or without affordable housing.\textsuperscript{187}

280. What followed is a very unusual argument. It is said that, notwithstanding that the scheme is unviable and would not be taken on by any other developer, the appellant company would carry it out; and since it is unviable with affordable housing, it should not be made to bear any such additional cost.

281. Government policy is concerned with increasing the actual delivery of affordable housing. As a result, the Secretary of State should be very cautious about accepting such an unattractive and tendentious argument. This is even more so given that the affordable housing which has permission at Langham Park is also unviable, on its own terms or in combination with the appeal scheme.\textsuperscript{188}

282. The Council’s view of the evidence before the inquiry is as follows:

- The appeal site is a very expensive site to develop comprehensively however much that may be the aspiration of all concerned.

- The appeal scheme is not viable enough to provide affordable housing on the basis of the agreed current apartment values of around £3,552.12 / £3,659.76 per sq m (£330/£340 per sq ft).

- If the developer waited until the housing market was more like the end of 2006/2007, then values of £3,767.40 + per sq m (£350+ per sq ft) would be achievable.

- If that is the case, it is agreed by Mr Turner that the viability of the scheme would be markedly affected for the better, as Dr Fordham’s figures, and the exercise in cross-examination demonstrated.

- In the meantime, the evidence makes it almost inconceivable as a business decision that the appellant company would carry out the development.

283. In other words, either the appellant’s strategy is to wait until the values pick up, as Dr Fordham suggests, or there is something wrong with the figures that Mr Turner presents. In either case, it is difficult to attach much weight to the argument advanced on the appellant’s behalf at this point in 2008. The Council simply does not accept that one should apply a classic viability testing approach, based on current values, in circumstances where the appellant’s case depends on asking the Secretary of State to believe that it will undertake what appears to be a completely unviable development.

284. It is worth noting that the very highest of the residual sums calculated by Mr Turner\textsuperscript{189} using the actual costs that have been and/or will be expended on the site are far too low even to wipe out the costs of land assembly. Mr Turner stressed\textsuperscript{190} how in his view it would be “absurd” to rely solely on existing use values when appraising a scheme such as this, because land costs more than that to bring forward for re-development.

\textsuperscript{187} Doc 30 Page 15 Paras 5 and 6
\textsuperscript{188} Mr Turner in cross-examination
\textsuperscript{189} Doc 30 Pages 13 and 14
\textsuperscript{190} In cross-examination
285. However, if that is right, the focus switches in the first instance to whether, given nearly £10m of land assembly and finance charges, the appellant will (as appraised by Mr Turner) realise a single penny from the development. As Mr Turner acknowledged,\(^{191}\) that is not the case on the figures he presented to the inquiry.

286. The point is a powerful one because the appellant company is a special purpose vehicle created for tax purposes to carry out the Phase II development and the Langham Park development. Mr Turner could give no evidence about whether in the real world the costs would be paid by some other company or underwritten by other means. If that were a potential way forward, it would be highly material to the question of the scheme’s viability and evidence should have been produced about it.

287. As things stand, the appellant company will, on Mr Turner’s figures, experience a large loss if it were indeed to carry out the development of the Phase II site together with Langham Park.\(^{192}\) It is extremely doubtful that the appellant would proceed on that basis. Mr Turner’s evidence in fact indicated it might not. He says\(^{193}\) that the appellant company is considerably committed to delivery of the overall development “if that is financially achievable”. Mr Turner accepted\(^{194}\) that on his figures it was not.

288. The Inspector has been sent a letter direct from the appellant company.\(^{195}\) On Page 2 the letter says “FDL has an excellent relationship with its Bankers – Nat West – who have been supportive of our desire to regenerate this site. Funding has been through a mix of cash and Bank finance.” It continues on page 3 by saying “With the long established and full support of our bankers and shareholders we have the necessary funding to achieve this project.” The first point about a mix of cash and bank finance appears to relate to transactions in the past, most of which did not involve the current appellant company. The second point appears simply to be factually incorrect. There is no agreement for the financing of the appeal proposals that has been secured, or else surely the appellant would have elicited a letter from Nat West to that effect.

289. What the Inspector has been given instead is a letter from Mr Gidman at Nat West in Crawley dealing with a different matter, namely whether the directors of the appellant company are respectable and have a good track record. It has not been suggested by the Council that matters are otherwise. It is precisely because the evidence appears to show that those involved in the appellant company have a track record in development that the Council has such trouble accepting the arguments mounted at this appeal.

290. The Nat West letter does not refer to anything about the Phase II project, and Mr Turner confirmed\(^{196}\) that, as far as he knew, the Bank had not been shown the appraisals he has prepared which reveal that the scheme(s) would not be considered by those who are assumed to be acting in a normal commercial way.

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\(^{191}\) In cross-examination  
\(^{192}\) About £4m - Doc 31 Tabs 3 and 6 and 3 + 6  
\(^{193}\) Doc 30 Page 15 Para 7  
\(^{194}\) In cross-examination  
\(^{195}\) Doc 79  
\(^{196}\) In cross-examination
291. It is therefore another unsatisfactory aspect of the appellant's case that the likelihood of the scheme being funded is at best unclear and, at worst, remote.

292. It is difficult to understand why the appellant company would carry out a development that does not even cover the costs of land assembly. Dr Fordham provided one answer when he said the higher prices for the units in the future would make the development not just viable but profitable. It would also mean that, at that time, the scheme could fund affordable housing. This is not an illegitimate consideration in such an unusual case.

293. As Mr Turner acknowledged, the timings of development on the appeal site and at Langham Park are relatively flexible. Subject to the holding costs, they could be extended by some years. It would only take a material operation under Section 55 of the Town and Country Planning Act 1990 to commence either or both schemes and therefore to protect the permissions.

294. There is no obligation or restriction offered by the appellant in this case that the developments either will happen or will happen within a particular time. The appellant, if it received planning permission for the appeal scheme in late 2008, would have until late 2011 (at the earliest) to make a start on the site to keep the permission alive. Throughout that period and beyond, as market and other circumstances change, the appellant company would be considering its options. If the market improved again in Godalming, the appeal scheme would potentially provide a windfall, unburdened with any affordable housing contribution. That outcome is a possibility in this most unusual case and it would be appropriate for the Secretary of State to consider whether that would accord with the guidance in PPS 3 or Delivering Affordable Housing.

295. Dr Fordham's evidence shows that, with the higher sales values of £3,767.40 up to £4,036.50 per sq m (£350 up to £375 per sq ft), it would be possible to provide affordable housing. The same is true at £3,767.40 per sq m (£350 per sq ft) even if one took Mr Turner's figures from rows 14, 25, 40, 44, 45 and 51 of the Statement of Common Ground table. That would produce a profit of £10,339,391, and a profit on costs of 17.2%.

296. The position is even more obvious with the higher figure. At £4,036.50 per sq m (£375 per sq ft), the income is £75,229,029 with costs (even with the £1m car parking income taken off) of £60,173,188. That would leave a profit of £14,050,841 and a return of 23% on costs.

297. As to the figure of £4,383,580 for inflation, Mr Turner equates that to an 11% increase and to the difference between cost per sq m of £1,291.68 and around £1,431.61 (£120 and around £133 per sq ft). Mr Turner did not have sufficient details about what Gleeds did or did not do when reaching their two

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197 In cross-examination
198 Mr Turner in cross-examination
199 As Mr Turner accepted in cross-examination
200 Doc 57
201 These figures do not allow for inflation; also they include the car parking revenue (£1,005,000). If allowance is made for these matters, the rate of return would be 7.12% on GDV and 7.66% on cost.
202 These figures again include the car parking revenue and ignore inflation. The "corrected" profit (appellant's figure) would be £9,667,261. This would be a return of 13.02% on GDV and 14.90% of value, still below Dr Fordham's percentage breakpoint.
203 In cross-examination
204 In cross-examination
budget estimates to assist on whether the £1,431.61 per sq m figure (£133 per sq ft) was reasonable although he said that in his experience the figure was about right.

298. Mr Turner strongly rejected the use of the BCIS benchmark\(^{205}\) although the Secretary of State should note that it dates from 21 June 2008 and is based on a sample of 380 jobs. Mr Turner\(^{206}\) accepted that although developers might use it to test the work of their QS advisers, it would not be used to generate the figure in the first place.

299. It is striking, however, that the BCIS figures would support a cost somewhere in the region of £1,291.68 per sq m (£120 per sq ft). The upper quartile figure (£1,247 per sq m) relates well to the point that Mr Turner made\(^{207}\) that the overall figures in that row (for 3-5 storey flats) are skewed by 3 storey "walk-up" schemes. That is perhaps why the median figure is as low as around £1,076.40 per sq m (£100 per sq ft). The upper quartile, where one might expect the effect of the fewer 4 and 5 storey blocks to be felt, registers the £1,291.68 per sq m (£120 per sq ft) that Dr Fordham considers would be reasonable.

300. In addition to the work that Gleeds undertook, the appellant relies heavily on the response of the District Valuer to the costs figures. However, there is no evidence that corroborates Mr Turner’s assertion\(^{208}\) that the figures were sent by the District Valuer to its specialist QS division somewhere in the north of England. The District Valuer’s report of 12 July 2006\(^{209}\) does not say that, nor does its report of 16 November 2006\(^{210}\) which in relation to costs says:

"2. Costs for this scheme have been provided by independent Chartered Quantity Surveyors Gleeds. Gleeds have supported these figures with evidence of other apartment style developments from around the South East Region…"

"B. We have looked at Gleeds’ budget figures for construction costs.

Gleeds is a professional firm of Quantity Surveyors. It is reasonable to accept the budget figures as accurate given the complexity of the site, and the number of potential issues that may not become fully apparent until demolition has taken place.

However, it is also worth noting that budget figures are likely to be on the full side. Developers can often achieve savings in the process of tendering for a project."

"E … In summary, we can confirm that the costs of construction and the projected sales from the developer’s proposed development do not appear unreasonable, given the information presently to hand, and provided that it is borne in mind that the figures have been provided by consultants engaged by the developer."

301. The District Valuer’s final report, dated 12 December 2007, simply says that the construction cost “does not appear excessive and confirm this figure”.\(^{211}\)

302. Several questions nevertheless persist:

\(^{205}\) Doc 67
\(^{206}\) In cross-examination
\(^{207}\) In cross-examination
\(^{208}\) In re-examination
\(^{209}\) CD K1
\(^{210}\) CD K6
\(^{211}\) CD K22
• Why, at an early stage of proceedings, did Gleeds apparently use a cost rate of £1,399.32 per sq m (£130 per sq ft) but then drop to £1,291.68 (£120) in the May 2007 version?

• What differed in the costs breakdown of The Atrium scheme on which the whole exercise is based?

• How much detail about the appeal scheme did Gleeds have at any point it appraised the costs?

• What were the comparables provided from around the South East and why, in that case cannot the BCIS information be equally applicable as a check?

• What are the ways in which the developer would look to reduce the costs budgeted for during the procurement process?

303. The Secretary of State and the Inspector will take a view on the answers given to these questions by Gleeds on the final day of the inquiry.

304. The other major difference between Mr Turner and Dr Fordham concerns the phasing of construction. The appellant maintains that the scheme would take 36 months to complete before income was generated, be built in one phase and not allow the promotion of, for instance, Block A as a first phase. The District Valuer did not agree with this; and a relatively cursory examination of the construction programme and its (very preliminary) illustrations appear to show that it would at least be feasible to complete Block A in 24 months, including the underground car park and the access to it.

305. That would allow some sales income to be generated to assist in what Mr Turner called making the scheme “cash positive” as soon as possible. Mr Turner was not able to say that such an approach was technically unfeasible and his remarks about the position of the crane between Blocks A and B should be viewed with caution as he understandably had little by way of a detailed grasp of what was technically feasible on the site.

306. If the developer had an incentive to bring forward units as quickly as possible and no obvious benefit in delaying the construction once it had started, then at the very least the possibility exists that Block A could come forward as a first phase. It is true that the environment would still be far from complete; but the Block would have car parking and access to Flambard Way as well as being next to and (in some cases look over) The Atrium. This possibility casts doubt over the costs assumed by Mr Turner for finance costs over the build period.

307. As a result, the Council contends that Dr Fordham’s judgements in relation to the costs and the phasing have something to commend them. The truth may lie somewhere between his estimates and the inputs to Mr Turner’s appraisals from Gleeds and from the appellant respectively. Of course, even if Dr Fordham is right, it makes little difference to the overall viability argument unless one takes

212 April 2006 – CD K1 Appendix 11
213 CD K11
214 Doc 57 Row 47
215 CD K22 Point (ix)
216 CD E6 Volume 2 Chapter K
217 In cross-examination and Inspector’s questions
218 Mr Turner in answer to the Inspector
into account a £3,767.49 or £4,036.50 per sq m (£350 or £375 per sq ft) income value; but were the Secretary of State to accept that in this case, there is some likelihood of the developer biding his time until that kind of level is reached, then the conclusion can reasonably be reached that this is a site which, if it is to be developed at all for this proposal, would be developed at a time when it could afford to make some affordable housing provision.

308. In such circumstances, it is entirely in accordance with national policy to find that the scheme is not viable at the moment with or without affordable housing; also that the scheme for which permission might be granted would only be built when affordable housing could be provided, and therefore permission should be withheld unless some form of affordable housing provision is made or ensured.

309. As Dr Fordham said, the Langham Park point is just a red herring. The scheme was unequivocally stated by Nathanial Lichfield and Partners to be separate for the purposes of affordable housing from Phase II. On the evidence before the inquiry, there is no chance of it being constructed unless Phase II is built; and there is no credible evidence that this developer, let alone one acting in a commercial way, would build Phase II.

310. If the appeal scheme for Phase II is rejected by the Secretary of State, Langham Park will either be sold for residential or employment purposes. Very little weight indeed should be given to the link now sought to be made in the Section 106 obligation between the appeal proposals and Langham Park.

**Leisure provision**

311. The appellant has indicated that it is now willing to provide the requested sum in relation to children’s playspace. The justification for the contribution is set out in Mr Falconer’s evidence.

312. As to the sum requested as a contribution towards indoor leisure, one should recall that the proposed development is a large residential scheme with a likely population of around 360. It is, as Mr Falconer said, highly likely that these new residents will place a further burden on the leisure facilities in the area. It does not appear that this is challenged, nor is the formula for calculating the amount of that contribution the subject of any particular challenge. What is said instead is that the Council cannot establish that it is necessary for the development to contribute towards leisure schemes in Godalming because the Council has itself committed to paying for them and remedying an existing deficiency.

313. That approach does not adequately take into account the position in which the Council finds itself. In February 2008, the Council’s Executive decided to commit itself to carrying out certain capital works as part of its Leisure Procurement Strategy. Paragraph 177.5 of that meeting records that, in addition to a new management contract for the Godalming leisure centre, a full refurbishment was agreed. Paragraph 177.14 notes that the refurbishment can be met from the Council’s own capital resources.

314. However, the Leisure Centre (built in 1972, see paragraph 177.8) is also the subject of proposed improvements over and above the basic refurbishment costs (see paragraph 177.12). Those works would be funded as well; but officers

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219 Mr Horne’s answers to the Inspector  
220 Doc 82
would also aim to identify on an ongoing basis alternative sources of funding the capital costs of the improvement works including from the leisure element of the planning supplement and Section 106 agreements. This, it is said in Paragraph 177.17 of the minute, would reduce the level of borrowing required but would not avoid Waverley needing to raise significant debt to pay for the works.

315. It is therefore not quite right to say that these works will be paid for in any event or that the works simply relate to the rectification of existing deficiencies. The Council is seeking to ensure that the reality of the additional burden on the town’s main indoor leisure facility caused by the development is recognised. Given that, as Mr Horne recognised, the Council’s position since the February 2008 meeting is that public funds are to be shepherded and saved wherever possible through the use of contributions from related schemes. There is a direct application of Circular 05/2005 in relation to this contribution.

316. Looked at another way, had the appellant suggested the contribution, praying in aid the effect of the 360 residents and the Council’s commitment to improving the facilities in Godalming as prudently as possible in terms of its debt exposure, it would have been difficult to say that the proffered contribution was in breach of the Circular.

317. Mr Horne added that the contribution is based on a financial requirement that has arisen since the application was made; but that is no answer to the point. The decision about whether an indoor leisure contribution is appropriately requested in the context of a planning appeal has to be taken at the date of the decision.

318. The Council therefore remains of the view, having heard the evidence, that the contribution towards these neighbourhood facilities is relevant, directly connected, necessary and reasonable in all other respects.

**Education contributions**

319. It is agreed that the proposed development will generate 31 children of primary school age and 23 children of secondary school age. It is also agreed that, if those children put the education system under additional pressure which requires further funding, in principle an education contribution is payable under Circular 05/2005.

320. The debate between Mr Burton of Surrey County Council and Mr Melton for the appellant turns on the question of the former’s approach to meeting its statutory obligations. There is agreement over the content of the various tables in the evidence (now that Mr Burton’s tables have been corrected). They show, broadly, that if one were looking to see whether in the relevant area there were sufficient spare places for the numbers anticipated to be produced by the development, one might find them (only just, however, in the case of primary education).

321. However, the issue does not depend solely on capacity seen in this way. The figures illustrate starkly that in this part of Surrey, certain schools are very popular and others are relatively unpopular. That has consequences for the education authority’s planning of school places. As Mr Burton explained, it is no longer sufficient simply to direct new applicants to the “spare” places at the less popular schools. Whilst that might have to be done, the duty of the education
authority to have regard to parental preferences means that the likelihood is that expansion would occur at the popular schools instead.

322. It is important to recall the different sets of data in the evidence. Mr Melton’s table\textsuperscript{221} is accepted to be out of date. Mr Burton’s set of tables\textsuperscript{222} (now in part replaced by corrected figures) represents the past profile of school surpluses (or over-capacities) and the education authority’s best estimates for forward planning. As he told the inquiry, the estimates are not reached on the basis of any housing proposals in the Local Plan. Due to the uncertainty over delivery of housing schemes, the education authority does not assume notional pupil increases over the plan period but wants to see if the developments transpire.

323. Hence, for instance, the data in Table 28 of Mr Burton’s evidence (which records data for the two relevant secondary schools over the last ten years and forward another 7 or 8 years) is based on past trends. The predicted overall future surplus of places it shows, Mr Melton rightly acknowledged, is likely to have been generated by the extrapolation of past data for the unpopular Broadwater school.

324. Mr Burton’s earlier tables within the body of his proof are more sensitive and up to the minute. They show the level of surplus or over-subscription for the school year beginning in September 2008 making the connection between the numbers of first choice selections of the schools in question and the capacity at year of entry. There is no evidence that the tables misrepresent the position because of double or multiple applications. Mr Burton referred to the system that the County operates which is able to search against all the children’s names and addresses. Mr Melton could not show that any double counting in this part of Surrey was occurring.

325. Even if there were to be some, however, the picture would be broadly the same. For both primary and secondary provision there is a dichotomy between the popular schools and the unpopular.

326. Primary provision is agreed to be looked at over the school planning areas WA1 and WA2. The September 2008 figures show an overall deficit of 11 places across that area (WA1 +17, WA2 -28). Discounting from that figure entirely the 11 deficit at the catholic primary school St Edmunds would still leave no surplus places (although it would not be reasonable to discount all of those places even if, as appears to be the case, children who attend catholic schools come from a wider area). This tallies with Mr Melton’s Paragraph 12, based on earlier data\textsuperscript{223} where he describes the primary places situation as “rather tight”.

327. If one focuses on the detail of the primary provision, the largest single surplus figure is that for St Mark’s. One should approach that with care, however. First, as Mr Burton said, that school is moving positively forward but in uncharted territory, its entire junior section having been transplanted under a special measures rescue package. Second, its “draw” is largely restricted to the local area around the school, a point with which both Cllr Barnes and Mr Melton agreed. Those points underpin Mr Burton’s view that the notional surplus at St

\textsuperscript{221} After his Para 10, Appendix 2 to Mr Horne's evidence
\textsuperscript{222} At the end of Doc 43
\textsuperscript{223} Mr Melton’s report was written before detailed information was available from the education authority.
Mark's should be discounted, something which makes a difference to the figures in his table for WA1 and WA2 primary places.

328. Mr Burton's view\(^{224}\) therefore is that were the proposed development to occur, the primary school children it generates would be likely to require additional provision in the area, most likely because of the continuing preference for some of the over-subscribed schools and because the overall picture does not show major surplus figures.

329. Against that background, the appellant has not agreed to provide any contribution at all. It will be remembered that its position was based on Mr Melton's report which is out of date\(^{225}\) and had not taken into account the justification for education contributions that in fact underpins Mr Burton's request.

330. Turning to the secondary provision, it is agreed that there are two relevant schools, Broadwater and Rodborough Technical College. The latter is vastly more popular than the former as both its historical performance and the figures for September 2008 indicate. As Mr Burton said,\(^{226}\) it is not appropriate for the County to say at an inquiry that a school has a poor performance or is a bad school; but the figures for parental preference speak for themselves. It is factually the case that Rodborough is over-subscribed and is predicted to continue to be, well in excess of the leeway of 5-10% to which Mr Burton made reference.

331. As a result, the likely effect of the new secondary pupils from the development will be to load further pressure onto Rodborough Technical College, which is already over-subscribed. Mr Burton's evidence was that this is likely to lead to a loss of amenity for some because in such cases the distance criteria would come into play. Also, some of the existing residents of the Borough would have their preferences and expectations overridden by the fact that new residents at the appeal site were closer in a straight line to the school. It is entirely reasonable of the education authority to regard it as necessary for the appeal proposals to make a contribution to the likely effect that they will have on education planning in the area.

332. The appellant's response has been that there is nothing automatic about this, or no presumption that such further places will be provided at Rodborough. That is true. The reference to a "presumption" is to a stage in the decision-making by the education authority at the relevant time.\(^{227}\) However, that misses the point that even at a distance of some 4 or so years from the effect being experienced, the education authority's officers can predict that there will be an increase in the pressure on Rodborough Technical College.\(^{228}\)

333. An analogy might be made with the effect of a proposal on a road system. The decision to build the bypass may not have been formally taken at the date the planning application is considered. However, the highways authority may be able to judge that, rather than choose another route, the residents of a new development are likely drive on the over-capacity road, thus necessitating the

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\(^{224}\) In evidence in chief

\(^{225}\) Cross-examination

\(^{226}\) Evidence in chief

\(^{227}\) Doc 44 Appendix 2 Para 4.32

\(^{228}\) Mr Burton, evidence in chief
bypass. So too, in education planning, one looks at the effect of the choices new users of the system are likely to make, but does not actually decide to augment any part of the system until it is certain that there will be new users present in a certain number.

334. There is nothing conceptually difficult about this argument in the context of Circular 05/2005. Whether an education contribution is “necessary” is not the same kind of question as whether the shelves need to be re-stocked in a superstore. It depends on an education authority’s judgement about the likely effect of parental choice as a result of new families in the area. To Mr Burton, the exercise of parental preference in relation to schools in the area is clearly evidenced. His view is that the proposals will add to pressure on the popular schools. The system will become further overloaded and the appeal proposals therefore give rise to a need to mitigate their effects on it. For this reason the Secretary of State is invited to conclude that the education payments sought are reasonable and comply with the Circular guidance.

Drainage

335. On the issue of drainage, the Council now regards the matter as closed.

Section 106 obligation and conditions

336. There is a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 that covers relevant matters. Initially, the Council was concerned that the obligation had not been signed by all parties interested in the land. For example, there is no indication at the moment that the police land will be offered to the appellant at a price that it can afford or is willing to afford. Such matters could prejudice the comprehensive development of the site. However, a condition has been agreed (Condition 5) that, if accepted, would address the Council’s principal concerns.

Development plan

337. The Council considers that the proposals are not in accordance with the development plan for the reasons set out above, which (except in the case of the children’s play space, drainage and most of the highways points, now resolved) relate to the policies referred to in the reasons for refusal.

Housing land supply

338. The position on housing land supply is largely the same as at the date of the Cranleigh Brick & Tile decision (February 2008). The relevant adopted document for the purposes of housing requirement is the Structure Plan. Mr Horne confirmed that the Council has a 5 year housing land supply in relation to that adopted requirement.

339. It is also the case that the Secretary of State should take into account the emerging Regional Spatial Strategy. However, because it has not yet been adopted, its weight must be discounted.

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229 Mr Burton, evidence in chief
230 Doc 61
231 In cross-examination
340. The figures for April 2008 produced to the inquiry\textsuperscript{232} (which will go in that form into the Annual Monitoring Report in December) show that, as far as the Council is concerned, there is either a small deficit or a small surplus on the five year supply. The appellant raises queries about several sites and about the 10\% non-completion discount. However, these do not change the overall picture greatly.

341. The Council considers that, to the extent that one has regard to the South East Plan figures, whether there is a slight surplus or a slight deficit is not a matter of great importance in the absence of a finalised plan. That consideration on its own would certainly not be enough for the Secretary of State to consider the appeal proposals favourably, given the breaches of several other parts of PPS 3 to which the proposals give rise.

**Overall conclusions**

342. There are a number of matters that weigh in favour of the grant of permission. These include the remediation of the site, improvements to infrastructure, the creation of enclosure on Flamstead Way opposite the Waitrose car park, the sustainability of the location and the assistance with meeting housing supply. Appropriate weight should be attached to those points, with the (fairly major) caveat that they only apply if the scheme gets built. On the evidence, there is a serious question mark over that outcome. This is a case where the likelihood of implementation is a highly material consideration.

343. Mr Horne\textsuperscript{233} accepted that, if the Council is right on design, then the provision of affordable housing at Langham Park (assuming it can be delivered) would not in any event be weighty enough to dictate the grant of permission. The design issue is as crucial as anything in this case because, as PPS 1 says (Paragraph 31), good design is indivisible from good planning. The evidence shows that good design, able to integrate with its context and be locally distinctive, has played second fiddle throughout the process to the financial viability of the scheme.

344. Mr Wright, noted for his low-key and carefully detailed architectural contributions to Godalming, claimed\textsuperscript{234} that the proposals were low-key and “gentlemanly”; but the reality is that the blocks of new building proposed are very much more intensive, larger and higher than anything in the town and would unbalance and harm its character. The Inspector is invited to recommend refusal on the basis of poor design.

345. The proposals also cause some material harm to the living conditions of neighbouring residents and, in the absence of any related provisions within the planning obligation, fail to provide adequate contributions to education, transport and indoor leisure. The scheme is unviable and will not be built, at least not until the appellant or someone else can see a profit in it. That level of profit depends on the values of the units; when they are high enough to make the scheme worth doing and (from others’ point of view) funding, the scheme will be able to provide some affordable housing.

\textsuperscript{232} Doc 84
\textsuperscript{233} In cross examination
\textsuperscript{234} In evidence in chief
346. For these reasons, the Inspector is respectfully requested to recommend refusal of the appeal proposals, and the Secretary of State to refuse them.

THE CASE FOR SUPPORTERS

347. The proposals were supported by **Ms J Barnes**\(^{235}\), a resident of Godalming and a Town Councillor. She felt that the proposed scale, bulk, height and built form are about right. In addition, the palette of materials is improved. As to the amenity of residents, it is difficult to see how the present contaminated land and ugly sheds would be better. Housing in the centre of the town is the best option. Water run-off would be absorbed and delayed. Affordable housing would be provided at Langham Park. Local schools have capacity for additional pupils.

348. **Ms Rivers**\(^{236}\), also a Town Councillor, felt that the development would be good for Godalming. The site is ugly and polluted. It is a genuine brownfield site in need of regeneration. The housing is needed. A new police station and nursery school would also be delivered. There would be affordable housing at Langham Park. She had no reservations about the height of the tower comparing it with the nine-storey Heywood Court at Charterhouse School. Many benefits would be brought to the people of Godalming in an impressive and sustainable building.

THE CASE FOR OBJECTORS

349. The **Catteshall Area Residents' Association**\(^{237}\) had a number of concerns. The site has only become derelict since the involvement of the appellant. In addition, the visualisations give an inaccurate impression of the proposals. The conclusions of the environmental statement are also questionable. Other concerns include the mobility of contamination and the parking and traffic management arrangements. In terms of local residents, a significant number of properties in Victoria Road and South Hill will be adversely overlooked by the proposed development.

350. **The Godalming Trust**\(^{238}\) objects to the proposals. For too long the site has been in a derelict state. However, the residential element is unacceptable because of its scale, lack of affordable housing and concerns regarding infrastructure matters. The planning brief has been ignored by the appellant. The development would be higher than anything in the town centre and of an inappropriate density. Normal criteria must be met. The Langham Park proposals are not directly relevant. Additional surface water run-off as well as traffic will only make local problems worse.

351. **Mr Meeks**\(^{239}\) is a resident of Victoria Road. He has concerns for the scale and bulk of the development. Block D would be too high and residents would lose sunshine and daylight as well as being more "closed in". Other concerns are the height of the tower, foul drainage and cycle links. Access for all is also an important consideration.

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\(^{235}\) Doc 54  
\(^{236}\) Doc 55  
\(^{237}\) Doc 46  
\(^{238}\) Doc 47  
\(^{239}\) Doc 48
352. The Waverley Branch CPRE supports all the reasons advanced by the Council’s planning officers. Maximum transparency is particularly important given the Council’s financial interest. The new high rise buildings would have a significant impact and would be visible from areas of country or open space. The unity provided by the modest scale of existing buildings would be destroyed. The development is inappropriate and unacceptable to a sizeable proportion of those who live and work in the town. Guidance for the development should be revisited. In particular, the development should be low rise.

353. Mrs Bell is a resident at The Atrium where occupiers face having buildings of up to 8 storeys overlooking them. Block A, just a few feet away, has windows and balconies directly facing The Atrium and the private gardens. This will have an overbearing impact and affect daylight, sunlight and privacy. In addition, the arrangements for refuse disposal are totally unsuitable and unacceptable. However, the effect on the safety and free flow of traffic is the biggest concern. Traffic regularly backs up along Woolseck Way and Catteshall Lane. Also, the access is only suitable for the existing apartments.

354. Mr Young is a lifelong resident of Victoria Road. He is against a link between Victoria Road and the development. More particularly, he is concerned that the soil drain system would be severed. Spring water pressure also needs to be taken into account. Houses will be at risk of flooding if the underground car park is built as shown. A flood barrier is needed. Additional concerns are the height of the tower, egress by police vehicles and the lack of need for another town square. Further, residents in Victoria Road need to be protected. The pedestrian facilities, except along Catteshall Lane, will also be a waste of good money.

355. Dr Simpson noted that wide angle lenses have been used in the photography. As such, the proportion of the photographic image which corresponds to the proposed built structures in the various views is significantly reduced. This has important consequences for the interpretation of the pictorial material. Unless viewed from the “right” distance, the photographs will provide a potentially misleading account of the visual mass of the elements included in the photographic image.

356. Mrs Smith wished to reinforce the Borough’s need for affordable housing. No one can afford houses. Godalming is in danger of becoming an ageing or transient enclave. There needs to be a mix of affordable housing on the appeal site so that pockets of good quality housing can be available for teachers and other key workers. Rents are also impossible; and short-term lets give no continuity to children’s lives. In addition, the height of the proposed development is excessive for the town.

240 Doc 49
241 Doc 50
242 Doc 51
243 Doc 52
244 Account was taken of these points, and related points of Mr Pattison, at the site visits.
245 Doc 53
WRITTEN REPRESENTATIONS

357. A large number of written representations have been submitted. These echo the matters raised above by the objectors who attended the inquiry. The subject matter of the objections is similar to that reported to the meeting of the Council’s planning committee on 27 May 2008. In addition, and as discussed above, there has been extended correspondence with CABE throughout the evolution of the scheme.

358. Surrey County Council’s planning comments on the original scheme (“no change” in respect of the amended scheme) have been referred to above (Paragraphs 92-95). The highway authority’s response calls for a Section 278 agreement (Highways Act 1980), conditions and other initiatives and financial contributions.

OBLIGATION

359. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been completed and signed. The main provisions are:

- a residents’ Travel Plan and payment to the County Council of a sum of £6,000 for auditing;
- a contribution of £25,500 towards pedestrian and cycle improvements;
- a commitment to enter into an agreement under Section 278 of the Highways Act 1980 in respect of highway works;
- a contribution of £85,590 towards provision of equipped play space; and
- a commitment to building 38 affordable dwellings at Langham Park.

360. Clause 3.1.3 of the deed provides for a payment of £45,000 to the County Council if Travel Plan targets have not been met and “if the Secretary of State shall so require”. As stated below (Paragraph 406), I conclude that this additional sum would not be justified.

361. I consider that the obligation meets the legal requirements of validity and materiality as well as the Government’s policy for the use of planning obligations as set out in Circular 05/2005.

CONDITIONS

362. A large number of conditions were discussed at the inquiry. It was generally agreed that, if the development were to proceed, conditions along the lines of those set out in Docs 89 – 91 would be necessary and appropriate.

363. The appellant questioned restrictions on the proposed hours of use of the commercial units. In this regard, there could be uses such as late-opening shops and restaurants in close proximity to residential premises. In the absence of any specific details, and in order to avoid problems during the hours when people would normally be sleeping, I am suggesting that the units should not be open to

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246 See Doc 4 in particular
247 See CD J13 page P23
248 In Doc 4
customers outside 07:00 to 23:00 hours. This would allow reasonable time after 23:00 hours for customers to finish meals and leave.
CONCLUSIONS

Introduction

364. My conclusions on the proposed development are set out in this part of the report. References to paragraph numbers in the main body of the report are given in square brackets.

The Proposals [18-23]

365. The appeal was lodged following non-determination of the application by the Council. It relates to the Godalming Key Site (Phase II), an area of some 1.6 ha of contaminated and largely derelict land close to Godalming town centre. The co-ordinated development of the site with a mixture of appropriate uses is supported in principle by Local Plan Policy TC6 and Supplementary Planning Guidance (SPG) in the form of the Godalming Key Site Development Framework. [1; 7; 15-16]

366. The development would take the form of four large blocks. These would be arranged facing Godalming Way to the northwest and Catteshall Lane to the south. There would be a public piazza between two of the blocks (A and B). The remaining enclosed internal space would be laid out as a formal courtyard. The blocks would vary in height. There would be a two-storey element close to existing terraced housing in Victoria Road and a four-storey block adjacent to The Atrium (Phase I). The storey heights would rise through five, six and seven storeys to an eight storey “tower” at the western apex, the highest part of the site. [18-22]

367. The accommodation would include 225 flats, a police station and 10 street level commercial units. Underground parking would be provided for 281 cars. The development would be accessed via the existing Phase I entrance off Woolsack Way. [18]

Main Considerations [3]

368. Having regard to the Council’s putative reasons for refusal, and the discussion at the inquiry, I consider that the main considerations upon which the decision should be based are as follows:

- The effect on the character of the locality and the setting of the Godalming Conservation Area.
- The effect on the setting of Olde Steppe House, a listed building.
- Whether the development would have an overbearing impact on the occupiers of nearby properties or unduly affect their daylight, sunlight or privacy.
- Whether appropriate provision would be made for affordable housing.
- The effect on the safety and free flow of traffic.
- Whether there would be adequate provision for cyclists.
- Whether there would be adequate provision for indoor sport.
- Whether there would be unacceptable demands upon education provision.
369. The safety and free flow of traffic is essentially a concern of third parties. The Council’s objection is mainly limited to the terms of the proposed Travel Plan and whether there would be adequate provision for recovery measures. The Council withdrew its objections regarding foul and surface water drainage, and provision for equipped play, following discussion at the inquiry. I conclude that, subject to conditions and obligations, these matters could be satisfactorily addressed. [311; 335]

370. In appraising the main considerations, I have taken appropriate account of the provisions of the development plan and the environmental information. I have also considered the form of conditions and a planning obligation that would be relevant in the event of the appeal being allowed and planning permission granted. [14-16; 23; 359-363]

Effect on the character of the area and the setting of the Conservation Area [25-135; 220-255; 347-348; 350-354; 357]

371. From many vantage points, the appeal site is seen as a discrete area. It is severed from the eastern end of the town centre, including the Waitrose store and its car park, by Flambard Way. The difference in levels, the flow of traffic and the present lack of permeability add to the feeling of severance. In addition, the Waitrose store tends to turn its back on Flambard Way. All in all, there is no strong visual continuity between the buildings within the town centre and those appropriate to the appeal site. [11-13]

372. Along Catteshall Lane, the land opposite the site is well vegetated and rises steeply away. There is little in the way of built development that is of contextual significance. To the east, there is an important interface with The Atrium and terraced housing in Victoria Road. However, this is not a boundary that is exposed to important public views. [6-9]

373. The boundary of the Godalming Conservation Area, at its closest point, takes in the Waitrose store and its service yard on the side of Flambard Way opposite the appeal site. The inter-relationship between the appeal development and the Conservation Area would be most obvious in views along Flambard Way. More generally, other key views are towards the focal point at the junction of Flambard Way and Catteshall Lane, the approach to the site from the direction of Town Bridge and from the vicinity of Borough Hall and across the Waitrose car park. [13; 118]

374. I have been able to assess the proposals in all these key views; also in other views across or towards the Conservation Area and the Lammas Lands from surrounding areas. Of particular significance, I saw that to all intents and purposes there are no views of the appeal site from within the Conservation Area. [118-120]

375. The Council is critical of the analysis undertaken by the appellant and, as in consequence, what it sees as a flawed design. In this regard, I note that CABE (the Commission for Architecture and the Built Environment) voiced early criticisms although at a later date it welcomed the response regarding the urban design of the scheme. Be that as it may, I have been able to assess the proposals in the light of the evidence before the inquiry and my own observations on the ground. I focus on the acceptability or otherwise of the proposals before the Secretary of State rather than on the scheme drivers or earlier iterations or alternatives that may or may not have been acceptable. [75-76; 221; 230]
376. I saw that Godalming in general, and the Conservation Area in particular, is
characterised by development that is two or perhaps three storeys in height. The
architecture is traditional and of modest scale. Even more recent, large floor-
plate developments such as the Homebase and Waitrose stores have deep,
hipped, tiled roofs that reflect local styles and suggest a scale of only 2 or 2\(\frac{1}{2}\)
storeys in height. [12-13]

377. In marked contrast, most of the appeal development would be 4, 5 or 6
storeys in height. It would rise through 7 storeys to an 8 storey tower. The
architecture would be modern rather than traditional. Roofs would be flat. The
buildings would be altogether larger, higher and more massive than those that
presently give the town its predominant character. [19-21]

378. The Local Plan calls for a high quality development designed to complement
the scale and character of the town. It makes clear that this does not necessarily
mean using vernacular building styles and traditional materials. However, it is
stated that buildings should not exceed three storeys in height. Notwithstanding
an awareness of viability considerations, it is the scale, height and massing of the
individual buildings and the development in general that remain fundamental
concerns of the Council. [15; 51; 59]

379. For my part, I do not feel that the development should be restricted to 3
storeys in height. Whilst a 3 storey development would accord with the Local
Plan and SPG, even the alternative scheme put forward by the Council at the
inquiry was based on four storeys of development. More particularly, given the
lack of a strong visual context for the development, I consider that an intensive
development of the scale proposed would be appropriate to its setting and
complement the character of the area. [16]

380. In this regard, I note that the scale of the buildings would be mitigated by the
division into base, middle and top. In addition the building elements and details
would be human in scale. In terms of the footprint of the blocks, these would be
comparable with Phase I. Further, as a series of separate blocks, the overall bulk
of the development would be broken down. [48; 110]

381. I appreciate that Flambard Way is a negative feature and should not be taken
as a design cue. Similarly, it would be wrong to approach the design on the
appeal site as if it were a site seen in isolation. There is clear inter-visibility with
other areas. In addition, the scheme attempts to improve connectivity with the
town centre. At the same time, the somewhat separate setting of the site
provides the opportunity for a different design treatment. Any marked contrast
with nearby parts of the town would be diminished. [244-245]

382. To my mind, there is no need to adhere to the built form that is presently
characteristic of Godalming. The scale, height and massing of the proposed
development would be entirely appropriate. Although a significant departure, the
scheme would complement the existing townscape. It would step up the slope
along the Flambard Way frontage and emphasise the natural contours of the site.
The tower would be a prominent landmark and would give focus to the
townscape at an important gateway to the town. [109-110]

383. I note that CABE regards the scale of development as appropriate to its
context; also, in contrast to the views of English Heritage, the height of the tower
(at 9 storeys - the un-amended scheme). CABE has outstanding concerns
regarding the quality of the details in the submitted scheme, the quality of the
384. However, I believe that these matters were addressed at the inquiry and through design changes in the amended plans. For example, the tower has been lowered, the gull-wing roof has been omitted and a simplified palette of material has been chosen. The design as a whole has been considered and appropriate adjustments made. Outstanding matters, such as the quality of the materials and the landscaping of the site, would be subject to conditions. [98-99; 222; 362]

385. I conclude that the site can accommodate buildings of the scale, height and mass proposed. There would be no detrimental effect upon the character of the area. In addition, having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there would be no material effect on the character or appearance of the Conservation Area. [135]

386. In accordance with Policy TC6, the development would improve the townscape, be of high quality design and complement the scale and character of the town. There would, however, be a conflict in terms of the storey height specified in the Local Plan. In other respects, the development would accord with Policies SE4 and SE5 of the Structure Plan, Policies D1, D4 and HE8 of the Local Plan and the principles of Surrey Design 2002. [51; 55-60]

Effect on the setting of Olde Steppe House [136-138; 256-258; 357]

387. In regard to the setting of listed buildings, the Council’s principal concern is in respect of Olde Steppe House. There are very few locations that afford a good view of the property. The front elevation can be seen down the alleyway accessing the Council's Queen Street car park. There are also views, for example, from the eastern end of Croft Road across the frontage of Latimer House albeit at an acute angle. [10; 137]

388. The most important view, however, is from Flambard Way at its junction with Brighton Road. Olde Steppe House looks out over the junction. However, there are several visual detractors including the expanse of the highway, items of street furniture and the existing police buildings. Felicia Court is also prominent in the view. To my mind, the present setting says little about the historic context including the former role of Brighton Road. In addition the eye is not particularly drawn to the existing building. [10; 136; 256]

389. The main change would be an alteration to the view beyond and to the side of Olde Steppe House. This background would be improved through removal of the unattractive police buildings and the provision of new buildings of distinction and quality. The development would provide a focal point for views east along this part of Flambard Way. [138; 257]

390. Having regard to the statutory duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the setting of Olde Steppe House would not be materially affected. The building would continue to enjoy the modest exposure that presently exists. Important space about the property would not be compromised by the intrusion of unsympathetic development. The proposals would accord with Structure Plan Policy SE5 and Local Plan Policy HE3. [138; 258]
Effect on the occupiers of nearby properties [139-145; 260-265; 347; 349; 351; 353; 357]

391. The Council's principal concern relates to the crowding of properties on the western side of Victoria Road. It refers to the fact that Block D would be right behind the houses at the southern end of the street and, at its closest, only 16m away. Although the development would step away from the houses, it would still be relatively close as well as much higher. The vista from gardens and windows would be taken up with a mass of buildings between 2 and 8 storeys in height. In the Council's view, the overbearing effect could not be easily mitigated. In addition, there would be detriment to light and shading. [140; 262-265]

392. For many of the occupiers of the houses on the western side of Victoria Road, I would say that the present aspect is poor. For example, those houses towards the northern end have a works just beyond the bottom of their short gardens; and the garden of 2 Victoria Road is flanked by the brick two-storey rear elevation of another works. From upper floors, the views would be over a site which is in part derelict and in part developed with industrial/commercial and other buildings and uses including car parking. [139-140]

393. The views would certainly change. However, I would expect there to be a general improvement. The majority of the houses would look out over an open courtyard albeit with modern building blocks in the distance. The occupiers of 2 and 4 Victoria Road would have direct views towards the eastern elevation of Block D. Nevertheless, those elements closest to the houses would be lower and, to my mind, at an adequate distance. [140; 143]

394. Privacy throughout could be safeguarded through the use of obscure glazed panels. In respect of daylight and sunlight, there would be some marginal changes. However, the overall position would be of an improvement in overshadowing and maintenance of a good standard of daylighting. The standards of the Building Research Establishment would be met. I conclude that there would be no overbearing impact on the occupiers of nearby properties nor would their daylight, sunlight or privacy be unduly affected. The proposals would accord with Structure Plan Policy SE4 and Local Plan Policies D1, D4 and TC6. [140-141; 144-145]

Provision for affordable housing [146-176; 277-310; 347-348; 350; 356-357]

395. The relevant affordable housing target for the appeal site equates to 57 units. However, the Local Plan (and the Structure Plan) indicates that negotiations will depend on market conditions and will take into account factors such as extraordinary costs. In this regard, the site would be expensive to develop and would involve abnormal costs such as the treatment of contaminated land. [7; 14; 277]

396. The appellant's case is that the development could not bear the costs of affordable housing. However, if (and essentially only if) the development proceeds, 38 affordable housing units would be built at nearby Langham Park. This is addressed in the planning obligation. As such, according to the appellant, there would be an important net benefit. [166; 168; 170]

397. I have considered the relevance of the Langham Park scheme. I am aware that, at the time of the application, the agent indicated that the scheme was separate for the purposes of affordable housing. However, there are clear links
between the two schemes. Langham Park is the site where the new nursery school would be provided; also the temporary policy station. Both these developments are required in advance of the appeal development. If affordable housing would be provided at Langham Park, in circumstances where it would not otherwise come forward, I consider that there is a relevant connection. [17; 148; 176; 309-310]

398. As for the appeal scheme, and even with 100% market housing, the profit margin would be nowhere near the industry norm of 15-20%. If current market values are taken as £2,583.36 per sq m (£240 per sq ft), the appellant’s figures show a profit as a percentage of costs of 3.96%. At £2,475.72 per sq m (£230 per sq ft) the profit would drop to 1.16%. A costing of an alternative scheme prepared by the Council showed a loss of over £6m. [165]

399. The profit on the appeal scheme would be higher if assumptions advanced by the Council on building costs and the length of the construction period were adopted. In this regard, the appellant gave convincing arguments as to why those assumptions should not be used. Even so, the scheme would fail to show an appropriate profit on the basis of existing values. The provision of affordable housing could not be supported at the present time. [155-156; 164]

400. The scheme is not viable at the moment with or without affordable housing. The Council suggests that the development would be most unlikely to proceed. It would be necessary to wait until values have increased; but once values have increased, it would be possible to include affordable housing. Hence, permission should be withheld unless or until some form of affordable housing provision could be made or ensured. [279; 287; 292; 308]

401. Notwithstanding the poor rate of return, I have no reason to doubt the appellant’s intention to proceed with the scheme. Throughout the inquiry, I was impressed by the appellant’s commitment and the desire to address potential problems. At the same time, although there would be courses of action open to the Council, it would not be in the public interest to see this largely derelict site undeveloped for a protracted period following a token commencement of development to keep any planning permission alive. [169; 293-294]

402. At the inquiry, it was suggested that there could be some form of agreement whereby affordable housing would be triggered on a notional increase in market value depending on the timing and completion of the development. If such a mechanism was practical and viable it could be one way of overcoming the Council’s related concern. However, in the immediate future, values are likely to go down rather than up. The wait for a time when values could possibly support the inclusion of affordable housing could be long and uncertain. [167; 171; 292]

403. I conclude that the scheme should be determined on the basis of present values. Market conditions dictate that the provision of affordable housing on site, even at some reduced quantum, would not be viable. There would be, however, the not inconsiderable benefit of 38 affordable dwellings at Langham Park. In the circumstances, appropriate provision would be made for affordable housing. The objectives of Structure Plan Policy DN11 and Local Plan Policy H5 would not be prejudiced.
Safety and free flow of traffic [177-178; 187-188; 266-268; 349-350; 353-354; 357]

404. The Council's main concern on this topic relates to the Travel Plan. It is felt that, if the targets in the Travel Plan were not met, there would be inadequate monies available for measures such as further promotional activities or improvements to infrastructure. These are specifically identified in the County Council's Good Practice Guide as remedial measures that could be included in travel plans. [188; 266-268]

405. Notwithstanding the marginality of the scheme, and its sensitivity to additional costs, I do not consider that additional measures would be necessary. The appeal site is in a sustainable location. Some £96,000 would be invested in the Travel Plan in any event. Unexpended sums could be rolled over if the targets were not met and the Travel Plan Co-ordinator's post would remain until year nine. [177; 187; 342]

406. I am aware that, under Clause 3.1.3 of the planning obligation, the appellant is prepared to make an additional payment of £45,000 "if the Secretary of State shall so require". However, I conclude that this additional sum would not be justified. [188; 360]

407. Third parties are concerned at the adequacy of the proposed access arrangements given likely traffic generation and existing queues on local roads. This was the subject of supplementary evidence to the inquiry. Analyses using higher trip rates indicate that important junctions would operate in a satisfactory manner. Queuing traffic would be likely to disperse quickly. [177; 349-350; 353-354; 357]

408. The technical evidence indicates that the development would not give rise to any undue problems. I conclude that the safety and free flow of traffic would not be prejudiced. The development would accord with Structure Plan Policy DN2 and Local Plan Policy M2. Nevertheless, I consider it appropriate to review the arrangements at the gated access (suggested Condition 27). This would enable the gates to be moved in order to create greater stacking space for incoming traffic; also allow for options which could be better than the intended form of electronic entry control. [177]

Provision for cyclists [179-186; 269-270; 351; 357]

409. The planning obligation provides for the payment of a contribution of £25,500 towards pedestrian and cycle improvements between the appeal site and Godalming town centre. The principle is as envisaged in Local Plan Policy TC6. However, Policy M7 seeks the provision of a new footpath and cycle route over the River Wey. In this regard, an additional contribution of £110,460 is envisaged by the Council for a Lammas Lands Link. [181; 269; 359]

410. A Lammas Lands Link would be popular with the Waverley Cycling Forum, the Borough Council and the County Council. There is pressure to design, fund and implement such a link and so avoid the unpleasant route along Bridge Road. Further, the stated contribution (to include also an uplift to encourage increased cycle use) was originally seen as a fair and appropriate contribution by the appellant's consultant. [184; 270]
411. Be that as it may, I do not consider that the development would be unacceptable in the absence of the scheme. The likely usage by occupiers of the proposed development is calculated to be just four travel-to-work trips in the peak hour. In addition, the contribution appears to be beyond those envisaged in Policy TC6. Whilst the appellant indicates that the position could be reviewed if the Secretary of State thinks otherwise, or covered by a condition, I conclude that the contribution would not be necessary. There would be adequate provision for cyclists under the scheme proposals in accordance with Local Plan Policy TC6. [179; 186; 272]

Provision for indoor sport [189-192; 311-318; 357]

412. The Council seeks a contribution of £154,163 towards improvements to the existing leisure centre at Godalming. However, as confirmed in the report by Capita Symonds, there is no quantitative deficiency in the town. It is qualitative improvements that are envisaged. In this regard, through its Corporate Plan, the Council has committed itself to certain capital and improvement works towards which a contribution is now sought. Nevertheless, the Council wishes to reduce borrowing and debt by benefiting from contributions from planning obligations. [189-190; 314]

413. I can appreciate that, where possible, the Council would wish to shepherd and save public money by identifying alternative sources such as Section 106 contributions. However, bearing in mind that the works are to proceed in any event, I do not consider it can be said that the development ought not to be permitted without them. Again, the appellant would wish to have the opportunity to review matters should the Secretary of State take a contrary view. My own conclusion is that the contribution is not necessary. In accordance with Structure Plan Policies DN1 and DN13, and Local Plan Policy D14, there would be adequate provision for indoor sport. [192; 312; 315]

Demands upon education provision [193-205; 319-334; 347; 357]

414. The contribution that is sought towards education provision is £782,081. That is made up of £366,546 towards primary school and £415,535 towards secondary school provision. Central to the argument is the extent to which account should be taken of parental choice. [193-194; 199; 321]

415. In respect of primary provision, there would appear to be a sufficient number of school places in the relevant area. In particular, there is spare capacity at St Mark’s Church of England Primary School, the school nearest to the appeal site. However, the overall numbers are acknowledged to be “rather tight”. More particularly it is argued that the potential contribution from St Mark’s should be discounted. For example, it is subject to a special measures rescue package and few parents opt for the school as a first preference. [326-328]

416. At secondary level, there are two relevant schools. These are Broadwater School and Rodborough Technical College. Broadwater School is closer to the appeal site and has spare capacity. Rodborough is further away but is much more popular. [194; 330]

417. In the case of both primary and secondary education, the education authority argues that parental preference is clearly evident. The appeal development would place more pressure on popular schools hence a need to mitigate the effects. [334]
418. Given the special measures that have been put in place to turn around St Mark's school, I do not think that it should be discounted. I conclude that there is no overall infrastructure deficiency in either the primary or the secondary sector. However, the question remains as to whether the appeal development should help fund expansion at the schools where pressure is likely to mount. These are schools which are further from the appeal site but which are much more popular. [200-202; 372]

419. Whilst the education authority has to "consider" parental representations, I note that the underlying obligation is to secure schools that are sufficient in number, character and equipment. In addition, I know of no guidance to the effect that appellants should respond to parental choice instead of, or in addition to, a basic infrastructure deficiency. In the terms of Structure Plan Policy DN1 (and Local Plan Policy D14), the infrastructure that is required to service the development is available. [14; 193]

420. In all the circumstances, I conclude that an education contribution would not be necessary in this case. There would be no unacceptable demands upon education provision. However, the appellant would wish to be able to review matters if the Secretary of State is minded otherwise.

Other matters

Housing land supply [201-208; 338-341]

421. Based on the requirements of the current Structure Plan, I have concluded that there is a five year supply of housing land. In this regard, I do not think that the Godalming Key Site should be excluded from the calculations. The proposal would not gain any benefit from a shortage of housing land supply. The position is different in respect of the figures in the emerging Regional Spatial Strategy. There is no definitive indication of how the requirement would be met over a period of five years particularly if more rigorous discounting is applied to extant permissions and allocated sites. [338]

422. The emerging South East Plan can be accorded significant weight. It envisages the need for an increased supply of housing in the Borough of Waverley. The housing provided by the appeal site would make a useful contribution to the requirement. The favourable consideration referred to in Paragraph 71 in PPS 3 would be of relevance. However, in this case, the achievement of a high quality mixed-use development appropriate to its setting is of paramount importance. I conclude that the position on housing land supply is not an overriding consideration in this case. [206-208; 339-341]

Housing mix and transport choice

423. The matter of affordable housing has been addressed above. In other respects, a high density development would be achieved on an edge-of-centre, previously developed site. One, two and three bedroom flats would be provided in a scheme of 225 units. There would be an appropriate mix of size and type. The location offers a realistic and appropriate choice of transport access. Sustainable transport choices would also be promoted through the appeal proposals. [7; 18; 26]
**Town centre issues**

424. The scheme includes 10 small units that could be used for retail or other town centre purposes. However, the quantum of floorspace is not large. In addition, it is suggested that the use of the units and their potential amalgamation should be restricted by conditions. There is no suggestion that the objectives of existing or emerging guidance on town centres would be undermined. [18; 362]

**Other benefits**

425. A semi-derelict area of previously developed land that has become a local eyesore would be redeveloped in a high density mixed use scheme in a sustainable location. The redevelopment would bring about regeneration benefits, remediation of a contaminated site and improvements to infrastructure. As well as bringing an end to under-use of the site, there would be benefits in urban design terms. For example, there would be the creation of enclosure on Flambard Way opposite the Waitrose car park. There would also be assistance in meeting the supply of housing all on a site where, in pursuance of Local Plan Policy TC6, the Council is keen to support co-ordinated development. [342]

**Concluding comments**

426. There remain important differences of opinion regarding the scale, bulk and height of the proposals and the extent to which they would contrast with the character of the area and the setting of the Godalming Conservation Area. Waverley Borough Council, English Heritage and the majority of third parties remain opposed to the development. In addition, although supportive of the scale of the development in its context, CABE had doubts about the quality of the architecture and the sensitivity of the proposed detailing. On the other hand, the array of architects and other experts marshalled by the appellant put forward convincing arguments as to the appropriateness of the scheme.

427. For my part, I have studied the site and its setting at length. Notwithstanding the contrast with existing development in Godalming, I conclude that the appellant’s proposals are of a high standard of design. The massing and height of the blocks would be much greater than the norm for the town. Nevertheless, I believe that the development would be successfully assimilated. Any uneasy clash of styles and scales would be avoided. There would be the birth of a scheme that complements all that is best in the existing town.

428. So far as the development plan is concerned, Local Plan Policy TC6 seeks to encourage a particular vision of the development. The appeal scheme would be at variance with some of the details, for example in regard to storey height, and would not accord with these provisions. I recognise that the policy is supportive not mandatory. There is nothing to say that an alternative scheme, one complying with the general polices in the Plan, would not be equally worthy of support. Nevertheless, although other material considerations point to a grant of planning permission, I conclude that the scheme would not be in complete accordance with the development plan.

429. I envisage conditions as set out in Appendix A. I believe that these conditions would satisfy the tests set out in the Annex to Circular 11/95 and should be applied to any planning permission for the reasons stated. They were the subject of discussion at the inquiry. Appendix B is a statement containing a description
of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

RECOMMENDATION

430. I recommend that the appeal be allowed and planning permission granted subject to the conditions set out in Appendix A to this report.

Andrew S Freeman

INSPECTOR
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Partner, Gleeds International Management & Construction Consultants, Trinity House, Church Road, Tunbridge Wells, Kent, TN1 1AG

FOR THE PLANNING AUTHORITY:

Mr R Warren  
of Counsel

Instructed by  
Solicitor, Waverley Borough Council
He called:

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<tr>
<th>Name</th>
<th>Position</th>
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<tr>
<td>Mr P M Falconer</td>
<td>Principal Planning Officer</td>
<td>Waverley Borough Council</td>
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<tr>
<td>Dr N Barker BA(Hons) PhD</td>
<td>Planning and Development Team Leader,</td>
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THIRD PARTIES OPPOSED TO THE DEVELOPMENT:

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<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
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THIRD PARTIES SUPPORTING THE DEVELOPMENT:

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<tr>
<td>Ms P Rivers</td>
<td>Arity, Station Road, Farncombe, Surrey, GU7 3NF</td>
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DOCUMENTS

Doc 1 Letters of notification of the inquiry and circulation details
Doc 2 Records of attendance / requests for a copy of the decision
Doc 3 File of letters of representations made to The Planning Inspectorate in respect of the original application
Doc 4 File of letters of representations made to The Planning Inspectorate in respect of the amended (appeal) application
Doc 5 Letter of objection dated 30 June 2008 from CABE
Doc 6 Opening on behalf of the Appellant
Doc 7 Council's opening points
Doc 8 Mr Horne's proof of evidence
Doc 9 Summary of Mr Horne's proof of evidence
Doc 10 Appendices to Mr Horne's proof of evidence including statements by Mr Wong (Appendix 1), Mr Freer (Appendix 2) and Mr Melton (Appendix 3)
Doc 11 Mr Wright's proof of evidence
Doc 12 Appendices to Mr Wright's proof of evidence
Doc 13 Mr Stewart's proof of evidence
Doc 14 Summary of Mr Stewart's proof of evidence
Doc 15 Appendices to Mr Stewart's proof of evidence
Doc 16 Mr Kelly's proof of evidence
Doc 17 Summary of Mr Kelly's proof of evidence
Doc 18 Appendices to Mr Kelly's proof of evidence
Doc 19 Mr Travis's proof of evidence (Technical Report)
Doc 20 Appendices to Mr Travis's proof of evidence (Technical Report)
Doc 21 Thames Water Response on Drainage Query tabled by Mr Travis
Doc 22 Mr Knowles's proof of evidence
Doc 23 Summary of Mr Knowles's proof of evidence
Doc 24 Annexures to Mr Knowles's proof of evidence Volume 1
Doc 25 Annexures to Mr Knowles's proof of evidence Volume 2
Doc 26 Supplementary Note on Transport Matters tabled by Mr Knowles
Doc 27 Mr Parker's proof of evidence
Doc 28  Summary of Mr Parker's proof of evidence
Doc 29  Appendices to Mr Parker's proof of evidence
Doc 30  Mr Turner's proof of evidence (Viability Report)
Doc 31  Appendices to Mr Turner's proof of evidence (Viability Report)
Doc 32  Supplementary Daylight & Sunlight Report tabled by Mr Wong
Doc 33  Clip of shadow diagrams tabled by Mr Wong
Doc 34  Waldram Diagrams tabled by Mr Wong
Doc 35  Letter dated 10 July 2008 on viability of commercial uses tabled by Mr Freer
Doc 36  Report dated 8 July 2008 on budget costs tabled by Mr Hino
Doc 37  Mr Falconer's proof of evidence
Doc 38  Appendices to Mr Falconer's proof of evidence
Doc 39  Dr Barker's Proof of evidence
Doc 40  Summary of Dr Barker's proof of evidence
Doc 41  Appendices to Dr Barker's proof of evidence
Doc 42  Mr Stokes's proof of evidence
Doc 43  Mr Burton's proof of evidence
Doc 44  Appendices to Mr Burton's proof of evidence
Doc 45  Dr Fordham's proof of evidence
Doc 46  Statement from Catteshall Area Residents' Association (Mr Pattison)
Doc 47  Statement from The Godalming Trust (Mr Musk)
Doc 48  Statement from Mr Meeks
Doc 49  Statement from Waverley Branch CPRE (Mr Isaacs)
Doc 50  Statement from Mrs Bell
Doc 51  Statement from Mr Young
Doc 52  Statement from Dr Simpson
Doc 53  Statement from Mrs Smith
Doc 54  Statement from Ms Barnes
Doc 55  Statement from Ms Rivers
Doc 56  Statement of Common Ground
Doc 57  Statement of Common Ground on valuation matters
Doc 58  Environmental Information
Doc 59  Statement of Proposed Mitigation Measures
Doc 60  Extract from Circular 01/2006
Doc 61  Details from the Secretary of State's decision dated 28 February 2008 on the Cranleigh Brick and Tile Works case, Ref: APP/R3650/A/08/0228286
Doc 62  Local Transport Plan 1 (LTP1)
Doc 63  Local Transport Plan 2 (LTP2)
Doc 64  Check list for the provision of cycling facilities
Doc 65  Assessment of cycle routes in the vicinity of Town Bridge
Doc 66  Primary School Number on Roll
Doc 67  BCIS Table of average construction prices
Doc 68  Turner Morum appraisal of Fordhara reduced scheme
Doc 69  Letter dated 1 July 2008 regarding bulk drainage diversion
Doc 70  Typical plant species
Doc 71  Lammas Land cycle route funding position
Doc 72  Up-dated tables for Godalming schools
Doc 73  Extract from Landscape Institute Advice Note 01/04
Doc 74  Annotated copy of consultation response dated 23 August 2007 from Urban Design Officer
Doc 75  Extract from By design Better places to live
Doc 76  E-mail dated 20 February 2008 from RPS regarding cycle contributions
Doc 77  Table of cycling schemes
Doc 78  Turner Morum Appraisal Summary
Doc 79  Letter date 8 July 2008 from Flambard Developments Limited
Doc 80  Extract from BRE guidance on daylight and sunlight
Doc 81  Note on leisure issues
Doc 82  Minutes of the meeting of the Council's Executive 5 February 2008 as submitted to the Council Meeting on 19 February 2008
Doc 83  Extract from minutes of the meeting of Council 19 February 2008
Doc 84  Draft Interim Five-Year Land Supply Position Statement
Doc 85  Comparison of housing land availability data
Doc 86  Second comparison of housing land availability data
Doc 87    Second comparison of housing land availability data amended
Doc 88    The Big Debate Survey – Planning for Waverley’s future
Doc 89    Suggested planning conditions version 2
Doc 90    Suggested planning conditions version 3
Doc 91    Suggested planning conditions version 4
Doc 92    Draft unilateral undertaking version 3
Doc 93    Draft unilateral undertaking version 5
Doc 94    Unilateral undertaking as executed
Doc 95    Council’s closing submissions
Doc 96    Closing on behalf of the appellant

CORE DOCUMENTS

A    Government Documents, Legislation and National Guidance

CD A1    PPS 1, Delivering Sustainable Development
CD A2a    PPS 3, Housing
CD A2b    Delivering Affordable Housing
CD A3    PPS 6, Planning for Town Centres
CD A4    PPG 13, Transport
CD A5    PPG 15, Planning and the Historic Environment
CD A6    PPG 17, Planning for Open Space, Sport and Recreation
CD A7    Assessing needs and opportunities a companion guide to PPG 17
CD A8    PPS 22, Renewable Energy
CD A9    PPS 23, Planning and Pollution Control
CD A10    PPG 24, Planning and Noise
CD A11    PPS 25, Development and Flood Risk
CD A12    Circular 05/2005, Planning Obligations
CD A13    Circular 11/95, Use of Conditions in Planning Permissions
CD A14    Enabling development and the conservation of heritage assets, English Heritage
CD A16  The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
CD A17  Manual for Streets, Department for Transport
CD A18  Directions of the Secretary of State regarding saved policies – Surrey Structure Plan 2004 and Waverley Borough Local Plan April 2002
CD A19  Guidance on Transport Assessment, Department for Transport
CD A20  Urban Design Compendium, English Partnerships and The Housing Corporation
CD A21  Guidance on Tall Buildings, English Heritage and CABE, July 2007
CD A22  Buildings in context, English Heritage and CABE
CD A23  Housing Quality Indicators Form, Version 2, October 2000
CD A24  National Affordable Housing Programme 2008-11, Prospectus, The National Affordable Homes Agency and The Housing Corporation
CD A27  Planning Obligations: Practice Guidance, Department for Communities and Local Government

B  Regional Guidance

CD B1a  Regional Planning Guidance for the South East (RPG 9), March 2001
CD B1b  RPG 9, Chapter 9, Regional Transport Strategy, July 2004
CD B1c  RPG 9, Chapter 10 (Energy Efficiency and Renewable Energy) and Chapter 14 (Tourism and Related Sport and Recreation)
CD B1d  RPG 9, Revision to Waste and Minerals Strategies, Statement of Reasons for Further Changes
CD B1e  RPG 9, Waste and Minerals
CD B1f  Government Office letter on publication of the final version of the revised chapters on Minerals and Waste
CD B3a  The South East Plan, Volume 1: Report – cover page
CD B3b  The South East Plan, Report of the Panel, Volume 1: Report and covering letter
CD B3c  The South East Plan, Report of the Panel, Volume 2: List of Appendices
CD B3d  The South East Plan, Report of the Panel, Appendices A to H
CD B3e  Government Office covering letter upon publication of the Panel Report
CD B4  Reserved for the Government’s response to the South East Plan Examination in Public report
C  Surrey County Council Documents

CD C1  Surrey Structure Plan 2004
CD C2  Surrey Structure Plan – Secretary of State’s direction on saved policies
CD C3  Surrey Design, Surrey Local Government Association
CD C4  A Parking Strategy for Surrey, Supplementary Planning Guidance, March 2003
CD C5  Transportation Development Control Good Practice Guide, Surrey County Council
CD C6  Travel Plans Good Practice Guide  Surrey County Council
CD C7  Draft Surrey’s Sustainable Communities Strategy 2008-11

D  Waverley Borough Council Documents

CD D1  Waverley Borough Local Plan 2002
CD D2  Waverley Borough Local Plan – Secretary of State’s direction on saved policies
CD D3  Local Development Scheme, Waverley Borough Council, March 2005
CD D4  Density and Size of Dwellings, Supplementary Planning Guidance, October 2003
CD D5  Godalming Key Site Development Framework, Roger Evans Associates for Waverley Borough Council, March 2001
CD D6  Local Development Framework Annual Monitoring Report
CD D7  Interim Five Year Land Supply Position, October 2007
CD D8  Waverley Community Strategy
CD D9  Waverley Borough Cultural Strategy
CD D10  Waverley Cultural Strategy Action Plan – Draft 1
CD D11  Leisure Plan Review and Up-date December 1999
CD D12  Play Strategy 2007 – 2010
CD D13  Godalming Leisure Needs Study, Consultants’ Report, August 1999
CD D14a  Minutes of Executive, 5 December 2006
CD D17  A Quantitative Assessment of Children’s Play Facilities in Waverley, Report by PEM, November 2003
CD D18  E-mail dated 9 May 2008 regarding playground play value assessment
CD D19  Housing Needs Survey Update 2005
CD D20  Town & Country Together, Corporate Plan 2008-11
CD D21  A Character Appraisal of Godalming Town Centre

E  Appeal Planning Application and Related Documents

CD E1  Application form
CD E2  Letters from Nathaniel Lichfield and Partners
CD E3  Planning Statement
CD E4  Design and Access Statement, June 2007
CD E5  Transport Assessment
CD E6  Environmental Statement Non-Technical Summary, Technical Assessments and (in CD E6 Vol 2) Technical Appendices
CD E7  Planning history, notifications and constraints
CD E8  Letters to statutory consultees and responses
CD E9  Further correspondence between the Council and the appellant
CD E10  Addendum to air quality chapter of Environmental Statement
CD E11  Officer report to committee, and summary update sheet, 18 December 2007
CD E12  Notice of committee resolution
CD E13  Transcript of committee meeting, 16 December 2007
CD E14  Set of original application plans reduced to A3 size
CD E15  Existing and proposed photomontages and visualisations with covering letter
CD E16  Set of amended plans, reduced to A3 size, as originally submitted to the Council
CD E17  Design and Access Statement, November 2007

F  Waverley Borough Council Pre-Application Documents

CD F1  Presentation to Development Control Consultative Forum, 15 February 2007
CD F1a  Presentation to Development Control Consultative Forum, 5 September 2005
CD F2  Council's scoping opinion, 12 December 2006
CD F3  Request for scoping opinion, 15 November 2006
CD F4  Comments on the scoping report for inclusion in the Environmental Statement
CD F5  Comments of CABE, 27 September 2005 and 15 June 2006
CD F5a  Comments of CABE, 3 April 2007 and 3 August 2007

G  Planning History

CD G1  Previous planning history summary
CD G2  Application for Godalming Key Site Phase I
CD G3  Godalming Key Site Phase I application correspondence
CD G4  Godalming Key Site Phase I committee report
CD G5  Godalming Key Site Phase I decision notice
CD G6  Godalming Key Site Phase I – application for additional floor
CD G7  Application correspondence on CD G6
CD G8  Officer report on CD G6
CD G9  Decision notice on CD G6
CD G10  Application and supporting documentation for Langham Park
CD G11  Application correspondence on CD G10
CD G12  Committee report on CD G10
CD G13  Decision notice on CD G10
CD G14  Application for Council overspill car park – committee report, decision notice and site layout

H  Planning Agreements

CD H1  Planning agreement dated 21 November 2002 regarding land at Wharf Street
CD H2  Planning agreement dated 5 December 2002 regarding Langham Park
CD H3  Planning agreement dated 30 September 2003 regarding Godalming Key Site Phase I

I  Departure and Call-in Papers

CD I1  The Planning Inspectorate's call-in determination letter dated 12 February 2008
CD I2  The Planning Inspectorate's "starting date" letter dated 11 January 2008

J  Inquiry Documents

CD J1  Not used
CD J2  Statement of Common Ground
CD J3  "Call-in" letter dated 12 February 2008
CD J4  Consultation letter dated 2 April 2008 on the amended scheme
CD J5  Council’s Rule 6 Statement
CD J6  Appellant’s Rule 6 Statement
CD J7  Third party representation to The Planning Inspectorate on the original scheme
CD J7a  Additional third party representations made to The Planning Inspectorate on the original scheme
CD J8  Council’s response to the Appellant’s Rule 6 statement
CD J9  Appellant’s response to the Council’s Rule 6 Statement
CD J10  Agenda for pre-inquiry meeting on 16 April 2008 and related notes of the meeting
CD J11  Set of amended plans at A4 size
CD J12  Design and Access Statement, March 2008
CD J14  Third party representations on the amended scheme
CD J14a  Third party representation on the revised scheme as sent to The Planning Inspectorate
CD J14b  Additional third party representation on the amended scheme as sent to the Council
CD J15  Minutes of Joint Planning Committee Meeting on the amended scheme
CD J16  Designhivie photomontages and supporting information
CD J17  Revised schedule of residential accommodation, May 2007
CD J18A-X  Photomontages

K  Viability Information

Pre-application

CD K1  Letter dated 12 July 2006 from District Valuer
CD K2  Letter dated 19 July 2006 from Mr F Beckham
CD K3  Action points from meeting 31 July 2006
CD K4  E-mail dated 3 August 2006 from Ms J Nickson
CD K5  Letters dated 3 and 4 August 2006 from Mr P Beckham
CD K6  Letter date 16 November 2006 from District Valuer
During application

CD K9  Development appraisal dated 21 June 2007 and covering e-mail dated 26 June 2007 from Mr P Beckham

CD K10  Letter dated 20 June 2007 from Lambert Smith Hampton and covering e-mail dated 26 June 2007 from Mr P Beckham

CD K11  Preliminary construction budget dated 14 May 2007 from Gleeds and covering e-mail dated 26 June 2007

CD K12  Letter dated 6 July 2007 from District Valuer

CD K13  E-mail dated 12 July 2007 from the Council

CD K14  E-mail dated 12 July 2007 from Mr P Beckham

CD K15  E-mail dated 16 July 2007 from Mr P Beckham

CD K16  E-mail dated 7 August 2007 from the Council

CD K17  E-mail dated 19 August 2007 from Mr P Beckham

CD K18  E-mail dated 22 August 2007 from the Council

CD K19  E-mail date 24 August 2007 from Mr P Beckham

CD K20  E-mail dated 5 September 2007 from the Council

CD K21  E-mail dated 11 September 2007 from Mr P Beckham

CD K22  Letter dated 12 December 2007 from District Valuer

CD K23  E-mail dated 23 November 2007 from Mr P Beckham

CD K24  E-mail dated 6 December 2007 from Mr P Beckham

M  Revised Appeal Scheme

CD MA - Mv  Composite set of drawing for appeal scheme (the revised scheme) at A3 size

PLANS

Plans A1-A22  Plan of appeal scheme (as amended)

CD E14(ii) – xxviii)  "Handy" set of drawings of the original scheme at A3 size

CD MA - Mv  "Handy" set of drawings of the appeal (amended) scheme at A3 size

Plan B  Small scale plan showing the proposed layout on the appeal site in its wider context
Plans C1-C2  Plans showing locations from where Dr Barker's photographs were taken
Plans D1-D5  Plans showing suggested viewing points for the site visit

PHOTOGRAPHS

Photo A1-A18f  Photographs submitted by Mr Pattison
Photos B1-B16  Photographs submitted by Mrs Bell
Photo C  Aerial photograph submitted by Mr Young
APPENDIX A

SUGGESTED CONDITIONS

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. No development shall take place until a detailed landscaping scheme to include hard and soft landscaping and street tree planting has been submitted to and approved by the local planning authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out in the first planting and seeding season after the practical completion of the development or as otherwise agreed in writing by the local planning authority. The landscaping shall be maintained for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or become seriously damaged or diseased. Such replacements shall be of the same species and size as those originally planted.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

3. No development shall take place until details have been submitted to and approved in writing by the local planning authority showing the existing and proposed ground levels of the site and proposed ground levels of the buildings hereby permitted. Development shall be carried out in accordance with the approved details.

Reason
In order to ensure that the proposed development does not prejudice the amenities of neighbouring properties or the appearance of the locality and to accord with Policy SE4 of the Surrey Structure Plan 2004 and Policies D1 and D4 of the Waverley Borough Local Plan 2002.

4. The existing accesses from the site to Catteshall Lane, the Wharf Nursery and the Waverley Borough Council Car Park on Woolsack Way and Flambard Way shall prior to development be permanently closed and any kerbs, verges or footways fully reinstated in a manner to be agreed in writing by the local planning authority.

Reason
In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance

5. The development shall only proceed in accordance with a scheme to ensure its comprehensive development as a whole, which shall first have been submitted to and approved in writing by the local planning authority.

Reason
To ensure comprehensive development of the site in accordance with Policy TC6 of the Waverley Borough Local Plan 2002.

6. No development shall take place until a Method of Construction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:

(a) parking for vehicles of site personnel, operatives and visitors;
(b) arrangements for the loading and unloading of plant and materials;
(c) arrangements for the storage of plant and materials;
(d) a programme of works (including measures for traffic management); and
(e) the provision of boundary hoarding behind any visibility zones.

Development shall be carried out in accordance with the approved details.

Reason
In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Policies DN2 and DN3 of the Surrey Structure Plan 2004 and Policies M2 and M14 of the Waverley Borough Local Plan 2002.

7. No development shall begin until a Working Method Statement to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the local planning authority. The scheme shall cover:

(i) control of noise;
(ii) control of dust, smell and other effluvia;
(iii) control of surface water run-off;
(iv) proposed method of piling for foundations; and
(v) hours outside which, during the construction and demolition phase, delivery vehicles or vehicles taking away materials shall not be allowed to enter or leave the site.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

8. Unless the local planning authority gives prior written consent to any variation, no impact pile driving in connection with the construction of the development
shall take place outside 09:00 to 17:00 hours Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

9. Unless the local planning authority gives prior written consent to any variation, no construction work in connection with the development shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays (provided that operations on site which are not audible outside the site may commence at 07:30), 08:00 to 13:00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

10. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason
The development proposed covers a large surface area and it is considered likely that it will affect currently unknown archaeological information. It is important that the site is surveyed and work is carried out as necessary in order to preserve as a record any such information before it is destroyed by the development in accordance with Policy SE5 of the Surrey Structure Plan 2004 and Policy HE15 of the Waverley Borough Local Plan 2002.

11. Surface water drainage works shall be carried out in accordance with details that shall have been submitted to and approved in writing by the local planning authority before development commences. The drainage scheme shall satisfy the following:

1) A surface water drainage strategy to demonstrate the capacity and ability of the system to attenuate for the 1 in 100 year plus 10% event, as required in PPS 25, with a surface water run-off rate not exceeding 8.3 litres per second.

2) Infiltration techniques (SUDS) to conform to the Groundwater Regulations designed to prevent the entry of List I substances to groundwater and the pollution of groundwater from those in List II.

Reason
To prevent the increased risk of surface water flooding and to protect the quality of controlled waters in accordance with Policy D12 of the Waverley Borough Local Plan 2002 and PPS 25.

12. Prior to the commencement of development, measures for keeping the public highway clean and prevent the creation of dangerous surfaces shall have been
submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason
In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Policy DN2 of the Surrey Structure Plan 2004 and Policy M2 of the Waverley Borough Local Plan 2002.

13. Unless otherwise required by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a. to d. below have been complied with. If unexpected contamination is found after the development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition d has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates in the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
    • human health,
    • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    • adjoining land,
    • groundwaters and surface waters,
    • ecological systems, and
    • archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s "Model Procedures for the Management of Land Contamination, CLR11".

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to conditions suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The
scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

d. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition c.

Reason
To ensure that any contamination of the site is dealt with properly to avoid any health hazard, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

14. The SUDS storage facilities as modelled and illustrated on Drawing DLE1152 shall be incorporated in the final drainage design and shall be implemented as shown, prior to the commencement of the development, unless otherwise agreed in writing by the local planning authority.

Reason
To achieve appropriate attenuation and prevent increased flood risk in accordance with Policy D13 of the Waverley Borough Local Plan 2002, Policy SE1 of the Surrey Structure Plan 2004 and PPS 25.
15. Prior to the commencement of development a Green Roof Master Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason
To reduce surface water run-off, improve water quality and improve the overall sustainability of the scheme in accordance with Policies SE1 and SE2 of the Surrey Structure Plan 2004, Policy D3 of the Waverley Borough Local Plan 2002 and PPS 1 and PPS 22.

16. No development shall commence until details of facilities to be provided for the storage of refuse bins, including compaction facilities, have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter permanently retained.

Reason
In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

17. Prior to the commencement of development hereby permitted, details of predicted energy use of the development and the generation of on-site renewable energy shall be submitted to and approved in writing by the local planning authority. These details will demonstrate how energy efficiency is being addressed, benchmark data for predicted energy use of the whole development without renewable technologies and detail how on-site renewable technologies will be installed to provide a minimum of 10% of the total energy requirements. Such details as may be approved shall be implemented and become operational on the first occupation of the development and thereafter be retained and maintained or replaced with alternative renewable technology which would meet at least 10% of the energy consumption on site.

Reason
To maintain and enhance the quality of the environment and to comply with Policy SE2 of the Surrey Structure Plan 2004 and Policy D3 of the Waverley Borough Local Plan 2002.

18. Prior to occupation of the development hereby permitted a street lighting scheme, to include details of luminance levels, shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed and become operational in accordance with the approved details prior to the occupation of the development and be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason
In the interest of the character and amenity of the area in accordance with Policy SE4 of the Surrey Structure Plan 2004 and Policies D1 and D4 of the Waverley Borough Local Plan 2002.

19. Development shall not commence until a foul drainage strategy detailing any on site drainage works, such as a sewer diversion and any alterations to the design of the underground car park, has been submitted to and approved in
writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works have been completed in accordance with the approved details.

Reason
To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the local area in accordance with Policy SE1 of the Surrey Structure Plan 2004, Policy D13 of the Waverley Borough Local Plan 2002 and PPS 25.

20. Prior to the occupation of the development hereby permitted, the sustainable design and construction measures relating to water conservation and harvesting, waste minimisation, biodiversity, use of locally sourced materials and recycling shall be carried out in accordance with the approved details.

Reason
To maintain and enhance the quality of the environment and to comply with Policies SE1 and SE2 of the Surrey Structure Plan 2004 and Policy D3 of the Waverley Borough Local Plan 2002.

21. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all communal landscape areas, shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The landscape management plan shall be carried cut as approved.

Reason
In the interest of the character and amenity of the area in accordance with Policy SE4 of the Surrey Structure Plan 2004 and Policies D1 and D4 of the Waverley Borough Local Plan 2002.

22. Prior to commencement of development, a scheme specifying arrangements for deliveries to and removals from the non-residential premises on site shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) the specification of the vehicles to be used and hours of operation;
(b) design of delivery areas; and
(c) specifications for lorry parking and turning spaces.

Development shall be carried out in accordance with the approved details.

Reason
In order that the development should not prejudice highway safety, the free flow of traffic or cause inconvenience to other highway users in accordance with Policy DN2 of the Surrey Structure Plan 2004 and Policy M2 of the Waverley Borough Local Plan 2002.

23. No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority to provide:
(a) secure cycle parking, changing facilities, pedestrian and cycle routes;
(b) facilities for public transport, ie bus stops, bus shelters, lay-bys, real
time information; and
(c) information for staff and visitors regarding public transport, walking and
cycling.

Thereafter the facilities shall be permanently maintained.

Reason
In order to comply with the aims of PPG 13.

24. No development shall commence until details of street furniture, to include
litter bins and benches, 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.

Reason
In the interest of the character and amenity of the area in accordance with
Policy SE4 of the Surrey Structure Plan 2004 and Policies D1 and D4 of the
Waverley Borough Local Plan 2002.

25. Before the development commences, a survey shall be carried out by a
consultant licensed by Natural England in order to assess whether bats and
their roosts will be affected by the development. The survey shall be
submitted to and agreed by the local planning authority in writing before
development commences and any recommendations contained therein when
agreed shall be implemented in full.

Reason
To ensure that protected species under Schedules 1 and 5 of the Wildlife and
Countryside Act 1981 and their roosts are not endangered by the development
in accordance with Policy D5 of the Waverley Borough Local Plan 2002.

26. No development shall be occupied until details of the management, layout and
use of underground car park relevant to that part of the development have
been submitted to and agreed in writing by the local planning authority.

Unless otherwise agreed in writing the car parking spaces shall comprise a
maximum of:
174 spaces to be allocated to 174 residential units;
30 spaces to be allocated to the police station;
10 spaces to be allocated to the commercial units; and
67 spaces to be allocated for Waverley Borough Council staff parking

Use of the underground car park shall be in accordance with the approved
details.

Reason
In order that the development should not prejudice highway safety or cause
inconvenience to other highway users, and to accord with Policy DN2 of the
Surrey Structure Plan 2004 and Policy M2 of the Waverley Borough Local Plan
2002.
27. Prior to the commencement of development, a scheme detailing access arrangements onto Woolsack Way shall be submitted to and approved in writing by the local planning authority. The scheme shall show:

   a. proposed modifications to the junction;
   b. details of the proposed construction;
   c. visibility splays;
   d. increased stacking space for vehicles entering the site; and
   e. any arrangements for the electronic control of vehicles entering and leaving the site.

Development shall be carried out in accordance with the approved details.

Reason
In order that the development should not prejudice highway safety or cause inconvenience to other highway users, and to accord with Policy DN2 of the Surrey Structure Plan 2004 and Policy M2 of the Waverley Borough Local Plan 2002.

28. No development shall commence until details of air ventilation, lighting and surveillance to the underground car park 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.

Reason
In the interest of the amenity of existing and proposed residents in compliance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

29. No development shall commence until details of privacy screens to the 1st, 2nd and 3rd floor balconies of those units in Blocks B and D closest to Victoria Road 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.

Reason
In the interest of the amenity of existing and proposed residents in compliance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

30. No floodlights or other forms of external lighting shall be installed within the communal areas or the private terraces or balconies, other than that approved as part of this development, without the prior permission, in writing, of the local planning authority.

Reason
In order to minimise light pollution from the proposed development in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

31. No A3 restaurant use shall commence until details of the height, position, design and materials of any ventilation and filtration equipment to be provided in connection with the development 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.

Reason
In the interest of the amenity of surrounding properties and to comply with Policy D1 of the Waverley Borough Local Plan 2002.

32. The commercial units shall not be open to customers outside 07:00 to 23:00 hours.

Reason
In the interest of the amenity of surrounding properties and to comply with Policy D1 of the Waverley Borough Local Plan 2002.

33. No more than 4 of the commercial units (as shown on the approved plans) shall be within the same use class unless otherwise agreed in writing by the local planning authority.

Reason
To safeguard the viability and vitality of the town centre and to comply with Policy TC3 of the Waverley Borough Local Plan 2002.

34. No more than 4 of the commercial units (as shown on the approved plans) shall be amalgamated without the prior written agreement of the local planning authority.

Reason
To safeguard the viability and vitality of the town centre and to comply with Policy TC3 of the Waverley Borough Local Plan 2002.
Statement of Proposed Mitigation Measures

Main Measures to avoid, reduce and if possible off-set the major adverse effects of the proposed development

1. Landscape & visual impact / townscape

   The enhancement of biodiversity through the planting of semi-mature trees (estimated to be approximately 70), green roofs and soft landscaped open space.

   The provision of public and semi-public open space.

   The use of high quality and appropriate materials.

   High quality contemporary design.

2. Transport

   A scheme to monitor and control the effects of construction and highway works traffic during development:

   a. one-way route through site for construction traffic where practicable;
   b. road sweeping;
   c. off-road parking for construction vehicles;
   d. cleaning of vehicles / wheel washing;
   e. temporary road markings and signage where appropriate;
   f. traffic management arrangements to minimise driver delay and maintain pedestrian crossing facilities at Woolsack Way junction and Catteshall Lane; and
   g. managing vehicle arrivals/deliveries so far as practicable.

   A Residential Travel Plan to be implemented in accordance with the Section 106 Undertaking to encourage sustainable travel. This will include the provision of a voucher to the value of £200 per dwelling to assist in the purchase of a bicycle or public transport vouchers. The Travel Plan will also include the introduction of a two car, car club.

   Secure storage will be available for a bicycle immediately outside each dwelling and adjacent to the ten commercial car parking spaces.

   Improvements to the immediate road network have been agreed with Surrey County Council and will be implemented pursuant to a Section 278 Agreement. A contribution of £25,500 will also be made towards the improvement by Surrey County Council of cycle ways and pedestrian routes between the site and Godalming Town Centre.
3. **Soil and ground conditions**

Method statement for works during the demolition and construction phase to include provisions:

a. for the protection of construction workers; and  
b. to prevent the spread of contaminants.

Continuing testing of soils during demolition and site clearance.

Removal of contaminated material reducing risk to sensitive receptors going forward.

Appropriate measures to be adopted by way of agreed decontamination scheme. Scheme subject to review as decontamination process progresses.

4. **Water resources**

Subject to survey to establish soil permeability, storage could be achieved through the incorporation of appropriate SUDS measures (eg attenuation basins) and/or the use of more traditional methods such as soakaways or storm cells.

Use of Green Roofs, Roof Gardens and the proposed hard landscaping will reduce both surface water volume generation and peak run-off rate. The scope of this to be assessed as part of the detailed drainage strategy.

Use of a petrol interceptor for potentially contaminated run-off from hard standing and/or car park areas.

Best practice generally to be undertaken at the construction stage to mitigate potentially adverse impacts during that phase of the development.

5. **Noise**

“Best Practicable Means” to be observed during construction phase to reduce noise emissions incorporating a scheme of working. Measures to mitigate against noise and vibration at the construction stage could include:

a. works programme to make maximum use of existing barriers to noise;  
b. careful selection of demolition/construction methods and plant;  
c. switching off plant when not in use; and  
d. demolition/construction hours to be agreed with the local planning authority.

The use of temporary acoustic barriers and other noise containment measures as appropriate (eg screens and sheeting). Use of low noise impact methods (eg bursting and splitting rather than percussive breaking) to break out concrete structures where possible.
On-site monitoring of noise and/or vibration.

In respect of the completed development, insofar as potentially adverse effects have been identified, these could be mitigated by:

a. careful selection of relevant plant;
b. positioning and/or orientating equipment away from noise sensitive receptors;
c. sound insulating plant housing/enclosures/rooms; and
d. in respect of the residential units, where necessary additional mitigation can be undertaken to ensure appropriate internal noise levels for residents (eg the use of glazing of a suitable acoustic specification).

6. Socio – economic and community impact

The appellant proposes to mitigate the loss of the Wharf Nursery through the provision of an alternative site and a contribution towards construction of a new facility at the appellant’s Langham Park Site. The Sure-Start Wharf Children’s Centre at Langham Park was permitted in 2006 and provides for 686 sq m internal floor area and 930 sq m of external outdoor play space (substantially in excess of the current facility at the Key Site).

It is also intended that the existing Police Station will be replaced with a purpose-built facility and associated parking, such facility to be constructed to the Surrey Police Authority’s own specification.

7. Sustainability

A number of practical and achievable sustainable measures which may be incorporated into the development eg:

a. water saving measures (eg dual flush toilets);
b. energy efficient measures (eg the use of ground source heat pump technology); and
c. the use of green roof areas to serve a number of functions including ecological enhancement and rainwater attenuation.

More generally it is noted that the ecological value of the existing site is low and as such the proposed development avoids having a detrimental effect on local ecology by maximising the use of brownfield site.

8. Air quality

A number of measures to be incorporated during the development process including:

a. two metre high profile metal hoarding to secure the site perimeter;
b. dust causing activities to be located away from sensitive receptors; and
c. no on-site fires.
9. **Construction traffic**

Again, a number of measures to be incorporated into the development process including:

a. no idling vehicles;
b. vehicle cleaning/wheel washing;
c. no site run-off of water or mud; and
d. on-road vehicles to comply with appropriate emission standards.

10. **Demolition works and other site activities**

Practical measures to be undertaken during the demolition process including:

a. use of water as dust suppressant; and
b. enclosed chutes and covered skips.

11. **Construction**

Mitigation in respect of noise/vibration, air quality and construction traffic are referred to above. In addition, it is intended that a construction management plan should be prepared drawing on these and other mitigation measures detailed below to minimise impact through the design of the construction process.

Noise and Vibration – Use of probing to identify ground conditions at the location of each proposed pile.

Air Quality – To minimise dust on the road network a contract may be placed with a road sweeping contractor to regularly clear roads of debris.

Scheduling and pre-booking of deliveries where possible to avoid localised congestion during peak delivery periods.

Re-use of crushed debris on site subject to appropriate testing and validation.

Site specific measures for site workers in relation to existing contamination and potential pollution (e.g. all eating to be restricted to designated canteen; no smoking; and wearing of appropriate equipment).

Measures to minimise potential pollution incidents which may include:

a. regular maintenance checks of construction plant;
b. pollution control packs to be positioned within vulnerable areas; and
c. fuel and chemical storage to be kept away from watercourses.

The use of appropriate waste management procedures to identify types of waste; implement re-use and recycling strategies; implement waste minimisation strategies; and set up waste disposal facilities.
31 October 2008

Derek Horne
Derek Horne and Associates Limited
27 Maiden Lane
Covent Garden
London
WC2E 7JS

Our Ref: APP/R3650/A/08/2063055
Your Ref: DHA/07/54/DRH

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY FLAMBARD DEVELOPMENT LIMITED
LAND AT FLAMBARD WAY, CATTESHALL LANE AND WOOLSACK WAY,
GODALMING, SURREY
APPLICATION REF: WA/2007/1390

1. I am directed by the Secretary of State to say that consideration has been
given to the report of the Inspector, Andrew S Freeman BSc(Hons), who held a
public local inquiry on 1-4 July 2008 and 8-11 July 2008 into your client's appeal
against the failure by Waverley Borough Council ("the Council") to give notice within
the prescribed period of a decision on your client's application for mixed use
development of Phase II of the Godalming key site to provide for the demolition of
the existing buildings and new development comprising residential accommodation
and commercial floorspace within Use Classes A1, A2, A3, B1, C3, D1 and D2 (as
alternative uses), replacement of the existing police station, and provision for car
parking and associated highway, access and landscaping works on land at Flambard
Way, Catteshall Lane and Woolsack Way, Godalming, Surrey in accordance with
application number WA/2007/1390, dated 8 June 2007.

2. On 12 February 2008, the appeal was recovered for the Secretary of State's
determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the
Town and Country Planning Act 1990. The reason for the recovery was that the
appeal raises issues relating to residential development of 150 or more dwellings or
on more than 5 hectares of land which would significantly impact on the
Government's objective to secure a better balance between housing demand and
supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to
conditions. For the reasons given below, the Secretary of State disagrees with the
Inspector's recommendation to grant planning permission, subject to conditions, and
has decided to dismiss the appeal and refuse planning permission. A copy of the

Department for Communities and Local Government
1/H1
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London
SW1E 5DU

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Fax 020 7944 6919
Email mark.plummer@communities.gsi.gov.uk
Inspector’s report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural issues

4. The Secretary of State has had regard to the submitted amended plans (Plans A1-A22) put forward by the appellant in response to the Council’s resolution to refuse planning permission for the original scheme (IR1, IR2). She has determined the proposal on the basis of the amended plans and, since these amended plans have been subject to full consultation, she considers that there would be no prejudice to any party.

Environmental Statement

5. In reaching her decision, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("EIA Regulations") (document CD E6). The Secretary of State is content that the Environmental Statement and all the additional environmental information supplied comply with the EIA Regulations, and that they are sufficient to ensure that the environmental effects of the development can be rigorously assessed.

Policy considerations

6. In deciding the appeal, the Secretary of State has had regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

7. In this case, the development plan comprises the Regional Spatial Strategy for the South East (RSS9), published in March 2001, the Surrey Structure Plan (SP), adopted in December 2004, and the Waverley Borough Local Plan (LP), adopted in April 2002. The Secretary of State observes that the majority of policies of relevance to this appeal in the development plan were “saved” by 27 September 2007 under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (IR14). With the exception of SP policy D14, which has not been saved, the Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR14-IR15.

8. The Secretary of State has also had regard to the emerging South East Plan. The Secretary of State published Proposed Changes to the emerging South East Plan on 17 July 2008. Given the advanced stage of development in preparation of the emerging Regional Spatial Strategy, the Secretary of State accords its policies significant weight. However, she considers that this does not raise any new issues which would either affect her decision, or require her to refer back to the parties, prior to reaching her decision.

9. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and its supplement Planning and Climate Change; Planning Policy Statement 3 (PPS3) Housing; Planning Policy Guidance note 4 (PPG4): Industrial and Commercial Development and Small Firms; Planning Policy Statement 6 (PPS6)

10. The Secretary of State has also taken into account draft PPS4: Planning for Economic Development, published for consultation on 17 December 2007, and the proposed changes to PPS6: Planning for Town Centres which were published for consultation after the Inquiry on 10 July 2008. As these documents are still in draft and may be subject to change, she affords them little weight.

11. The Secretary of State has also taken into account the following Supplementary Planning Guidance (SPG) documents: Godalming Key Site Development Framework, approved by the Council in 2001; the Parking Strategy for Surrey SPG, adopted by Surrey County Council in February 2003; and Density and Size of dwellings SPG, adopted by the Council in October 2003. She has also taken into account the Surrey Design Guide, published in 2002 by Surrey County Council, and the joint English Heritage/Commission for Architecture and the Built Environment (CABE) Guidance on tall buildings, published in June 2007. She considers that these documents are material considerations in this particular case.

12. In deciding the appeal, the Secretary of State has had regard to the impact of the proposed development on the settings of the Grade II listed building of Olde Steppe House and other listed buildings in the area. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, she has paid special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they may possess. Given that the appeal site is very close to the Godalming Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required by section 72(1) of the same Act.

Main issues

13. The Secretary of State agrees with the Inspector that the main issues are set out in IR368.

a) Effect on the character of the area and the setting of the Conservation Area.

14. PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also states that developments should respond to their local context and create or reinforce local distinctiveness; and should be visually attractive as a result of good architecture and appropriate landscaping.

15. The Secretary of State notes that the site is in a prominent location close to the centre of Godalming and, on the basis of the available evidence, it will be seen from a number of views surrounding the historic market town, albeit not from within the Conservation Area (IR245, IR364, documents 3 and CDJ18). She therefore attaches
significant weight to the design aspect of the proposal. Given the importance she attaches to the design, the Secretary of State has carefully considered the views of CABE (IR383 and documents 5, CD F5, CD F5A and CD J14, page 38).

16. The Secretary of State has had regard to the fact that most of the appeal development would be 4 - 7 storeys in height, with an 8 storey tower (IR377) and that this is in marked contrast to Godalming in general, and the Conservation Area in particular, which is characterised by development that is two or three storeys in height (IR376).

17. In terms of the site's location, the Secretary of State accepts the Inspector's view that, from many vantage points, the appeal site is seen as a discrete area (IR371). She recognises that the LP states buildings should not exceed three storeys in height (IR378) but, like the Inspector, and for the reasons he gives, she considers that the development should not be constrained in this way (IR379). She also agrees with the Inspector that, given the lack of a strong visual context for the development, an intensive development of the scale proposed would be appropriate to its setting and complement the character of the area (IR379). She also agrees with the Inspector that it would be wrong to approach the design on the appeal site as if it were a site seen in isolation (IR379).

18. The Secretary of State agrees with the views of CABE (document CD J14) that, whilst the scale of the development could be appropriate to its context, this is dependent upon high quality architecture and sensitive detailing being achieved. In this respect, the Secretary of State considers that the architecture is not of sufficiently high quality for the location. She shares the view of Mr Stewart at the Inquiry that it shares a "generic" quality of "family resemblance" to other blocks of flats elsewhere in the country (IR247). She considers that the proposal seems somewhat utilitarian and does not consider that the proposal reinforces local distinctiveness or is attractive for such a prominent location.

19. The Secretary of State particularly shares the view of CABE (document CD J14) that the proposed 8-storey tower lacks inspiration and does not display the level of thinking or rigorous approach that is expected of such a significant proposal. She considers that this is particularly the case when looking at it from Flambard Way (document CD J18). Furthermore she considers that the proposal would have an adverse visual impact when looking at it from the hills which overlook the town centre (document CD J18). In her view the flat roof of the appeal proposal, together with the glazing running along the top levels of Blocks B, C and D, does not relate well to the adjacent "Atrium".

20. The Secretary of State agrees with the Inspector that, for all intents and purposes, there are no views of the appeal site from within the Conservation Area (IR374). Given this consideration, and the Secretary of State's agreement with the Inspector that an intensive development of the scale proposed would be appropriate to its setting and complement the character of the area (IR379), she agrees with the Inspector that there would be no material effect on the character and appearance of the Conservation Area (IR386).

21. Having taken into account the views of CABE, and the Inspector, the Secretary of State is satisfied that the site could accommodate buildings of the scale, height
and mass proposed. However, she considers that the specific design before her fails to achieve sufficient quality in terms of its architecture and detailing. As a result, the Secretary of State considers that the proposal would fail to take the opportunities available to improve the character and quality of the area, and would harm the character and appearance of the surrounding area. She considers that the proposal would conflict with important aspects of LP policy TC6 and with the aims of PPS1. She also considers that the proposal conflicts with SP policy SE4 and LP policies D1 and D4 in this respect. In reaching this conclusion, the Secretary of State has taken into account that landscaping and materials are matters which may be dealt with by condition (IR384), but she does not consider that these conditions would overcome the deficiencies mentioned above.

b) Effect on the setting of Olde Steppe House

22. The Secretary of State agrees with the Inspector that there are very few locations that offer a good view of Old Steppe House (IR387), and that the most important view is from Flambeau Way at its junction with Brighton Road (IR388). She accepts that the main change would be an alteration to the view beyond and to the side of the Old Steppe House (IR389). She accepts that the proposal would remove an unattractive police building and, although she has significant concerns about the design of the proposed development, she considers that, overall, the setting of Olde Steppe House would not be materially affected. On balance, therefore, the Secretary of State considers that the building would continue to enjoy the modest exposure that presently exists, and important space about the property would not be compromised by the intrusion of unsympathetic development (IR390). She considers that the proposals would accord with SP policy SE5 and LP policy HE3.

c) Effect on the occupiers of nearby properties

23. The Secretary of State agrees with the Inspector, for the reasons set out in IR391-394, that there would be no overbearing impact on the occupiers of nearby properties not would their daylight, sunlight or privacy be unduly affected (IR394). She considers, like the Inspector, that the proposals comply with SP policy SE4 and LP policies D12, D4 and TC6 in this respect.

d) Provision for affordable housing

24. The Secretary of State agrees with the Inspector that the site would be expensive to develop and would involve abnormal costs such as the treatment of contaminated land (IR395). The Secretary of State is also satisfied that there is a clear link between the appeal site and the Langham Park site (IR397), and that the scheme should be determined on the basis of present market values (IR403). In this particular case, she agrees with the Inspector that market conditions dictate that the provision of affordable housing on site, ever at some reduced quantum, would not be viable (IR403). She also considers that there will be some benefit of 38 affordable dwellings at Langham Park. However, in this particular case she notes the appellant's case that the proposal will not provide any new affordable housing in its own right, but rather enable affordable housing at Langham Park if the development proceeds (IR396). In these circumstances, she considers that the delivery of off-site affordable housing is a benefit which should be accorded limited weight. Overall, she
considers that the objectives of SP policy DN11 and LP policy H5 would not be prejudiced (IR403).

e) Safety and free flow of traffic

25. The Secretary of State agrees with the Inspector, for the reasons set out in IR 404-408, that the safety and free flow of traffic would not be prejudiced by this proposal, and that the development would accord with SP policy DN2 and LP policy M2 (IR408). She also agrees with the Inspector, for the reasons set out in IR408, that had planning permission be granted it would be necessary to review condition 27 to create greater stacking space for incoming traffic in front of the proposed gates.

f) Provision for cyclists, indoor sport and education

26. The Secretary of State agrees with the Inspector, for the reasons set out in IR409-411, that there would be adequate provision for cyclists under the scheme proposals in accordance with LP policy TC6.

27. For the reasons set out in IR412-413, the Secretary of State agrees with the Inspector that a contribution towards improvements to the existing leisure centre at Godalming is not necessary. She considers that there would be no conflict with SP policies DN1 and DN13 and LP policy D14.

28. The Secretary of State also agrees with the Inspector, for the reasons set out in IR414-420, that an education contribution would not be necessary in this particular case, and that there would be no unacceptable demands on education provision.

g) Other matters

29. The Secretary of State had had regard to the emerging RSS, and notes that policy H1, which sets out the proposed housing requirements, remains unchanged from the Examination in Public Report recommendations for the area in which the appeal site is situated. She considers it reasonable to include the appeal site as part of calculations since it is already an allocated site. On this basis, she agrees with the Inspector that there exists a five-year supply of deliverable housing land supply, as is required by PPS3 (IR421). She also agrees with the Inspector that the position of housing land supply is not an overriding consideration in this particular case (IR422). She also agrees with the Inspector that redevelopment of the site would bring about regeneration benefits, remediation of a contaminated site and improvements to infrastructure (IR425).

30. The Secretary of State agrees with the Inspector that there would be an appropriate mix of size and type of dwellings (IR423), and that the location offers a realistic and appropriate choice of transport access (IR423). She also considers that there is no suggestion that the objectives of existing or emerging guidance on town centres would be undermined by the proposed 10 small units that could be used for retail or other town centre purposes (IR424).
Planning Conditions and Obligations

31. With the exception of condition 5, as indicated in paragraph 33 below, the Secretary of State agrees with the Inspector that the proposed conditions set out in Appendix A to his report are necessary and would satisfy the tests set out in Circular 11/95 (IR429), but she considers they do not overcome her reasons for refusal.

32. The Secretary of State has considered the signed, dated and executed planning obligation submitted in the form of a Unilateral Undertaking and national policy as set out in Circular 05/2005. She notes that the Inspector considers that the planning obligation submitted would comply with the requirements of Circular 05/2005 (IR361).

33. The Secretary of State agrees with the Inspector that a planning obligation would be necessary to deliver the benefits proposed. However, Surrey County Council, the Council and Surrey Police Force own part of the land which forms the proposed development and its use and development will not be controlled under the terms of the Undertaking. The Secretary of State does not consider that condition 5, as proposed by the Inspector, addresses this deficiency. The Secretary of State is therefore not satisfied that the proposal would be carried out in accordance with the provisions of the planning permission as it does not bind all the Parties which own the land. Overall, the Secretary of State concludes that the planning obligation is not acceptable as currently drafted. However, even if the Undertaking was signed by all relevant parties, she does not consider that it overcomes her concerns about the design of the scheme.

Conclusion

34. The Secretary of State considers that the proposal would represent the redevelopment of a contaminated site in a sustainable location, and that the proposal would assist in meeting the supply of housing required in the Council’s area. She also considers that it would bring broader regeneration and infrastructural benefits. The Secretary of State also considers that the provision of affordable housing at Langham Park is a net benefit, albeit of limited weight given the circumstances of this particular case.

35. In design terms, the Secretary of State is of the view that the site could accommodate buildings of the scale, height and mass proposed. However, for the scheme to meet the requirements of PPS1, the design has to be of a high quality and reinforce local distinctiveness. In this particular case the Secretary of State considers that the proposal fails to take the opportunities available to improve the character and quality of the area, and does not reinforce local distinctiveness. She considers that the deficiencies in the design of the scheme weigh heavily against the proposal. Overall, the Secretary of State has taken the benefits of the scheme into account but concludes that, on balance, the proposal conflicts with the development plan. She considers that there are no other material considerations which require her to determine the appeal other than in accordance with the development plan. She considers that planning permission should be refused.
Formal Decision

36. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. She hereby refuses planning permission for demolition of the existing buildings and new development comprising residential accommodation and commercial floorspace within Use Classes A1, A2, A3, B1, C3, D1 and D2 (as alternative uses), replacement of the existing police station, and provision for car parking and associated highway, access and landscaping works on land at Flambard Way, Catteshall Lane and Woolsack Way, Godalming, Surrey in accordance with application number WA/2007/1390, dated 8 June 2007.

Right to challenge the decision

37. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks of the date of this letter.

38. A copy of this letter has been sent to Waverley Borough Council and all parties who appeared at the inquiry.

Yours faithfully

Mark Plummer
Authorised by the Secretary of State to sign in that behalf
## Appendix 3

Table of planning policies & assessment of how the proposals address the policy requirements
## Planning Policy Summary of Key Issues

<table>
<thead>
<tr>
<th>Topic</th>
<th>Policy</th>
<th>Status of Document</th>
<th>Summary of Policy</th>
<th>Compliance with proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Specific Policies</td>
<td>TC6</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Appropriate uses – mixed uses (replacement police station, replacement day nursery, car parking, employment uses, including offices, light industry and hotel). Proposals must: (a) improve the townscape, high quality design and complement scale &amp; character (b) vehicular access restricted to Catteshall Lane and south section of Woolsack Way; (c) need for appropriate off-site highway works, funded by the development (d) remedial measures to deal with any identified contamination (e) protect residential amenities (f) impact study for foul &amp; surface water drainage</td>
<td>Proposal seeks a residential led scheme which was considered appropriate by the Inspector and Secretary of State (SoS) when assessing the refused scheme. The nursery and car park are unaffected by the proposals. The police will be relocated to more suitable premises, whilst a police presence is retained at the site. (a) the proposed design will complement the scale and character of the sites surroundings and will remove the existing unsightly buildings; (b) vehicular access is restricted to Catteshall Lane; (c) highway improvements are included as part of the proposals and will enhance the surrounding environment; (d and f) contamination and drainage are fully dealt with within separate statements and will ensure no adverse impact to the site or surroundings. (e) residential amenity will be improved by the removal of unsightly buildings and the proposal has been designed to protect the amenity of residents within the site and in the locality.</td>
</tr>
<tr>
<td>General</td>
<td>SP3</td>
<td>Adopted South East Plan (2009)</td>
<td>Focus devt in urban areas. Target for 60% of new development on previously developed land. Ensure that devt is well designed.</td>
<td>The site is a brownfield site and its redevelopment will reduce the need for the development of existing greenfield sites in the area. The revised design approach will ensure a high quality design that respects the surrounding character of Godalming.</td>
</tr>
<tr>
<td>Listed Buildings/Heritage</td>
<td>RRS</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>Policies should protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness.</td>
<td>Due to the location of the site the SoS concluded that the refused scheme would have “...no material effect on the character and appearance of the conservation area” (para 20). There are no material changes as a result of the revised proposals that would</td>
</tr>
<tr>
<td><strong>HE3</strong></td>
<td><strong>Saved Policy within Adopted Local Plan (2002)</strong></td>
<td>Proposals will not be permitted if they would harm a listed building or its setting. Dev. Should be of high design standards (appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials).</td>
<td>Despite the SoS’s criticisms in connection with the detailed design of the refused scheme, it was considered that on balance the proposals would accord with policy and not adversely affect the setting of the listed building. There are no material changes as a result of the revised proposals that would affect this conclusion.</td>
<td></td>
</tr>
<tr>
<td><strong>HE8</strong></td>
<td><strong>Saved Policy within Adopted Local Plan (2002)</strong></td>
<td>The Council will seek to preserve or enhance the character of conservation areas. A high standard of design will be required for dev. within or adjoining conservation areas and important views will be protected. Open spaces and views important to the character and setting of the area will be protected.</td>
<td>Despite the SoS’s criticisms of the detailed design of the refused scheme, she agreed with the inspector that the proposals would have “…no material effect on the character and appearance of the conservation area” (para 20). There are no material changes as a result of the revised proposals that would affect this conclusion.</td>
<td></td>
</tr>
</tbody>
</table>
| **Design & Layout** | **D4** | **Saved Policy within Adopted Local Plan (2002)** | High quality design which complements its surroundings:  
a) appropriate scale/height/form/appearance;  
b) design and materials that respect local distinctiveness or make a positive contribution;  
c) not harm the amenities of others  
d) respect existing features;  
e) protect or enhance the appearance of the street scene and important features;  
f) incorporate high quality landscape design  
g) provide adequate amenity space; and  
h) provide safe access and, where appropriate, servicing facilities and parking for motor vehicles and bicycles.  
a) the scale and height of the proposals are broadly similar to that of the refused scheme, which was considered to be acceptable to the Inspector and SoS  
b) the revised application has been carefully designed to address the criticisms raised by the SoS, particularly. The proposed scheme will create a high quality development.  
c) the amenities of existing and future residents will not be harmed by the proposals  
d) there are no features within the site that should be retained. The proposals will respect the surrounding environment in terms of scale and design and will enhance the relationship with the site’s surroundings.  
e) the street scene will be enhanced by the proposals through the provision of improved pedestrian links and high quality architecture.  
f) a high quality landscape design is proposed  
g) new private and public amenity space will be incorporated within the proposals; and  
h) the design will promote safe access and secure parking for motor vehicles & bicycles. |
<table>
<thead>
<tr>
<th>Para 35</th>
<th>PPS1 – Current National Policy Guidance</th>
<th>High quality and inclusive design - mixed and integrated developments, well-planned public spaces.</th>
<th>The design will be DDA compliant and will promote safe and secure access for all. The proposed courtyards and open space are centrally located and the design will promote a high level of surveillance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Para 38</td>
<td>PPS1 – Current National Policy Guidance</td>
<td>Design policies should avoid unnecessary detail and should concentrate on guiding scale, density, massing, height, landscape, layout and access in relation its surroundings. Architectural styles should not be imposed and Councils should not stifle innovation. Local distinctiveness should be promoted and reinforced</td>
<td>The proposed design seeks to create a modern development that includes features that are characteristic of Godalming. The architectural design and material has been discussed with CABE who has indicated support for the proposals.</td>
</tr>
<tr>
<td>H3</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>Regional target = 25% of all new housing to be social rented and 10% intermediate affordable.</td>
<td>The viability appraisal demonstrates that affordable housing cannot be provided on site as part of the proposals.</td>
</tr>
<tr>
<td>H5</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>At least 30% of net dwellings to be affordable. Where density is 40 units/ha or more, at least 25% should be affordable</td>
<td>The viability appraisal demonstrates that affordable housing cannot be provided on site as part of the proposals.</td>
</tr>
<tr>
<td>Housing Density</td>
<td>H4</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>(a) at least 50% of units to be 2 bed or less; (b) no &lt; 80% of units to be 3 bed or less; and (c) no &gt; 20% of units to exceed 165 m² (GEA), excluding garaging. Densities between 30 and 50 dwellings per hectare (net). Higher densities will be encouraged at places with good access.</td>
</tr>
<tr>
<td>Transport</td>
<td>M1</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Development should be located so as to reduce the need to travel, especially by private car, and to encourage a higher proportion of travel by walking, cycling and public transport.</td>
</tr>
<tr>
<td></td>
<td>M2</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Provide safe access for pedestrians and road users, including cyclists. Proposals for major trip generating dev. will require a Transport Assessment.</td>
</tr>
<tr>
<td></td>
<td>19 20</td>
<td>PPG13</td>
<td>Ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling focus land uses which are major generators of travel demand in city, town and district centres and near to major public transport interchanges.</td>
</tr>
<tr>
<td></td>
<td>M7</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>The Council will seek improvements to the network of footpaths and cycleway between Marshall Road and Chalk Road and the creation of a link over the River Wey (between the Wey roundabout and Homebase store). Financial contributions will be made towards the improvement of cycle routes as part of the proposals (this would be linked to the implementation of the scheme, if approved)</td>
</tr>
<tr>
<td>Cyclists</td>
<td>M5</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>New dev. to provide cycle parking facilities in accordance with the adopted standards.</td>
</tr>
<tr>
<td>Parking</td>
<td>T4</td>
<td>RRS South East – Regional</td>
<td>Sets maximum parking standards for Class</td>
</tr>
<tr>
<td>Policy</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>B1 within the range 1:30 m² and 1:100m², set maximum parking standards for other non-residential uses in line with PPG13 and apply PPS3 guidance on residential parking and ensure sufficient secure cycle parking</td>
<td>Strategy for Surrey for the relevant parking standards. The proposals are compliant with the required standards.</td>
</tr>
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<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>M14</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Car parking provision should be appropriate for a development (provision for motor vehicle parking should be provided), having regard to the accessibility of the location and guidance on maximum parking standards contained within PPG3, PPG13 and the Parking Strategy for Surrey.</td>
<td>Surrey Structure Plan replaced by RSS, but Parking Strategy for Surrey is still being used by Waverley Council. The proposals are compliant with the required standards.</td>
</tr>
<tr>
<td>Parking</td>
<td>A Parking Strategy For Surrey Supplementary Planning Guidance (March 2003)</td>
<td>Maximum standards of parking provision in new residential developments = an average of 1.5 spaces per unit (1 space/1 bed, 1.5 spaces/2 bed 2 spaces/3 bed). BUT within the 1.5 average. In general, 5% of parking spaces should be disabled parking spaces</td>
<td>The proposals are compliant with the required standards.</td>
</tr>
<tr>
<td>Amenity</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Each dwelling should have access to a usable outdoor area and should make appropriate provision for children’s play. (The Council will use the NPFA standards for the provision of play space)</td>
<td>The majority of units have access to private amenity space. Total private amenity space is 979m² (comprising 93m² of private gardens, 655m² of balconies and 231m² of roof terraces). The proposed courtyards and central area of open green space provide 2,814m² of communal open space. The proposed space will be suitable for young child play. Financial contributions will also be made towards equipped play space. Such provision was considered to be appropriate for the refused scheme.</td>
</tr>
<tr>
<td>D1</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Developments should not harm environmental assets, visual character or result in lost amenity and should not result in traffic impacts or pollution</td>
<td>The ES Chapters and Transport Assessment confirm that the proposals will not result in environmental harm to the site or surroundings.</td>
</tr>
<tr>
<td>D2</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Ensure proposed and existing uses are compatible</td>
<td>The SoS’s letter confirms that the principle of a residential led scheme with commercial and office uses is acceptable at the site.</td>
</tr>
<tr>
<td>D8</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Provide a safe and secure environment</td>
<td>The scheme has been designed with safety in mind and discussions with Surrey Police</td>
</tr>
<tr>
<td>Para 8</td>
<td>PPS23 – Current National Policy Guidance</td>
<td>consideration of the quality of land, air or water and potential impacts arising from development, is a material planning consideration.</td>
<td>The ES Chapters confirm that the proposals will not result in environmental harm to the site or surroundings. Indeed the land will be remediated as part of the proposals.</td>
</tr>
<tr>
<td>Para 20</td>
<td>PPS23 – Current National Policy Guidance</td>
<td>It is the owner/developers responsibility to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development.</td>
<td>The proposed remediation strategy will ensure that the site is safe for the proposed uses and further details in connection with the safe implementation of the strategy can be secured by condition.</td>
</tr>
<tr>
<td><strong>Accessibility</strong></td>
<td>D9</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>provide accessibility for everyone, including people with disabilities and those with young children. In particular: (a) easy and prominent alternatives to steps and all external doorways should be wide enough for wheelchair access; (b) landscaping/surfacing should have regard to the needs of people with disabilities</td>
</tr>
<tr>
<td></td>
<td>M9</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Improve accessibility and movement for people with disabilities/mobility problems. New developments, where appropriate, should provide allocated car parking spaces for people with disabilities and make provision for those with young children.</td>
</tr>
<tr>
<td><strong>Servicing</strong></td>
<td>M17</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Dev. should include appropriate provision for loading, unloading and turning of service vehicles so as not to obstruct or cause danger to others.</td>
</tr>
<tr>
<td><strong>Industrial and Commercial development</strong></td>
<td>IC1</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Industrial &amp; commercial dev. will be permitted where the proposals complies with other policies in this Plan. In assessing proposals the Council will consider (a) whether any net loss of uses which contribute to the character or function of the locality; and (b) whether the site is suitably located</td>
</tr>
<tr>
<td></td>
<td>IC2</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>The loss of suitably located industrial and commercial land will be resisted.</td>
</tr>
<tr>
<td>Sustainability and renewable Energy/Climate Change</td>
<td>D3</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>encourages environmental schemes (conserve energy and water and minimise the use of non-renewable resources)</td>
</tr>
<tr>
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</tr>
<tr>
<td>Para 5</td>
<td>PPS1 – Current National Policy Guidance</td>
<td>Promotes sustainable and inclusive patterns of development by: – make suitable land available – contribute to sustainable economic dev.; – protect and enhance the natural and historic environment, – ensure high quality development – create safe, sustainable, mixed communities</td>
<td>The proposal is accompanied by a sustainability assessment that established a strategy for the efficient use of the resources and the conservation of energy and water.</td>
</tr>
<tr>
<td>Intro</td>
<td>PPS22 – Current National Policy Guidance</td>
<td>Government target to generate 10% of UK electricity from renewable energy sources by 2010. LAs may require a percentage of the energy to be used in new developments to come from on-site renewable energy developments.</td>
<td>The 10% target will be met and indeed exceeded (it is estimated that the biomass boiler will meet some 34% of the energy demands of the development).</td>
</tr>
<tr>
<td>Para 8</td>
<td>PPS1 – Current National Policy Guidance</td>
<td>making more efficient use or reuse of existing resources, promote resource and energy efficient buildings (targets only applied if viable)</td>
<td>The proposal seeks to redevelop an underused, brownfield site and will exceed meets the required sustainability related targets.</td>
</tr>
<tr>
<td>Para 22</td>
<td>PPS1 – Current National Policy Guidance</td>
<td>Community involvement is vitally important to planning and the achievement of sustainable development.</td>
<td>A public exhibition has been held to inform residents of the proposed development and following this exhibition and meetings with the Council and CABE a number of changes have been made to the proposals.</td>
</tr>
<tr>
<td>CC2</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>Reduce the region’s carbon dioxide emissions by at least 20% below 1990 levels by 2010, by at least 25% below 1990 levels by 2015. Ensure devt. is more resilient to climate change, incorporate sustainable drainage, improve energy efficiency and carbon performance, reduce the need to travel, encourage renewable energy and reduce the</td>
<td>The design of the proposed development and the proposed contribution of non-renewable energy generation at the site will assist the Region in achieving its targets.</td>
</tr>
<tr>
<td>NRM11</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>New devt of more than 10 dwellings or 1000m$^2$ of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless not feasible or viable. Devts should be designed for energy efficiency, to incorporate renewable energy sources and promote energy efficiency.</td>
<td>The 10% target will be exceeded and the design of the scheme seeks to reduce energy demands and increase efficiency.</td>
</tr>
<tr>
<td>NRM12:</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>Policies should encourage the integration of CHP in all developments and district heating infrastructure in large scale developments in mixed use. The use of biomass fuel should be investigated and promoted where possible.</td>
<td>The proposal includes a biomass boiler which it is estimated will meet some 34% of the residential space heating load.</td>
</tr>
<tr>
<td>Town Centre</td>
<td>TC3</td>
<td>Encourage investment in town centre uses within the Town Centre Areas. Developments will be permitted provided they: (a) maintain/enhance the quality of the environment, appropriate scale/character; (b) will not adversely affect the vitality/viability of the defined Central Shopping Area; and (c) improves accessibility for pedestrians, cyclists &amp; people with mobility problems, and provides satisfactory servicing/parking. New devt should have a mix of uses with activity also beyond normal shopping hours.</td>
<td>a) the scale and height of the proposals are broadly the same as that of the refused scheme, which was considered to be acceptable to the Inspector and SoS. b) The SoS’s decision concluded that proposed commercial units would not undermine the objectives or emerging guidance on town centres and that the units could be used for retail or other town centre purposes (para 29). It has been demonstrated within the Planning Statement that the proposal will not have an adverse impact on the vitality or viability of the Godalming Town Centre. c) The pedestrian environment will be enhanced by the proposed development and will promote access for all. Secure disabled and cycle parking spaces will be provided.</td>
</tr>
<tr>
<td>Para 6</td>
<td>PPS4 (Government Consultation document)</td>
<td>Promote vitality and viability of town and other centres. Focus new economic growth and development in existing centres, seek to offer wide range of services.</td>
<td>It has been demonstrated in the Planning Statement that the proposal will not have an adverse impact on the vitality or viability of the Godalming Town Centre.</td>
</tr>
<tr>
<td>Policy</td>
<td>EC4 Para EC12.1</td>
<td>PPS4 (Government Consultation document)</td>
<td>Positively and proactively encourage sustainable economic growth adopt a positive and constructive approach to applications for economic in urban areas.</td>
</tr>
<tr>
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<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>EC7</td>
<td>PPS4 (Government Consultation document)</td>
<td>Within Town Centres apply the sequential approach to site selection. Assess the impact of development on existing centres and ensure that locations are accessible and well served by a choice</td>
<td>The Council’s Retail study indicates limited potential for growth in Godalming but that there is a need for a growth in retail floorspace. Edge-of-centre sites are the next preference for development. It has been demonstrated in the Planning Statement that the proposal will not have an adverse impact on the vitality or viability of the Godalming Town Centre.</td>
</tr>
<tr>
<td>Para 35</td>
<td>PPS10 – Current National Policy Guidance</td>
<td>New development should make sufficient provision for waste management and promote designs and layouts that secure the integration of waste management facilities without adverse on local area.</td>
<td>The proposed Waste Storage and Collection Strategy concludes that sufficient space is allocated for waste bins and compactors with additional space for manoeuvring bins within the proposed development. The sustainability statement also includes measures to minimise construction waste.</td>
</tr>
<tr>
<td>Conservation</td>
<td>POLICY NRM5</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>avoid a net loss of biodiversity, and actively pursue a net gain</td>
</tr>
<tr>
<td></td>
<td>POLICY NRM9</td>
<td>RRS South East – Regional Planning Guidance (2009)</td>
<td>mitigating the impact of development and reduce exposure to poor air quality through design</td>
</tr>
<tr>
<td>Policy</td>
<td>D7</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>Protect important trees</td>
</tr>
<tr>
<td>S106 Contributions</td>
<td>Policy D14</td>
<td>Saved Policy within Adopted Local Plan (2002)</td>
<td>High quality developments will be sought which in appropriate cases deliver environmental and/or community benefits. Relevant Government Guidance will be considered when considering if benefits should be sought.</td>
</tr>
<tr>
<td>Development Framework</td>
<td></td>
<td>Development Framework produced by Roger Evans Ass. (March 2001)</td>
<td>Objective – create a frontage, interest and activity for Flambard Way, Catteshall Lane has a residential character (residential amenity should be retained).</td>
</tr>
<tr>
<td>Link the key site and town centre for pedestrians &amp; cyclists. Maximise development at the site perimeter with parking and servicing within it. Create a new distinctive urban space. Range of uses (replace Police and nursery) Careful balance btw amount of development and parking. Development not to exceed 3 storeys Contemporary &amp; innovative design. The apex and pedestrian court are landmark locations. High quality landscaping and surfacing</td>
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<tr>
<td>Inspector’s Report, para 16.</td>
<td></td>
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</tbody>
</table>
Appendix 4 Comparison schedule (2007 & 2009 schemes)
## Godalming Key Site

### Comparison between 2007 and 2009 Schemes

<table>
<thead>
<tr>
<th></th>
<th>Scheme as submitted in June 2007</th>
<th>Revised Scheme 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Area</strong></td>
<td>1.6 hectares (gross site area)</td>
<td>1.11 hectares (gross site area)</td>
</tr>
<tr>
<td><strong>Description of Development</strong></td>
<td>Mixed use development of Phase II of the Godalming Key Site to provide for the demolition of the existing buildings and new development comprising residential accommodation and commercial floorspace within Use Classes A1, A2, A3, B1, C3, D1 and D2 (as alternative uses) replacement of existing police station, provision of car parking and associated highway, access and landscaping works</td>
<td>Demolition of the existing buildings and erection of new buildings comprising: 182 residential units and commercial floorspace (1,375m² GEA) within Use Classes A1, A2, A3, B1, D1 or D2 (as alternative uses) and accommodation for Surrey Police Authority, and associated car parking, highway, access and landscaping works</td>
</tr>
<tr>
<td><strong>Land Uses</strong></td>
<td>Classes A1, A2, A3, B1, D1, D2</td>
<td>Classes A1, A2, A3, B1, D1, D2</td>
</tr>
<tr>
<td><strong>Floorspace</strong></td>
<td>17,526 sq m (GIA) of residential 884 sq m of retail/office space (10 units) 1,250 sq m replacement police station</td>
<td>18,009 sq m (GIA) of residential 1,259.3 sq m (GIA) of retail/office space (10 units, 1 of which is for the police)</td>
</tr>
<tr>
<td><strong>Number of Residential Units</strong></td>
<td>225 flats (market)  (38 off site affordable 2 and 3 bed housing units at Langham Park site)</td>
<td>182 flats (market) (38 off site affordable 2 and 3 bed housing units at Langham Park site)</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>comparable residential density of 168 dwellings per hectare (dph) based on gross site area of 1.11 ha (and assuming a building footprint for block B so that it fits within the current application site) 520 (aprox) habitable rooms  468 habitable rooms per hectare</td>
<td>residential density of 164 dwellings per hectare (dph) based on a gross site area of 1.11 ha.  529 habitable rooms  476 habitable rooms per hectare</td>
</tr>
<tr>
<td><strong>Breakdown of residential accommodation</strong></td>
<td>101 x 1-bed 102 x 2-bed 22 x 3 bed</td>
<td>48 x 1-bed 115 x 2-bed 19 x 3 bed</td>
</tr>
<tr>
<td><strong>Number of Car Parking Spaces</strong></td>
<td>281 (underground) comprising 174 for residential and Council employees (67 for employees), 30 for police station and 10 for commercial units</td>
<td>Total of 199 car parking spaces  • 195 (underground) comprising 166 residential, 17 disabled and 12 commercial  • 4 (overground) comprising 2 disabled and 2 car club spaces</td>
</tr>
<tr>
<td><strong>Number of Cycle Spaces</strong></td>
<td>1 space per residential unit (225)</td>
<td>1.74 spaces per residential unit (316) 1 cycle spaces per commercial unit (10)</td>
</tr>
<tr>
<td>Scheme as submitted in June 2007</td>
<td>Revised Scheme 2009</td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------</td>
<td></td>
</tr>
</tbody>
</table>
| **Access/highway works** | **Vehicular access to parking via Woolsack Way;**  
|                                 | four pedestrian points of access;  
|                                 | a new landscaped raised pedestrian platform at the junction of Woolsack Way/Flambard Way;  
|                                 | a pedestrian refuge island in the A3100 Flambard Way;  
|                                 | a raised platform at Catteshall Lane  
|                                 | Catteshall Lane to become a shared surface area, with parking bays, street furniture and landscaping. |
| **Height/Massing** | **Perimeter buildings, linked at ground or first floor level, with three hard landscaped courtyards and a central area of open space:**  
|                                 | Blocks range in height from three stories adjacent to Victoria Road to eight stories at Flambard Way/Catteshall Lane |
| **Landscaping** | **Includes semi-public open space in the centre of the site and an enhanced pedestrian friendly environment on Catteshall Lane:**  
|                                 | Flambard Way/Catteshall Lane lined with semi-mature trees  
|                                 | 1,962m² of communal amenity space and 2,059m² private amenity space (within the comparable gross site area of 1.11 ha). Plus balconies.  
|                                 | Green roofs/roof gardens/balconies. |
| **Materials** | **Includes the provision of three courtyards linked together by a pedestrian pathway and a large open area of green space:**  
|                                 | Total 3,793 sq m of private, communal and public amenity space (includes open green space, balconies, gardens and roof terrace)  
|                                 | Flambard Way/Catteshall Lane lined with semi-mature trees  
|                                 | Green/Brown roofs (1,465m²) |
| **Sustainability** | **Surrey red brick, render, aluminium louvers and metal standing seam roofing** |
|                                 | seeks to provide 10% of its energy requirements through ground source heat pumps  
|                                 | natural lighting/high levels of insulation  
|                                 | green living roof  
|                                 | recycling area |
|                                 | biomass boiler - estimated to meet some 34% of the energy demands of the development  
|                                 | natural lighting/high levels of insulation  
|                                 | green living roof  
|                                 | recycling area  
|                                 | designed to comply with “Secured by Design” requirements  
|                                 | designed to comply with “Lifetime Homes” Standard  
<p>|                                 | Code for Sustainable Homes Code Level 4 |</p>
<table>
<thead>
<tr>
<th>Scheme as submitted in June 2007</th>
<th>Revised Scheme 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative assessment</td>
<td>WA/2005/2103 – The Lodge, Catteshall Mill, Godalming</td>
</tr>
<tr>
<td></td>
<td>WA/2008/1547 – Cooper Clark Site, Catteshall Lane, Godalming</td>
</tr>
<tr>
<td></td>
<td>WA/2007/2284, Ambulance Station, Woodside Park Industrial Estate, Catteshall Lane</td>
</tr>
<tr>
<td></td>
<td>WA/2009/0211, Sainsbury’s, Godalming</td>
</tr>
</tbody>
</table>
| Period of Construction                                                | 36 months (five phases)                                                               | 36 months
Appendix 5  Comparable area schedule (2007 & 2009 schemes)
### Estimated Density Comparison Schedule
(based on legal boundary)

<table>
<thead>
<tr>
<th></th>
<th>2007 Scheme</th>
<th>2007 Scheme (truncated at boundary)</th>
<th>Current proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Application boundary [ha] for information. Not used in calculations</td>
<td>1.6</td>
<td>1.11</td>
</tr>
<tr>
<td>B</td>
<td>Site / legal boundary [ha]</td>
<td>1.15</td>
<td>0.877</td>
</tr>
<tr>
<td>C</td>
<td>Footprint [m²]</td>
<td>6015</td>
<td>4987 (estimated)*</td>
</tr>
<tr>
<td>D</td>
<td>Site coverage (%) - calculated on site /legal boundary area</td>
<td>52%</td>
<td>57% (estimated)*</td>
</tr>
<tr>
<td>E</td>
<td>Number of dwellings</td>
<td>226</td>
<td>187 (estimated)*</td>
</tr>
<tr>
<td>F</td>
<td>Dwellings per hectare (based on site/legal boundary measure)</td>
<td>197</td>
<td>213 (estimated)*</td>
</tr>
<tr>
<td>G</td>
<td>Number of habitable rooms</td>
<td>600</td>
<td>520 (estimated)*</td>
</tr>
<tr>
<td>H</td>
<td>Habitable rooms per hectare (based on site/legal boundary measure)</td>
<td>522</td>
<td>592 (estimated)*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Sketch illustration reference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>622_SK_054 (P1)</td>
</tr>
</tbody>
</table>

* These figures are based on an estimated possible scenario of a reduced version of the 2007 scheme and cannot be relied on for accuracy.
This sketch shows the method used to estimate a possible scenario of a reduced version of the 2007 scheme on the current site.

* This is not a ‘design’ and cannot be relied upon for accuracy.