

Re: Sandown Park Racecourse

Elmbridge Borough Council Planning Application 2019/0551

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Representations by Save Esher Greenbelt

ADVICE

1. I am asked to advise Jockey Club Racecourses, the owners of Sandown Park Racecourse and applicants in relation to the above planning application. In particular, I have been asked to comment upon the Advice of Richard Harwood QC dated 29 September 2019 submitted to the Local Planning Authority as a representation on behalf of Save Esher Greenbelt.
2. Mr Harwood in his Advice alleges that the officers' committee report fails in a number of respects to deal with issues raised by the planning application. These include the following in particular:
 - a. That the quantum and location of development, in particular the number of dwellings, will be fixed by the grant of outline planning permission;
 - b. That there are a number of fundamental errors in the analysis of Green Belt and the Green Belt balancing exercise;
 - c. That there is a failure to assess the impact of the scheme on the setting of numerous Listed Buildings and to address acceptability of acknowledged harm designated and undesignated Heritage Assets;
 - d. That the viability assessment relies on a number of false assumptions; and

- e. That there is no justification for the basic premise of the application that harmful housing development is necessary to fund improvements to the racecourse.
3. The officers' report is a careful consideration of the relevant planning matters arising on the planning application, including in relation to matters raised by Mr Harwood on behalf of Save Esher Greenbelt concerning quantum of development, Green Belt, heritage and viability. There is no error of law and the planning application is itself complete in relation to all such matters, supplementing the points raised by officers. As clearly stated by the High Court and Court of Appeal, it is not for officers to deal with all points which may be raised on every potentially relevant matter.
4. There is no failure in the officers' report to appreciate that the quantum and location of development including the number of dwellings as a maximum will be granted by the outline planning permission, as alleged.
5. The Green Belt analysis and balancing exercise does not contain any errors let alone "a series of fundamental errors". This includes in relation to those matters set out in Mr Harwood's paragraph 3.
6. Heritage assets are dealt with in section 9.8.2 on pages 50 to 61 of the officers' report. There is a careful and comprehensive assessment of such matters on a site by site basis in terms of impact on the character of the area including on locally distinctive townscape, landscape and heritage assets as well as protecting its amenities. For example, heritage improvements are considered at paragraph 9.9.3.3. Heritage assets are identified at paragraphs 1.23 and 1.24 and policies identified in the officers' report in relation to heritage include policy DM12. The Archaeological and Heritage Assessment (February 2019) prepared by The Environmental Dimension Partnership Ltd is expressly drawn to the attention of members at paragraph 6.16 and this contains a full assessment of all the matters complained of by Mr Harwood, insofar as the officers' report does not set them out fully. It is able to rely upon that assessment.

7. However the officers' report goes further. It draws attention to the representations on heritage assets at paragraph 7.2, and considers such matters at pre-application advice stage in paragraph 8.2. At section 9.8.2, it sets out the impact on the character of the surrounding area including heritage assets, as stated above, and attention is drawn to paragraphs 9.8.2.19 to 9.8.2.34. It clearly and sensibly reserves for further consideration and assessment the potential impact of the proposed development on heritage assets when more is known of the design and other details at the reserved matters stage.
8. Those reserved matters will necessarily take into account, at that stage, the design and details to be submitted, including any mitigation required in terms of impact on heritage assets. It would be premature to do so at this outline stage. The statements made by the officers in paragraph 9.8.2.34 of the report in this regard are entirely correct.
9. It is sufficient to say that the assumptions made in relation to viability are both justified and correct. There is no good reason to consider otherwise. The viability assessment submitted by the Applicant and referred to in the officers' report at paragraph 6.16 sets out the details of the assessment. The officer considers these matters further at section 9.9 of the report.
10. In conclusion, the allegations made by Mr Harwood in his Advice dated 29 September 2019 are rejected and the conclusion is to be drawn that the officers' report is a carefully considered and more than adequate analysis of the proposals, also drawing upon and referring to documentation submitted with the application.

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1st October 2019