


Application No:	2019/0551	Application Type:	OL
Case Officer:	Aneta Mantio	Ward:	Esher Ward
Expiry Date:	14/06/2019		
Location:	Sandown Park Racecourse Portsmouth Road Esher Surrey KT10 9AJ		
Proposal:	<p>Hybrid planning application for the redevelopment of Sandown Park Racecourse involving:</p> <p>Outline application for development/redevelopment of sections of the site to replace/modify existing operational/associated facilities, and to provide up to 150 bedroom hotel (Use Class C1), family/community zone, residential development up to 318 units (Use Class C3) and to relocate existing day nursery (Use Class D1), all with car parking, access and related works following demolition of existing buildings and hardstanding (for access only).</p> <p>Full application for the widening of the southwest and east sections of the racecourse track including associated groundworks, re-positioning of fencing, alterations to existing internal access road from More Lane and new bell-mouth accesses serving the development.</p>		
Applicant:	Jockey Club Racecourses Limited		
Agent:	Rapleys LLP  33 Jermyn Street London SW1Y 6DN		
Decision Level:	If Permit – Planning Committee If Refuse – Planning Committee		
Recommendation:	<p>Recommendation A</p> <p>Subject to the receipt of a satisfactory legal agreement within 6 months of the Committee resolution, or any such extended period as agreed with the Head of Planning Services, and subject of the referral to the Secretary of State, the recommendation is to grant outline and full planning permission.</p> <p>Recommendation B</p> <p>If a satisfactory legal agreement is not completed within 6 months of the Committee resolution, or any such extended period as agreed with the Head of Planning Services, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> 1) In the absence of a completed legal agreement, the proposed development fails to secure the necessary contribution towards the affordable housing contrary to the requirements of Policy CS21 of the Elmbridge Core Strategy 2011 and the Developer Contributions SPD 2012. 2) Due to the lack of a legal agreement to secure a financial contribution towards the long-term management plan of Littleworth Common SNCI, the proposed development is likely to result in adverse impact on biodiversity contrary to the Policy CS15 of the Elmbridge Core Strategy 2011, Policy DM21 of the Development Management Plan 2015, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012. 		

- 3) Due to the lack of a legal agreement to secure a financial contribution towards the accessibility improvements at Esher Railway Station and monitoring fee associated with the Travel Plans, the proposed development would result in adverse highway and transport implications in the local area of Esher. As such, the proposed development is contrary to the aims of Policy CS25 of the Elmbridge Core Strategy 2011, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.

CONTENT

i.	List of Figures	4
ii.	List of Tables	4
iii.	List of abbreviations used in the report	5
1.	Site description	6
2.	Constraints	10
3.	Policy	10
4.	Relevant Planning History	11
5.	Environmental Impact Assessment (EIA)	15
6.	Proposal	16
7.	Consultations and representations	20
8.	Positive and Proactive Engagement	23
9.	Planning Considerations	25
9.7	Principle of development and impact on the Green Belt	27
9.7.1	Planning policy and case law background	27
9.7.2	Purposes of including land within the Green Belt	29
9.7.3	Spatial and visual impact on the openness of the Green Belt	34
9.7.4	Conclusion on the potential impact of the proposed development on the openness of the Green Belt	40
9.8	Any other harm	42
9.8.1	Highway and transport implications	42
9.8.2	Impact on the character of the surrounding area including heritage assets, landscape and visual amenities	50
9.8.3	Impact on residential amenities	62
9.8.4	Impact on biodiversity including trees	65
9.8.5	Flooding implications and SuDS	70
9.8.6	Archaeology	74
9.8.7	Pollution	77
9.8.8	Utilities and waste management	79
9.9	Benefits of the scheme	81
9.9.1	Economic benefits	81
9.9.1.1	Need for the improved racecourse facilities	81
9.9.1.2	Provision of a hotel	82
9.9.2	Social benefits	84
9.9.2.1	Meeting housing need	84
9.9.2.2	Contribution towards the affordable housing	85
9.9.2.3	Provision of community facilities	88
9.9.2.4	Interpretation boards	89
9.9.2.5	Integration between the town centre and railway station	90
9.9.3	Environmental benefits	90
9.9.3.1	The site's sustainable location	90
9.9.3.2	Ecological improvements	90
9.9.3.3	Heritage improvements	91
9.9.4	Summary of the identified potential harm and benefits	91
9.10	Financial considerations and planning obligations	93
9.11	Whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations	95
10.	Pre-commencement conditions	96
11.	Matters raised in Representations	96
12.	Conclusion	99

i. List of Figures

Figure 1: Location plan.....	6
Figure 2: Extent of the Green Belt in the north Elmbridge with the Greater London large built-up area.....	31
Figure 3: Green Belt parcels (the Site lies within Parcel 52) and the approximate locations of Sites 3 and 4	32
Figure 4: Location of Site 4 relative to the adjacent built up area; and the Green Belt designation	34
Figure 5: INDICATIVE building heights on Site 1	52
Figure 6: INDICATIVE building heights on Site 2	52
Figure 7: INDICATIVE heights of the proposed development on Site 3.....	53
Figure 8: INDICATIVE building heights on Site 4	54
Figure 9: INDICATIVE heights of the proposed development on Site 5.....	55
Figure 10: Areas falling within Flood Zone 2.....	71
Figure 11: Areas affected by the surface water flooding	71
Figure 12: Areas of High Archaeological Potential	76

ii. List of Tables

Table 1: Consultation responses	20
Table 2: Purposes of the Green Belt in Elmbridge	29
Table 3: Summary of potential impact of the proposed development on the Green Belt per site	40
Table 4: Indicative parking provision for residential Sites 1 - 5.....	45
Table 5: Indicative housing mix on Sites 1 - 5	85
Table 6: Identified potential harm to the Green Belt and any other harm per site	91
Table 7: Benefits of the scheme and the weight afforded to them.....	92
Table 8: Summary of benefits and of potential harm arising from the proposed scheme and weight afforded to them	95

iii. **List of abbreviations used in the report**

AHAP	Area of High Archaeological Potential
AIA	Archaeological Impact Assessment
Applicant	Jockey Club Racecourses Limited
AQMA	Air Quality Management Area
AMR	Authority Monitoring Report
CAAC	Conservation Area Advisory Committee
CEMP	Construction Environmental Management Plan
CHA	County Highway Authority
CUA	Community Use Agreement
C3 (Use Class)	Dwellinghouses ¹
D1 (Use Class)	Non-residential institutions ²
EA	Environment Agency
EBC	Elmbridge Borough Council
EIA	Environmental Impact Assessment
EHO	Environmental Health Officer
ES	Environmental Statement
GB	Green Belt
Review	Green Belt Boundary Review 2016
HER	Historic Environment Record
LEMP	Ecological Management Plan
LPA	Local Planning Authority
LTP3	Surrey Transport Plan 2012
NIA	Noise Impact Assessment
NPPF	National Planning Policy Framework 2019
PDL	Previously Developed Land
PPG	Planning Policy Guidance
RPA	Root Protection Area
SAC	Special Area of Conservation
SbD	Secured by Design
SCI	Statement of Community Involvement
SBG	Surrey Bat Group
SCC	Surrey County Council
SHMA	Kingston and North Surrey Strategic Housing Market Assessment 2016
SPA	Special Protection Area
SPD	Design and Character Supplementary Planning Document 2012
SuDS	Sustainable Drainage Systems
Sub Division Report 2018	Green Belt Boundary Review - Supplementary Work (December 2018)
SWT	Surrey Wildlife Trust
TA	Transport Assessment
TPO	Tree Preservation Order
Regulations	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Site	Sandown Park Racecourse (whole site of approximate area of 66ha)
VSCs	Very Special Circumstances
WSI	Written Scheme of Investigation

¹ As defined in The Town and Country Planning (Use Classes) Order 1987 (as amended)

² As defined in The Town and Country Planning (Use Classes) Order 1987 (as amended)

Report

1. Site description

- 1.1. Sandown Park Racecourse (the Site, as shown in Figure 1 in blue outline) occupies approximately 66ha of land located to the northeast of the Esher town centre. The Site is bound by roads including Portsmouth Road (A307) to the south, Station Road to the east, Lower Green Road and a railway line to its north, and More Lane to the west; and residential properties and business premises to parts of the site, particularly to its southeast and southwest. In its entirety, the Site is situated in the Green Belt.
- 1.2. Whilst the Site extends to some 66ha, the application site is formed by several parcels of land totalling to 17.68ha (as shown in Figure 1 in red outline). The operational facilities include the stables and paddock area, stable staff accommodation and car parking to the southern part of the Site, with the Grandstand and Eclipse buildings overlooking the racetrack and the golf course to the north.

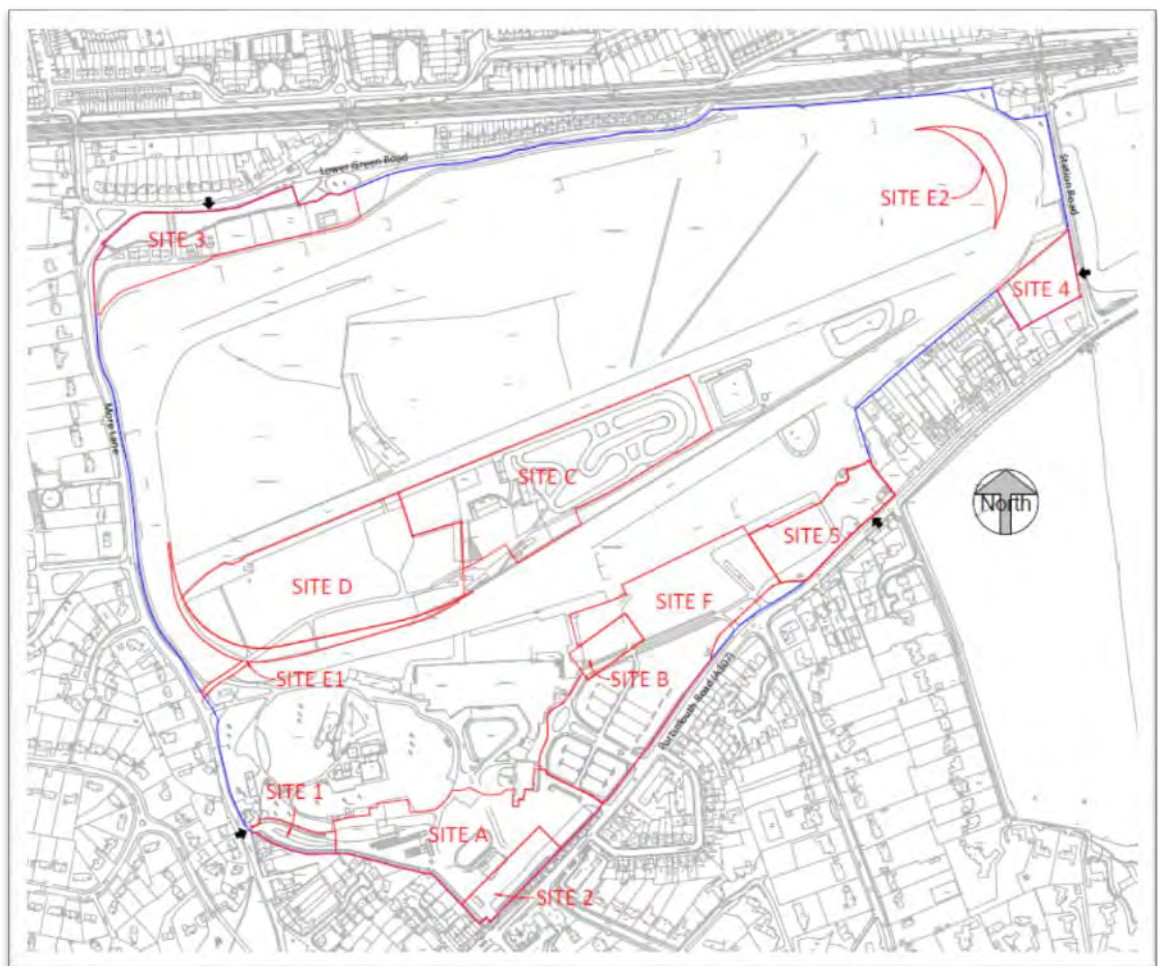


Figure 1: Location plan

- 1.3. Sandown Park Racecourse also contains established conference and banqueting facilities for holding conferences, events and public exhibitions. In addition to the racecourse and its associated buildings and facilities, there is also a dry ski slope/gym/fitness centre/skywalk adventure at The Warren (southwest of the racecourse), a karting circuit and a golf centre including driving range (in the centre of the racecourse), a children's nursery (on Portsmouth Road), and staff housing (to the northwest of the racecourse).

1.4. The Esher Companion Guide to the Design and Character Supplementary Planning Document (SPD) defines the wider site of Sandown Park Racecourse as the 'Landscape Setting' character area. The Guide explains that historically the parish of Esher was divided into three manors: Sandon, Esher Wateville and Esher Episcopi. The parishes included land to the Esher Place Estate and the Claremont Estate. The owners of the Claremont Estate were also Lords of the Manor of Esher. They owned the greens surrounding what is presently the town. Through the 20th century, development has occurred in small to medium parcels of land but often with very high architectural quality and material finishes. Sandown racecourse as one of the key features of Esher is identified as an important and dominant use. The Site is surrounded by a number of character areas, including the 'Lower Green' and the 'Ember Lane Environs' to the north; the 'Landscape Setting' to the east; the 'New Road, Esher Park Avenue and Milbourne Lane' and 'Esher District Centre' character areas to the south; and 'Esher Place' to the west.

1.5. Given the nature of this application, the individual sites are described below:

Site A

1.6. Site A comprises an area of 2.2ha situated to the southwest corner of the Site. The main vehicular access is off the A307 Portsmouth Road to its east with a secondary/emergency access off More Lane to its west, through Site 1. It comprises the main operational area and facilities for the racecourse including a pre-parade ring, stables, saddling enclosure and hardstanding for horsebox unloading and car parking. The site also contains the Sandown Park Lodge, a two-storey detached building that serves as a hostel and a canteen for the stable staff during race meetings, and as a 21-bed hotel at other times.

1.7. Ground levels of Site A rise from Portsmouth Road to the north, where it abuts 'The Warren', a Key Landmark³, also designated as the ancient woodland⁴ with its part identified as a priority habitat by Natural England. In addition to a line of four veteran⁵ Sweet Chestnuts that adjoin the ancient woodland, the site contains a significant number of good quality higher grade trees. 'The Warren' contains the Sandown Health Club and a dry ski slope. The northwest section of the site falls within an area of high archaeological potential and abuts an area with a tree preservation order (TPO EL:144).

1.8. The southwest and the southeast boundaries abut the Esher District Centre character area, as defined in the Esher Companion Guide to the Design and Character SPD. The southwest corner of the site is adjacent to the designated air quality management area. Western section of the site is covered with hardstanding and low rise buildings.

Site B

1.9. Site B covers an area of 0.3ha and is situated to the east of the Grandstand. It is surrounded to its north, east and south by Site F. The area is covered by hardstanding and is used for overflow car parking. The ground levels rise to the southwest, towards the Grandstand. Vehicular/pedestrian access is via the existing main carpark (Site F) from Portsmouth Road.

Site C

1.10. Site C is a 3.3ha site located in the central part of the Site and currently comprises the go-kart track, and a hard-surfaced parking area with associated facilities including low-rise buildings.

³ The Borough's landscape provides a setting for key strategic views and landmarks. The green infrastructure network provides important social and cultural benefits which underpin community health and well-being and contribute to the Borough's high quality of life. 'The Warren' at Sandown Park was identified as one of 20 landmarks by Policy CS14 of the Elmbridge Core Strategy 2011 and on the Local Plan Proposals Map.

⁴ NPPF: 'Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).'

⁵ NPPF: 'Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.'

To its north is a golf course and a driving range. The ground levels drop from the southwest to the northeast. The access to the site is from More Lane to its west. Limited areas to the west of the site have low to high risk of surface water flooding.

Site D

- 1.11. Site D comprises an area of approximately 3.5ha that is situated adjacent to Site C. Limited area of the site is covered by tarmac hardstanding used by the golf course customers with the remainder being laid to grass, which is used as an overflow carpark during the race days. Limited area to the east of the site has low risk of surface water flooding. The site contains no buildings or trees. The ground levels slope down from the southwest to the northeast.

Sites E1 and E2

- 1.12. Site E1 of approximate area of 0.46ha is located on the southwestern edge of the racetrack and includes the access road from More Lane. It borders Site D and is currently used as an overflow parking area on the race days. Site E2 is a crescent shaped site extending to 0.22ha in the north east corner of the Site, adjacent to the golf course. It lies within the Flood Zone 2 and the area of low to medium risk of surface water flooding.

Site F

- 1.13. Site F extends to some 3.68ha. It is located to the northwest of Portsmouth Road and to the east of the Grandstand. It shares its boundary with the racetrack to its north, Site 5 to the east, and Sites A and B to the west and south/southwest respectively. This is the main visitors' carpark. This site is formally laid out; however, its section is not tarmacked. Whilst the northern section is used for car parking, the area is grassed with no marked parking bays. The area between Site B and the racecourse is used as a broadcasting compound on the race days. Good quality group of mature Lime trees is situated to the eastern section of the site along the secondary access road off Portsmouth Road.
- 1.14. Along Portsmouth Road, Site F abuts the New Road, Esher Park Avenue and Milbourne Lane character area, as defined in the Esher Companion Guide to the Design and Character SPD. Sections of the site are subject of low to medium risk of surface water flooding. The site abuts Grade II Listed gates, posts and railings, which form part of the Site's formal boundary treatment along Portsmouth Road. The ground levels rise in the southwest direction towards the Grandstand.

Site 1

- 1.15. Site 1 covers an approximate area of 0.24ha and is situated to the southwest corner of the Site with a primary access from More Lane and a secondary access from Site A to the east. Ground levels of Site 1 rise considerably to the north (from approximately 39m AOD to 42m AOD). The site abuts 'The Warren', a Key Landmark that is partially designated as the ancient woodland and a priority habitat. The site is adjacent to an area of high archaeological potential and an area covered by a tree preservation order (TPO EL:144).
- 1.16. Site 1 comprises the existing single storey stable blocks located along the south and north boundaries with associated hardstanding areas. It is adjacent to the residential properties of a traditional appearance in More Lane and a more recent residential development in Tellisford cul-de-sac to the south/southwest. The southern boundary of Site 1 is also a boundary of the Esher Conservation Area, which extends further to the southwest. A limited area of approximately 44sqm to the west of the site lies within the conservation area.
- 1.17. All adjacent properties along the east side of More Lane/Esher Green from No 2 More Lane to No 18 Esher Green except for a terrace of No's 28 - 34 Esher Green, which are Grade II Listed buildings, were identified as significant unlisted buildings in the Townscape Analysis

Map in association with the Esher Character Appraisal and Management Plan⁶. There are also several other Grade II Listed buildings in the vicinity including Cobblestones, 5 More Lane and Garden Reach Cottage, and 7 More Lane with Garden Walls and The Orangery.

Site 2

- 1.18. Site 2 of approximate area of 0.46ha is situated in the most southern corner of the Site. It is covered by hardstanding used for parking associated with the Sandown Lodge with a terrace of single storey stables. The northwest and northeast boundaries are adjacent to Site A. The site's southwest boundary abuts the residential curtilages of No's 2 and 2a Warren Close and the mixed use premises of No 2 High Street. The southeast boundary adjacent to Portsmouth Road is lined with a mixture of deciduous and evergreen trees. The ground slopes down gently across the site to the east (from approximately 34m AOD to 30m AOD).
- 1.19. The southwest and southeast boundaries are adjacent to the Esher District Centre character area, as defined in the Esher Companion Guide to the SPD. The southwest corner of the site is adjacent to the designated air quality management area and the area of high archaeological potential. Area of land along the southwest boundary has a low risk of surface water flooding. Traveller's Rest, a Grade II Listed building, is situated on the southeast boundary. Sandown House, Portsmouth Road, opposite Site 2 is also a Grade II listed building.

Site 3

- 1.20. Site 3, extending to some 1.76ha, is located at the northwest end of the racecourse and comprises the racecourse grounds maintenance compound and staff housing. The staff accommodation is provided in the form of four pairs of semi-detached dwellings, 8 units in total. Allotment area is situated to their east. A vehicular access is from Lower Green Road to the north. The site benefits from several reasonable to good quality trees close to the boundary with Lower Green Road interspersed with lower quality scrubland trees.
- 1.21. The whole of Site 3 falls within the Flood Zone 2 with parts within the low to high risk of surface water flooding. An ordinary watercourse runs through the site in the west-east direction. The northeast section of Site 3 abuts the Lower Green, a registered town/village green. A Coal Tax Post, a Grade II Listed building, is located to the east of the site. Locally listed buildings, 57 & 59 More Lane and 144 & 146 Lower Green Road are also situated in the vicinity. The north and west boundaries are adjacent to the Lower Green and the Esher Place character areas, as defined in the Esher Companion Guide to the Design and Character SPD.

Site 4

- 1.22. Site 4 covering 0.57ha of land is located at the eastern end of the racecourse and is bounded by Station Road to the east, the racecourse to the north, the customer car park behind Café Rouge to the south and commercial premises to the west. The south and west boundaries abut the New Road, Esher Park Avenue and Milbourne Lane character area, as defined in the Esher Companion Guide to the Design and Character SPD. The site itself together with the land to its east and north falls within the Landscape Setting character area. The land is currently laid to grass with no built form and has a metal gate at the Station Road entrance with the remainder of the boundaries being lined by scattered trees and shrubs.
- 1.23. From the heritage perspective, The White Lady Milestone situated at the corner of Station Road and Portsmouth Road, approximately 33m from the site, is a Grade II listed building and a Scheduled Monument. A terrace of Grade II listed buildings (No's 1 - 4 Myrtle Cottages, Portsmouth Road) and Locally listed buildings (Rosery and Glenfield, Portsmouth Road) are

⁶ The Council published the 'Character Appraisal and Management Plan' document for the Esher Conservation Area following its endorsement by Planning Committee in 2008. It was produced through collaborative working between the local community, consultants and the Council. The document is accompanied by a Townscape Analysis Map.

situated to the southwest of the site in approximate distance of 150m and 90m respectively. The southwest corner of the site falls within the Flood Zone 2.

Site 5

- 1.24. Site 5 of approximate area of 0.94ha comprises an overflow car park to its west and a children's nursery to the east with an associated detached dwelling. Access to the site is provided from Portsmouth Road via the main entrance to Sandown Park to the west. The southern boundary is screened from Portsmouth Road by timber fence and trees. Part of the children's nursery building is the locally listed Toll House that has been extended over the years. There are two Grade II listed heritage assets situated in proximity of the site. A coal tax post that is attached to the fabric of Toll House, and the gates and railings to Sandown Park Racecourse to the southwest. The site is well screened by mature trees and vegetation. The site abuts Cheltonian Place, a residential apartment building to the east and there are also further residential dwellings opposite the site to the south. Most of the site lies in an area of high archaeological potential.

2. Constraints

- 2.1 The relevant planning constraints to the wider Sandown Racecourse site are:

- Green Belt
- Flood Zone 2
- Within 8M of Ordinary Watercourse
- Risk of Surface Water Flooding - low to high
- Area of High Archaeological Potential or Importance
- Conservation Area
- Listed Buildings
- Priority Habitat
- Tree Preservation Order (EL:144)
- Veteran Trees
- Ancient Woodland
- Air Quality Management Area (AQMA)
- Potentially Contaminated Land
- Historic Landfill Site
- Adjacent to Network Rail Land
- Adjacent to Classified Roads (Portsmouth Road, Station Road and High Street)
- Adjacent to Registered Town or Village Green Common (Lower Green)
- Adjacent to District Centre (Esher) and Secondary Shopping Frontage

3. Policy

- 3.1 Planning decisions have to be made in accordance with the current national and local planning policies. As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for any decision is the Development Plan unless material consideration(s) indicate otherwise. As such, the local policies and guidance outlined below represent the starting point, with the other material considerations including the National Planning Policy Framework, the National Planning Practice Guidance and legislation being also relevant to the determination of this application:

3.2 Core Strategy 2011

CS1 – Spatial Strategy
CS9 – Esher
CS14 – Green Infrastructure
CS15 – Biodiversity
CS16 – Social and Community Infrastructure
CS17 – Local Character, Density and Design

CS18 – Town Centre uses⁷
 CS19 – Housing Type and Size
 CS21 – Affordable Housing
 CS23 – Employment land provision
 CS24 – Hotels and Tourism
 CS25 – Travel and Accessibility
 CS26 – Flooding
 CS27 – Sustainable Buildings

3.3 Development Management Plan 2015

DM1 – Presumption in favour of sustainable development
 DM2 – Design and amenity
 DM3 – Mixed Uses
 DM5 – Pollution
 DM6 – Landscape and trees
 DM7 – Access and parking
 DM8 – Refuse, recycling and external plant
 DM9 – Social and community facilities
 DM10 – Housing
 DM11 – Employment
 DM12 – Heritage
 DM14 – Evening Economy
 DM17 – Green Belt (development of new buildings)
 DM18 – Green Belt (development of existing buildings)
 DM19 – Horse-related uses and development
 DM20 – Open space and views
 DM21 – Nature conservation and biodiversity

3.4 Design & Character SPD 2012 & Companion Guide: Esher

3.5 Developer Contributions SPD 2012

3.6 Flood Risk SPD 2016

3.7 The Planning (Listed Buildings and Conservation Areas) Act 1990

3.8 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

4. Relevant Planning History

- 4.1 The Site is one of fourteen racecourses owned by The Jockey Club. The racecourse was laid out in 1875 and was the first in Britain to be enclosed.
- 4.2 There is an extensive planning history associated with the wider Sandown Racecourse site. The Site is extensive in area (approximately 66ha) but only 17.68ha (approximately 27%) forms the application site, split into 13 areas. As such and for the ease of reference, the

⁷ 'Main town centre uses' and 'Edge of Centre' as defined by the NPPF:

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

planning history below is outlined in accordance with the areas of the Site, as defined in the current application. Of relevance are the following applications:

4.3 Sandown Park (*wider site of the racecourse*)

- 1962/0361 – Permission for a change of use of entire racecourse area to residential including shops offices and ancillary development was refused and subsequently dismissed at appeal.
 - The outline proposal was to develop the site primarily for housing purposes, but with offices near the railway station and a shopping area off the High Street; about 20 acres of open space was included in the scheme and land was to be made available for a school, church and a community centre. The Inspector noted numerous facts of the case, amongst others that if developed, the site would have provided houses for between 5,000 and 8,000 people, depending upon density. “The transport systems serving Esher are already overloaded and would not accommodate the increased demand resulting from the proposed development” - Esher had a population of about 4,400 persons at that time. The Inspector also suggested that “it would be unwise to consider further housing development on a large scale in Esher until the by-pass road is constructed.”
 - The Inspector concluded that notwithstanding the enormous demand for housing land, Sandown Park would be better suited for its recreational purpose as a racecourse. It was also considered that its retention was essential to the main purpose of the Green Belt “since it provides a recreational use and is almost the first expanse of really open countryside to be seen when leaving London in this direction.”
- 1967/0226 - Construction of small water storage reservoir course watering installation and erection of small pump house was granted permission. This is the existing reservoir situated to the east of the existing go-karting track.
- 1968/0456 – Outline permission for a new Grandstand and parade ring following demolition of existing stand was granted.
- 1970/0096 – Permission was granted for the erection of new grandstand including weighing in building parade ring bars dining and buffet areas and totalisator betting facilities following demolition of existing stands and other buildings.
- 1971/0860 - Erection of new grandstand including weighing in building parade ring bars dining and buffet and totalizator betting facilities following demolition of existing stands and other buildings – full planning permission was granted.
- 1999/2041 – Permission for extensions and alterations to grandstand with ancillary buildings, a new stand to replace Lawn Suite and alterations to access and car park was granted.
- 2015/0088 - Tree Preservation Order EL:144 Tree surgery works to Sweet Chestnuts, Oaks, Horse Chestnuts, Sycamore, Scot Pines, Beeches and Lawson Cypressess all within The Warren area – consent was granted.
- 2018/3728 - Screening Opinion as to whether an Environmental Impact Assessment is required for the proposed redevelopment of the site to provide a total of 320 dwellings (split into 5 sites); one residential site to include the replacement of the existing children's nursery, hotel (160 bedrooms), family/community zone including outdoor leisure uses and indoor soft play and ancillary cafe, alterations to racecourse including stables, paddock area, pre-parade ring, stable staff accommodation and associated facilities, widening of racetrack and improvements to the centre of the course following removal of existing kart track was requested. The LPA concluded that the Environmental Impact Assessment was not required. These matters are discussed further below in Section 5.

4.4 Site A

- 1966/0243 – Permission was granted for the implementation of single storey building to provide additional accommodation for stable lads and construction of 16 saddling boxes.
- 1975/0988 – Permission was granted for a glass house in connection with the racecourse.

4.5 Site A and Site 2

- 1966/0819 – Permission for construction of gravel or tarmac surfacing to existing car park areas was granted. For the amenity reasons a condition requesting the screen of trees to be planted and maintained along the frontage to Portsmouth Road (Site 2) was imposed.
- 1987/0525 – Permission for the implementation of a three storey office building was refused and the subsequent appeal withdrawn. Two reasons for refusal relate to the Green Belt and design considerations. The Council considered that the proposed development was inappropriate development in the Green Belt and was not satisfied that a building of the proposed size was necessary to meet the then existing essential needs of the outdoor recreational facilities.
- 1989/0206 – Permission was granted for the implementation of a two storey jockeys hostel/hospital building and extension of existing weighing room to provide offices all following demolition of existing buildings. The building was originally intended as the jockeys' hostel and hospital. A condition was attached restricting use in connection with horse racing and other open-air recreation and not to be used separately.
- 1991/0946 – Application for a continuation of use as jockeys' hostel without compliance with Condition 8 of planning permission 1989/0206 restricting use to horseracing and open air recreational facilities at Sandown Park was refused and subsequently dismissed on appeal. The Inspector, considering the merits of the appeal was satisfied that, given the then relevant policies, the protection of the Green Belt as the reason for the imposition of condition was equally applicable at that time as when originally imposed.
- 2008/0316 - Screening opinion as to whether an Environmental Impact Assessment is required for a hotel proposal at Sandown Park Racecourse was considered by the Council. It was concluded that the Environmental Impact Assessment was not required.
- 2008/0729 – Permission for a detached hotel with associated parking, medical facilities, canteen, changing rooms and saddling enclosures (4,684sqm) following demolition of existing hotel and associated facilities (1,593sqm) was granted. This permission also sought to secure the enhancement of the Grade II Listed Travellers Rest.
- 2011/0811 – A full application for a detached hotel with associated parking, medical facilities, canteen, changing rooms and saddling enclosures (4,684sqm) following demolition of existing hotel and associated facilities (1,593sqm) (Variation of condition 2 of planning permission 2008/0729 to extend the time limit for a further 3 years) was considered and permission granted.
- 2014/2030 - Lawful Development Certificate confirming that the planning permission 2011/0811 for a detached hotel, medical facilities, canteen, changing rooms and saddling enclosures has been implemented was granted. Whilst the permission remains extant, the hotel building has not been built.

4.6 Sites A, B, D, E1 and 2

- 1999/2041 – Permission for extensions and alterations to grandstand with ancillary buildings, new stand to replace Lawn Suite and alterations to access and car park was granted.

- 2000/0683 - Details of proposed amendments to Portsmouth Road and More Lane accesses together with internal layout and hard and soft landscaping of Portsmouth Road carparks in pursuance of permission 1999/2041 - reserved matters were approved.

4.7 Site B

- 2005/1313 – Permission for a car park attendants' kiosk was granted.

4.8 Site C

- 1989/0064 – Permission for a single-storey building comprising bar and concourse with race viewing roof terrace following demolition of existing storm damaged bar and public conveniences was granted.
- 1995/1317 – Permission was granted for a detached two storey building for use as betting bar, room, toilets, children's play area and nursery facilities and construction of silenced go kart circuit following demolition of existing buildings.

Condition 3 of permission states:

The kart circuit hereby permitted shall not be used otherwise than between the hours of 10.00 and 20.30 (or dusk whichever is sooner) on Mondays to Saturdays and 10.00 and 18.00 (or dusk whichever is sooner) on Sundays. The reason for imposition of the condition was to safeguard the amenities and character of the locality.

Condition 4 prohibits the use of floodlights or public address systems in connection with the use of the kart circuit; and Condition 5 limits the use of the site to silenced karts, details of which were agreed at the application stage.

- 2004/0216 – Permission for two single storey modular buildings on land adjoining Kart Circuit was granted.

The officer's report confirms the following: *'Go-kart track located in centre of racecourse, adjoining golf course and driving range buildings. Permission granted under 95/1317 for the track together with a two-storey building to house a number of uses including club room and crèche. Some existing buildings were to be demolished. Whilst the kart track was constructed, the building was not. Although, normally, the building would still be valid, a subsequent permission for use of the Toll House as crèche was subject to Section 106 revoking the 1995 permission.'*

4.9 Site F

- 1959/15512 – Outline permission for the use of land with frontage on Portsmouth Road for the implementation of 10 detached houses was refused on the Green Belt grounds.

4.10 Site F and Site 5

- 59/15513 - Outline permission for the use of land with frontage onto Portsmouth Road for erection of a three-storey block of 15 flats with provision of garages to rear and access to Portsmouth Road was refused on the Green Belt grounds.

4.11 Site 2

- 59/15514 – Outline permission for the use of land fronting Portsmouth Road for the erection of terrace of 18 lock up shops with 14 flats or maisonettes over and 15 lock up garages at rear and a petrol filling station and access to Portsmouth Road was refused on the Green Belt grounds.

4.12 Site 3

- 1959/16023 - Outline permission for the use of land fronting Lower Green Road and More Lane for erection of 21 houses (Plot A - 9 detached houses Plot B - 12 detached houses) was refused on the Green Belt grounds.
- 1972/0640 – Application for a use of land as a garden centre was refused due to its impact on the Green Belt associated with the concentration of commercial activities on a relatively shallow site and the highway safety concerns.

4.13 Site 4

- 59/15515 - Outline permission for the use of land with frontage on Station Road for erection of a four-storey block of 20 flats and lock up garages at rear with access to Station Road was refused on the Green Belt grounds.
- 2001/1439 – Personal permission for a continued use of car park rear of "Cafe Rouge" as overflow car parking by Medicom International, Portsmouth Road, Esher was granted. A condition attached to this permission requires that no overnight parking takes place.
- 2011/6295 – Proposal for a change of use of overspill car park (4,736sqm) to hand car wash and valet facility including office/kiosk and hardstanding was refused due to its impact on the openness of the Green Belt.

4.14 Site 5

- 1973/1039 – Outline permission for two detached dwellinghouses or bungalows with garages and alterations to access following demolition of existing building was refused on the Green Belt and the highway grounds.
- 1976/0085 – Permission for a construction of a single storey dwelling for manager together with alterations to Toll House was granted. A condition attached to this permission restricts the use of the dwelling only for the manager of the racecourse.
- 1977/0381 – Permission for the construction of detached two storey house and use of Toll House for garaging and playroom following demolition of outbuildings was granted. Condition 3 attached to this permission restricts the use of the dwelling only for the manager of the racecourse.
- 1996/1687 - Lawful Development Certificate: Whether house may be occupied without compliance with Condition 3 of planning permission 1977/0381 (occupancy condition) was refused.

5. **Environmental Impact Assessment (EIA)**

- 5.1 In accordance with the Government advice in the Planning Policy Guidance (PPG), the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority (LPA) when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. If a project is a subject to an Environmental Impact Assessment, the scope of assessment should be limited to those aspects of the environment that are likely to be significantly affected. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the Regulations') set out the procedures associated with the EIA developments. These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

- 5.2 Prior to the submission of the current application, the Applicant submitted a Screening Opinion Request ref. 2018/3728 under Regulation 6 of the Regulations on 13 December 2018 (please see 4.3 above for the description of the proposal). The proposed development does not fall within the defined development set out in Schedule 1, for which an EIA is required in every case. If the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment. The LPA confirmed that the proposed development was a Schedule 2 development, as all the exclusion thresholds and criteria in Category 10 (Infrastructure Projects) (b) 'Urban Development Project' were exceeded.
- 5.3 The PPG clarifies that only a very small proportion of Schedule 2 development would require an Environmental Impact Assessment. It continues that it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development would need to be considered on its merits. In this instance the LPA carefully considered matters pertaining to the likely significant effects on the environment and specifically looked at the characteristics of the development, its location and the characteristics of the potential impact. The decision was issued on 21 January 2019. In the opinion of the Local Planning Authority the proposals did not represent an EIA development.
- 5.4 Despite the conclusion of the LPA's Screening Opinion, an Environmental Statement was subsequently submitted on 22 February 2019 with the current planning application considering two matters, transportation and air quality. Technical consultees have reviewed the submitted information and the assessment of the contents of the Environmental Statement. The impacts of the proposed development are included in this report below.

6. Proposal

- 6.1 Jockey Club Racecourses Ltd (the Applicant) has submitted a masterplan-led hybrid⁸ planning application. The proposed works are for various enhancements to the racecourse to be facilitated by residential development. Outline permission for access only is sought for development/redevelopment of sections of the site to replace/modify existing operational/associated facilities, and to provide up to 150 bedroom hotel (Use Class C1), family/community zone, residential development up to 318 units (Use Class C3) and to relocate existing day nursery (Use Class D1), all with car parking, access and related works following demolition of existing buildings and hardstanding. Full planning permission is sought for the widening of the southwest and east sections of the racecourse track including associated groundworks, re-positioning of fencing, alterations to existing internal access road from More Lane and new bell-mouth accesses serving the development.
- 6.2 On a site by site basis, the proposed development comprises the enhancement sites (Sites A to F) and the facilitator sites (Sites 1 - 5).
- Outline submission - Enhancement sites*
- 6.3 Site A (Racecourse Operational Facilities) – Proposal is for a redevelopment and rationalisation of the stables, the paddock area, pre-parade ring, horse box parking area that are to be removed, with replacement facilities built to latest British Horseracing Authority Standards. Two-storey race day staff hostel accommodation (20 bedrooms) and associated facilities will be also re-provided.
- 6.4 Site B (Hotel) – Provision of a six storey, 150-bedroom hotel (Use Class C1) close to the eastern end of the Grandstand.

⁸ A 'hybrid' application is not defined in statute but is one that seeks outline planning permission for one part and full planning permission for another part on the same site.

- 6.5 Site C (Family/Community Zone) – Remodelling of the existing kart track to accommodate a new year-round family/community zone that would comprise the outdoor recreational areas, a cycle track and an indoor soft play with ancillary café building following demolition of existing buildings.
- 6.6 Site D (Rationalisation of Car Park) – Improvement of the car parking area through the installation of grasscrete surface (or similar) to assist vehicular access that is to be retained off More Lane.
- 6.7 Site F (Remodelling of Car Park) – Improvements to the existing car parking and alterations to layout through soft and hard landscaping, including relocation of the existing broadcasting compound and turnstiles/kiosk to elsewhere within Site F, and installation of a new ring main unit (an electric sub-station).

Outline submission - Facilitator sites

- 6.8 Site 1 (Residential Mews) – Implementation of a flatted mews development of approximately 15 residential units (Use Class C3) comprising a mix of 5x 1-bedroom and 10x 2-bedroom units with associated car/cycle parking, landscaping and bin stores following demolition of the existing stables and hardstanding. The proposed building would be up to three-storeys in height. Vehicular/pedestrian access would be off More Lane.
- 6.9 Site 2 (Residential Urban Frontage) – Replacement of the existing buildings with a new flatted development of approximately 49 residential units (Use Class C3) fronting Esher High Street/Portsmouth Road, comprising 4x 1-bedroom units, 26x 2-bedroom units and 19x 3-bedroom units with the associated access, undercroft car/cycle parking, landscaping and bin stores. Building's height would range between two and four storeys. The site would utilise the existing vehicular access from Portsmouth Road.
- 6.10 Site 3 (Residential Villas) – Provision of nine detached buildings fronting the racecourse accommodating approximately 114 residential units (Use Class C3) - 27x 1-bedroom units and 87x 2-bedroom units following demolition of the existing buildings. The site would be served by a new access off Lower Green Road, a surface car/cycle parking, landscaping and bin stores. The site would also provide an emergency access to the racecourse. The buildings would be of a maximum three-storeys in height.
- 6.11 Site 4 (Residential Crescent) – Development of a single, crescent form building comprising approximately 72 residential units (Use Class C3) – 2x 1-bed studios, 39x 2-bedroom units and 31x 3-bedroom units. The development would be served by a new access off Station Road, a surface in addition to a ramp accessed basement car/cycle parking, landscaping and bin stores. Building height would be stepped between four and six storeys, providing rooftop terraces and views out onto the racecourse.
- 6.12 Site 5 (Residential Villas and Day Nursery/Community Use) – Implementation of a two-storey replacement day nursery (Use Class D1) with the associated amenity space and car parking relocated to the western part of the site following demolition of the existing buildings. Demolition relates to all buildings except for the original Toll House that would be renovated and utilised as part of the proposed residential development. The remainder of the site would be utilised to provide approximately 68 residential units (Use Class C3) comprising 36x 1-bedroom, 24x 2-bedroom and 8x 3-bedroom units. The residential development would benefit from a surface car/cycle parking, landscaping and bin stores. The access to the site would be off Portsmouth Road. The height of the proposed residential buildings would be between three and four storeys.

Full application submission

- 6.13 The full element of the application relates to sites E1 and E2, and to bell-mouth accesses serving all proposed development sites and comprises:
 - Racetrack widening to the southwest and east sections of the existing racecourse track, including associated ground levelling/earthworks to the southwest section, and

re-positioning of fencing, and improvements to a section of the existing internal access road from More Lane (except for the drainage works outside of the defined red line); and

- New bell-mouth access points serving the development.

EIA development

- 6.14 Whilst the LPA does not consider that the proposals constitute the EIA development, as set out in the Screening Opinion Report (Ref: 2018/3728), the application is supported by an Environmental Statement (ES). The ES focusses on matters pertinent to the transport and the air quality. It also includes the Outline Construction Environmental Management Plan (CEMP). The aim of the Outline CEMP is to provide an overarching and strategic framework for the management of environmental effects and the implementation of measures prior to, and during the construction phase of the Proposed Development.

Phasing of development

- 6.15 The Applicant seeks to maintain racing and customer facing events in all areas of the racecourse during the implementation process. As such, it is proposed that the development would be phased. The Outline CEMP indicates that the development might come forward within a period of six years in four phases:

- Phase 1 – Site 3;
- Phase 2 – Sites 1, 2 & E; Site A (new stables); Grandstand improvements; Sites C & D⁹; new public realm entrance to Portsmouth Road;
- Phase 3 – Sites 5, B and F; and
- Phase 4 – Site 4.

On the basis of planning permission forthcoming in Q3/Q4 of 2019, it is anticipated that the construction programme would commence in late 2021.

Documents accompanying the hybrid application

- 6.16 The following plans and documents have been submitted with the application:
- Accommodation Schedule (18 February 2019), prepared by PRC Architecture & Planning Limited;
 - Affordable Housing Financial Viability Assessment (21 February 2019), prepared by Rapleys LLP;
 - Amended Green Belt Statement (12 July 2019), prepared by Rapleys LLP;
 - Amended Planning Statement (12 July 2019), prepared by Rapleys LLP;
 - Amended Statement of Community Involvement (12 July 2019), prepared by Rapleys LLP;
 - Application Drawings comprising:
 - Site Location Plan;
 - Existing Site Plans and Block Elevations;
 - Topographical Survey Plans;
 - Parameter Plans (covering access, height and refuse);
 - Indicative Layout, Zoning and Sections Plans;
 - Technical Bell Mouth Access Drawings;
 - Track Widening Drawings (two plans originally submitted showing drainage works outside of the red line were withdrawn during the application process); and
 - Drawing Registers;
 - Assessment of Drainage and Flood Risk (February 2019), prepared by Hafren Water;
 - Archaeological and Heritage Assessment (February 2019), prepared by The Environmental Dimension Partnership Ltd;
 - Bat and Great Crested Newt Survey Report (31 May 2019), prepared by Tyler Grange;
 - Design and Access Statement (Amended - July 2019), prepared by PRC Architecture & Planning Limited;

⁹ In accordance with the Outline CEMP, phasing of Sites C & D would be subject to sales and funding and could be moved to Phase 3 or 4.

- Green Belt Review (February 2019), prepared by The Environmental Dimension Partnership Ltd;
- Environmental Noise Report (18 February 2019), prepared by Sharps Redmore;
- Environmental Statement (19 February 2019), prepared by Rapleys LLP, including the following technical appendices:
 - Masterplan Transport Assessment (February 2019), prepared by TPP;
 - Outline Construction Environmental Management Plan (January 2019), prepared by Blue Sky Building;
 - Draft Residential Travel Plan (February 2019), prepared by TPP;
 - Draft Hotel Travel Plan (February 2019), prepared by TPP;
 - Draft Racecourse Travel Plan (February 2019), prepared by TPP;
 - Air Quality Methodology, prepared by Rapleys LLP;
- Final Outline Site Waste Management Statement (20 February 2019), prepared by Rapleys LLP;
- Landscape/Townscape and Visual Appraisal (February 2019), prepared by EDP;
- Lighting Impact Assessment of Existing Exterior Lighting Installations (February 2019), prepared by GWLC Lighting Consultancy;
- Masterplan (Amended – July 2019), prepared by PRC Architecture & Planning Limited;
- Need for Early Years Childcare Places in Elmbridge Borough (September 2019), prepared by Rapleys LLP, including the following documents:
 - Appendix 1 Existing Pre-School Care Providers in Elmbridge
 - Letter from Bright Horizon (nursery operator at Sandown Park) (11 September 2019)
- Non-Technical Summary [of the Environmental Statement] (19 February 2019), prepared by Rapleys LLP;
- Phase 1 Geoenvironmental Desk Study Report (October 2018), prepared by Listers Geotechnical Consultants Ltd;
- Phase 1 Geotechnical Report, prepared by Listers Geo;
- Post-Consultation Supplemental Statement (July 2019), prepared by Rapleys LLP including the following appendices:
 - Appendix 1 Arboricultural Correspondence
 - Appendix 2 Community Use Agreement Heads of Terms
 - Appendix 3 Socio-Economic Paper
 - Appendix 4 Factual Response Summary
 - Appendix 5 JCR Vision Paper
 - Appendix 6 Schedule of Works
 - Appendix 7 Sandown Park Annual Structural Survey 2018
 - Appendix 8 Indicative Programme
 - Appendix 9 Market Analysis by Savills (July 2019) and Letter from Hilton (3 June 2019)
 - Appendix 10 Environmental Enhancements
 - Appendix 11 Ecological Enhancements
 - Appendix 12 Transport Commentary and Enhancement Diagram
 - Appendix 13 Feasibility Plan to Accommodate Policy Compliant Requirement for Affordable Housing
 - Appendix 14 Plan illustrating alternative development options 1-3
 - Appendix 15 Table analysing the four alternative development options 1-3
 - Appendix 16 Examples of Local Employment Obligations
- Preliminary Arboricultural Impact Assessment (15 February 2019), prepared by Tyler Grange;
- Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (18 February 2019), prepared by Tyler Grange;
- Proposed Measures to Improve Connections Between Esher Station, Sandown Park Racecourse and Esher Town Centre (11 September 2019), prepared by TPP, including the following documents:
 - Plan 30918/AC/045 Rev A (Measures proposed to improve connections between Esher Station, Sandown Park Racecourse and Esher Town Centre)
 - The Pedestrian Pound – The business case for better streets and places (Living Streets, 2018)

- Shadow Habitats Regulations Screening Assessment (18 February 2019), prepared by Tyler Grange;
 - Sustainability and Energy Statement (February 2019), prepared by Element Sustainability Ltd.;
 - Utilities Assessment (22 January 2019), prepared by Waterman Infrastructure & Environment Limited.
- 6.17 The original application was submitted to the LPA on 22 February 2019 with the application form accompanied by a Certificate A. This Certificate confirmed that on the day 21 days before the date of the application nobody except for the Applicant, Jockey Club Racecourses Limited, was the owner¹⁰ of any part of the land or building to which the application related and that none of the land to which the application related was, or was part of, an agricultural holding.
- 6.18 The Council was however later advised by Daytona Motorsport Management Ltd that their subsidiary Daytona Sandown Park is a long-term leaseholder of the Go Kart Circuit facility within the redevelopment Site C. A clarification of this situation was requested from the agent who subsequently served a Notice under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to Daytona Sandown Park Limited.
- 6.19 As a result, the LPA invalidated and re-registered the application and publicised the application as a new submission in compliance with Articles 15 and 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) on 19 July 2019. In addition to the statutory requirements, the re-consultation included all parties who had expressed their interest about the application since February 2019, when the application was registered for the first time. In addition to the amended application form accompanied by the Certificate B, the Applicant took the opportunity to submit several amended/additional documents and plans prior to the re-consultation. The Council also amended the description of the proposed development, as it was considered to more accurately describe the various aspects of the proposals.

7. **Consultations and representations**

- 7.1 The following statutory and non-statutory bodies have been consulted as part of this application:

Table 1: Consultation responses

Consultee	Response
SCC (Local Lead Flooding Authority)	Raised no objection subject to conditions. (see chapter 9.8.5)
SCC (Archaeology)	Raised no objection subject to conditions. (see chapter 9.8.6)
SCC (Highways Authority)	Raised no objection subject to conditions and a financial contribution to be secured by a legal agreement. (see chapter 9.8.1)
SCC (Environmental Assessment Team)	The ES submitted with the application is of an acceptable standard and provides sufficient information for the LPA to proceed with the determination of the application. (see chapters 5, 9.8.1 and 9.8.7)
SCC (Education)	Raised no objection. (see chapter 9.10)
SCC Minerals and Waste)	Offered no comments.
Esher & Lakeside Drive Conservation Area Advisory Committee (CAAC)	Raised objection. The main concerns relate to the impact on the Green Belt; scale, siting and form of development on Site 4 and its impact on the setting of Café Rouge and the common land; inappropriate form of development on Site 2 in terms of the expected diverse form on the edge of town centre; Site 3 – out of context with the existing built form; Site 1 – high density development, would be visible and would harm setting of the Conservation Area. (see chapters 9.7 and 9.8.2)

¹⁰ 'Owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run.

Network Rail (South East)	Have no comments to make. (see paragraph 9.8.1.22)
Historic England	Have no comments to make.
Thames Water	No objection with regards to the waste water was raised. However, Thames Water identified that to ensure adequate water supply to the development, network upgrades are required. A condition to this extent was requested. (see chapter 9.8.8)
EBC – Head of Leisure & Cultural Services	Raised no objections to the proposals. A Community Use Agreement to be provided; and a financial contribution towards the management plan and maintenance of Littleworth Common SNCI to be secured through a legal agreement. (see chapters 9.8.4 and 9.10)
Environment Agency	Raised no objection. (see chapter 9.8.5)
Natural England	No objection, subject to appropriate mitigation associated with the ancient woodland being secured. (see chapter 9.8.4)
EBC – Environmental Services	Raised no objection, but highlighted requirements with regards to the vehicle access (for a refuse collection), location of the refuse collection points, refuse storage capacity and the internal refuse storage; which the indicative plans have not confirmed. (see chapter 9.8.8)
EBC – Environmental Health (Noise & Pollution)	Raised no objections, subject to conditions. (see chapter 9.8.7)
EBC – Environmental Health (Contaminated Land)	Raised no objections, subject to conditions. (see chapter 9.8.7)
EBC – Head of Asset Management	Offered no comments.
EBC – Tree Officer	Raised concerns about proposals on Sites 1 and A. However, the site layouts are currently only indicative as the detailed layouts would be subject to a later reserved matters/other full application/s. The Tree Officer considers that it is possible to amend these site layouts to address the raised concerns at the detailed planning stage. If this advice is followed, the objection on arboricultural grounds would be withdrawn. (see chapter 9.8.4)
Surrey Police (Secure by Design)	Raise objection, as the current submission offers insufficient information with regards to the safety and security issues. They however requested a condition to achieve a full Secured by Design award. (see paragraphs 9.8.3.18 – 9.8.3.19)
Surrey Wildlife Trust (SWT)	Raised no objections, subject to conditions. Furthermore, requested the Applicant to enter into a legal obligation to secure the long-term maintenance of Littleworth Common SNCI. (see chapter 9.8.4)
Surrey Bat Group (SBG)	Raised concerns in their original consultation response, as the submitted ecological documentation contained insufficient information regarding bats. Following the submission of the 'Bat and Great Crested Newt Survey Report', SBG advised that the surveys on Sites C, 2 and 3 were not carried out in accordance with the best practice; and therefore suggested that further surveys were required. (see chapter 9.8.4)
Sport England	The site is not considered to form part of, or constitute a playing field, as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015 No. 595), therefore Sport England has considered this a non-statutory consultation. They raise no objection.
Scotia Gas Networks	Raised no objection. (see paragraph 9.8.8.3)
UK Power Networks	Offered no comments.

Representations

7.2 At the time of printing, a total of 671 letters of objection from 523 addresses (98% of which are from the local area) have been received, concerned with the following issues:

- Highway and transport implications (see officer's comments in chapter 9.8.1)
 - Increased traffic volumes and parking implications particularly along Portsmouth Road, More Lane and Lower Green Road
 - Highway safety issues (e.g. proximity of school)
 - The impact on public transport, particularly with regards to the railway network (trains are already full)
- Impact on the Green Belt (see officer's comments in chapter 9.7)
 - Loss of Green Belt (urban sprawl)
 - Principle of development in the Green Belt
- Impact on the local amenities
 - Particularly with regards to inadequate provision of school places and GP surgeries (see officer's comments in chapter 9.10)
 - Impact on utilities (see officer's comments in chapter 9.8.8)
 - Impact of pollution (air quality) (see officer's comments in chapter 9.8.7)
 - Loss of residential amenities to neighbouring residents (see officer's comments in chapter 9.8.3)
 - Additional strain on refuse collection (see officer's comments in chapter 9.8.8)
- Impact on the character of the area (see officer's comments in chapter 9.8.2)
 - Out of keeping with the character of the surrounding area (overdevelopment, density, scale and height)
 - Impact on landscape (loss of open space) and heritage assets
 - Impact on biodiversity and loss of trees (see officer's comments in chapter 9.8.4)
- Applicant's motivation for the development and viability (see officer's comments in chapters 9.9.1.1 and 9.9.2.2)
- Flooding implications (see officer's comments in chapter 9.8.5)
- The proposed community facilities would be of no/limited benefit (see officer's comments in chapter 9.9.2.3)
- Cumulative impact of development on the area (including others in the pipeline or being built) (see officer's comments in chapter 11)
- Loss of staff housing (see officer's comments in chapter 11)
- Impact on local businesses (soft play to be shut down; go karting) (see officer's comments in chapter 11)
- Objection to the proposed pedestrian link path (see officer's comments in chapter 11)
- Disruption and disturbance during the construction phase (see officer's comments in chapter 11)

7.3 In addition, 85 letters of support from 83 addresses (79% of which are from outside of the Borough) have been also received, which highlighted the following matters:

- Need for improved facilities to keep Sandown competitive
- Improved facilities for jockeys and horses and improved horse welfare
- Economic gain to, and enhanced reputation of the area
- Provision of affordable housing
- Provision of a hotel and leisure facilities
- Benefits of the proposed nursery
- Proposal would be a good use of land
- Development mainly on previously developed land
- Improved access to public transport
- Traffic is an issue outside of the Applicant's or the Council's control

These matters are discussed throughout the report below.

7.4 Furthermore, 28 letters of observation from 13 addresses (all from the local area) have been also received. These raised a wide variety of points. Any letter of observation that raised a

concern about the proposed development was considered as a letter of objection and summarised above. The observations' summary:

- The application should potentially be split up into its component parts, as a hybrid application adds to the complexity (see officer's comments in chapter 11)
- All utility companies should be consulted, not just Thames Water (see officer's comments in chapter 9.8.8)
- Unclear if UK Power Network would be able to run cables to the sites (see officer's comments in paragraph 9.8.8.4)
- Have all the neighbouring residents been consulted, and have all the commercial units in Esher been consulted? (see officer's comments in paragraph 8.3)
- Previous application in 1972 located in the area of Site 3 was refused for impact on Green Belt. Where would equipment currently stored on location of Site 3 be re-located to? (see officer's comments in paragraph 4.11 and chapter 11)
- Requested that Surrey County Council Highways make an assessment of highway implications for both during and after the proposed works (see officer's comments in chapter 9.8.1)
- If the application is to be refused the decision notice should contain all the reasons for the refusal (see officer's comments in chapter 11)
- Supporting documentation is too lengthy for the public to go through with multiple documents of several hundred pages. Some of the data and statements are questionable. Officer report should include a statement on each document and its contents (see officer's comments in chapter 11)
- Need to have further details of a potential access to Site 4 from the Café Rouge site (see officer's comments in chapter 11)
- Environmental Statement – figures 8.1 to 8.6 appear as blank on the uploaded document (see officer's comments in chapter 11)
- A retirement complex should be built instead of housing (see officer's comments in chapter 11)
- Where will the staff currently living on the location of Site 3 be moved to? Should the cost of housing them be included in the viability assessment? (see officer's comments in chapter 11)
- There is a potential legal issue due to a restrictive covenant on the land (horseracing), which includes the majority of Site 3 (see officer's comments in chapter 11)
- Request for a full consultation following receipt of amended plans and documents (see officer's comments in paragraph 6.19)
- Noted that the Eclipse building has been removed from the planning documents (see officer's comments in chapter 11)
- Requested that pre-application advice be made public (see officer's comments in chapter 11)
- Query regarding how the figures used in the viability assessment were arrived at and how they were derived. Request for a layman's explanation in the officer report with regard to viability (see officer's comments in chapter 9.9.2.2 and the responses from the Council's viability consultants available on the Council's website¹¹)
- It is not particularly clear who would fund the improved nursery. It would only offer a small increase in the number of places so would have little impact on the under-supply. The figures for the nursery need are questionable (see officer's comments in chapters 9.9.2.3 and 11).

8. Positive and Proactive Engagement

- 8.1 The revised NPPF requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. Policy DM1 of the Development Management Plan (2015) confirms that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development

¹¹ Please see www.elmbridge.gov.uk/planning ('Viability Information' under the application reference 2019/0551)

contained in the National Planning Policy Framework. It would always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. To fulfil the national and local policy requirement in these terms, Elmbridge offers the availability of pre-application advice.

8.2 Formal pre-application advice (ref. PreApp95327249) secured by way of a Planning Performance Agreement was sought. The advice associated with the following matters was offered:

- Procedural issues:
 - EIA screening;
 - Types and number of future applications, validation requirements;
 - Consultees;
 - Timing and processing of the future application;
- Planning material considerations:
 - Principle of development/redevelopment – enhancement and enabling sites;
 - Green Belt, affordable housing and viability, masterplan;
 - Heritage assets, landscape, ecology and trees;
 - Highway implications;
 - Pollution (noise, lighting, air quality);
 - Flood risk and utilities;
 - S106 and phasing;
- Engagement with stakeholders.

Consultation with the stakeholders by the Council

8.3 The current application was publicised in accordance with Articles 15 and 16 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Council sent letters inviting comments to a total of 1858 households in the vicinity of the Sandown Racecourse Site. Seven site notices were displayed around the Site and a notice was published in the local newspaper (Surrey Advertiser) as part of each of the two public consultations.

Statement of Community Involvement

8.4 The application is accompanied by a Statement of Community Involvement (SCI) that confirms that the Applicant engaged with the local community, Elmbridge Borough Council, statutory consultees and other bodies about the development proposals at Sandown Racecourse prior to the submission of the current application. Two public exhibitions took place, one in December 2018 and the second in January 2019. To publicise the events, promotional invitations (over 2,000 prior to each exhibition) were distributed. Online gallery was set up to allow the public to view the presentation boards following both public exhibitions. Approximately 400 people attended the events and 268 feedback forms were collected. Summary of received responses and the Applicant's reply to the matters raised are included in the SCI.

9. Planning Considerations

- 9.1 The application was submitted in a hybrid form and therefore some aspects of the proposal are in the outline, and certain elements in the full application form.
- 9.2 The primary planning consideration when considering the outline proposals is the acceptability of the principle of the proposed development. In this instance, the application was submitted with the detailed plans associated with the proposed access arrangements. The access considerations include the accessibility to and within the site/s for vehicles, cycles and pedestrians in terms of the positioning and treatment of the proposed access and circulation routes and how these fit into the surrounding access network.
- 9.3 As the outline application is concerned with the access details only, the remaining matters (appearance¹², landscaping¹³, layout¹⁴ and scale¹⁵, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) are the reserved matters that are excluded from the considerations under the current proposals and would be subject to the reserved matters application/s should the outline permission be granted.
- 9.4 The outline proposals broadly relate to the enhancement sites, specifically to the development, redevelopment or modification of the existing operational facilities associated with The Site's use as a racecourse and include the provision of stables, paddock area, pre-parade ring, horse box parking, hostel for the racecourse visitors (jockeys,...) and car parking areas; and to the facilitator sites seeking to provide up to 318 residential units.
- 9.5 The detailed proposals subject to a full planning application include proposals for the widening of the two sections of the racecourse track with associated groundworks, re-positioning of fencing, alterations to existing internal access road from More Lane and the new bell-mouth accesses serving the development.
- 9.6 On the basis of the above, the planning considerations relevant to the determination of the current application are:

9.7 Principle of development and impact on the Green Belt

- 9.7.1 Planning policy and case law background
- 9.7.2 Purposes of including land within the Green Belt
- 9.7.3 Spatial and visual impact on the openness of the Green Belt
- 9.7.4 Conclusion on the impact of the proposed development on the openness of the Green Belt

9.8 Any other harm

- 9.8.1 Highway implications
- 9.8.2 Impact on the character of the surrounding area including heritage assets, landscape and visual amenities
- 9.8.3 Impact on residential amenities
- 9.8.4 Impact on biodiversity including trees
- 9.8.5 Flooding implications and SuDS

¹² means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture

¹³ means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

¹⁴ means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development

¹⁵ means the height, width and length of each building proposed within the development in relation to its surroundings

- 9.8.6 Archaeology
- 9.8.7 Pollution
- 9.8.8 Utilities and waste management

9.9 Benefits of the scheme

- 9.9.1 Economic benefits
 - 9.9.1.1 *Need for the improved racecourse facilities*
 - 9.9.1.2 *Provision of a hotel*
- 9.9.2 Social benefits
 - 9.9.2.1 *Meeting housing need*
 - 9.9.2.2 *Contribution towards the affordable housing*
 - 9.9.2.3 *Provision of community facilities*
 - 9.9.2.4 *Interpretation boards*
 - 9.9.2.5 *Integration between town centre and railway station*
- 9.9.3 Environmental benefits
 - 9.9.3.1 *The site's sustainable location*
 - 9.9.3.2 *Ecological improvements*
 - 9.9.3.3 *Heritage improvements*
- 9.9.4 Summary of the identified harm and benefits

9.10 Financial considerations

9.11 Whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations

9.7 Principle of development and impact on the Green Belt

9.7.1 Planning policy and case law background

9.7.1.1 The Development Management Plan (2015) forms part of the Elmbridge Local Plan and includes two specific Green Belt policies, Policy DM17 and Policy DM18 that would be relevant to the Green Belt considerations of the proposed development scheme. A further policy concerned with the 'Horse-related uses is Policy DM19.

9.7.1.2 Policy DM17 is associated with development of new buildings in the Green Belt and states that *'in order to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless the applicant can demonstrate very special circumstances that will clearly outweigh the harm.'* It confirms that *'built development for outdoor sport, recreation and cemeteries will need to demonstrate that the building's function is ancillary and appropriate to the use and that it would not be practical to re-use or adapt any existing buildings on the site. Proposals should be sited and designed to minimise the impact on the openness of the Green Belt and should include a high quality landscape scheme.'* Finally, it clarifies that *'proposals for the limited infilling or the partial or complete redevelopment of previously developed sites will be considered in light of the size, height, type, layout and impact of existing buildings, structures and hard standing, together with the degree of dispersal throughout the site of existing and proposed development.'*

9.7.1.3 Policy DM18 is relevant where development of existing buildings is proposed. It confirms that *'the replacement of a building in the same use will be permitted provided that the new building is not materially larger than the one it replaces. Support will be given to proposals that do not have a materially greater impact on the openness of the Green Belt and, in particular:*

- i. Are well designed to respond to the context of the site and the character of the area, taking into account the particular visual sensitivity of open and prominent locations*
- ii. Do not result in an increase beyond 10% in volume and 10% in footprint*
- iii. Do not materially increase the overall height of the building, and*
- iv. Are sited in the same position as the existing building or in a preferable position within the site to maximise the openness of the Green Belt.'*

9.7.1.4 Policy DM19 clarifies the LPA's position with regards to the horse-related developments and sets out specific requirements for such developments. It states that:

- a. New development associated with appropriate horse-related activities will be permitted, including within the Green Belt provided it complies with policy, if it would respect the character and amenity of the area without resulting in undue pressure on local infrastructure, nature conservation and biodiversity.*
- b. Proposals for new buildings, extensions to existing buildings and means of enclosure should achieve a high standard of design and use sensitive materials that reflect local character, particularly in the Green Belt and other open areas, and be of a scale that is proportionate to the activity proposed. Appropriate provision should be made for access, storage and waste associated with the activity, especially in residential areas.*
- c. Proposals will be expected to incorporate a high quality landscape scheme into the design, especially within the Green Belt and other open areas, in order to integrate the development into the natural landscape.'*

9.7.1.5 The NPPF states that Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt being their openness and permanence. Inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances.

9.7.1.6 Paragraph 145 of the NPPF confirms that *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*

- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

9.7.1.7 Paragraph 146 of the NPPF identifies that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) *mineral extraction;*
- b) *engineering operations;*
- c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order.'*

9.7.1.8 The PPG was revised in July 2019 to include the advice on the role of the Green Belt in the planning system¹⁶. Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; or
- the degree of activity likely to be generated, such as traffic generation.

9.7.1.9 The PPG identified that the decisions of courts assist the LPAs in determination of proposals in the Green Belts. The openness is defined in the case law as the absence of development¹⁷; and the absence of any form of development, not only operational development¹⁸. The concept of 'openness' is not limited to the volumetric approach. It is relevant to consider how built up the Green Belt is now and how built up it would be if redevelopment occurs (volumetric matters could be one of the material considerations to establish this)¹⁹. Having regard to the policy as a whole, it is for the decision maker to decide, which factors are relevant to the assessment of the development's impact on the openness of the Green Belt on a case-by-case basis²⁰. The case law also confirms that development that is not 'inappropriate' in the Green Belt (development identified as an exception to

¹⁶ Reference ID: 64-002-20190722

¹⁷ R (Lee Valley Regional Park Authority) v Epping Forrest DC [2016]

¹⁸ Turner [2015] EWHC 2728 (Admin)

¹⁹ Turner [2016] EWCA Civ 466

²⁰ R Samuel Smith Old Brewery (Tadcaster) (An Unlimited Company), Oxtou Farm (An Unlimited Company) v North Yorkshire County Council [2017]

inappropriate development) should not be regarded as harmful either to the openness of the Green Belt or the purposes of including land in the Green Belt.²¹

9.7.2 Purposes of including land within the Green Belt

9.7.2.1 Paragraph 133 of the revised NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 continues to clarify the purposes the Green Belt serves to:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.7.2.2 The Elmbridge Council commissioned a Green Belt Boundary Review ('Review') in 2016 as part of the evidence base works associated with the preparation of the new Local Plan. The Review was concerned with all Green Belt land, as defined in the current Local Plan, and the non-Green Belt land that might be considered for inclusion in the Green Belt, in order to establish their role in fulfilling the purposes for their designation. In accordance with the national policy, Green Belts intend to serve five purposes as set out above, for which they are designated. Whilst some landscape elements are used in the Review to, for example establish boundaries of specific parcels of land, the landscape quality is not the reason for a Green Belt designation.

9.7.2.3 The nationally set purposes for inclusion of land within the Green Belt together with their assessment as established in the Review are set out in the table below:

Table 2: Purposes of the Green Belt in Elmbridge

Purpose	Assessment of purpose in Elmbridge
1. To check unrestricted sprawl of large built-up areas	The original strategic purpose of the Metropolitan Green Belt was to check the sprawl of London. However, given only part of Elmbridge is directly adjacent to Greater London, the Review also considers the role of Local Areas in restricting the sprawl of large built-up areas across the Borough and within neighbouring local authorities. The Review adopted a definition of 'sprawl' as the outward spread of a large built-up area at its periphery in a sporadic, dispersed or irregular way. The consideration was given to whether the Local Area is situated at the edge of one or more distinct large built-up areas; and the degree to which the Local Area is contained by built-form, the nature of this physical containment, the linkage to the wider Green Belt and the extent to which the edge of the built-up area has a strongly defined, regular or consistent boundary.
2. To prevent neighbouring towns merging into one another	In addition to protecting existing gaps between towns, this purpose also forms the basis for maintaining the existing settlement pattern. Given the general concentration of development outside of the Green Belt in Elmbridge, the assessment of Local Areas considered gaps between all non-Green Belt settlements. In the assessment, the Review used the following definitions: 'Essential gaps', where development would significantly reduce the perceived or actual distance between settlements. 'Wider gaps', where limited development may be possible without

²¹ R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404

	coalescence between settlements. 'Less essential gaps', where development is likely to be possible without any risk of coalescence between settlements.
3. To assist in safeguarding the countryside from encroachment	This purpose seeks to safeguard the countryside from encroachment, or a gradual advancement of urbanising influences through physical development or land use change. The assessment considered openness and the extent to which the Green Belt can be characterised as 'countryside', thus resisting encroachment from development. Openness refers to the extent to which Green Belt land could be considered free from/absence of built development. Historic open land uses associated with the urban fringe and urban characteristics as well as the countryside include, but are not limited to, mineral working and landfill, public utilities, motorways and their intersections, educational institutions, hotels and some small areas of residential development.
4. To preserve the setting and special character of historic towns	This purpose serves to protect the setting of historic settlements by retaining the surrounding open land or by retaining the landscape context for historic centres. In practice, this purpose relates to very few settlements largely due to the pattern of modern development that often envelopes historic towns today. It was concluded that Purpose 4 was not relevant to the Review, given that there were considered to be no instances where historic towns/cores directly abutted the Green Belt and where the Green Belt played a functional role in the setting of such historic settlements.
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Purpose 5 focuses on assisting urban regeneration through the recycling of derelict and other urban land. The amount of land within urban areas that could be developed would already have been factored in before identifying the Green Belt land. Therefore, assessment of Green Belt against this purpose was not considered to enable a distinction between Local Areas, as all Green Belt achieves the purpose to the same extent. Furthermore, there are no planned urban regeneration schemes that would have been inhibited by the Green Belt designations. At the time of the assessment and currently, Elmbridge Borough Council has not been able to meet its housing need within the existing urban areas due to a lack of identifiable sites and therefore purpose 5 does not apply.

9.7.2.4 Within Elmbridge, two tiers of Green Belt land were identified – strategic Green Belt areas ('Strategic Areas') and local Green Belt areas ('Local Areas'). The Strategic Areas are three broad areas identified through common landscape character, natural barriers and their functional connections within the wider Metropolitan Green Belt. Local Areas form more granular parcels that were in the Review further assessed against the NPPF's purposes for their inclusion within the Green Belt.

9.7.2.5 The Site is situated within the Strategic Area A, a northern band of Green Belt separating the London fringe settlements of Molesey, Thames Ditton, Long Ditton and Hinchley Wood from settlements to the south²². The area is fragmented in nature, often reduced into small pockets of green space utilised for functional infrastructure and recreational uses. Incorporating the northern reaches of the River Thames and floodplains of Lower Mole, the Strategic Area is degraded in places and includes a series of large elevated reservoirs extending north-westwards into Spelthorne and other industrial uses, such as water

²² Please see Figure 2 - Extent of the Green Belt in the north Elmbridge with the Greater London large built-up area (pink) to its north and east (the approximate location of the Site is indicated in a black oval) [Source: Elmbridge BC Green Belt Boundary Review – Methodology and Assessment 2016]

treatment works at Walton and Esher, or the Sunbury Lock gas works. The area also includes green space within urban areas, such as Sandown Park Racecourse, golf courses, and sports pitches. Tranquillity tends to be lower than in the other Strategic Areas. The openness of the Green Belt around Esher is to an extent truncated by properties on More Lane and the Sandown Park Racecourse.

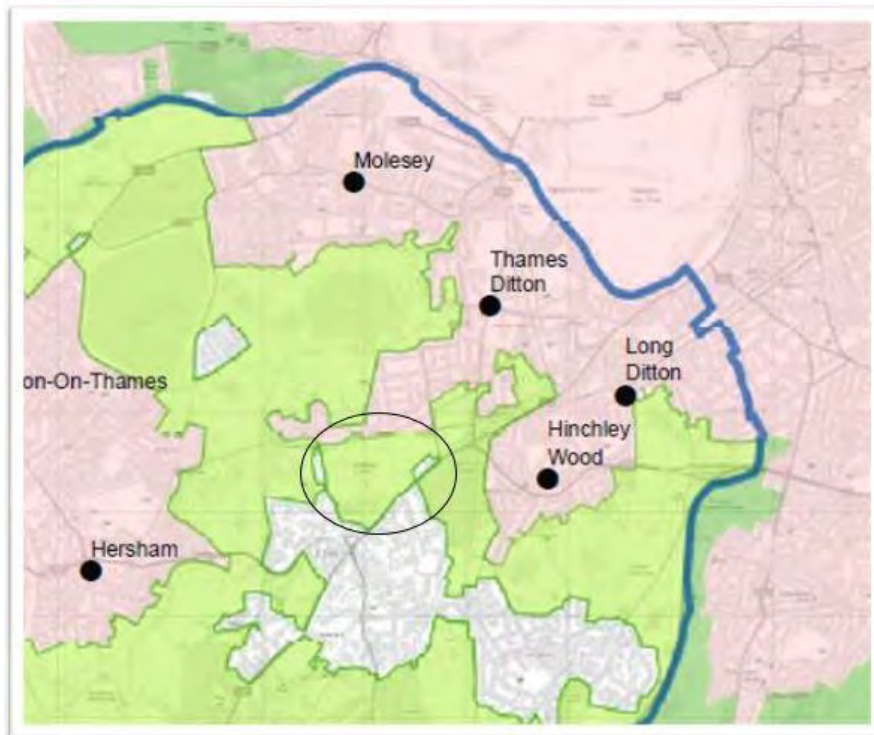


Figure 2: Extent of the Green Belt in the north Elmbridge with the Greater London large built-up area

9.7.2.6 At the strategic level, the Strategic Area A plays an important role in meeting the fundamental aim of Green Belt policy by preventing urban sprawl of London, i.e. keeping land permanently open. The Review concludes that the area meets the Purpose 1 very strongly by acting as an important barrier to the potential sprawl from the Greater London built-up area and a few large built-up areas within Surrey. By establishing important gaps between several Surrey towns, the area performs very strongly against the second purpose. However, due to its fragmented nature and the prevalence of man-made/industrial uses, especially in its western section, the Strategic Area A performs weakly against the third purpose. In conclusion, whilst the importance of this Strategic Area as part of a wider Green Belt network is acknowledged, a change could be potentially accommodated without causing any further harm to its integrity in some more fragmented and/or degraded parts of the Green Belt.

9.7.2.7 Within the Review, the Site in its entirety lies within parcel 52²³. The study scored this parcel of land in terms of the first purpose at a rate of 3 ('moderate') [0 being the lowest; and 5 being the highest performing]. The land parcel is connected with the large built-up area of Greater London, preventing its outward sprawl into open land. The boundary between the land parcel and the built up area of Thames Ditton is durable and permanent, consisting of a railway line and the Lower Green Road. The Site scored 5 ('strong or very strong') in considerations of the second purpose, confirming that the land parcel forms part of the essential gap between the non-Green Belt settlements of Greater London (Thames Ditton and Lower Green) and Esher. Despite its small size, the local area was identified to maintain a relatively open character and to provide an important visual gap between the two settlements. Development in the land parcel was considered to likely result in their coalescence. With regards to the third purpose, the Site scored 2 ('relatively weak'). The

²³ Please see Figure 3 - Green Belt Local Area parcels, as identified by the Elmbridge Green Belt Boundary Review 2016

Review confirmed that 14% of the land parcel is covered by built form. The land comprises of managed private open space with a number of buildings and hard standing structures dispersed across the site. While the racecourse maintains a high level of openness, the concentration of structures and hard standing linked to the racecourse, the motor racing circuit and the managed nature of the land contribute to a semi-urban character.

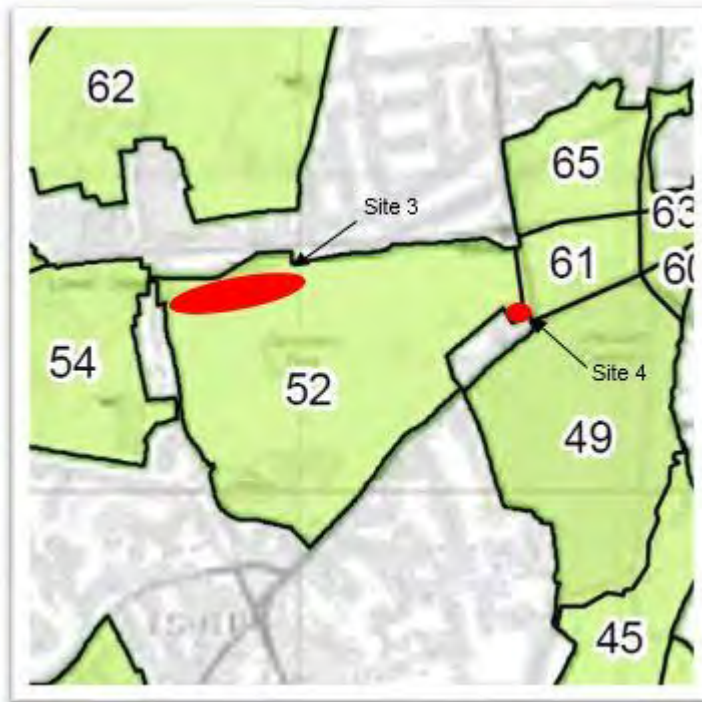


Figure 3: Green Belt parcels (the Site lies within Parcel 52) and the approximate locations of Sites 3 and 4

9.7.2.8 A further supplementary work ('Sub Division Report 2018') associated with the Green Belt Review assessing smaller, sub-areas was produced in December 2018. This looked at the performance of smaller sub-areas in relation to the wider Local Areas considered in the 2016 Review. The purpose of the Supplementary Review 2018 was to help explore all reasonable options for meeting the objectively assessed need for development.

9.7.2.9 Despite sections of the Site being covered by a built form (previously developed land²⁴), large areas of the racecourse remain undeveloped (greenfield land). A proportion of the proposed development would be situated on PDL, however elements of the enabling development would occur within greenfield land, specifically on Sites 3 and 4. None of the proposed development is considered to adversely impact on the fourth purpose, as the Site does not preserve the setting and special character of historic towns.

Sites 1, 2, 5, A, B, C and F

9.7.2.10 Facilitator sites 1, 2 and 5 that are proposed to accommodate the residential development, as well as the Enhancement sites A, B, C and F, which include the improved facilities in association with the existing use of the Site as a racecourse, are situated on PDL. The development associated with the areas of PDL would not further physically

²⁴ In the meaning of the NPPF the previously developed land (PDL) is 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

encroach on the openness of the Green Belt in terms of the purposes outlined in the planning policy. The impact of the proposed development on the Green Belt on Sites D, E1 and E2 is considered separately in the following chapter.

Sites D, E1 and E2

9.7.2.11 Sites E1 and E2 represent landscaping with the addition of drainage works. Their spatial and visual impact would be assessed separately below, however in association with the 'purposes of the Green Belt' matters, these are not considered to impact upon the openness of the Green Belt.

9.7.2.12 Site D is partially situated on a PDL and partially on a greenfield land. Parts of the site are proposed to be laid by grasscrete system with a large area to the west of the site being retained as existing, laid to the grass. The first Purpose is not considered to be affected, as the site is not situated on the edge of a large built-up area. Located centrally within the perimeter of the racecourse track, the proposal is not considered to impact upon the second Purpose. The whole Site performs relatively weakly against the third Purpose. As the proposed hardstanding area would encroach on the areas that have not been subject of any previous development, the proposal is considered to impact on the third Purpose. However, as the overall performance of the Site is relatively weak, the level of impact is considered to be modest.

Site 3

9.7.2.13 Site 3 is partially situated on PDL and partially on greenfield land. As the proposed built form would exceed the areas currently occupied by the built form and its curtilage, the proposed development on this site has potential to detrimentally impact upon the openness of the Green Belt with regards to its purposes. The site is situated immediately to the south of properties in Lower Green Road and therefore on the edge of a large built-up area²⁵. Site 3 comprises a fairly narrow strip of land (between 37m and 77m wide) and shares its northern boundary with the boundary of the Green Belt designation adjacent to 'the *Greater London large built-up area*'. This area was identified in the Sub Division Report 2018 as the Sub-Area SA-70 and considered to meet Purpose 1 - moderately, Purpose 2 - strongly and Purpose 3 – weakly. Despite its scale, the sub-area plays a critical role in preventing the further coalescence of Esher and Greater London (Weston Green) settlements, by preventing further ribbon development along Lower Green Road / More Lane and maintaining physical separation between the two settlements. The sub-area also prevents the further southward sprawl of the Greater London large built-up area (Purpose 1). However, the sub-area performs weakly against Purpose 3 in line with the wider Local Area due to the strong urbanising influences and relatively small-scale. Overall therefore, the proposed development on Site 3 is considered to adversely impact on Purposes 1 and 2, and less detrimentally against Purpose 3.

Site 4

9.7.2.14 Site 4 is an infill plot of land situated to the northeast of a mixed-use urban section of Esher²⁶. The exclusion of Site 4 from the urban area appears as an anomaly, as naturally the Green Belt boundary could have followed the northern boundary of the neighbouring built plots up to its intersection with Station Road. Nevertheless, Site 4 lies within the designation of the Green Belt. This area was identified in the Sub Division Report 2018 as the Sub-Area SA-69 and considered to fail to meet Purpose 1, meeting Purpose 2 - weakly and Purpose 3 – weakly. Due to its size and physical enclosure, it performs a lesser role against Purpose 2. As the sub-area comprises a small paddock field, bounded by development, it plays weak role in maintaining the openness of the countryside, in line with the wider Local Area, making a less important contribution to the wider Strategic Green Belt. Overall therefore, the proposed development on Site 4 is not considered to impact on Purpose 1 and to result in a limited negative impact on Purposes 2 and 3.

²⁵ Please see Figure 2 and Figure 3

²⁶ Please see Figure 4 - Location of Site 4 relative to the adjacent built up area; and the Green Belt designation



Figure 4: Location of Site 4 relative to the adjacent built up area; and the Green Belt designation

Conclusion on the potential impact of the development on the purposes for including land within the Green Belt

9.7.2.15 In conclusion on the impact of the proposed development on purposes of inclusion of land within the Green Belt, at the strategic level, the proposal would have limited impact on the very strong performances associated with purposes 1 and 2; and on the existing relatively weak performance under purpose 3. The assessment concerned with the local level parcel 52, Sites 1, 2, 5, A, B, C and F are not considered to result in any greater impact than the existing built form. However, Site 3 would adversely impact on purposes 1, 2 and 3; and Site 4 on purpose 3. Therefore, the proposed development (Site 3 only) would result in a level of impact on the existing moderate performance against purpose 1; and limited impact against the existing strong/very strong performance with regards to purpose 2. As the Site performs relatively weakly against purpose 3, Site 3 would result in a limited impact under this criterion. However, due to its greenfield nature, the proposed development on Site 4 is considered to result in an adverse impact on the openness of the Green Belt with regards to the third purpose. None of the proposed development is considered to adversely impact on the fourth purpose, as the Site does not preserve the setting and special character of historic towns; or the fifth purpose, due to the lack of the existing urban land suitable for development. Based on the above, it is considered that the proposed development on Sites 3 and 4 would result in a level of impact on the purposes of inclusion of land within the Green Belt - adverse impact on Purposes 1 and 2, and less detrimental impact against Purpose 3 on Site 3; and a limited negative impact on Purposes 2 and 3 on Site 4.

9.7.3 Spatial and visual impact on the openness of the Green Belt

9.7.3.1 The case law confirms that the visual impact, as well as the spatial impact, are relevant to the assessment of the effect of a development on openness. It is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt²⁷. The visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt²⁸.

²⁷ Goodman [2017] EWHC 947 (Admin)

²⁸ Turner [2016] EWCA Civ 466

9.7.3.2 The proposed development comprises a mixture of uses including C1, C3, D1, D2 and *sui generis*²⁹ (the racecourse itself and the associated car parking areas). Sections of the Site subject of this application fall outside of areas defined as PDL. As a result, a single exception to inappropriate development listed in paragraphs 145 or 146, for example the partial or complete redevelopment of the PDL (paragraph 145 g), cannot be used in association with this proposed mixed use scheme. On this basis, the proposed development is assessed in the light of the Elmbridge Local Plan policies and the appropriate criteria set out in the NPPF.

PDL sites (Sites 1, 2, 5, A, B, C and F)

9.7.3.3 In the LPA's opinion, the proposed development on the above sites should be considered against Policies DM17 and DM18, and the relevant exceptions in paragraphs 145 and 146 of the NPPF. With regards to the exception g) in paragraph 145 that states that '*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would [...] not cause substantial harm* [our emphasis] *to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*'; the national policy does not offer a clarification on what the 'substantial harm to the openness of the Green Belt' within this exception mean. Policy DM17 however advises that the proposed size, height, type, layout and a degree of dispersal in comparison with the existing built form would be considered. These parameters could therefore assist in the assessment of level of harm.

Site 1

9.7.3.4 Site 1 is currently occupied by single storey stables with average ridge height between 3m to 4.4m. Whilst the scale and layout are the reserved matters, the Applicant provided indicative site layout and parameter plans. These indicate that a comparable built form with regards to the hardstanding and building footprint is proposed, however the indicative height of the proposed apartment building would be between 4.65m and 10.95m. It is proposed that 100% of the 15 flats to be implemented on Site 1 would be affordable. The proposed development would be likely more in part than twice as high as the existing built form. The indicative layout stipulates that the building might be of a compact form, situated centrally within the site surrounded by hardstanding and some soft landscaping, which would reduce the dispersal of the built form in comparison with the existing. As the massing of the development is currently unknown and the layout is only indicative at this stage, the height appears to be the only indicator that the development would be larger than that it replaces, i.e. potentially resulting in a negative impact on the openness of the Green Belt.

9.7.3.5 Indicative cross-sections have been submitted with the application. These indicate that visually, the proposed development might not be of such a great massing as to overpower the existing built form in the immediate surroundings. The ground levels of Site 1 slope up to the north towards The Warren and there is a slight gradient in More Lane in the same direction. As such, the adjacent neighbouring properties are set on a slightly lower ground than the proposed development. Whilst the proposal is likely to be considerably higher than the one it replaces, the staggered nature of the existing built form, and with the backdrop of higher 'The Warren', the proposal might not result in a visually intrusive or overly dominant feature in the setting of the surrounding environment. On this basis it is considered that the proposed development could potentially result in very limited, if any, visual harm to the openness of the Green Belt.

²⁹ Racecourses and training establishments for race horses should be regarded as *sui generis* uses. It might be argued that for the jockeys (as well as the horses) it certainly involves physical exertion, but the primary focus is on the performance of the horses, and so there must be some doubt as to whether horse racing meets the criterion laid down by *Millington v SSETR* [1999] 78 P. & C.R. 373; (1999) J.P.L. 644 (subsequently approved by the Court of Appeal – [2000] J.P.L. 297) and by *Rugby Football Union v SSCLG* [2001] EWHC 927 (Admin), whereby both held that Class D2(e) is in practice restricted to uses that involve physical exercise. As with other spectator sports, horse racing clearly does not involve any physical exertion on the part of the race goers.

- 9.7.3.6 The identified impact on the visual dimension would be very limited, if any. The assessment of the impact on the purposes of inclusion of land within the Green Belt above concluded that the proposed development on Site 1 would have no detrimental impact on these purposes. As such, the proposed development on Site 1 is therefore not considered to result in 'substantial' harm to the openness of the Green Belt. Considering that the site would provide 100% affordable housing, contributing towards the meeting the identified affordable housing need in the Borough, it is considered that the proposed development on Site 1 would benefit from the exception to inappropriate development set out in paragraph 145 g) of the NPPF and would therefore not constitute an inappropriate development.

Site 2

- 9.7.3.7 Site 2 is predominantly laid to hardstanding with a single storey stable block of heights varying between 3.4m and 4.4m to its west boundary. The ground levels rise to the northwest. The proposed development would likely comprise a single building accommodating 49 flats, all of which would be affordable. The indicative plans show that the footprint of the proposed building would likely almost infill the whole site and the indicative height would potentially vary between 4.65m and 14.1m.
- 9.7.3.8 The proposed development is likely to be substantially greater in scale, massing, height and footprint than the existing built form and is therefore considered to likely result in a substantial harm to the spatial dimension of the Green Belt. The proposed building would result in the loss of the tree-lined front boundary and whilst some replacement soft landscaping is indicated, the proposed building would be very apparent within the Portsmouth Road frontage. The fact that the existing single storey stables to the side boundary with the considerably larger expanse of hardstanding across the site would be replaced by up to a 4-storey building along the whole site's frontage is considered to amount to a significant impact upon the visual dimension of the Green Belt. Based on the assessment of the impact on purposes for inclusion of this piece of land within the Green Belt, the proposed development on Site 2 would not result in any harm in these terms. In conclusion therefore, whilst the proposed development would provide 100% affordable housing, it has been identified that it would result in a significant impact on the openness of the Green Belt. As such, the proposal on Site 2 is not considered to benefit from the exception within Policy DM17 or paragraph 145 g) of the NPPF and constitutes inappropriate development.

Site 5

- 9.7.3.9 Site 5 accommodates a single storey building currently in use as a day nursery with the associated two-storey dwelling, both to the east section of the site. The remainder of the site is laid to hardstanding. The nursery building is 4.8m high with the dwelling being a maximum of 8.2m high. The scheme proposes the implementation of 68 apartments and a re-provision of a day nursery. The indicative layout/parameter plans include four up-to 4-storey, 14.1m high buildings comprising apartments, one two-storey (7.8m high) detached building to be used as a day nursery with four single storey bin/bikes storage outbuildings (4.65m in height) while retaining the original part of the locally listed Toll House. In comparison with the existing built form and despite the proposed demolition of the detached dwelling and part of the Toll House, as indicated the proposed development would be likely of a significantly greater footprint, mass, height and dispersal throughout the site. As such, the proposal would likely result in a substantial harm to both, the spatial and visual dimensions of the Green Belt. As assessed earlier in this report, the development on Site 5 is unlikely to result in any impact on purposes for which this piece of land has been designated within the Green Belt. In conclusion, the proposal would likely result in a substantial harm to both, the spatial and visual dimensions of the Green Belt that would not benefit from the exceptions to inappropriate development. As a result, the development proposals on Site 5 constitute inappropriate development.

Site A

- 9.7.3.10 Site A facilitates the ancillary areas associated with the racecourse and includes a two-storey detached hotel, a pre-parade ring, single storey stables and a large expanse of hardstanding areas. The hotel building has a ridge height of 8.9m. The height of the existing stable buildings varies between 3m and 5.3m. The proposal incorporates replacement stables/tack boxes, a storage outbuilding, a relocated pre-parade ring with further surrounding ancillary outbuildings, all being suggested within the maximum height of 4.65m, as shown on the indicative parameter plan. The existing hotel would be demolished and a new, two-storey staff canteen/changing/hostel provided with a potential height up to 7.8m. Jockey hospital single-storey outbuilding (maximum indicative height of 4.65m) would be located adjacent to an existing office/weighing room building as an infill outbuilding to the existing adjacent 'L'-shaped office building.
- 9.7.3.11 The indicative layout plan shows the proposed buildings to be concentrated to the northwest section of the site with the highest hostel building being situated close to the northern boundary. The amount of built form and its scale appear comparable with the existing. The dispersal of the buildings on site would be more concentrated and shifted to the least conspicuous part of the site (from the public vantage points) with the hardstanding being situated to its south side. The indicative height of the proposed buildings would not exceed that of the existing built form. The indicative layout plan shows the existing parking areas to the southeast of the site to be replaced partly with the access roads and soft landscaping.
- 9.7.3.12 On the basis of the above assessment, it is considered likely that the proposed development would not have a greater impact on the spatial or the visual dimension of the Green Belt's openness than the existing development. Furthermore, based on the assessment of the impact on purposes for inclusion of this piece of land within the Green Belt, the proposed development on Site A would not result in any harm in these terms. In conclusion therefore, it is not considered that the proposed development on Site A would constitute an inappropriate development, as it benefits from the exception in Policy DM17 and the first exception in paragraph 145 g) of the NPPF.

Site B

- 9.7.3.13 Site B is currently occupied by hardstanding only. The proposed development includes a provision of up to six-storey high hotel building. The indicative layout and parameter plans show that the footprint of the building would infill almost the whole Site B and would be of a height of up to 23.55m. Visually, the maximum height would be below the adjacent Grandstand's canopy. In comparison with the existing hardstanding, the scale, massing and height of the proposed building would be substantially greater. The proposed development would result in a significant adverse impact on both, the spatial and the visual aspects of the Green Belt's openness and would not benefit from any exception to inappropriate development outlined within the local or the national planning policy. Despite the proposed scheme would not result in any impact on purposes for which this plot of land has been designated as the Green Belt, it would result in a significant adverse impact on spatial and visual dimension of the Green Belt's openness and therefore constitutes inappropriate development.

Site C

- 9.7.3.14 The site is dominated by a go-kart track with the ancillary hardstanding and single storey buildings of a height varying between 2.4m and 5.2m. The proposals are to replace the existing facility with the all year round outdoor recreational areas (a cycle track with the outdoor play areas) with an ancillary indoor soft play and café. The indicative parameter and layout plans show that the proposed soft play/café building would be of a single storey up to a maximum height of 4.65m, covering approximately 700sqm (40% reduction in comparison with the footprint of the existing buildings).

9.7.3.15 Whilst Site C is a PDL, it is considered more appropriate to engage other exception to inappropriate development than the above in this instance. It is considered that the exception associated with the outdoor sport and recreation set out in Policy DM17 as *'built development for outdoor sport, recreation and cemeteries will need to demonstrate that the building's function is ancillary and appropriate to the use and that it would not be practical to re-use or adapt any existing buildings on the site. Proposals should be sited and designed to minimise the impact on the openness of the Green Belt and should include a high quality landscape scheme.'*; and listed in paragraph 145 b) *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*, is more relevant in the context of the proposed outdoor sport/recreational use.

9.7.3.16 The indicative plans confirm that the proposed development would considerably reduce the overall footprint and dispersal of the built form in comparison with the existing, and the proposed height would be lower than that of the tallest building on site. In terms of Policy DM17, the proposals represent a redevelopment of the site, whereby the existing buildings are not considered fit for the intended ancillary purposes (the indoor soft play and café). Furthermore, the existing buildings dispersed across the western section of the site would be removed and replaced with a single building, therefore concentrated in one place.

9.7.3.17 The indicative plans demonstrate that the required scale of the proposed development could be accommodated within the parameters that would preserve the openness of the Green Belt and would not therefore impede upon the spatial or the visual dimension of the Green Belt's openness. Earlier in this report it was established that the development proposals on Site C would not impact upon the purposes for which the Green Belt was designated on this site. Therefore, in conclusion it is considered that the proposed development on Site C benefits from the exception to inappropriate development set out in Policy DM17 and paragraph 145 b) of the NPPF and therefore constitutes appropriate development.

Site F

9.7.3.18 Site F is currently occupied by a large expanse of hardstanding with some grassed areas being used for informal parking. Alterations to the site's layout through the use of soft and hard landscaping are proposed in addition to the broadcasting compound with the associated turnstiles and kiosk being relocated, and a new electric sub-station installed. The indicative parameter plans confirm that the built form would be of a maximum of 3m in height, however the indicative layout plan does not show their location. It is considered however, that the relocation of the existing facilities as well as the installation of a small scale electric sub-station (that would potentially benefit from the permitted development rights³⁰) would satisfy criteria in Policy DM18 and paragraph 145 d) of the NPPF and would not therefore result in any detrimental impact upon the openness of the Green Belt.

9.7.3.19 The improvements to the car park include the removal of the existing surfacing area, installation of the grasscrete surfacing and of the surface water drainage. As such, these works would be considered to represent engineering operations³¹. As such, and whilst the site is a PDL, the proposal should be considered against the relevant exception to inappropriate development within paragraph 146 b) of the NPPF.

9.7.3.20 Based on the above, the proposed development on Site F falls within the exception to inappropriate development that is not considered to result in any impact on the openness of the Green Belt.

³⁰ Part 15 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

³¹ The term engineering operation covers any construction work which is not a 'building'. It includes other structures, for example, roadways and bridges and also any earth-moving operation, excavation, or permanent changes to any land-form.

Non-PDL sites (Sites 3, 4, D, E1 and E2)

Site 3

9.7.3.21 Site 3 comprises the racecourse maintenance compound, a staff accommodation and allotment gardens. The staff accommodation is in the form of four semi-detached dwellings, two of which are single storey (maximum height of 4.6m) and the remaining two are two-storey (ridge heights vary between 7.5m and 8m), is concentrated in the west part of the site. Part of the site is considered to be a PDL (curtilages of residential dwellings and the access road off Lower Green Road) and part is a greenfield site (a remainder of the site including the allotments). The site is located along a residential road (Lower Green Road) and therefore could be very visible in the surrounding area, subject to the density of the boundary soft landscaping treatment. The proposed development comprises residential development of up to 114 flats in the indicated form of nine three-storey detached buildings spread along the west/east axis of the site with associated parking to their north. The parameter plan indicates that the proposed development would be potentially up to 10.95m in height, of a substantial footprint and scale, and would be dispersed across the whole site.

9.7.3.22 Policies DM17, DM18 and the NPPF contain lists of exceptions to the inappropriate development in the Green Belt in terms of construction of buildings. Should the development not fall within the stated exceptions, it is reasonable to conclude that such development must be inappropriate development. Due to the indicative extent of its footprint, scale, height and dispersal on the site, in comparison with the existing built form, the proposed development it is considered to result in a significant adverse impact in terms of the spatial and visual dimension of the Green Belt's openness. Furthermore, as concluded in this report earlier, the proposed development on Site 3 is considered to have a potential adverse impact on first three purposes for the designation of this land within the Green Belt. In conclusion, the proposed development on Site 3 is considered inappropriate development that would potentially result in a significant harm to the spatial and visual aspects of the Green Belt openness and would detrimentally impact on the purposes for inclusion of land within the Green Belt.

Site 4

9.7.3.23 Site 4 is a greenfield site. The indicative layout and parameter plans propose a part 4/part 5/part 6-storey building accommodating up to 72 flats. In addition to the building, approximately half of the site would be laid to hardstanding. The site is visually prominent from the public vantage points in Station Road, and at the indicated height of up to 20.4m, it would be clearly visible from Portsmouth Road direction too. As a result, the impact on the openness of the Green Belt in spatial and visual terms would be significant. With regards to its impact on purposes concluded earlier, the proposed development would fail to safeguard the countryside from encroachment, resulting in an adverse impact on the third purpose of the Green Belt designation. The proposal does not fall within any exception to inappropriate development within the local plan or the national policy and therefore the development on Site 4 is inappropriate in the Green Belt.

Sites D, E1 and E2

9.7.3.24 Part of Site D is covered by hardstanding with the remainder being laid to grass. The indicative plans propose the introduction of a grass system with SuDS treatments and the additional hardstanding area. No other development is proposed. Development on Sites E1 and E2 is subject of a full planning application as part of this hybrid application and comprises racetrack widening in two sections of the existing racecourse track, including associated ground levelling/earthworks to the southwest section, and re-positioning of fencing, and improvements to a section of the existing internal access road from More Lane (except for the drainage works outside of the defined red line of the application site, which would require a separate planning permission).

9.7.3.25 It is considered that due to the implementation of the drainage systems and levelling, the proposed works associated with Sites D, E1 and E2 represent engineering operations.

As such, the works associated with Sites E1 and E2 fall within the exception to inappropriate development set out in paragraph 146 b) of the NPPF. As appropriate development, they would preserve the openness of the Green Belt. However, as identified in paragraph 9.7.2.12 above, the proposed development on Site D would have a modest impact upon the third Purpose and as a result would not benefit from the exception in paragraph 146 b) of the NPPF and constitutes inappropriate development.

All sites

9.7.3.26 The development associated with the access points to all sites within the Site that are subject to a full planning application are considered to represent local transport infrastructure improvements that are associated with the specific sites within the Sandown Racecourse Park and therefore there is no alternative for their location, but within the Green Belt. As such, it is considered that this aspect of the proposed development would benefit from the exception in paragraph 146 c) of the NPPF and would constitute appropriate development.

9.7.4 Conclusion on the potential impact of the proposed development on the openness of the Green Belt

9.7.4.1 Table below summarises the identified harm to the openness of the Green Belt, i.e. inappropriate vs appropriate development and the level of identified harm.

Table 3: Summary of potential impact of the proposed development on the Green Belt per site

Site	Proposal (broad description)	Impact on the Green Belt & identified harm
Site A	Racecourse operational facilities	Appropriate development (benefits from an exception to inappropriate development).
Site B	Hotel	Inappropriate development <ul style="list-style-type: none"> • significant harm to the spatial and visual dimension of the GB openness.
Site C	Family/Community zone	Appropriate development (benefits from an exception to inappropriate development).
Site D	Carpark rationalisation	Inappropriate development <ul style="list-style-type: none"> • modest harm to Purpose 3 for inclusion of land within the GB.
Site E1	Racetrack widening	Appropriate development (benefits from an exception to inappropriate development).
Site E2	Racetrack widening	Appropriate development (benefits from an exception to inappropriate development).
Site F	Carpark upgrade	Appropriate development (benefits from an exception to inappropriate development).
Site 1	Residential	Appropriate development (benefits from an exception to inappropriate development).
Site 2	Residential	Inappropriate development <ul style="list-style-type: none"> • significant harm to the spatial and visual dimension of the GB openness.

Site 3	Residential	Inappropriate development <ul style="list-style-type: none"> • adverse impact on Purposes 1 and 2, and less detrimental impact against Purpose 3 for inclusion of land within the GB; • significant harm to the spatial and visual dimension of the GB openness.
Site 4	Residential	Inappropriate development <ul style="list-style-type: none"> • limited negative impact on Purposes 2 and 3 for inclusion of land within the GB; • significant harm to the spatial and visual dimension of the GB openness.
Site 5	Residential	Inappropriate development <ul style="list-style-type: none"> • substantial harm to both, the spatial and visual dimensions of the GB openness.
All sites	Bell-mouth accesses	Appropriate development (benefits from an exception to inappropriate development).

9.7.4.2 Paragraph 143 of the NPPF states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* Paragraph 144 continues that *‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

9.7.4.3 In accordance with the case law, a mixed use scheme should be assessed in terms of the very special circumstances as a single proposal, i.e. each component should not be assessed separately with regards to the very special circumstances.³² In analogy with this advice, the proposed development on the Site is therefore inappropriate development in the Green Belt as a whole. However, in term of scale of the identified harm, this is considered to be at its lower level, as 6 out of 12 sites are considered appropriate development within the Green Belt, i.e. whilst the NPPF requires substantial weight to be given to any harm to the Green Belt, the proportion of development sites identified as appropriate indicate that a lower spectrum of such weight should be associated with the development as a whole; and therefore the concluding balancing exercise between the harm and the benefits of the scheme need to be weigh proportionally. Benefits of the scheme put forward by the Applicant are discussed in Chapter 9.9.

³² R (Luton BC) v Central Bedfordshire Council [2014] EWHC 4325 (Admin)

9.8 Any other harm

9.8.1 Highway and transport implications

Policy background

9.8.1.1 Policy CS9 states that *'the Council will work in partnership with landowners and Surrey County Council to implement appropriate measures that could address traffic congestion through the town centre and reduce the negative impact of lorry movements through residential areas. The Council will also promote improved access to and within the area for pedestrians and cyclists and public transport users.'*

9.8.1.2 In accordance with Policy CS25 *'the Council will promote improvements to sustainable travel, and accessibility to services, through a variety of measures by:*

- *Directing new development that generate a high number of trips to previously developed land in sustainable locations within the urban area. These include town centres and areas with good public transport accessibility as outlined in national policy.*
- *Applying maximum parking standards to all uses, including the consideration of zero parking for certain town centre developments.*
- *Requiring a transport assessment and travel plan for all major scale development proposals, in order to promote the delivery and use of sustainable transport.*
- *Protecting existing footpaths, cycleways and bridleways; delivering new cycling and walking schemes; and supporting development that increases permeability and connectivity within and outside the urban area.*
- *Improving transport infrastructure [...].*
- *Improving the environmental impact of transport.*

The Council will seek to mitigate the detrimental environmental effects caused by transport, particularly with regards to HGVs, through a variety of measures, which may include greening the roadside and parking environment, improving air quality, noise reduction measures and traffic calming. Support will be given to schemes that help to meet the commitments contained in the Elmbridge Air Quality Strategy.'

9.8.1.3 One of the objectives of the Core Strategy is to reduce people's reliance on driving, by directing new development to sustainable locations, promoting attractive and convenient alternatives, including public transport, and in doing so reducing congestion and pollution caused by traffic. The Core Strategy aims to minimise the effect of trips by encouraging new development in accessible locations, encouraging use of sustainable transport modes and applying maximum parking standards.

9.8.1.4 Policy DM7 of the Development Management Plan 2015 is concerned with access and parking. With regards to the access: *i. The layout and siting of accesses should be acceptable in terms of amenity, capacity, safety, pollution, noise and visual impact; ii. Access to and from the highway should be safe and convenient for pedestrians, cyclists and motorists; iii. Provisions for loading, unloading and the turning of service vehicles are expected to be designed into the scheme ensuring highway and pedestrian safety; iv. The proposal should minimise the impact of vehicle and traffic nuisance, particularly in residential areas and other sensitive areas. In association with parking, i. The proposed parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. In such instances, a minimum provision of one space per residential unit will be required; ii. Garaging, cycle stores and car parking designs should be integrated into the scheme and respect the character of the area; iii. Hardstanding should be designed and constructed with permeable (or porous) surfacing. Impermeable paving should be limited and the use of soft landscape maximised; iv. Provision of car, cycle and disabled parking should accord with the Elmbridge Parking Standards at Appendix 1.*

9.8.1.5 Policy DM7 also requires that in areas where on-street parking stress is a particular problem and there is no suitable alternative provision, the Council will require one parking space per

residential unit for new developments in order to ensure that the existing pressure to park on nearby roads is not exacerbated.

9.8.1.6 The Surrey Transport Plan (LTP3) is a statutory plan that was adopted by SCC in 2012 and last updated in 2018. It contains numerous strategies, such as a Travel Planning Strategy, Surrey Cycling Strategy, Parking Strategy, Congestion Strategy and others. The LTP3's vision is to help people to meet their transport and travel needs effectively, reliably, safely and sustainably within Surrey; in order to promote economic vibrancy, protect and enhance the environment and improve the quality of life.

9.8.1.7 The NPPF promotes sustainable transport and requires that transport issues are *'considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*³³

9.8.1.8 Considering development proposals, it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*³⁴

9.8.1.9 *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*³⁵ *All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*³⁶

Impact on the local highway network

9.8.1.10 The Site is situated between the Esher town centre and Esher railway station, on the London – Guildford mainline. The area is relatively well served by public transport, including trains and buses (bus routes 515, 715 and 458) with several bus stops around the Site, on Portsmouth Road, Esher Green and More Lane. The Site is well located for pedestrian and cycle access to the town centre. Esher Station is approximately a 1.3km walk from the Grandstand. On race days, visitors have the opportunity to walk directly into the racecourse from the station platforms and the Racecourse operates a free of charge shuttle mini-bus between the station and the main entrance behind the Grandstand.

9.8.1.11 Due to the nature of the proposed development, the application is accompanied by a Transport Assessment (TA), Travel Plans and the Environmental Statement concerned with the highway impacts. These documents establish the existing transport situation around the Site and seek to assess the potential impacts on the existing highway network. Furthermore, mitigation measures are also discussed.

³³ Paragraph 102 of the NPPF

³⁴ Paragraph 108 of the NPPF

³⁵ Paragraph 109 of the NPPF

³⁶ Paragraph 111 of the NPPF

Transport Assessment

- 9.8.1.12 The TA concludes that the proposed residential development together with the hotel would be located over a number of sites around the racecourse and therefore the car driver trips will access the road network at a number of different points over a wide area. The additional development vehicle trips on Portsmouth Road would travel in both directions and therefore the increase on any one section of the road is expected to be less than one vehicle every minute resulting in a negligible impact on this road. The additional development trips on Lower Green Road, Station Road and More Lane would travel in both directions and the increase on any one section is expected to equate to approximately one vehicle every three minutes on each road. The TA considers that this would not have a noticeable impact on these roads. The TA also considers that the junction capacity modelling assessment demonstrates that the new site accesses would operate well within capacity with queues lengths of no more than one vehicle.
- 9.8.1.13 The non-car trip generation assessment indicates that train will have the highest person trip generation after car person trips. Based on the number rail services that stop at Esher Station in the AM peak hour, the development proposals would equate to approximately 10 additional person trips per train. The TA considers that this would not result in any adverse impact on the rail services. The number of person trips using the other modes would be minimal.
- 9.8.1.14 Based on the junction capacity assessments and the trip generation, the TA concludes that the proposed development would not have a noticeable impact on the transport network. However, it also recognised that the existing road network is already congested and that the development needs to encourage sustainable modes of transport. Therefore, in addition to the Travel Plans for the residential and hotel uses the Applicant have agreed to prepare a race and exhibition day Travel Plan as part of this application. A range of measures to improve conditions for pedestrians and cyclists and manage traffic on the road network would be also provided. In addition, these measures would improve the safety of road users and pedestrians.

Environmental Statement

- 9.8.1.15 The ES confirms that a comprehensive independent traffic survey was undertaken in December 2018, outside of the school holidays ensuring its robustness. Both, the construction and operational phases of the proposed development were considered with reference to the severance, driver stress and delay; pedestrian and cyclist amenity and delay; accidents and safety; and fear and intimidation³⁷.
- 9.8.1.16 With regards to the construction impacts, the ES concludes that although the proportion of HGVs within the local key links may increase as a result of the construction stage, the increase in total traffic is predicted to be low within the study area. Therefore, there is likely to be a local temporary negligible impact on severance; pedestrian and cycle amenity and delay; accidents and safety; and fear and intimidation as a result of traffic movements during the construction period. There is likely to be a local temporary slight/minor impact on driver stress and delay. The ES further confirms that the operational phase of the proposed development would have a permanent negligible effect on local traffic conditions, driver delay, driver stress, pedestrian delay, pedestrian amenity, cycle delay, cycle amenity, accidents and safety, severance, fear and intimidation. The implementation of the CEMP would dictate the hours of operation at construction sites and the HGV routing to each respective site. Management measures would be provided within the document to ensure that any impact of HGV vehicles during peak hours is minimised. The implementation of the Travel Plans would provide the management and operational framework to influence future travel behaviour and encourage the use of more sustainable modes in conjunction with reducing the overall need to travel by private vehicle. The ES concludes that the Site can accommodate the proposed development without undue effect

³⁷ The meaning of each of these criteria is explained in detail in paragraphs 7.25 – 7.35 of the ES

upon the safe and efficient operation of the local highway and transport network and the surrounding environment.

Parking strategy

9.8.1.17 The Site has a total on-site car parking capacity of 3,823 spaces excluding the parking areas for horseboxes. A further capacity of 800 car parking spaces is available during the large events at Esher C of E High School, More Lane (total of 4,623 spaces). The TA confirms that data on the number of cars, coaches and mini-buses parked on the Site was collected for 21 race meetings. The busiest day recorded was Wednesday 1st August 2018, which was for a flat evening race with the total parking demand for 3,221 cars.

9.8.1.18 The development proposals would potentially result in the loss of 692 car parking spaces overall, based on the loss of 190 spaces for Site 2, 132 spaces for Site B and 220 spaces for Site 5 and needed provision of 150 existing spaces for Site B. Furthermore, as a result of the proposals in the centre of racetrack, further 113 spaces would be lost. Therefore, the total on-site race day car parking capacity would reduce to 3,018 spaces. As such, with the 800 spaces available off-site there would still be more than sufficient car parking to meet the maximum demand.

9.8.1.19 The proposed development scheme includes improvements to the existing on-site car parking. These include establishing a reinforced grass surface or similar in the centre of the course on Site D to provide all-year round parking capacity to be used during the large events. In addition, there would be improvements to the car and coach parking at the front of the course on Site F.

9.8.1.20 The indicative number of parking spaces provided on the residential Sites 1 - 5 would be as follows:

Table 4: Indicative parking provision for residential Sites 1 - 5

Site	1	2	3	4	5
Proposed housing mix	5x 1-bed 10x 2-bed	4x 1-bed 26x 2-bed 19x 3-bed	27x 1-bed 87x 2-bed	2x studio 31x 2-bed 31x 3-bed	36x 1-bed 24x 2-bed 8x 3-bed
MAXIMUM Policy compliant parking provision	20	81	157.5	110.5	88
Number of parking spaces	21	72	158	117	87
Difference (provision minus max requirement)	+1	-9	+0.5	+6.5	-1

9.8.1.21 The Elmbridge Parking Standards outlined in Appendix 1 of the Development Management Plan 2015 are set out as maximum. These require a maximum of 1 space to be provided per 1 bed; 1.5 spaces per 2 bed and 2 spaces per 3 bed residential unit. Policy DM7 clarifies that in the areas of parking stress, the residential development should provide one space per unit as a minimum. As indicated in the table above, the proposed development would potentially provide 455 parking spaces on all residential sites in total, being two spaces short on the maximum policy compliant provision.

9.8.1.22 The indicative number of parking spaces allocated to each site shows that the parking provision on Sites 1, 3 and 4 would be greater than the maximum standards. Sites 2 and 5 would provide 87 and 72 spaces respectively, which would be nine and one spaces less than the maximum policy requirement respectively. However, both would overprovide the number of parking spaces in terms of the requirement of Policy DM7, if it was considered that both sites were located in the area of parking stress.

9.8.1.23 The proposals for residential development came forward in the outline form, however, where possible, the indicative layout plans show the allocation of space for cycle storage.

Although these details would be considered in full at the reserved matters stage, it is considered that the adequate provision of cycle storage could be accommodated on all relevant sites. The arrangements for supply of the electric charging points would be secured by way of a condition.

9.8.1.24 Response from the County Highway Authority

The County Highway Authority (CHA) reviewed the development proposals and the supporting documentation on safety, capacity and policy grounds and provided their professional opinion on the potential impact of the scheme in the surrounding area of the Site.

The Applicant has submitted a Transport Assessment (TA) that provides an assessment of the location in terms of transport links, accessibility to services and opportunities for sustainable travel. The CHA considers the site to be located within a relatively sustainable location close to Esher town centre. Esher provides a range of services including retail, leisure, employment, education and healthcare within walking and cycling distance of the Site. The Site is relatively well served by public transport with several bus stops close to the existing and proposed accesses and Esher Railway Station within a short distance of much of the developed areas. In this respect, the CHA considers that opportunities for future occupiers and visitors to the Site will not be constrained in their transport choice to private motor vehicle transport but will have the option of utilising one of several alternative modes.

The CHA is aware of residents' concerns regarding the local highway network and the possible impact of a development of this scale on the local roads. Central Esher is a known congestion blackspot and historically has been for a number of reasons, while it is not the responsibility of developers to tackle existing problems, it is recognised that mitigation can offer ancillary benefits to the local population while mitigating the impacts of the development. Therefore, in considering the application, the CHA recognises that there is significant potential for any transport related impacts to be mitigated through the use of alternative modes. In addition, it is noted that the site borders an Air Quality Management Area (AQMA) and recognizes that supporting sustainable transport options can offer improvements in other areas, particularly in relation to minimising the negative effects of private motor vehicle transport. The provision of good quality cycling, walking, public transport and electric vehicles options will contribute to improved air quality within the locality.

Proposed developments

The Applicant has divided the Site up into several parts, Sites 1 to 5 comprise primarily residential development, Sites A to D comprise non-residential development. These individual sites are accessed from several different points around the entire racecourse:

Site 1 will be accessed via the existing emergency access point on More Lane and comprise of 15 units. This access will be improved to fulfil modern standards and include a pedestrian element.

Site 2 is currently accessed via the secondary Portsmouth Road access; no changes are proposed to this access on Highway Land. This site comprises 49 units.

Site 3 would be providing 114 units via a new access close to the existing/historic access on Lower Green Road, this would include a separate pedestrian element and informal crossing point onto the existing footway on the opposite side of Lower Green Road. The existing access will need to be closed and the kerb/verge reinstated.

Site 4 provides for 72 units and relocates the existing access 15 metres down Station Road away from the Portsmouth Road junction. Access for pedestrians at this location should include a pedestrian element to the existing footway on Station Road.

Site 5 includes a replacement nursery and the additional 68 units accessed via a new access on the Portsmouth Road. The location of this new access is such that a right hand turn lane and appropriate pedestrian provision will need to be included in future designs. This requirement is subject to a 'Sustainable transport improvements' condition.

Site A will re-provide access to the entire stabling arrangements for the racecourse, and associated facilities. It will be accessed via the existing secondary access to the racecourse - as per Site 2. The CHA notes that the swept path analysis suggests that two vehicles with horse boxes will not be able to pass one and other simultaneously at the point of access. The Applicant has responded suggesting that the tidal nature of the horsebox arrival and departure, and the provision for passing once the entrance point has been navigated means that highway risks are relatively low. The CHA accepts this argument and notes that this is an existing access with a relatively good RTI³⁸ record. Nonetheless, the Event Management Plan requested should allow for appropriate traffic management to be included at this location at the times when large numbers of trailer towing vehicles are expected on site in order to ensure the flow of traffic on the Portsmouth Road is not impacted.

Site B will comprise a 150 bed hotel accessed via the existing primary access on Portsmouth Road.

Site C, the family/community zone will be accessed via the existing More Lane access to the same location. The access will be subject to modifications to enable simultaneous two-way vehicle flow and pedestrians to reach this element of the site easily and safely with additional lengths of footway on either side of the access to link to existing footways on More Lane.

Site D is accessed via the same access point as site C above. The site is proposed to be improved to allow for better parking opportunities for users of site C and the golf course within the racecourse grounds.

Site E, improvements to the racecourse is unlikely to generate significant impacts in relation to the local highway network.

Site F requires the internal car parking on site to be rearranged and offers opportunities to improvements for circulation and surfacing. In addition, the more efficient use of the carpark could promote a certain degree of congestion relief on the Portsmouth Road, particularly during events. The CHA has assessed the changes to the accesses and in principal offers no objections subject to detailed design being approved through the Section 278 agreement process.

Impact analysis

The TA uses data taken from the TRICS database³⁹ to predict trip rates associated with the various elements outlined above. The TRICS database is an independent industry standard tool used for transport planning purposes, and the CHA supports its use. In addition, the TA has also interrogated other sources of information to predict the modal split associated with these trip rates, using data from the 2011 census. Concerns were raised by the CHA about the accuracy of this and therefore additional modal split data was obtained from the TRICS database as a sensitivity test. Subsequently the more robust dataset (that which provided the highest car use) was used for further analysis.

³⁸ Road Traffic Incident

³⁹ TRICS is the UK and Ireland's national system of trip generation analysis, containing over 7150 directional transport surveys at over 110 types of development. Its annual collection programme covers the whole of the UK and Ireland, across 17 defined regions. Please see www.trics.org for further information.

The finalised trip rates within the peak hours - the time when congestion is a highest risk – were then used to understand the likely trips generated within these periods. The largest vehicular impact is likely to occur (on a daily basis) at the Portsmouth Road accesses/exits, with reduced impacts on More Lane, Lower Green Road and Station Road during the peak hours. Considering the existing traffic flows at these locations, it is not considered likely that any of these will represent a significant increase in traffic using these roads. However, due to the existing congested nature of the local highway network this does not necessarily mean that the impact will not be significant.

Therefore, the CHA considers that a range of mitigation measures are justifiable in reducing the impact of the proposals on the local highway network. These are outlined within the recommended conditions. It should be noted that they all support pedestrian, cycling and public transport use over the use of private motor vehicles.

Junction modelling

The TA also provides additional information on the junctions, subject to the above trip rate increases, including the new junctions and modifications to existing junctions. This modelling suggests that all will function satisfactorily assuming free flow conditions on exit. This may not be the case in reality, however it does demonstrate that the engineering elements of the junctions are satisfactory.

Submitted Transport Assessment content

The CHA notes that concerns have been raised regarding the information provided within the submitted TA in relation to the assessment of the sustainable transport opportunities and routes within the vicinity of the site, and the road safety record of the local area. While this information would have been useful for those unfamiliar with the local area, it is not considered to be essential - given the unique size, location and range of land uses of the proposal, the CHA has carried out its own assessments of the RTIs and pedestrian/cycle links and is satisfied that the recommendations contained within this response provide good quality links for future occupiers. Regarding the trip distribution concerns, the CHA considers that the range of accesses, land uses and potential variety of traffic utilising the Site means that a comprehensive detailed assessment of distribution over a significant enough time period would require resources that would not be proportionate to the expected impact. That is, such an assessment would need to include all trips associated with the Site across all possible land uses (events, hotel, accommodation, residential, leisure etc.). As such, the generalised approach carried out within the TA is considered acceptable.

Finally, it is noted that a criticism of the modelling and assumptions made by the trip rates provided within the TA and various recommendations into appropriate micro simulation and sense testing. The CHA has raised concerns regarding the assumptions made within this response, however it is also recognised that the micro simulation models require significant time and resources to build and run, and that they themselves (as is the case with all modelling) have faults. A balance has therefore been made by the CHA and it is considered that the mitigation will offer significant opportunities for future occupiers to limit the impact of the development on the local highway network to a level that is not significant/severe.

The CHA recognises that even a relatively small uplift in trip rates can result in a significant impact and as such it is entirely appropriate to seek mitigation to reduce the impact of the development. The Applicant has not disagreed with this and both parties have been involved in negotiations to provide mitigation in the form of infrastructure, contributions and softer measures such as travel planning. These will offer additional choice to future occupiers and visitors to the Site, and reduce the impact of vehicular traffic associated with it.

Conclusions

The CHA has considered the submitted documentation. The Applicant has concluded that the development as proposed is unlikely to have a significant or severe impact on the highway network. The CHA does however recognise that even a relatively small uplift in trip rates can result in a significant impact when applied to a network operating close to, or at, capacity as is the case within central Esher. The CHA also recognises that the Site is in a sustainable location and there is significant potential for future occupiers to choose methods of transport other than a private car. Therefore, subject to the provision of the mitigation and the inclusion of the recommended conditions, no objections are raised to the proposal.

9.8.1.25 The CHA also requested a financial contribution towards the accessibility improvements at Esher Railway Station, specifically to provide a step free access. The suggested conditions include measures associated with the existing, modified or new accesses; adequate parking and turning facilities; a Construction Management Plan to minimise the impact of the proposed development during the construction phase; travel plans, car parking and event management plans, all of which seek to improve/secure appropriate measures for safe and sustainable travel practices at the operational stages of the development; a provision of electric vehicle charging to promote the use of low emissions cars; and further sustainable transport improvements. The latter includes the following:

- The widening of the carriageway of Lower Green Road between 58 and 130 Lower Green Road and the provision of full on street parking bays.
- The improvement of bus stops located at More Lane, Esher Green and Portsmouth Road to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.
- The improvement of the bus stops located at Lower Green Road to include access for all compatible kerbing.
- Assessment of the need for and subsequent provision of additional lighting and resurfacing along the footway access to Esher Railway Station from the Lower Green Road.
- Provision of informal pedestrian crossing points and central refuges on either side of the right hand turn lane of the primary access to the Site from Portsmouth Road with additional right hand turn lane on the access to Site 5.
- Provision of a crossing point that is accessible for all between Station Road and Esher Railway Station.
- Footway improvements to the More Lane footway on the Site's side that leads to the existing bus stop opposite 19 More Lane, to include informal crossing point.
- Assessment of the pedestrian route between Sites 2, 4, and 5 and provision of improvements such as improved pedestrian signage, cleaning the drains at the corner of Station Road and Portsmouth Road, improvements to the footway surface and new bus stops.

Transport implications relating to the rail network

9.8.1.26 Network Rail was consulted as part of the application process and in their response confirmed they had no comments to make. A financial contribution sought by the CHA to be secured through a legal agreement would provide for the enhancements to Esher station. These would in practice improve passenger comfort but would not increase the capacity of rail services.

Conclusions on highway and transport implications

9.8.1.27 Whilst the Site is situated in a sustainable location, the highway network in central Esher operates close to, or at, capacity. The proposed package of transport measures would provide improved infrastructure to support walking, cycling and bus services and therefore there is a significant potential for all users of the transport network, including both the future occupiers and the existing residents, to choose methods of transport other than a

private vehicle. It is acknowledged however that even a limited uplift to the existing trip rates could result in a significant impact when applied to a network, such as here.

- 9.8.1.28 The County Highway Authority accepts that with the transport measures in place, the proposals would comply with Policy CS25, which seeks to promote improvements to sustainable travel and improve transport infrastructure. It is also considered that the proposed development offers appropriate opportunities to promote sustainable transport modes; provides safe and suitable access to all sites; and the identified adverse impacts on the transport network could be mitigated to an acceptable level, all of which are in accordance with paragraph 108 of the NPPF. Paragraph 109 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Paragraph 54 of the NPPF states that *'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'* Based on the assessment of the potential transport implications, it is considered that the highway impacts arising from the proposed development can be mitigated by the requirements to be secured through the suggested conditions and the legal agreement under the Section 106.

9.8.2 Impact on the character of the surrounding area including heritage assets, landscape and visual amenities

Impact on the character of the surrounding area

- 9.8.2.1 Policy CS9 expects all new development to enhance local character. Specific attention would need to be given to areas of high heritage value, which includes Esher Conservation Area. It continues stating that Esher has relatively good accessibility and higher density residential / mixed use developments could be appropriate within and around the town centre, provided that they take account of its historic context and support the town centre's vitality and viability, contributing to the diversity of uses available to local people. In accordance with Policy CS17 new development is required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area.
- 9.8.2.2 In its supporting text, Policy CS17 recognises that much of the Borough is characterised by low-density developments, which are much valued by residents and make a major contribution to the character and identity of many sought after residential areas. However, replicating such development as new across the Borough, would not only mean that housing targets could not be met within the urban area, but it would result in people having to travel further distances to access facilities and services, contributing to the Borough's large carbon footprint as well as adding to traffic congestion and pollution. To address this situation and the significant development pressure to which the Borough is subject, the strategy, in line with national policy, is to make efficient and effective use of previously developed land. However, increasing densities has to be treated sensitively in order that the character of the local area is not threatened through the introduction of inappropriate development. The Council places great importance on the protection of the environment and the identification of local character areas will ensure the design and form of development respects that environment. The challenge is to preserve the distinctive positive qualities of the character of the Borough whilst making the best use of urban land in the most sustainable locations.
- 9.8.2.3 Policy DM2 seeks all new development to achieve high quality design, which demonstrates environmental awareness and contributes to climate change mitigation and adaptation. All development proposals must be based on an understanding of local character including any

specific local designations, such as the Green Belt, and take account of the natural, built and historic environment. Proposals should preserve or enhance the character of the area by taking into account attributes such as the appearance, scale, mass, height, levels or topography.

9.8.2.4 Paragraph 127 of the NPPF confirms that *planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

9.8.2.5 The Site covers a substantial, 66ha plot of land with the application site comprising several smaller pieces of land within. The sites that are likely to most affect the character of the surrounding area are those, which include development on the peripheries of the Site. It is considered that Sites C, D, E1 and E2 are unlikely to result in any adverse visual impact in the wider surrounding area due to the nature of the development proposed and their location, well within the Site's envelope.

Site 1

9.8.2.6 The proposal incorporates a provision of approximately 15 apartments (resulting density of 62.5dph) in the indicated single detached building situated centrally within the site, adjacent to the site's northern boundary⁴⁰. The layout and parameter plans are only indicative at this stage with the layout, design including materials, massing, scale and landscape details of the proposed development currently unknown. The area of the access off More Lane that is subject of this full application is situated within the Esher conservation area.

9.8.2.7 As assessed in the Green Belt section of this report, the ground levels of the site and of the surrounding area rise towards The Warren in the north. The immediately surrounding properties in More Lane are two-storey dwellings. The proposal would be likely of two to three storeys in height and on a slightly higher ground than those neighbouring properties. On the approach from the Esher Green in the south, the new development would appear behind these residential dwellings, with the backdrop of the tree lined Warren. As such, it is considered that the proposed built form could likely be successfully integrated in this area of the Site, subject to the considerations associated with the layout, scale, appearance (design including materials) and landscape details and the further considerations within this report.

⁴⁰ See Figure 5: INDICATIVE building heights on Site 1



Figure 5: INDICATIVE building heights on Site 1

Site 2

9.8.2.8 Site 2 would accommodate a single residential block⁴¹ comprising 49 apartments (resulting density of 106.5dph). The access to the site would be off the access road serving Site A, within the application site. The submitted indicative layout and cross-section plans indicate that the proposed building could be a three storey building with the fourth floor divided into three sections that would be set considerably back from the building's frontage and would be of a limited depth. As a result, the fourth floor would be unlikely to be obvious at street level. The top floor would be visible only at longer distances from public vantage points from the south and east. The proposed building would appear as a natural extension to the existing terrace of mixed uses to its west. The ground levels would be altered, so that the ground floor accommodation would be at a similar level to the adjacent shopping parade to its west and the levels of Portsmouth Road. The indicative height at three storeys would be comparable with the adjacent terrace starting with No 2 High Street. The existing tree lined boundary treatment would be removed and replaced with soft landscaping. As the immediate surrounding area comprises a similar scale and form of development to that proposed and considering that the fourth floor would not be readily apparent in the streetscene, the implementation of the proposed building in this indicative form is likely to be considered acceptable in principle, subject to the further considerations within this report.

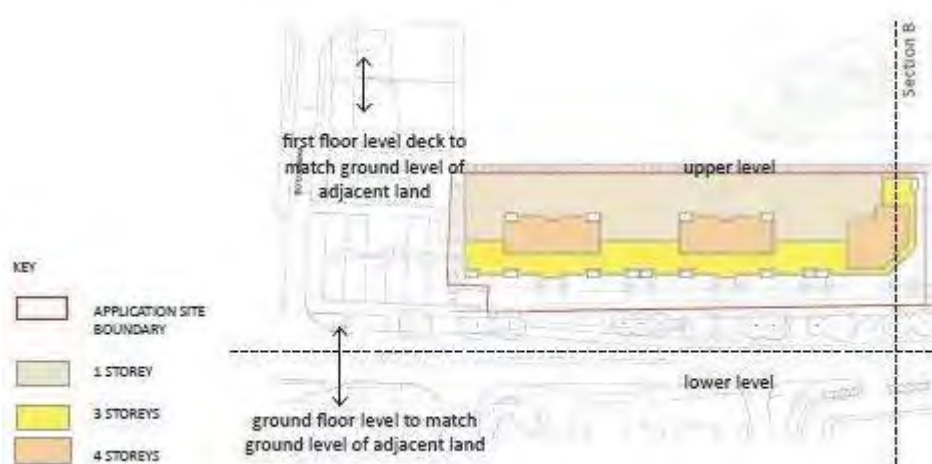


Figure 6: INDICATIVE building heights on Site 2

⁴¹ See Figure 6: INDICATIVE building heights on Site 2

Site 3

9.8.2.9 Site 3 is currently well screened by mature trees and shrubs from the views along More Lane and Lower Green Road. The existing buildings along More Lane comprise larger family dwellings and apartment buildings. The section of Lower Green Road along Site 3 is formed by two-storey residential dwellings. The proposal suggests that the amount of development proposed for this site (114 apartments - resulting density of 65dph) could be implemented in the form of nine three-storey blocks of flats facing the racetrack, to be set considerably back from the road⁴². The area between the road and buildings would be laid to hardstanding, to be used as a surface parking for the future occupiers, and areas of soft landscaped amenity space with shrubs and trees creating a green buffer along the road. The indicative section drawings show the apartments being separated from the dwellings in Lower Green Road by approximately 49m; and from the block of flats at The Eclipse, No 55 More Lane by approximately 53.6m. Some of the apartment blocks in More Lane, in the vicinity of the site are substantial two-storey buildings with further accommodation in their large crown roofs. As indicated, the proposed development would likely take a form of detached buildings with residential accommodation over three floors. This is not considered dissimilar to the already existing built form in the proximity of the site. The existing vehicular access onto Lower Green Road would be closed off and a new access to its east provided, to accommodate an informal pedestrian crossing. As the proposal would maintain the buffer along the adjacent roads it is considered that the proposals are unlikely to result in any adverse impact on the character of the area in principle. It is considered likely that the proposed development could be integrated within the surrounding area in a satisfactory manner, subject to the further considerations within this report.



Figure 7: INDICATIVE heights of the proposed development on Site 3

Site 4

9.8.2.10 Site 4 is the only greenfield site in its entirety within the Sandown Park that is subject of the current application. The existing access off Station Road would be closed off and a new access point further to the north provided. The indicative layout and parameter plans illustrate that the proposals could include a residential building varying between 4 and 6-storeys in a crescent form⁴³, facing the racecourse. Hardstanding would dominate the southern half of the site adjacent to the neighbouring commercial premises, including Café Rouge. This would be utilised as a surface parking area in addition to a basement parking provision to be accessed via a ramp. The proposal would be an extension to the urban setting of the properties abutting the site's west and south boundaries. The buildings in the vicinity are a maximum of three storeys in height. The indicative layout plan demonstrates that the western section of the building that would be closest to the commercial Unit E (in Thames Mews, Portsmouth Road) would be of four storeys, gradually rising to six storeys adjacent to Station Road. In principle, it is considered that at six storeys, the proposal would be out of scale with the surrounding existing built form. Potentially, the site could accommodate the amount of development envisaged (72 flats - resulting density of 126.3dph), however this is likely to need to take a different form, specifically of a lower

⁴² See Figure 7: INDICATIVE heights of the proposed development on Site 3

⁴³ See Figure 8: INDICATIVE building heights on Site 4

height and potentially greater footprint with all car parking being at the basement level to enable a meaningful soft landscaping, complementing the final appearance of the development. In conclusion therefore, the proposed indicative height would appear excessive in the context of the surrounding built form, however the amount of development proposed could take a different form that would harmonise with the character of the surrounding area. It is suggested that this form addresses Station Road, forming a streetscene, rather than the proposed crescent form that would not add to or create a clear character for the area. This aspect of the proposal is currently only indicative and would be subject of a future application.



Figure 8: INDICATIVE building heights on Site 4

Site 5

9.8.2.11 Proposals on Site 5 seek to replace the existing day nursery with purpose built facility in addition to potentially four blocks of flats⁴⁴ accommodating up to 68 flats (resulting density of 69dph). The original Toll House would be retained and renovated, whilst the later additions to this building would be demolished. The new access to the residential properties would be situated to the west of the Toll House. The day nursery would likely be a two-storey building. It would be completely separated from the residential development on Site 5 and would utilise the existing access from Site F.

9.8.2.12 The block of apartments, as shown on the indicative plans, would be up to four storeys in height and would be set some 15m from Portsmouth Road, providing a soft landscaped buffer and shared communal amenity spaces for the future residents. The indicative drawings illustrate that the top floor would be set back from the Portsmouth Road frontage and from the sides of each building. The existing built form on both sides of Portsmouth Road in the vicinity includes apartment buildings, predominantly comprising three storeys of accommodation. As such, the principle of blocks of flats on Site 5 is likely to be considered acceptable in terms of their impact on the character of the area, subject to the detailed design and considerations elsewhere in this report.

⁴⁴ See Figure 9: INDICATIVE heights of the proposed development on Site 5



Figure 9: INDICATIVE heights of the proposed development on Site 5

Site A

9.8.2.13 The development on Site A represents the operational area and facilities associated with the site's main use as a racecourse. The facilities include single storey buildings (stables, tack boxes, sampling unit, jockey hospital), saddling enclosures, pre-parade ring with areas of horsebox unloading and car parking. In addition to these facilities, the site would also accommodate a two-storey building at its northern end to be used as a canteen/changing and a 20-bed hostel for racing staff. The indicative layout shows the built form rising in height from the ground level (hardstanding) in the south, through the single storey buildings in the central area, to the two-storey hostel building at its rear. Although the detailed layout would be subject of a future application, the indicative layout is unlikely to raise concerns with regards to the character of the surrounding area due to the fact that the majority of the proposed development replaces the existing facilities in similar areas.

Site B

9.8.2.14 The new hotel would be of approximately 6 storeys in height and whilst it would be slightly lower than the adjacent Grandstand, it would be a dominant and imposing structure based on its indicative proportions (width 73.6m, depth 23.3m and height 23.55m). The Grandstand is currently the most dominant building on Site, which is clearly visible from all directions, except from the west, where it is screened by The Warren. Equally, the proposed hotel would be a prominent building, visible from many vantage points, even though Site B is situated well within the envelope of the Site's boundaries. Site B is surrounded by large areas of carparking within Site F, the Grandstand and the racecourse track itself. However, considering the immediate surrounding area of Site B, the proposed building is unlikely to compete with the Grandstand and depending on various design aspects, should complement the surrounding area. When considering the impact on the wider area, the building would be visible in connection with the Grandstand and as such of associated use. Therefore, it is considered that the proposed hotel building is unlikely to conflict with the character of the surrounding area. This development is an opportunity to design a truly interesting and architecturally exemplar building, as its visibility, especially from Portsmouth Road dictates that a remarkable addition is required.

Site C

9.8.2.15 Development proposals on Site C seek to replace the existing go-kart track and the existing buildings with a cycle track and associated soft play area/café. Overall, in terms of the proposed uses, the site is not considered to change significantly from those currently in existence. In terms of the appearance, the replacement facilities would likely provide a modern feel and have the potential for improvements. Details however would be subject of a future application. In principle therefore, it is considered that the development proposals on Site C are unlikely to result in any adverse impact on the character of the surrounding area.

Site D

- 9.8.2.16 The existing use of Site D is customer parking and would be retained as such as part of the current proposals. The implementation of improved surfacing is unlikely to have any adverse impact on the character of the area.

Sites E1 and E2

- 9.8.2.17 The proposed engineering operations on these two sites are associated with the widening of the race track. These are not considered to result in any detrimental impact on the character of the surrounding area.

Site F

- 9.8.2.18 Site F is currently laid to hardstanding, part formal and part informal. The proposals include resurfacing of these areas and other minor works associated with the broadcasting compound and installation of the electric substation. These works, in principle, subject to detailed plans, are unlikely to be considered to result in an adverse impact on the character of the area.

Impact on heritage assets⁴⁵

- 9.8.2.19 Policy CS17 of the Elmbridge Core Strategy 2011 states that new development should enhance the public realm and streetscene, providing a clear distinction between public and private spaces. Particular attention should be given to the design of development which could have an effect on heritage assets which include conservation areas, historic buildings, scheduled monuments, and the Borough's three historic parks and gardens. Policy CS14 confirms that the Borough's landscape provides a setting for key strategic views and landmarks including The Warren at Sandown Park.
- 9.8.2.20 Policy DM12 of the Development Management Plan 2015 aims to ensure that applicants understand that new development needs to respond to local character and history and integrate into the natural, built and historic environment. It encourages high quality development that reflects the identity of local surroundings and materials, while not preventing appropriate innovation.
- 9.8.2.21 It confirms that *planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment*. It continues that in conservation areas *i. proposals for all new development, including alterations and extensions to buildings, their re-use and the incorporation of energy efficiency and renewable energy technologies, must have a sensitive and appropriate response to context and good attention to detail; ii. Development within or affecting the setting of a conservation area, including views in or out, should preserve or enhance the character and appearance of the area, taking account of the streetscape, plot and frontage sizes, materials and relationships between existing buildings and spaces*. With regards to the scheduled monuments, Policy seeks any new development should positively act to enhance the monument overall and ensure its continued survival. The Council will seek to retain Locally Listed Buildings, where possible, and will assess proposals which would directly or indirectly impact on them in the light of their significance and the degree of harm or loss, if any, which would be caused. Produced in partnership with the local community, development proposals should take full account of the Council's Conservation Area Character Appraisals and Management Plans for the relevant area.

⁴⁵ Heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing) [NPPF].

9.8.2.22 Paragraph 196 of the NPPF clarifies that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* Paragraph 197 continues that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

9.8.2.23 Based on the information currently presented, it is unlikely that the proposed developments on Sites A, B, C, D, E1 and E2 would have a harmful impact on the surrounding heritage assets⁴⁶. However, a full assessment of the impact will be undertaken at a detailed application stage.

Site 1

9.8.2.24 The site lies adjacent to the northern boundary of the Esher Conservation Area with the access within it (classified as the Esher Green/Christ Church character area). This character area retains much of the character of a rural village green, despite the busy main roads, in contrast to the densely developed town centre to the south. The buildings to the east of the green include groupings of 18th and 19th century cottages (which are significant unlisted buildings), that are relatively small scale, accentuating the size of the green (this includes the Grade II listed No. 28-34 (even), Esher Green). Boundary treatments consist of high hedges over dwarf walls or timber fences that add to the areas pleasant, village green character. The backdrop of The Warren further enhances his rural feel.

9.8.2.25 The proposal for a residential mews development with the building's height ranging between one and three storeys has the potential to impact on the setting of the conservation area and listed buildings. At any future application, would need to be carefully considered to ensure the building, particularly the three-storey element, does not dominate or obscure the green backdrop. For this to be fully assessed, any future application will require streetscene elevations and landscape views of the conservation area with the development incorporated to be submitted. The removal of the large green metal gates would enhance the appearance of the access. Any new boundary treatments and/or gates should reflect the character and appearance of this section of the conservation area.

9.8.2.26 It is considered that the current full application proposal for the access would preserve the character of the adjoining conservation area. In reaching this conclusion, the local authority has satisfied their duty with regards to the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Site 2

9.8.2.27 The development proposal for this site would impact on the setting of a grade II listed Travellers Rest, which has been identified by the Council as a Building at Risk due to the large amount of invasive growth and pollution degrading the pointing and causing instability. Limited information is available for this structure and within the heritage statement the Applicant disputes whether it is as old as its listing description states. The Travellers Rest is an important feature within the streetscene and works to improve its appearance would be welcomed. A financial contribution for its refurbishment, which has been secured in previous applications, will ensure the future of this designated heritage asset. However, an assessment of the impact of the development on its setting and the setting of the adjacent Sandown House will need to be undertaken as part of a forthcoming application. Additionally, given that some of the invasive growth originates from within Site 2 and the fencing to be removed is adjacent to it, a method statement would also be required as part of the future application to ensure that the listed structure is protected during works.

⁴⁶ For the purposes of this chapter, the heritage assets do not include any potential archaeological remains, which are discussed separately in chapter 9.8.6

Site 3

- 9.8.2.28 Site 3 lies close to the locally listed No 57 & 59 More Lane and No 144 & 146 Lower Green Road. No. 57 & 59 More Lane are a pair of entrance lodges to Esher Place. They are an important feature on the small green and include 'French chateau' roofs. No 144 & 146 Lower Green Road is a two-storey early 19th century building with hipped slate roof and projecting eaves. Both sets of locally listed buildings have a rural setting with a strip of trees and mature vegetation opposite. The proposal for 9 large three-storey residential villas would alter this character for which justification will be required. However, providing an acceptable design is proposed and the depth and height of the existing vegetation is retained, it is considered likely that the proposals would have a minimal impact on the setting of the locally listed buildings.

Site 4

- 9.8.2.29 The White Lady Milestone located on Portsmouth Road, is a Grade II listed Building and Scheduled Monument, which under the proposed built form is unlikely to be affected by the development on this site. Furthermore, a building of increasing height from 4 to 6 storeys due to its likely height, scale and massing could potentially impact the wider setting of the Grade II listed Myrtle Cottages (an early 19th century two-storey cottage row), and locally listed Rosery and Glenfield (an early 19th two-storey building). Their setting is part of an out of the town centre, ribbon development that was most likely built up due to the opening of Esher Railway in 1838, the tollhouse and the public house. Although more recent development has been predominantly three-storey villas, the height and layout of the proposed development needs revisiting at the design stage. Views north east along Portsmouth Road will be key in assessing the impact of the proposed development.

Site 5

- 9.8.2.30 The locally listed tollhouse, within this site, is a remnant of the historic route from London to Portsmouth. It was built in the early 19th century by the Kingston to Sheetbridge Turnpike Company, following the passing of the Kingston to Sheetbridge Turnpike Act in 1792. Turnpike Acts were introduced due to the poor quality of the roads and authorised a trust to levy tolls on those using the road and to use that income to repair and improve the road. The tollhouse retains its architectural merit, however the existing extension to the south west diminishes the buildings overall character, hiding its potential. The 1870s OS map shows that it would have once had a protruding bay or porch, which was a common and dominant design feature that gave the collector a clear view up and down the road. However, following the gradual abolishment of the toll roads in the 1870s, the tollhouse was subject of a change of use, most likely to residential, it was harmfully extended, and the protruding element demolished. The tollhouse's significance lies in both its historic and architectural interest.
- 9.8.2.31 The retention of the tollhouse is welcomed. It is considered that the proposals for this site are likely to have an impact on its setting, however the detailed design of the proposed development and the relationship of the new buildings with the tollhouse will be fully assessed when the reserved matters application is submitted. There are some specific concerns that would also need to be addressed. First being that no specific use for the building has been identified. The proposals currently state that it would be renovated and utilised as part of the residential development. If the building does not have a use then it is likely to be neglected in the future resulting in deterioration and possible loss of the heritage asset. Secondly, although there are few concerns with regards to the demolition of the late 19th century extension, it is not clear how the Coal Tax Post (Grade II Listed) would be protected. As such, an appropriate condition could secure an agreement to a method statement to ensure the listed structure is protected during demolition.

Site F

- 9.8.2.32 Although the proposal for this site seeks to retain the Grade II listed gates and railings and introduces metal bollards to prevent future damage, the current condition of the gate piers and the potential damage that could be caused during construction by large vehicles is of concern. This includes sites B & 5 and any others, which would use this access. To ensure adequate protection during construction, a relevant condition could be imposed. Furthermore, details of the proposed bollards will need to be carefully considered. The Council would also encourage the landowners to consider repairing the listed structures following completion of the works. Commitment to repair is considered a benefit to the proposals.

Conclusion on potential impact upon the heritage assets

- 9.8.2.33 Further assessment of the potential impacts of the proposed development on the following heritage assets would have to be carried out at the next stages of the application process, when the detailed plans are considered:

- Gates and railings - Grade II listed (Site F and close to Site 5);
- Esher Conservation Area (adjoins Site 1);
- Tollhouse, Portsmouth Road (Locally listed building within Site 5);
- Traveller's Rest, Portsmouth Road (Grade II listed building adjacent to Site 2);
- Myrtle Cottages, Portsmouth Road (Grade II listed building close to Sites 4 and 5 – assessment to address impact of Site 4);
- Rosery and Glenfield, Portsmouth Road (Locally listed buildings close to Sites 4 and 5 – only impact of Site 4);
- Coal Tax Post, Portsmouth Road (Grade II adjacent to Site 5);
- No 28-34 (even) Esher Green (Grade II listed buildings close to Site 1);
- No 57 & 59 More Lane and 144 & 146 Lower Green Road (Locally listed buildings, close to Site 3).

- 9.8.2.34 Overall this hybrid application is likely to result, in the application of paragraph 196 and 197 of the NPPF. Some of the proposed developments have been identified to have the potential to cause 'less than substantial harm' to designated and non-designated heritage assets and their settings. On the sliding scale this impact is currently considered to be 'limited' with further assessment needed for each of the sites identified above. The potential impact of the works cannot be fully appreciated at outline stage and the benefits the developments may/ may not provide have also not been fully presented or assessed. Therefore, given that this application only seeks consent for access, the full impact and overall planning balance will be assessed at reserved matters stage. In reaching this conclusion, the local authority has satisfied their duty with regards to the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on landscape and visual amenities

- 9.8.2.35 Policy CS1 seeks all new developments must be high quality, well designed and locally distinctive. Policy CS14 states that new development should ensure protection and enhancements of local landscape character, strategic views and key landmarks. In the Esher Companion Guide to the Design and Character SPD, the Site is identified as 'landscape setting', an open land providing the setting to the town.

- 9.8.2.36 Paragraph 127 of the NPPF requires that new developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 9.8.2.37 The Surrey Landscape Character Assessment (LCA) (2015) is a comprehensive assessment of the landscape character of the county. It takes account of the framework of the National Character Areas recently reviewed by Natural England and describes variations in the landscape character at a county level. The wider assessment contains specific assessments of all boroughs and districts in Surrey. Surrey Landscape Character Assessment: Elmbridge Borough identifies the Site as part of Lower Green to Weston

Green and Littleworth Common, a significant greenspace within urban area. This assessment defines the key characteristics of the area as *'a collection of areas which include Sandown Park Racecourse, areas of golf course, the wooded Littleworth Common, and other areas of common, plus sports pitches. Sandown Park Racecourse and adjacent golf course are relatively private areas, but the majority of the remaining part of the area is a valuable recreational resource, with Open Access Land and public rights of way links. Significant areas are registered as Common Land, including Littleworth and Ditton Commons, and the edge of Weston Green Conservation Area is to the north. The commons are designated as Sites of Nature Conservation Importance. Parts of Littleworth Common have a sense of remoteness due to dense woodland which screens the surrounding urban areas. However, roads and other urban influences limit tranquillity elsewhere, despite that, the area provides both open and enclosed green space as a contrast and relief to the surrounding Built Up Areas.'*

9.8.2.38 The Site is positioned on varying topography, where an area of high ground in the southern part of the site represents the northern end of a broader ridge extending to the south. This high ground is located at approximately 50m above Ordnance Datum (AOD). The ground then slopes down across the racecourse to the north and north-east, levelling out with the lowest point in the north-eastern corner at 12m AOD.

9.8.2.39 The Site is broadly surrounded by urban areas of Esher and enclosed by mature trees and shrubs and therefore its open character can be appreciated only from a very few public viewpoints. The Site is dominated by the Grandstand, which offers long distance views towards London for its visitors. Views across the Site from Esher town are limited due to the position of the woodland at The Warren located on higher ground and the Grandstand. Further down Portsmouth Road, the views open up across the carparking area (Site F), however the boundary treatment and the presence of mature dense vegetation and trees on Site 5 again do not allow for the views of the racecourse beyond. For the same reasons, only very limited views across the Site are available from Station Road and Lower Green Road. More public views are available from More Lane, where approximately 1.8m high wooden fence with scattered trees and shrubs bound the Site.

9.8.2.40 The application is supported by the 'Landscape/Townscape and Visual Appraisal'. The document concludes that there would be a range of visual impacts during the construction phase on road users, roadside pedestrians, residents and visitors of the Site varying from minor through negligible and moderate to major, in both short and long term. Operational effects on roads and streets, pedestrian routes including the public rights of way, visitors of the Site and the residents have been also assessed. In terms of the effect on townscape character and visual amenity, the appraisal concludes that the long-term impact of the development proposals would be no greater than moderate/minor. In the context of the urban surrounding area of the Site, any effects would be geographically limited, largely to short sections of Portsmouth Road and More Lane. The proposals give rise to the potential for beneficial effects on landscape features through the retention, enhancement and addition of trees and hedgerows within the local townscape context. The anticipated visual effects are limited by both landscape screening and existing built form, including larger built form already associated within the racecourse. Notable visual effects at publicly assessable locations are likely in the short-term and were identified largely for receptors on Portsmouth Road and on More Lane. However, in the longer term, these effects were found to be no greater than moderate/minor, being experienced by the roadside pedestrian and the public rights of way users. In association with the impacts on the townscape and visual amenities, the appraisal identified notable effects to be contained within an area of less than 200m radius from the Site. Beyond 200m, baseline landscape/townscape character and visual amenity would be only marginally affected, if at all.

9.8.2.41 Whilst the Landscape/ Townscape and Visual Appraisal above provided analysis of the potential impacts of the proposed development, the proposals are currently in their outline form with all matters reserved, saved for the access. As such, these townscape and landscape analysis conclusions will need to be revisited once the detailed plans are prepared. At this outline stage, it is likely that there will be a level of impact, as the new

development would clearly result in a change to the existing visual amenities of the surrounding area particularly along Portsmouth Road, Station Road, Lower Green Road and More Lane. The level of impact will depend on the detailed design including materials, scale, layout, and landscape, which are currently not under consideration.

Conclusions on the potential impacts of the proposed development on the character of the surrounding area, heritage assets, landscape and visual amenities

- 9.8.2.42 The starting point in concluding on these matters is that the development proposals are currently in their outline form with their design (including materials), scale, layout and landscaping details being reserved for a later stage of the planning process. As such, the conclusions on these matters are only indicative. Overall, concerns with regards to the potential siting of the proposed buildings were raised in association with the RPAs of trees, the potential impact on the setting of the Esher Conservation Area and on the wider setting of listed buildings and locally listed buildings. All these issues will be addressed at the reserved matters or full application stages.
- 9.8.2.43 Although the proposal incorporates significant quantum of development, this was driven to the least conspicuous parts of the Site. It is inevitable that any development proposal would result in a change to the existing built form and landscape and these current proposals are no different.
- 9.8.2.44 Residents have raised concerns with regards to the proposed density. Between Sites 1 to 5, the resulting density would vary between 62.5dph and 126.3dph. In accordance with the national and local policies, the LPA must ensure the most efficient use of land. Density is only one of the parameters used to establish the potential impact of a development on the character of an area and it is not an in principle reason for refusal. The proposed densities are not considered to be excessive or out of character with this edge of town centre location in close proximity of the train station.
- 9.8.2.45 Representations received from the Esher CAAC have been taken into account in consideration of potential impacts on heritage assets and the character of the area.
- 9.8.2.46 In terms of their impact on the character of the area in general, the developments are unlikely to be harmful, but further information is required as part of the future detailed application/s. Based on the current illustrative plans, Sites 1 and 2 would potentially deliver housing in the form of a single building on each site. Due to their location near/adjacent to the town centre, where such built form is commonly present, it is unlikely that this would be out of place in principle. Sites 3 and 5 could be potentially come forward at the next stages in the form of sets of buildings, with similar designs being already present along More Lane and Portsmouth Road. As a result, these would be likely considered acceptable in principle. It was concluded that the illustrative details of the development on Site 4 would have negative impact on the character of the surrounding area or the wider setting of some nearby listed buildings. Again however, as the current plans are indicative only, the design and the other aspects of the proposed built form would need to demonstrate their positive integration in the context of the surrounding area at the detailed stages. In conclusion however, it is considered that the suggested quantum of development on Site 4 could be accommodated successfully. In conclusion therefore, it is not possible to assess the impact on the character of the surrounding area arising from the proposed development with certainty at this outline stage. Such considerations would be subject of detailed plans at the later stages of the application process. It is however likely that the sites would be able to accommodate the envisaged quantum of development in a satisfactory manner in terms of their relationship with their respective surrounding areas.

9.8.3 Impact on residential amenities

9.8.3.1 Policy DM2 requires that *'the development proposals should protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate outlook and provide adequate daylight, sunlight and privacy.'* Policy DM3 states that *'mixed use development should be appropriate to the character of the area and ensure that the proposed uses are compatible with one another and existing uses nearby. New development should achieve high quality design that creates a pleasant yet functional place for people to live and work. It should offer an appropriate standard of accommodation for the types of use proposed, including providing adequate outlook, privacy, ventilation and prevention of nuisance from commercial to residential uses.'*

9.8.3.2 Policy DM10 expects proposals for new housing development to offer an appropriate standard of living, internally and externally. Minimum space standards will be applied to all new housing development. Residential accommodation should offer residents an appropriate level of light, outlook (particularly when the accommodation is lit solely by rooflights) and amenity, including gardens or outdoor space, commensurate with the type and location of housing proposed.

9.8.3.3 A compliance with the design principles for all residential units required at the next application stages include the following: no single north aspect habitable rooms; compliance with the nationally set minimum space standards; all flats should be provided with a private outdoor amenity space, to have access to a communal garden or to an open space within walking distance beyond the boundary of the application site; all habitable rooms to be well lit with natural light and to offer appropriate outlook. As Sandown Park represents a mixed use site with various sources of noise associated with its activities, all residential units would need to be assessed with regards to the potential sources of noise and adequate mitigation proposed as part of the future application. This is to ensure that the future occupiers of the proposed residential developments on Site benefit from high quality residential amenities.

Impact on residential amenities of the existing neighbouring residents and the future occupiers of the proposed development⁴⁷

Site 1

9.8.3.4 The site would accommodate up to 15 flats and it is located adjacent to the residential properties to its west and south. Adequate separation distances between the proposed and existing habitable room windows and between their private amenity areas would have to be provided to ensure no undue overlooking and loss of privacy. Due to the site's orientation to the east, northeast and to the north of the neighbouring properties, it is considered possible to achieve adequate levels of sunlight and daylight to all. The existing linear terrace of stables on the southern boundary of Site 1 acts as a buffer for the adjacent neighbouring properties and the boundary wall is indicated to be retained. In addition, it might be possible to provide additional soft landscaped boundary treatment that could improve the existing outlook for these neighbours. In conclusion, it is considered that based on limited confirmed information at this outline stage, it is possible to achieve high quality residential amenity standard for both, the existing neighbouring and the future occupiers of the development.

Site 2

9.8.3.5 Site 2 is proposed to accommodate up to 49 apartments. The indicated outdoor amenity space comprises a landscaped deck over the undercroft parking level to be situated to the northwest section of the building. With regards to the neighbouring occupiers, the rear walls of No 2 and 2a Warren Close to the southwest are set only 12m from the boundary shared with the site. It is indicated that the proposed building could be set with its highest 4-storey section approximately 26m away, and the 3-storey part of the building approximately 18m at

⁴⁷ The impacts of pollution including noise and air quality are discussed in chapter 9.8.7

the nearest point. However, layout and design are subject to change. Despite this uncertainty, it is likely that the proposal could be designed as not to result in any adverse loss of light to the existing neighbouring occupiers. Any potential terraces or balconies could be subject of balcony screens provision, which are considered effective in their ability to preserve privacy of neighbouring occupiers. Similar approach could be executed with regards to any side windows.

- 9.8.3.6 The building would be likely built along the northwest-southeast axis of the site and therefore the internal layouts of the proposed apartments are likely to achieve the design principles outlined in paragraph 9.8.3.3 above. However, as the site is situated along a busy High Street/Portsmouth Road frontage with identified poor air quality, the ventilation as an alternative to opening windows would need to be incorporated at the detailed design stages. The ground floor habitable rooms would have to be provided with a defensible space, as these would face the pedestrian link between the Esher town centre and the Grandstand/hotel. All these matters would need to be addressed at the later stages.

Site 3

- 9.8.3.7 Based on the indicative plans, the new properties would be sited a minimum 49m from the properties to the north site of Lower Green Road and approximately 53m from those to the west side of More Lane. All buildings would be likely of up to 3 storeys in height. Due to these separations it is not considered that the development would result in any undue loss of light, privacy or outlook to the existing neighbouring occupiers. The windows on the proposed blocks would have to be laid out to comply with the design principles outlined above in paragraph 9.8.3.3.
- 9.8.3.8 The existing use on Site C is situated approximately 300m from Site 3. As stated in paragraph 4.8 above, the existing use of the go-karting facility is limited in terms of opening hours, restriction on floodlights and the use of silent karts. Due to these arrangements and the separation distance, the future occupiers of Site 3 are not considered to be adversely affected by this use. The LPA would ensure that no adverse effects on residential amenities of Site 3 result by way of imposition of appropriate conditions or planning obligations at the detailed stages should the proposed use on Site C is permitted.
- 9.8.3.9 With regards to the horse races, there are currently 25 race days per year, some of which take place in the evenings. However, due to the limited number of races, and whilst the proposed development would be directly adjacent to the racetrack, in comparison with the other existing properties in the vicinity of the racetrack in More Lane, it is likely that the amenities of the future residents would not be adversely affected by these activities. In addition, the noise related conditions ensuring the preservation of quality residential amenities have been suggested by the EHO, as discussed in chapter 9.8.7 below.

Site 4

- 9.8.3.10 Residential development on Site 4 is not adjacent to any other residential properties in its vicinity, as the neighbouring properties to the southwest and southeast are in commercial uses. It is currently envisaged that the proposed building might be in the form of a crescent with semi-recessed balconies and a high proportion of glazing facing the racecourse. The final design would have to comply with the principles outlined in paragraph 9.8.3.3 and it is considered that this is achievable.

Site 5

- 9.8.3.11 Site 5 is situated adjacent to a residential apartment building to its northeast. As such, the future siting and layout of the nearest block on Site 5 will have to take into account the internal layout, and specifically of the habitable rooms of apartments within Cheltonian Place building. The detailed future design would have to follow the principles outlined above (see paragraph 9.8.3.3) in order to achieve acceptable quality of amenities to both the existing neighbouring as well as the future occupiers of the development.

- 9.8.3.12 As discussed on Site 3, the residential properties on Site 5 would be approximately 150m away at the nearest point from the proposals on Site C. Should the existing go-kart business remain in operation, there are planning controls in place securing reasonable protection of residential amenities of the future residents on this site. Should the new, proposed use be permitted, there are planning controls available in the form of conditions or planning obligations to ensure protection of amenities of the future occupiers of Site 5, which would be exercised at the detailed stages as appropriate.

Site A

- 9.8.3.13 The proposed development on Site A comprises single storey tack boxes building to be likely situated adjacent to the site's boundary, in the vicinity of the existing neighbouring residential properties in Tellisford. This would replace the existing stables and would therefore unlikely result in any adverse impact on the neighbouring occupiers. The existing stable block along the boundary with properties in Warren Close would be replaced with a strip of soft landscaping adjacent to the proposed carpark. It is considered prudent to provide a meaningful soft landscaping buffer on this boundary to preserve the amenities of these neighbouring occupiers in terms of potential noise and visual impact. Overall, as indicated, the facilities would be concentrated in one area rather than spread out across a large space, which is likely to have beneficial result on the amenities of the neighbouring residents in comparison with the existing situation.

Site B

- 9.8.3.14 The hotel building on Site B would not be directly abutting any residential properties, existing or proposed. The nearest proposed residential use would be on Site 5 in approximate distance of 200m; with the nearest existing residential properties to the southeast side of Portsmouth Road being separated by approximately 100m wide gap. Due to this setting, it is unlikely that the proposed development on Site B would result in any adverse loss of residential properties.

Site C

- 9.8.3.15 The proposed family zone development would replace the existing go-karting establishment. As this would be a similar use, the resulting impact on amenities of nearby residents is considered comparable. These proposals are only in their outline form at present, and therefore appropriate conditions to protect residential amenities, if necessary, would be imposed once the detailed plans application is submitted.

Sites D, E, E1 and F

- 9.8.3.16 Site D includes improvements to the existing parking area. Development proposals on Sites E1 and E2 represent widening of the existing racetrack. Proposals associated with Site F comprise of rationalisation of the existing parking facility. Due to the nature of the proposed works, it is not considered that the development on either of these sites would give rise to amenity concerns with regards to the existing or future residents in their vicinity.

All sites

- 9.8.3.17 In order to ensure safety, Policy DM2 requires that development proposals create safe and secure environments and reduce opportunities for crime. To achieve this, Policy CS17 clarifies that new buildings should be physically integrated into the community through safe permeable access routes which minimise opportunities for crime.
- 9.8.3.18 Paragraph 91 of the NPPF states that decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. Paragraph 95 continues with a requirement for planning decisions to promote public safety and to take into account wider security and defence requirements. Paragraph 127 f) further requires planning decision to ensure that developments '*create places that are safe, inclusive and accessible and which promote*

health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 9.8.3.19 Design and Access Statement refers to some crime reduction measures. As a result of the application being submitted in the outline form, there is currently insufficient level of detail provided with regards to these measures. Whilst Surrey Police acknowledge this, they cannot support the application due to the lack of such information. It is considered that these details should be provided at the future reserved or other full application stages, when these details could be assessed. Surrey Police consider that the development would be a busy, and during events crowded place with the potential for crime and disorder. This should be addressed and designed out at this early stage. On this basis, Surrey Police requested the inclusion of a condition for the development to achieve the full Secured by Design⁴⁸ award.

Conclusion on potential impacts of the proposed developments on residential amenities

- 9.8.3.20 On the basis of the submitted illustrative plans, it is likely that the proposed development has the potential to address any concerns with regards to the amenities of the existing neighbouring or the future occupiers of the development. As the proposals are in their majority in the outline form, detailed plans would be assessed at a later stage within their respective future application/s.

9.8.4 Impact on biodiversity including trees

Biodiversity

- 9.8.4.1 Policy DM21 seeks all new development to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features. Support will be given to proposals that enhance existing and incorporate new biodiversity features, habitats and links to habitat networks into the design of buildings themselves as well as in appropriate design and landscape schemes of new developments with the aim of attracting wildlife and promoting biodiversity.
- 9.8.4.2 Policy CS15 seeks to protect and enhance priority habitats and species and ensures that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features.
- 9.8.4.3 The NPPF seeks to encourage opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.⁴⁹
- 9.8.4.4 The application is supported by a 'Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment', a 'Shadow Habitats Regulations Screening Assessment'; and the 'Bat and Great Crested Newt Survey Report' that was submitted during the course of the application. The submitted habitats regulations assessment identified that within the 10km radius of the Site, there are four designated European sites, including Southwest London Waterbodies Special Protection Area (SPA), Richmond Park Special Area of Conservation

⁴⁸ Secured by Design (SbD) is a police-owned organisation that works on behalf of the Police Service throughout the UK to deliver a wide range of crime prevention and demand reduction initiatives. SbD plays a significant crime prevention role in the planning process to design out crime in a wide range of building sectors. It has achieved some significant success including one million homes built to SbD standards with reductions in crime of up to 87%. It supports the National Planning Policy Framework (NPPF) and underpins the above aims. The SbD scheme can be viewed at www.securedbydesign.com

⁴⁹ NPPF paragraph 175 d)

(SAC), Thames Basin Heaths SPA and Wimbledon SAC. The Applicant engaged with Natural England at pre-application stage, who offered their advice with regards to the potential impact of the proposed development on the integrity of these European Sites. In their correspondence to the Applicant they confirmed that the proposed plans would not have a significant effect on the Thames Basin Heaths SPA, Richmond Park SAC or Wimbledon Common SAC, either individually or in combination with other plans or projects. With regards to the Knight and Bessborough Reservoir, the closest area of SPA, as well as Island Barn and Queen Elizabeth II reservoirs, which may be reasonably considered supporting habitat of Gadwall (*Anas Strepera*) and Shoveler (*Anas Clypeata*) for which they are designated, currently have very limited or no public access. As such, Natural England expressed their satisfaction that the proposed development was not likely to have a significant effect on the South-West London Waterbodies SPA; and confirmed to the LPA that in accordance with the habitats regulations⁵⁰ the Appropriate Assessment is not necessary in this instance.

- 9.8.4.5 The submitted documents indicate that no evidence of roosting bats except for a single building on Site 2 confirming a day roost was found. No roosting bats were found during the tree climbing inspections of the trees identifies as having the potential to support roosting bats. Further surveys also confirmed that no Great Crested Newts were recorded in the ponds/ditch on the Site. Despite the above, the supporting documents suggest mitigation measures to compensate for any potential impacts, as well as the enhancement measures.
- 9.8.4.6 Natural England, the Surrey Bat Group (SBG), the Surrey Wildlife Trust (SWT) and the Elmbridge Leisure & Cultural Services were consulted as part of the application process.
- 9.8.4.7 Subject to conditions securing the relevant mitigation measures and the Landscape and Ecological Management Plan (LEMP), SWT raised no objections to the proposed development. SWT and the Elmbridge Leisure & Cultural Services note that Sites 4, 5 and B are situated in proximity of Littleworth Common, a Site of Nature Conservation Importance (SNCI), being of county importance for nature conservation primarily for its mosaic of woodland and grassland habitats. Due to the likely significant future recreational pressure on SNCI arising as a result of the proximity of the proposed residential development and the anticipated number of the future residents together with the proximity of the proposed hotel, it is considered necessary to establish the management plan for, and the future maintenance of, the SNCI. This would need to be done following an ecological appraisal/survey that would inform the future maintenance needs of the Littleworth Common. As such, the consultees requested a financial contribution to secure the long-term maintenance of SNCI.
- 9.8.4.8 The SBG in their original consultation response welcomed the Applicant's intentions to carry out further bat survey work prior to determination of the application. Following the submission of the survey results and a re-consultation, the SBG offered further comments. The SBG are not satisfied that the multiple bat surveys were carried out two weeks apart, which is the absolute minimum spread across the bats active season. They also noted that some of the surveys were carried out in sub-optimal conditions and only 6 days apart. As such, they requested further surveys to be carried out. As no demolition or construction of buildings in association with the current proposals can take place until full planning permission is granted, this deficiency can be addressed at the detailed stage. As confirmed by SWT, the results of the further survey work are not necessary prior to the determination of the current, outline proposals.
- 9.8.4.9 Natural England raised no objection to the proposals subject to appropriate mitigation for and protection from the potential impact on the ancient woodland adjacent to the proposed development sites in the form of the Construction Management Plans that could be secured by a condition.
- 9.8.4.10 On this basis it is considered that the relevant conditions and a planning obligation associated with the above would ensure compliance with policies of the local plan, the

⁵⁰ The Conservation of Habitats and Species Regulations 2017 (as amended)

NPPF and the other relevant legislation, including the Government Circular: Biodiversity and Geological Conservation (ODPM 06/2005).

Trees

- 9.8.4.11 Trees make an important contribution to the character and appearance of the Borough. Policy DM6 requires that the development proposals are designed to include an integral scheme of landscape, tree retention and protection. It confirms that the proposals should not result in loss or damage to trees that are, or are capable of, making a significant contribution to the character or amenity of the area, unless in exceptional circumstances the benefits would outweigh the loss. This policy seeks to adequately protect existing trees including their root systems prior to, during and after the construction process. The developments should not result in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient or veteran trees, unless in exceptional circumstances the benefits would outweigh the loss; and should include proposals for the successful implementation, maintenance and management of landscape and tree planting schemes.
- 9.8.4.12 Policy CS14 promotes safeguarding of important trees, woodlands and hedgerows and securing provision of soft landscaping measures in new development, focusing on the use of native species, particularly trees, which are an important feature of the Elmbridge landscape, and taking opportunities to create links with the wider green infrastructure network. It confirms that the Council aims to give a high level of protection to the Borough's green infrastructure network; and that urban trees have an important role in sustainable communities, providing numerous aesthetic, social and health benefits and are a key feature in the Elmbridge landscape. Policy CS15 supports protection of woodland, including ancient woodland, from damaging development and land uses.
- 9.8.4.13 SWT identified the presence of four veteran sweet chestnut trees to the immediate north of Site A. Site A is also located immediately adjacent to an area of woodland, which is identified by Natural England as Ancient Woodland and Semi-Natural Woodland Habitat of Principal Importance for the purpose of conserving biodiversity in England, in line with the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Government standing advice relating to Ancient Woodland states that a developer should identify ways to avoid negative effects of ancient woodland which could include redesigning the scheme.
- 9.8.4.14 As the layout of the proposed development (except for Sites E1 and E2) is a reserved matter, SWT requested the Applicant to demonstrate at the detailed application stage that the proposed development would ensure permanent retention of appropriate semi-natural habitat buffers adjacent to the ancient woodland and veteran trees, to be secured by way of a legal agreement. A requirement for the appropriate management of the ancient woodland was also made.
- 9.8.4.15 The Council's Senior Tree Officer visited the Site and considered the development proposals in the light of their impact on the existing trees, including the protected and veteran trees, and the ancient woodland on all individual development sites. The tree officer's detailed consultation response is available on the Council's website⁵¹. Based on the indicative layout and parameter plans, as well as the tree survey details, the officer raised no arboricultural concerns with regards to any site except for the development proposals on Sites 1 and A.

Site 1

Site 1 is adjacent to the Ancient Woodland designation which is protected by TPO EL:144. To a degree the design proposal has taken into consideration the location of the important trees and ancient woodland designation by placing the non-habitable, single storey parts of the building under the existing canopies and tried to provide

⁵¹ www.elmbridge.gov.uk/planning

some clearance between the two – three storey sections. The arboricultural report identifies the footprint of the building to be located on the existing hard surfacing allowing the retention of all the trees including the high grade Sweet Chestnut (T4).

The Council's main arboricultural concerns for Site 1 are with the ground level changes indicated in the Design and Access Statement, and the proximity to trees making up G2 [Group 2].

Currently the canopy height and clearance of the trees is around 5-6m which would provide sufficient clearance for the single storey section, however an elevated position of the trees to the north would foreseeably result in an overbearing presence and anticipated shading issues. The proximity issue was identified and addressed by Tyler Grange in sections 3.9 – 3.12 of their report and produced some valid solutions of locating non-habitable rooms and corridors on the north side of the property. If sufficient clearance could be provided and thoughtful layouts utilised, as described, this would potentially address the Council's concerns.

It is assumed no roots would be present underneath the existing stables due to the nature of the hostile rooting environment, but the proposed drop of an estimated 1-2m from the existing ground level could foreseeably cause stability issues and root severance. There is a possibility of either tree roots growing under the foundations, which may be shallow or using the foundations as a stabilising agent, as indicated by Claus Mattheck as 'The Wall Boxer' (Pushing against the foundations) or 'The Windward Tension Loop' (Growing under the foundations). If as a result of the ground level changes the protected trees were structurally compromised, their loss would have a detrimental impact on the amenity and landscape of the area. The NPPF reinforces this view which is outlined in paragraph 175 c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

Due to the above issue with ground level changes and foreseeable loss of protected trees in the ancient woodland designation, the Council is unable to support the indicative proposal for Site 1 on arboricultural grounds.

Site A

Site A contains a line of four veteran Sweet Chestnuts, adjoins the ancient woodland towards the north of the site and contains a significant number of good quality higher grade trees. The proposal involves some fairly significant alterations to the layout and landscaping which is anticipated to have a major arboricultural impact on the site. The Council's main concerns and observations are raised below with reference to the mitigation measures mentioned in the arboricultural report.

The trees proposed for removal to accommodate the new stable blocks (T6-T10) are young to semi mature and their loss would not have a significant impact on the amenity of the site.

The group of high grade, high amenity value trees (G11-T25) located close to Site 2 are highlighted for retention and the indicative proposed site plan shows a degree of hard surfacing in the calculated RPAs will be returned to soft landscaping. This is seen as an improvement to existing rooting environment and is arboriculturally favourable.

All trees to the north of the proposed Canteen/Changing block have lopsided leaning growth habits towards the south, which will cause proximity problems with branches touching the building and shading concerns.

The location of the new pre-parade ring is inside the BS:5837 RPAs and increased RPAs for veteran trees. As mentioned in the NPPF paragraph 175 c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*. At face value any development could be considered detrimental to the veteran trees T11-T14. However, if the overall rooting environment of all four trees (including those outside the development site boundary T13 & T14) could be improved from existing, the Council would be able to look favourably on the location. This would likely include removal of existing hard surfacing and reinstatement with a minimal amount of permeable hard surfacing; reduction in the overall hard surfacing in the RPAs with design to limit access paths where possible; and improvement to the soil and longer term management plan to maintain improved rooting environment (possible barriers and mulching) to restrict compaction of soft landscaped areas directly adjacent to the trees. This area was covered on pages 16 & 17 of the arboricultural report. A consideration at the time of the site visit was whether the falling fruit and detritus from the trees would cause problems with the parade ring and its use. The initial site visit was conducted on a race day and the level of detail to the ground's maintenance was high and it was assumed any detritus would be regularly cleared to prevent any issues.

The pre-parade ring would have a greater detrimental impact on the formal line of Norway Maples (G9) with the removal of four of the group, reduction in soft landscaping inside the RPA, placing fixed structures in the RPA and the canopy line, and placing the unloading levellers in the RPA. Recommendations have been made to state the saddling boxes should be of a light weight, sensitive construction to limit the impact on the trees. This would potentially be acceptable, and the semi mature nature of the trees would indicate a tolerance to some root disturbance. If the unloading levellers could be located outside the RPA it would be more favourable however if they could be constructed to retain soft landscaping underneath them, this may be an acceptable compromise.

The scheme for site A and the information presented in the arboricultural report has demonstrated a fair degree of arboricultural consideration for existing arboricultural features. Overall the high quality, higher amenity value mature trees have been retained and feasible considerations have been presented to limit the impact on their RPAs. The ground works around the veteran trees have the opportunity to improve their rooting environment and their long term health, which is favourable.

The main arboricultural areas of concern are the indicative proximity of the Staff Canteen/Changing to the trees to the north, and the proposed structures and deterioration of the rooting environment to G9.

Conclusion on the potential impacts on biodiversity

9.8.4.16 In conclusion, as the site layouts are currently only indicative, and the detailed layouts would be subject to a future application, the raised concerns with regards to the relevant trees would need to be addressed at that stage. Should the issues be resolved by the amended site layouts, the Tree Officer would withdraw its objection on arboricultural grounds to the proposals on Sites A and 1. On this basis, it is considered that the outline permission should not be withheld due to the arboricultural concerns to be addressed at a later stage.

9.8.4.17 Any impact on biodiversity would need to be mitigated through appropriately worded conditions and a legal agreement. On this basis, the proposed development is not considered to result in any adverse impact on biodiversity including trees at this outline stage.

9.8.5 Flooding implications and SuDS

Fluvial and surface water flooding

9.8.5.1 In accordance with the NPPF and PPG, the proposals include 'more vulnerable' uses (residential dwellings, hotel and a day nursery) and 'water-compatible development' (outdoor sports). The national policy also clarifies, which uses in accordance with their level of vulnerability are compatible in specific flood risk areas. Both, the 'more vulnerable' and 'water-compatible' uses are appropriate in Flood Zone 2. The areas of the Site within the Flood Zone 2 that are subject to the development/redevelopment proposals include the residential (C3) uses; with the hotel and a day nursery (Use Classes C1 and D1 respectively) being located within Flood Zone 1.

9.8.5.2 PPG confirms that the LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere⁵². The application is accompanied by the Assessment of Drainage and Flood Risk. This document reviewed the Site data obtained from the Environment Agency, the Elmbridge Flood Risk SPD and the Elmbridge Strategic Flood Risk Assessment (2015).

9.8.5.3 The Site lies within Flood Zone 1 having less than 1 in 1000 annual probability of river flooding; with limited areas in Flood Zone 2 (Site 3 and southwest corner of Site 4 only)⁵³ having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. Very limited areas of the Site are affected by low to high surface water flooding⁵⁴.

Site 1

9.8.5.4 The surface water flood risk is minimal, with a small strip bordering its southern boundary shown as low risk. There is no history of flooding on Site 1. Rainfall-derived surface water follows the local topography and exits the site towards the south and southwest. There are currently no issues with standing water within the site's boundary. The proposed development would modify the run-off characteristics of the site due to the change in the ground profile and surface cover. The surface water management system would be improved, ensuring that volumes of surface water run-off can be retained, attenuated or infiltrated within the site boundary. The surface water drainage within the proposed development would be designed to manage volumes equivalent to the greenfield run-off rate. In conclusion, the proposed development is not anticipated to increase the flood risk elsewhere.

Site 2

9.8.5.5 The site is located within the Flood Zone 1. There is no history of flooding within the site. Limited areas of the site are at low risk of surface water flooding, likely associated with topographical setting and the site coverage by hardstanding. The natural drainability of the sub-surface is good and infiltration to ground via soakaway would appear to be feasible. If SuDS methods to retain and attenuate water are incorporated into the development design, it is considered that the risk of increasing flood risk to or from the development is very limited.

Site 3

9.8.5.6 The site is located within the Flood Zone 2, where the probability of fluvial flooding in any one year is between 1 in 1,000 and 1 in 100. Therefore, the site is deemed to be at a medium risk of fluvial flooding and mitigation measures are required to prevent increasing flood risk to flood receptors downstream. Design elements, such as raising floor levels and appropriate flood escape routes need to be considered. Small areas of the site are noted as being at low, medium and high risk of surface water flooding, with a likelihood of flooding up

⁵² PPG Paragraph: 034 Reference ID: 7-034-20140306

⁵³ Please see Figure 10 - Areas in a Flood Zone 2 (in light blue)

⁵⁴ Please see Figure 11 - Areas affected by surface water flooding (*light blue – low risk, dark blue – high risk*)

to 3.3%. The proposed development provides an opportunity for betterment of the existing drainage and water management. The natural drainability of the sub-surface beneath the site is limited and infiltration to ground via soakaway might not be feasible, however a discharge to the watercourse to the north of the site would be considered. If SuDS methods are adopted to retain, attenuate and temporarily store water generated during storm events prior to discharge off-site, it is considered that the risk of increasing flood risk to or from the development would be limited.



Figure 10: Areas falling within Flood



Figure 11: Areas affected by the surface water flooding

Site 4

- 9.8.5.7 Whilst the majority of the site is located in the Flood Zone 1, it is partly located within the Flood Zone 2. As the proposed development would alter the run-off characteristics of the site by replacing the currently permeable surface with hardstanding and built form, appropriate mitigation measures are required. In accordance with the Applicant's Assessment of Drainage and Flood Risk, the entire site is at a very low risk of surface water flooding. The natural drainability of the sub-surface beneath the site is moderate. If SuDS methods to retain and temporarily store water are incorporated into the development design, it is likely that the risk of increasing flood risk to or from the development would be very limited.

Site 5

- 9.8.5.8 The site is located within the Environment Agency's indicative Flood Zone 1, therefore the site is not deemed to be at risk of fluvial flooding. Areas of the site are at low, medium and high risk of surface water flooding that are likely to be improved upon as a result of the development. Soakaways are unlikely to be successful at the site, therefore drainage designs would need to attenuate storm run-off such that discharge from the site would not exceed greenfield run-off rates.

Site A

- 9.8.5.9 The site is situated within the Flood Zone 1 and there is no history of flooding within the site. Limited areas are at low and medium risk of surface water flooding likely associated with topographical lows within the existing land cover. The proposed development provides an opportunity for betterment of the existing drainage and the water management that would enable the volumes of surface water run-off to be retained, attenuated or infiltrated within the site's boundary. The natural drainability of the sub-surface beneath the site is good and infiltration to ground via soakaway would appear to be feasible. However, a potentially high water table would need to be considered and soakaway testing is advised.

Site B

- 9.8.5.10 The site is located within the Flood Zone 1 and there is no history of flooding within the site. The entire site is at very low risk of surface water flooding, with a likelihood of flooding less than 0.1%. The proposed development provides an opportunity for betterment of the existing drainage and water management. The natural drainability of the sub-surface beneath the western extent of the site is good so infiltration to ground via a soakaway would appear to be feasible. If SuDS methods to retain and attenuate water are incorporated into the development design, it is considered that the risk of increasing flood risk to or from the development is very limited.

Site C

- 9.8.5.11 Site C is located within the Flood Zone 1 and there is no history of flooding within this site. The proposed development which includes the redevelopment of the existing structures, provides an opportunity for betterment of the existing drainage and water management. The natural drainability of the sub-surface beneath the site is poor. The provision of SuDS features to accommodate surface water run-off would be sufficient to efficiently manage drainage. However, the proximity of existing drains to the west and south of the site is such that contingency exists in the case of any future need. Due to the nature of the proposals the Applicant's Assessment of Drainage and Flood Risk concluded that there would be no increase in flood risk.

Site D

- 9.8.5.12 The site lies within the Flood Zone 1 with no history of flooding within the site, thus it is not deemed to be at risk of fluvial flooding. Areas of the site are at low risk of surface water flooding, with a likelihood of flooding between 0.1-1%. The proposed development provides

an opportunity for betterment of the existing drainage and water management. The natural drainability of the sub-surface beneath the southwestern extent of the site is good and infiltration to ground via a soakaway/SuDS is proposed. If SuDS methods to retain and attenuate water are incorporated into the development design, the risk of increasing flood risk to or from the development would be negligible.

Sites E1 and E2

- 9.8.5.13 It is proposed to widen the racetrack at the southwest and east of the circuit. The area extent and minor nature of the proposed works is such that there are not anticipated to be discernible impacts on flood risk.

Site F

- 9.8.5.14 Site F lies within the Flood Zone 1. The proposal is to improve the existing parking area through amendments to the layout with soft and hard landscaping. The Applicant's Assessment of Drainage and Flood Risk concluded that no effects on drainage were anticipated.

Sustainable Drainage Systems

- 9.8.5.15 Following the introduction of the Flood and Water Management Act 2010 Sustainable Drainage Systems (SuDS) have been delivered as part of all major developments through the planning system since April 2015. Planning Practice Guidance reflects the requirement for a provision of SuDS. The proposed development needs to take into account different factors including the layout of the site, topography and geology. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate⁵⁵.
- 9.8.5.16 The SCC LLFA (Local Lead Flooding Authority) reviewed the submitted flooding related information and confirmed that the proposed drainage strategy meets the requirements set out in the NPPF, PPG and the Non-Statutory Technical Standards for sustainable drainage systems. Conditions to secure the correct implementation of the SuDS Scheme were suggested. Environment Agency also reviewed the provided flood-related documents and raised no objection to the proposed development.

Conclusion on the potential flooding implications

- 9.8.5.17 The Assessment of Drainage and Flood Risk submitted with the application concludes that subject to mitigation measure being provided, including SuDS, the proposed development would not result in any adverse flooding implications on or off Site. Subject to securing the mitigation measures via conditions, the SCC LLFA; and the EA are satisfied with these conclusions. Furthermore, subject to these conditions and further detailed Flood Risk Assessment confirming the proposed mitigation measures at the reserved matters stage, the LPA is satisfied that the proposed development would not result in any adverse flooding implications on or off Site. Conditions concerned with the detailed escape routes associated the development on Site 3 could be secured at the detailed application stage.

⁵⁵ Paragraph 165

9.8.6 Archaeology

- 9.8.6.1 Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest⁵⁶, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.8.6.2 Policy DM12 states that the proposals for development in the Areas of High Archaeological Potential should take account of the likelihood of heritage assets with archaeological significance being present on the site, provide for positive measures to assess the significance of any such assets, and enhance understanding of their value.
- 9.8.6.3 The Archaeological and Heritage Assessment was submitted with the application. This document was reviewed by the Archaeological Officer at SCC, who offered the following comments: The Historic Environment Record (HER) provides a good basis for a general assessment, however, reference to some of the standard secondary sources and a review of some of the easily accessible local sources of historical and archaeological information would have helped to provide a more nuanced assessment of the various sites' archaeological potential.
- 9.8.6.4 The proposed development on Sites 1- 5 and A – F occupy a variety of different locations, topographies and geological zones, with differing levels of archaeological potential and development impacts. Not all of the development plans provided are at a point where their full impacts can be definitively determined and the degree of previous impacts across many of the proposed sites cannot be fully determined from the information submitted. However, it is possible to formulate a general mitigation strategy for the sites based on the submitted information.
- 9.8.6.5 Sites 1, 2, 5, A, B and F are adjacent to each other and together form a continuous strip of varying development along the southern boundary of the site. These sites, due to their combined area, will have a cumulative impact on any archaeological Heritage Assets that may be present; similarly, Sites C, D and E1 across the centre of the site.

Sites E1, E2 and Bell-mouth accesses at Sites 1, 3, 4 & 5

- 9.8.6.6 The groundworks involved with the track widening at Sites E1 and E2 and the alterations to the internal access road from More Lane, are likely to be limited in their impact and are located in areas where previous disturbance is likely. The proposed new bell-mouth site accesses (Sites 1, 3, 4 & 5) are relatively limited in their size and impact and generally in locations where some previous disturbance is likely. As such, the new bell-mouth accesses (Sites 1, 3, 4 & 5), the internal access road from More Lane and the track widening at E1 and E2 do not require any further archaeological consideration.

Site 1

- 9.8.6.7 Site 1 is adjacent to, and partially within, an Area of High Archaeological Potential⁵⁷ (AHAP) defined around the prehistoric and Saxon discoveries at The Warren. There is a potential for outlying Saxon burials to be present within the site. A programme of archaeological monitoring during all groundworks associated with the development, including the removal of the foundations of the buildings to be demolished, to identify and record any Heritage Assets of archaeological significance that may be present is therefore required.

Site 2

- 9.8.6.8 Site 2 is immediately adjacent to an AHAP defined around the historic core of Esher (as revised and extended in August 2017). Whilst this site benefits from an extant planning

⁵⁶ NPPF: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

⁵⁷ Please see Figure 12 – Designated Areas of High Archaeological Potential

permission for the construction of a hotel, that proposal was not assessed for its archaeological potential. As there is a potential that archaeological horizons may still remain in situ, a programme of trial trench evaluation to properly define its archaeological potential is required. This work will need to be secured by condition at the outline stage and defined by a site-specific Written Scheme of Investigation (WSI) to be submitted with any reserved matters/detailed application.

Site 3

- 9.8.6.9 The Applicant's assessment identifies an archaeological potential for the later medieval and post-medieval periods at Site 3 due to the proximity of the medieval settlement of Lower Green and the significant prehistoric and Saxon discoveries at the Cranmere School site approximately 250m to the north. There is potential for the development to result in a substantial harm to any Heritage Assets of archaeological significance that may be present and therefore further archaeological work is needed. As for Site 2, this includes a programme of trial trench evaluation and a site-specific WSI to be submitted with the reserved matters/detailed application.

Site 4

- 9.8.6.10 Due to the lack of archaeological investigation within or in the vicinity of Site 4, the archaeological potential of this site is 'unknown'. The provided cartographic evidence shows that the site has remained undeveloped in the modern period and as such, there is a potential for unknown Heritage Assets of archaeological significance to be present within the site. Given its size (0.57ha) and the potential for the development to result in a substantial harm to any Heritage Assets of archaeological significance that may be present, there is a need for further archaeological work, as on Sites 2 and 3.

Site 5

- 9.8.6.11 The Applicant's Archaeological and Heritage Assessment notes that the site is in an AHAP defined around the possible presence of a medieval hospital. As such, a further archaeological work in respect of this site is required, as for Sites 2, 3 and 4.

Site A

- 9.8.6.12 Site A is situated adjacent to an AHAP defined around prehistoric and Saxon discoveries at The Warren. Whilst terracing and levelling in the area are evident, these do not appear to extend across all areas of Site A. Some may be ground level raising works that might have preserved any buried features. As such, there is a need for further archaeological work in respect of this site in the form of a site-specific Archaeological Impact Assessment (AIA).

Site B

- 9.8.6.13 As for Site A, the Archaeological Officer requested that a site-specific AIA is submitted with any reserved matters/detailed application.

Site C

- 9.8.6.14 Whilst any Heritage Assets of archaeological significance that may have been present are likely to have been disturbed during the construction and removal of buildings associated with the Second World War and the construction of the existing kart track, the Applicant's assessment does not offer sufficient evidence to be able to clearly determine the archaeological potential of Site C, or the degree of previous impacts across it. As such, further archaeological work in the form of a site-specific AIA is necessary.

Site D

- 9.8.6.15 The archaeological potential of this site is 'unknown'. Given its size at approximately 3.5ha, its unknown potential and its apparently undisturbed nature, there is a need for further archaeological work and a site-specific AIA should be submitted with any future reserved matters/detailed application.

Site F

- 9.8.6.16 The Archaeological Officer considers that the Applicant's assessment does not present sufficient evidence to be able to clearly determine the archaeological potential of the site or the extent of any previous impacts on any Heritage Assets of archaeological significance that may be present. As such, further archaeological work in the form of a site-specific AIA is necessary.

Conclusion on the potential impact on the assets of archaeological importance

- 9.8.6.17 Following the review of the Archaeological and Heritage Assessment, the SCC Archaeological Officer concluded that the assessment does not present sufficient evidence to be able to clearly determine the archaeological potential of particular sites or the extent of any previous impacts on any Heritage Assets of archaeological significance that may be present. However, it was concluded that subject to further archaeological work that would be secured by the suggested conditions, the development proposals would ensure the preservation of any remains that might be present within the application site.



Figure 12: Areas of High Archaeological Potential

9.8.7 Pollution

- 9.8.7.1 In paragraph 170, the NPPF seeks the planning decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 9.8.7.2 The reports and assessments associated with the potential pollution effects of the proposed development on the environment, including the Environmental Statement, the Environmental Noise Report, the Lighting Impact Assessment, the Non-Technical Summary, Phase 1 Geoenvironmental Desk Study Report and Phase 1 Geotechnical Report, were submitted with the application. Their findings and the opinion of the Council's Environmental Health Officer (EHO) are discussed below.

Air quality

- 9.8.7.3 Policy DM5 requests that planning permission is not granted for proposals where there is significant adverse impact upon the status of the Air Quality Management Area or where air quality may have a harmful effect on the health of future occupiers of the development, taking into account their sensitivity to pollutants, unless the harm can be suitably mitigated. Policy DM7 indicates that the high trip rate of the Borough's residents to work, train stations and local services result in congestion on the roads and emissions that adversely affect air quality; and Policy CS25 confirms that the River Thames, being a significant constraint on the local road network with only two crossings to the north in the form of Hampton Court Bridge and Walton Bridge, combined with the high trip rates of residents, roads become congested particularly at peak times. Emissions from road vehicles are the principle source of pollution adversely affecting air quality in Elmbridge. It is likely that the Government's objective for Nitrogen Dioxide would be breached in some areas of the Borough and, as a consequence, these areas have been declared to be Air Quality Management Areas (AQMA). The Site abuts one of these declared areas, the Esher High Street AQMA.
- 9.8.7.4 The Environmental Statement confirms that the proposed development has the potential to cause air quality impacts as a result of vehicles travelling to and from the site. In order to assess NO₂ and PM₁₀ concentrations at sensitive locations, detailed dispersion modelling was undertaken. For the purpose of the assessment, model verification was undertaken for 2017 using traffic data, meteorological data and monitoring results from this year.
- 9.8.7.5 The ES states that a potential for increased traffic on the local road network is predicted to be negligible, and therefore exhaust emissions on human health, predicted to be moderate. Potential fugitive dusts emissions arising from on-site construction activities on health and local environment are predicted to range from substantial to slight depending on the location. In terms of the operational impacts, the potential for increased traffic on the local road network is also predicted to be negligible; and potential for exhaust emissions on human health negligible. The ES offers mitigation proposals to be secured through the implementation of CEMP and amongst others would include specific routeing of construction traffic away from the AQMA and residential areas as far as possible; damping down and covering of construction lorries entering and leaving the Site; wheel washing of vehicles leaving the Site; and control of the timing of construction vehicles entering/leaving the Site.
- 9.8.7.6 The EHO confirms that the Council's objective for 2019/20 is to improve air quality within the Council's AQMA. The EHO recommended a condition to facilitate this as part of the proposed highway improvement scheme and for the assessment of its effectiveness to be carried out with the aim to undeclare the Esher High Street AQMA. In addition to the requirements set out by the CHA Team to meet capacity and safety standards, the submitted highway improvement scheme must also demonstrate how the works can improve local air quality. The Applicant is expected to consider the installation of

environmentally-friendly passive ventilation systems in the residential units, which would reduce the amount of used fossil fuels. Having considered the current scheme, subject to compliance with the suggested conditions, the EHO raised no objections to the proposals.

Noise and light pollution

- 9.8.7.7 Policy DM5 states that all development that may result in noise or odour emissions or light pollution will be expected to incorporate appropriate attenuation measures to mitigate the effect on existing and future residents. New development located near to existing noise, odour or light generating uses will be expected to demonstrate that the proposal is compatible and will not result in unacceptable living standards, for example through the mitigation measures, the design of the building and its orientation and layout.
- 9.8.7.8 The Environmental Noise Report confirms that a detailed survey has been carried out at 5 locations around the Site and existing noise levels determined. The existing noise climate is dominated by road traffic on Portsmouth Road. An initial assessment has been carried out, which indicates that for Sites 1, 3 and 4 there will be a low risk in terms of noise. The risk on Sites 2 and 5 will be medium to high. With regards to the proposed changes to the racecourse, the impact will be negligible on both, the existing and the new residential properties. Noise from any mechanical services plant will be designed not to exceed the existing background noise levels.
- 9.8.7.9 The submitted assessment is based on what sources exist now, namely a race day event and road noise associated with Portsmouth Road. There will be additional sources of noise which will require consideration. The report concludes the risk at Sites 2 and 5 will be medium to high. The introduction of new and various noise sources has a potential to have a detrimental impact on future occupants, therefore all sources of noise will need to be evaluated. In addition, since we do not know the design of the new development and how habitable rooms will be orientated and where sources of noise are likely to be in relation to these, any future impact therefore cannot be readily determined at this stage and as such a Noise Impact Assessment (NIA) will be required, to be secured by a condition. The NIA is also required in connection with the new day nursery site, as the number and placement of rooms, outdoor space and its intended use, opening hours, numbers of children/staff, type of activities, age of children, facilities, such as serving hot food, are not clear at present.
- 9.8.7.10 The design and orientation of the function rooms, including in relation to habitable rooms within the development, has not been submitted therefore any impact cannot be readily assessed. The control of Music Noise Levels will be addressed through the Licensing regime via a Premise License.
- 9.8.7.11 The EHO requested a condition associated with the noise insulation to buildings, as the future occupiers have a right to enjoy their outdoor amenity space in relative quiet and whilst in some circumstances the guideline values are not always achievable, it should be demonstrated that the design of the development aims to achieve the lowest practicable levels specified in the guidance⁵⁸.
- 9.8.7.12 Further condition is associated with a requirement for provision of an environmentally-friendly passive ventilation scheme that does not cause noise intrusion within other dwellings as with mechanical ventilation systems. The aim is to improve air quality within the Borough and opportunities to do this at the planning stage for future residents.
- 9.8.7.13 With regards to the artificial lighting, in the absence of the design details, depending on the submission of the design and orientation details of the dwellings within the development, the impact of any existing lighting cannot be readily assessed. As such, a specific condition requires the submission of a lighting scheme.

⁵⁸ BS8233:2014 (Guidance on sound insulation and noise reduction for buildings)

Contamination

- 9.8.7.14 In accordance with Policy DM5, development affecting contaminated land will be permitted provided that the site is remediated to ensure it is suitable for the proposed use, taking into account the sensitivity of future occupants/users to pollutants, and that remedial decontamination measures are sufficient to prevent harm to living conditions, biodiversity or the buildings themselves. All works, including investigation of the nature of any contamination, should be undertaken without escape of contaminants that could cause risk to health or the environment.
- 9.8.7.15 The EHO reviewed the Phase 1 Geoenvironmental Desk Study and is in agreement with the conclusion that further Site investigation, addressing all potential sources of ground contamination with potential risk to human health and/or the environment, is required. Based on this, a relevant condition was recommended.

Conclusion on the potential impacts on air quality, noise and light pollution, and contamination

- 9.8.7.16 Following the review of the information submitted and based on the information available to the Council's EHO, it was concluded that subject to a compliance with the suggested conditions, the proposed development would be able to mitigate for any potential detrimental impacts of pollution.

9.8.8 Utilities and waste management

Utilities

- 9.8.8.1 The application is accompanied by a Utilities Assessment. This confirms that the Applicant enquired about the gas, electricity, water and telecoms supplies in the locality and consulted the respective providers prior to the submission of the application. Based on the responses received, the assessment concludes that the supply connections would be feasible.
- 9.8.8.2 Thames Water was consulted as part of the processing of the current application. They raised no objection to the proposals, however identified water supply limitations in the area, should the scale of the development envisaged come forward. As such, the Applicant would need to have an agreed occupation phasing of the development with Thames Water, until the necessary water network upgrades have been completed. This could be secured by condition.
- 9.8.8.3 The relevant gas provider (SGN) also offered their comments with regards to the current proposals. Through the assessment of the impact of the proposed developments, SGN confirmed that there are no areas of significant concern resulting in the requirement for a network reinforcement. SGN's infrastructure would not be severely affected by the redevelopment proposals at Sandown Park Racecourse.
- 9.8.8.4 UK Power Networks plans show that the site is surrounded with High Voltage and Low Voltage cables, and there are existing supplies to the main buildings on the Site, including a substation at the Grandstand and a kiosk near to the nursery. Although some of the existing cables on Site may need to be moved to suit the new building arrangements, and some on Site infrastructure may need to be upgraded, the plans do not indicate any significant constraints within the Site's boundary, or any requirement for a substantial diversion works. UK Power Networks did not respond to the Council's consultation request, however they responded to the Applicant's enquiry prior to the submission of the application. No objections to the proposals were raised, however as indicated above, additional infrastructure would have to be provided to accommodate the needs of the development proposals.

Waste management

- 9.8.8.5 Policy CS27 seeks to reduce the carbon footprint. In doing so, the Council will encourage high standards of sustainable developments, including the facilitation of waste recycling. Policy DM8 states that *'appropriate waste and recycling facilities must be provided on all new developments, including changes of use. Proposals will be acceptable provided that:*
- a. The location and design of bin storage, waste facilities and any proposed external plant, such as air conditioning units and extract flues, have been considered at the outset and are integral to the development,*
 - b. The design and siting of bin storage and external plant respect the visual amenities of the host building and the area, and*
 - c. Storage points for refuse and recycling are accessible for collection vehicles as well as regular users.*
- 9.8.8.6 New development has to incorporate adequate waste facilities and storage points. Poorly designed bin stores often have a negative impact on the streetscene. The same applies to external plant, which includes air conditioning units, extract systems, flues and ducts, which usually require sensitive siting, especially on existing buildings. The policy seeks to ensure bin storage and plant is sited and designed carefully in order to prevent any negative effects on amenity and the streetscene. It is also vital that refuse and recycling facilities are easily accessible for regular users and collection vehicles.
- 9.8.8.7 A basic refuse strategy has been indicated in the Design and Access Statement submitted with the application. As most of the proposed development has been submitted in the outline form with only illustrative layout plans, it is unclear whether the policy requirements would be complied with. However, as all these details remain reserved for a consideration at a later stage, it is not for the LPA to seek such details at the outline stage. The Environmental Services team provided their consultation response and offered guidance in these terms and the development is expected to comply with this in full at the detailed stage of the application process.

9.9 **Benefits of the scheme**

Paragraph 144 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'* This section of the report seeks to establish, whether any benefits of the scheme would amount to the very special circumstances necessary to justify the development. The Applicant in their submission concluded that a proportion of the proposed development would be inappropriate in the Green Belt, and therefore a range of very special circumstances was put forward. These are discussed individually below.

9.9.1 **Economic benefits**

9.9.1.1 *Need for the improved racecourse facilities*

- 9.9.1.1.1 The retention and improvements to the existing racecourse facilities was put forward by the Applicant as the first benefit weighing towards the very special circumstances. Direct economic benefits arise from the fact that the Sandown Racecourse is one of the largest employers in Esher, providing 110 permanent jobs across a wide variety of skills, and also generating significant additional employment on race and other event days equivalent to approximately 17,000 shifts. The latter provides a vital source of employment locally, particularly with students and retirees on event days. It is anticipated that the current development proposals would increase the levels of employment.
- 9.9.1.1.2 The racecourse organises 25 race days a year and hosts around 300 non-racing events annually. The Site accommodates music events, offer leisure activities (gym, golf course, ski slope,...), conferencing facilities, local car parking and supports other local community activities, e.g. police dogs and emergency service training and others. These activities bring approximately 250,000 visitors to Esher a year, significantly boosting footfall in and expenditure in the town centre and with local businesses. It is estimated that organiser, spectator and attendee spend in the local economy is equivalent to around £6.5m per annum.
- 9.9.1.1.3 Indirect economic benefits lie in Sandown Park supporting 480 suppliers, 277 of which are in Elmbridge Borough and neighbouring areas (the latter equivalent to a £4.04m spend). These include suppliers of equine related goods and services; builders and property maintenance professionals; catering and cleaning contractors; security companies; professional services; stationary suppliers; and vehicle supply and maintenance. Hotel suppliers would include laundry and cleaning services; manufacture of food and drink, and other catering supplies; toiletries and stationary, and travel agency and associated services. Residential development itself would contribute to the local economy through local expenditure.
- 9.9.1.1.4 Further induced economic benefits would be associated with the construction and related employment opportunities. The Applicant suggests that the residential element of the development proposals is able to generate approximately 986 direct, indirect and induced (construction and related employment) jobs.
- 9.9.1.1.5 The Applicant's vision is that the economic returns facilitated by the residential development, to restore the Grandstand and other essential development on the Site, would secure the racecourse's future for at least next 20 years. The Applicant confirms that there is pressing need for major restoration works to be carried out the existing facilities at Sandown Park in order to secure its long term viability. The consequence of not carrying out the works would ultimately result in further decline and deterioration of the racecourse and its associated facilities as they could not be carried out in isolation, which would threaten the venue's future viability. Operations on Site would no longer be sustainable and would result in the loss of permanent and temporary jobs. It would also result in a loss of business for the suppliers of Sandown Park, much of those

being based in the local area. However, beyond this, the loss of the viability of Sandown Park would also remove 250,000 visitors, and their expenditure, from Esher. Indirectly, the decline of activities at Sandown Park would potentially adversely affect the viability of Esher town centre.

- 9.9.1.1.6 Policy DM11 states that encouragement will be given to employment development that has a positive impact on the local area and supports sustainable economic growth, and the vitality and viability of town, district and local centres.
- 9.9.1.1.7 It has been demonstrated above that Sandown Park Racecourse is a key part of the local economy. It is considered that the loss of the economic benefits would result in a significant downturn of the local economy. On this basis, significant weight is attached to the need for the retention of the viable operations at the Site.

9.9.1.2 *Provision of a hotel*

- 9.9.1.2.1 Policy CS9 confirms that the Council will promote the provision of hotel accommodation in order to support the tourist venues at Sandown Park Racecourse and Claremont Landscape Gardens. The supporting text of the Policy continues that Sandown Racecourse is one of the Borough's main visitor attractions and provides employment for approximately 500 people. Located at the edge of the town centre, the racecourse helps to support the town centre economy, although it also generates a significant amount of traffic on race days. New hotel development will generate additional jobs in the area and bring additional customers to support the town centre. A comprehensive approach to parking and traffic issues will bring benefits to the town centre and to visitors to the racecourse.

- 9.9.1.2.2 In order to support sustainable growth of tourism in the area and to ensure that it remains a strong element of the Borough's economy, Policy CS24 states that the Council will:

- Support existing hotels and the improvement of the quality of existing visitor attractions where this can secure their continued viability without compromising the amenities of local residents or the objectives of PPG2⁵⁹;
- Promote all new hotel development on previously developed land within or adjacent to town and district centres or visitor attractions;
- Require new hotels or visitor attractions to be accessible by public transport.

The supporting text of the same Policy says that Sandown Park Racecourse is amongst the others including the River Thames, Thames Path National Trail, Brooklands Museum, Mercedes-Benz World, Painshill Park and Claremont Landscape Gardens one of the significant tourist attractions in the Borough. Most of the Borough's attractions lie within the Green Belt or other protected areas. It is therefore important to balance the desire to secure improved visitor facilities with the need to protect and enhance the Green Belt and the Borough's natural and heritage assets. However, hotel accommodation has not kept pace with the growth in visitor attractions. This limits potential tourism growth which could provide employment opportunities and play a more significant role in the local economy. Elmbridge is therefore seeking to deliver an increase in bed spaces and increase the mix of hotels.

- 9.9.1.2.3 The Surrey Hotel Futures Study (2015) provides a detailed analysis of the Surrey hotel market, its future growth potential and the future requirements and opportunities for hotel development across the county. The study is intended to inform the future plans and policies of the county council, district and borough councils and the Local Enterprise Partnerships in terms of hotel planning policies as part of the future review and updating of Local Plans. The study was undertaken by Hotel Solutions between October 2014 and August 2015 for Surrey County Council. This document confirms that *'there is potential for hotels to be developed at Kempton Park and Sandown Park racecourses to cater for local corporate demand, residential conferences and weddings*

⁵⁹ PPG2 (Green Belts) was superseded by the NPPF in 2012

and leisure breaks at weekends. The study identified types of locations where new hotels can most realistically, productively and acceptably be located in the county, one of which are *'established leisure sites, such as golf courses, racecourses and visitor attractions, where hotels can attract local corporate demand and residential conferences during the week and which may have established generators of weekend demand in terms of weddings, events and leisure visits.'* The study concludes that there is significant potential and need for hotel development in all parts of the county and demonstrates that new hotel provision is vital to support the future growth of the county's economy and capitalise on its leisure and conference tourism potential.

- 9.9.1.2.4 Policy CS18 indicates that all town centre uses would be considered within the context of their contribution to the vitality and viability of the centre and their impact on and ability to serve local needs. Policy CS23 seeks to retain other employment sites for employment uses unless redevelopment for other purposes provide wider benefits to the community. It states that the introduction of an alternative use should not detract from the integrity and function of the site for employment purposes.
- 9.9.1.2.5 The Applicant submitted a written statement, 'The Vision Paper', which explains the reasons behind non progression with the originally granted development proposals for a hotel. As a result of the economic downturn in 2008, at the time when the original permission (ref. 2008/0729) was granted (January 2009), the development did not come forward and the application in 2011 ref. 2011/0811 sought a further extension for this permission. Although work in pursuance of this permission commenced, the hotel has not been built. This was due to the lack of investor interest in a new hotel; potentially unfavourable location of the hotel on the Site with no views of the racetrack; and fall in revenues from the Horseracing Betting Levy Board. This economic situation has made it increasingly challenging for the landowner to secure the funds to make a capital investment in the necessary upgrades to the existing facilities. As a result of the above, the envisaged hotel development that was due to secure the long term viability of the Site has not been able to come forward.
- 9.9.1.2.6 The current application is also supported by the 'Esher hotel market analysis' paper, which confirms that there are five existing hotels with 57 bedrooms, comprising 3-star hotels (60%), budget hotels (20%) and 4-star hotels (20%), all of which are pubs with bedrooms rather than traditional hotels, with the exception of Sandown Park Lodge, a budget hotel on the Site. With regards to the consented and yet to be implemented hotels, there is only an extension of 4 bedrooms at The Bear planned. It is envisaged that the hotel in Sandown Park would be a 4* hotel. A letter from Hilton indicating their potential interest to the proposed facility was also submitted.
- 9.9.1.2.7 Based on the local policies and the more recent evidence in the form of the Surrey Hotel Futures Study, there is a clear policy support for a provision of a hotel at Sandown Racecourse; and demonstrated need for a hotel in Surrey and more specifically at leisure and visitors' attractions, such as racecourses. Furthermore, considering that the permission ref. 2011/0811 for a new hotel remains extant, the Council considers that there is a case made for allowing the current proposals for the provision of a hotel. Should the permission for the current proposals be granted however, it is considered that the delivery of the hotel premises should be secured by a legal agreement, as part of the phasing of the development.
- 9.9.1.2.8 With regards to the considerations of very special circumstances, the Applicant considers that the presence of a hotel would encourage the racecourse customers to stay longer in the area with potential additional benefits in terms of additional revenue to the Esher town centre. There is identified need for a hotel in this location, which is also supported by the Local Plan policies. In conclusion therefore, significant weight is attached to the provision of a hotel on the Site.

9.9.2 Social benefits

9.9.2.1 Meeting housing need

- 9.9.2.1.1 The case law confirms that a shortfall in housing land supply can be a very special circumstance, however it is unlikely to warrant the grant of permission by itself⁶⁰.
- 9.9.2.1.2 In accordance with the NPPF, it is the Government's objective to significantly boost the supply of homes. Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.9.2.1.3 Paragraph 11 of the NPPF states that '*Plans and decision should apply a presumption in favour of sustainable development. [...] For decision-taking this means:*
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'⁶¹

In accordance with the latest AMR 2017/18, the Council currently have 2.75 years housing land supply. As the Council currently cannot demonstrate a 5-year housing land supply in terms of footnote 7 of the NPPF, there are implications arising from the requirements of paragraph 11 of the NPPF, specifically that the policies which are most important for determining the application are considered out-of-date. The Core Strategy Policy CS2, which relates to the housing provision, location and distribution is therefore out of date. As such, in accordance with paragraph 11 d), planning permission should be granted, unless the application of policies in the NPPF that protects areas of particular importance including Green Belt, provides a clear reason for refusing the development proposed. The conclusion on whether the identified harm arising from the proposed development would or would not be clearly outweighed by benefits arising from the scheme is discussed in chapter 9.11 of this report.

- 9.9.2.1.4 In accordance with Policy CS19, the Council would seek to secure a range of housing types and sizes on developments across the Borough in order to create inclusive and sustainable communities reflecting the most up to date Strategic Housing Market Assessment (SHMA) in terms of the size and type of dwellings.
- 9.9.2.1.5 At the end of the 2017/18 monitoring year, the Council recorded a total of 231 additional homes completed. Of these homes 1, 2, 3 and 4-bedroom homes accounted for 16.2%, 23.1%, 13.7% and 46.9% of the delivery respectively. Homes with

⁶⁰ R (Lee Valley Regional Park Authority) v Broxbourne Borough Council [2015] EWHC 185 (Admin)

⁶¹ Footnote 6 in the NPPF states: '*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt [our emphasis], Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*'

Footnote 7 in the NPPF states: '*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.*'

bedrooms of 4 or more should account for 10% or 1% (based on the Core Strategy or SHMA (2016) respectively) of homes but in this monitoring year accounted for 46.9%, 16.4% more than the previous year.

- 9.9.2.1.6 The latest Authority Monitoring Report (AMR) 2017/18 the number of new four bed (plus) homes in the Borough has already achieved over the 1% identified in the SHMA (2016). The continued oversupply of larger homes could further exacerbate affordability issues and going forward this size of home no longer positively contributes towards meeting local housing need.
- 9.9.2.1.7 Policy DM10 seeks housing development on sites of 0.3 hectares or more to promote house types and sizes that make most efficient use of land and meet the most up to date measure of local housing need, whilst reflecting the character of the area.
- 9.9.2.1.8 The proposed development includes a provision of up to 318 residential apartments on five separate sites within the wider Sandown Park site. The proposed types of units are outlined in the table below:

Table 5: Indicative housing mix on Sites 1 - 5

Site	1-bed	2-bed	3-bed	Total
Site 1	5	10	0	15
Site 2	4	26	19	49
Site 3	27	87	0	114
Site 4	2 (studio)	39	31	72
Site 5	36	24	8	68
Total	74	186	58	318
% of total provision	23%	59%	18%	100%

- 9.9.2.1.9 In accordance with the Council's latest evidence base, there is a pressing need for the delivery of smaller, one to three-bedroom residential units in the Borough. Based on the above schedule of accommodation, the proposed development would deliver 100% of smaller units. Such a provision would clearly contribute towards meeting the Council's identified housing need and therefore it is considered that significant weight should be associated with the delivery of smaller residential units on this Site.

9.9.2.2 Contribution towards the affordable housing

- 9.9.2.2.1 Policy CS21: Affordable Housing of the Council's Core Strategy (2011) requires, where viable that development resulting in the net gain of 15 and more residential units should provide 40% of the gross number of dwellings on-site as affordable housing. Where exceptionally development is proposed on a greenfield site, at least 50% of the gross number of dwellings should be affordable.
- 9.9.2.2.2 The supporting text of this policy confirms that in the exceptional circumstances where it is considered that the delivery of affordable housing in accordance with the policy is unviable, this must be demonstrated through the submission of a financial appraisal alongside a planning application. Evidence provided would be scrutinised through an independent review. If the Council is satisfied that affordable housing cannot be provided in accordance with the policy, it will seek to negotiate alternative provision.
- 9.9.2.2.3 The supporting text to Policy CS23 states that over 33,000 people work outside of the Borough, with most of them commuting into London. Such significant movements of people in and out of the Borough have an impact on the long-term sustainability of the Borough's environment and communities. These movements place demand on local transport infrastructure, but also suggest that the housing market, and in particular affordable housing, is not providing sufficient units to support the local labour market.

Increasing the provision of affordable housing will, therefore, be a key element in the reduction of in-commuting by allowing more people to live and work in the Borough.

- 9.9.2.2.4 The Council's latest assessment of housing need is set out in the Kingston & North-East Surrey Strategic Housing Market Assessment (SHMA) (2016). The SHMA identifies that the annual affordable housing need in Elmbridge Borough is for 458 gross dwellings. Consisting mostly of concealed and newly forming households unable to buy on the open market, the net annual need for affordable homes (taking account of potential supply e.g. new builds and relets) is for 332 dwellings per annum (6,640 net units across a 20-year period up to 2035). The SHMA also identifies the type of the required affordable housing tenure, confirming that 72% of all affordable housing should be provided in the form of the social rented, with the level of affordable rented sector and shared ownership at 14% each.
- 9.9.2.2.5 Putting the level of affordable housing need into context, over the last seven monitoring years (2011/12 – 2017/18) 1,848 additional homes (both market and affordable) have been added to the housing stock (on average 264 per annum). Therefore, to meet the affordable housing need of 332 dwellings per annum (2,324 dwellings over a seven-year period), the entirety of all new residential development that has occurred per annum since 2011/12 would need to be affordable plus an additional 68 units per annum.
- 9.9.2.2.6 The Borough had the 9th highest average (mean) house price across the entirety of England in 2016/17, with the 8 other Local Authority areas all being in London. This results in the Borough having one of the worst levels of affordability in the country coupled with an under supply of affordable homes. The Council's latest monitoring information (at August 2018) shows that in the last reporting year (2017/18), 28 new affordable housing units were completed; a 92% shortfall against the annualised need. Based on the above evidence, there is an acute identified need for affordable housing in the Borough.
- 9.9.2.2.7 In their submission, the Applicant explained that the existing racecourse infrastructure is ageing and absorbs a significant maintenance spend. The current facilities are out of date, deteriorating and less than fully utilised, in need of substantial renovation and modernisation to be fully fit for purpose⁶², and major capitally intensive works are required in order to secure the Site's future. To ensure that these works are successful, the Applicant seeks to follow two principles - any improvements must be very high quality as a minimum and should aim for excellence as standard; and any major capital improvements must pay for themselves. Despite the third parties' questioning the Applicant's financial position it was confirmed⁶³ that the net profit of the Jockey Club Group in financial year ending 2018 was £4.5m, which needs to be invested nationwide across all its 15 racecourses, training grounds, the National Stud and other facilities, which justifies the need for the enabling development at Sandown Park in order to sustain its operations.
- 9.9.2.2.8 To enable the delivery of the facilities fit for purpose in a long-term, the Applicant is proposing a provision of pockets of enabling residential development on land within the racecourse's wider Site, which is not required to meet the needs of its main use as a racecourse. This residential development is sought to facilitate the racecourse improvements.
- 9.9.2.2.9 The proposed development would provide more than 15 residential units and therefore the policy required threshold of 40% of the on-site affordable housing provision applies, where viable. Furthermore, a proportion of the development would come forward on greenfield sites and therefore a higher threshold of 50% on such sites should be sought. As the application proposes the delivery on several sites, some of which are

⁶² See Appendix 07: Sandown Park Annual Structural Survey 2018 to the Post-consultation Supplemental Statement

⁶³ See Appendix 04: Factual Response Summary to the Post-consultation Supplemental Statement

brownfield, some a mixture of greenfield and brownfield or a greenfield only, the appropriate provision in the region between 40 and 50%, where viable, does apply.

- 9.9.2.2.10 However, the Applicant submitted a viability assessment indicating that a full, policy compliant contribution towards the affordable housing provision would render the development unviable. The Applicant in their submission demonstrates⁶⁴ that in a viable scenario whereby 40% of the affordable housing was provided, the scale of the residential development would have to be 600 units; and if 50%, 810 units would have to be delivered on Site. However, the Applicant was discouraged from proposing such a large development at the pre-application stage. The Applicant was advised to limit the proposed residential development to the minimum amount required to enable the improvements to the racetrack and the associated facilities. Any profit surplus of this smaller scheme would then be used to provide affordable housing. In these circumstances, the Applicant put forward a smaller scheme with an offer of 15% (49 units) of the residential development coming forward as affordable.
- 9.9.2.2.11 The Council sought advice from its viability consultants and of specialist cost plan consultants who identified several areas where they disagreed with the assumptions in the Applicant's viability assessment. To establish the appropriate level of affordable housing contribution while ensuring the deliverability of the scheme as a whole and taking into account the fact that the residential development is the enabling development for the delivery of the essential racecourse improvements, the cost of these improvements has been accepted as a benchmark against which the scheme's viability was assessed. Following discussions and negotiations between the parties, and the submission of numerous clarifications on various points by the Applicant, the originally submitted cost of the development at £38,090,000 was reduced to approximately £35,792,500 that was agreed by the Council's consultants and the Applicant. On this basis, the officers negotiated a higher proportion of the on-site affordable housing at 20% that equates to 64 units.
- 9.9.2.2.12 However, one area of disagreement remains. This relates to the ground rents. Whilst there have been some Government's indications that these should no longer be applied to the new flatted developments, no legislation to this effect has come into force. As the viability of the project has to be assessed at the point in time, the ground rents have been included in the calculations and in the viability review by the Council's assessors. Their inclusion results in a surplus of approximately £1,360,000 in the viability position. The Council is therefore seeking to secure a mechanism through a legal agreement, whereby this surplus is turned into the affordable housing contribution, should the relevant legislation fail to come forward at a later date, which would be at the point of a future application, reserved matters or otherwise.
- 9.9.2.2.13 In accordance with the Council's latest evidence base (SHMA), 46 of the currently agreed 64 units should be social rented, 9 affordable rent and 9 shared ownership. The Applicant confirmed their agreement to this tenure split, which will be secured in the S106 agreement.
- 9.9.2.2.14 On the basis of the above, the proposed development would deliver the maximum level of Policy compliant affordable housing, while ensuring the viability of the development. Subject to a legal agreement, the viability matters will be revisited at the point of relevant future application/s and any remaining surplus, if any, turned into additional affordable housing contribution. In conclusion therefore, the proposal would assist in meeting the identified acute affordable housing need in the Borough and it is considered that significant weight should be afforded to this benefit of the scheme.

⁶⁴ See Chapter 6 (Affordable housing) of the Post-consultation Supplemental Statement

9.9.2.3 Provision of community facilities

- 9.9.2.3.1 Policy CS16 confirms that the Council seeks to ensure the provision of accessible and sustainable social and community infrastructure⁶⁵. The loss of existing social and community facilities or sites would be resisted, unless it can be demonstrated that an alternative facility will be provided in a location with an equal level of accessibility for the population it is intended to serve.
- 9.9.2.3.2 The Development Management Plan Policy DM9 seeks to encourage new development for social and community facilities provided that:
- It meets identified local need,
 - The site is in a sustainable location that is safe and accessible to the local community,
 - It will accord with the character and amenity of the area, particularly in residential areas,
 - It achieves a high quality design that allows for flexible use and provides inclusive access for all, and
 - The level of parking provision and the effects on traffic movement and highway safety are acceptable.

Provision of a replacement day nursery

- 9.9.2.3.3 The proposed development is seeking to replace the existing day children nursery with a purpose built facility on Site 5. The Applicant provided a letter from Bright Horizons Family Solutions, the existing day nursery provider on the Site. Their property director confirmed that *'the current nursery layout is compromised in both room sizes and layout as it operates from the old house and converted outbuildings which are inefficient to operate and challenging to maintain. The proposed nursery would be purpose built and it would be finished to a high standard offering an attractive setting for our current and new families. We believe the new nursery would indeed offer a slightly larger capacity than the existing space due to efficiencies and it would also appeal to a wider group of families and thus we anticipate, following a ramping period, that we would operate at a higher percentage occupancy which would also lead to greater job opportunities.'* They also state that *'a new purpose built facility will greatly improve the nursery operation, meet the existing need and increase the demand for nursery place which in turn will increase the number of job opportunities at the nursery.'*
- 9.9.2.3.4 Based on the national data, and the population projections for children aged 0 – 4 in Elmbridge Borough⁶⁶, it is estimated that in 2019, the number of children requiring early years/pre-school care is 5,827 and this need is projected to steadily rise in the next few years. Based on the recent Ofsted report⁶⁷, the estimated number of children of formal early years/pre-school childcare places in Elmbridge Borough is 3,991. Based on the national figures, it is estimated that the need exceeds the number of spaces by approximately 1,800, representing a significant shortfall in the local childcare provision.

⁶⁵ Social and Community infrastructure includes schools, higher education facilities, health centres, GP surgeries, dentists, child care premises, care homes, libraries, community halls, day centres, children centres, indoor and outdoor recreation and sports facilities, theatres, cinemas and museums, and any other facility owned by a publicly funded body to provide front line services (Elmbridge Core Strategy 2012 - Policy CS16). In accordance with paragraph 20c) of the NPPF 2019, community facilities include health, education and cultural infrastructure.

⁶⁶ Please see the supplementary supporting document submitted with the application: *'Nursery deficiency/need in Elmbridge Borough'* dated September 2019

⁶⁷ *'Childcare providers and inspections'* published 18 June 2019 (data accurate on 31 March 2019) [Note: This document includes a list of all facilities offering pre-school childcare across the country alongside the provided number of places for each institution. Where figures are not provided, Ofsted estimates the number of spaces.]

- 9.9.2.3.5 Based on the information provided, the Applicant demonstrated that there is a significant unmet need for the early years and pre-school childcare places in the borough. If enlarged, the replacement day nursery facility could therefore meet not only the needs of the currently enrolled families, but also expand their offer to more families. The new, purpose built nursery would likely run more efficiently, provide bespoke children facilities and potentially offer additional employment opportunities for staff. However, these benefits were not quantified by the Applicant. It is not clear what the envisaged increased children capacity or the additional employment would be, or what the improved facility would offer that the existing does not at present. Whilst it is considered that the significant need for additional childcare spaces was demonstrated, due to the lack of information provided at this stage as indicated above, it is considered that limited weight should be attached to the re-provision of the day nursery.

Provision of a family/community zone

- 9.9.2.3.6 The proposal also seeks to replace the existing go-karting track with a part indoor/part outdoor leisure/recreation complex to be specifically targeted at families. The facility would include the outdoor cycle track, outdoor recreational areas, indoor soft play with ancillary café and associated parking, and is targeted at children of all ages. The use of these facilities would be available to the local community all year round except for the race days (about 25 days per year). On these days, the facility would be available in association with the race card. The Applicant proposes that the facility would be free of charge apart from the soft play area.
- 9.9.2.3.7 The Council's Leisure and Cultural Services consider that the proposed new facility on Site C would help to meet the strategic need identified in various documents, including 'Towards an Active Nation, 2016 - 2021' (Sport England) or Surrey Physical Activity Strategy 2015-2020. The Elmbridge Physical Activity Strategy (2015-2020) supports all children and young people to have an active start in life, encouraging all adults to build activity into their everyday lives and supporting older adults to live longer and more active lives.
- 9.9.2.3.8 The Council welcomes the proposed free of charge access arrangements for the benefit of the local community's wellbeing, and as suggested by the Applicant, is seeking to secure these through a Community Use Agreement (CUA). It is considered that the provision of the family recreational/outdoor sport zone on site, which would be accessible to the local community for most of the year free of charge, albeit subject to a fee for the use of the soft play area, would assist in meeting the aims of the current Borough's or County's physical activity strategies. Despite this however, the proposals would result in a loss of go-karting track; and would be a second soft play business at Sandown, the first being the existing 'Play Café' on the premises of the adjacent golf course. In conclusion therefore, it is considered that the provision of this facility under the above conditions should be attached limited weight.

9.9.2.4 Interpretation boards

- 9.9.2.4.1 The Applicant is seeking to highlight the history, historic assets and heritage of the racecourse, and to enhance public interest and appreciation of the Site by the installation of a network of interpretation boards. It is considered that such boards could have been implemented already to make the visitors of Sandown Park aware of its history, without any dependence on the current application. The LPA does not consider that the provision of the interpretation boards would amount to a benefit arising from the proposed development. As such, no weight in association with the VSCs considerations is afforded to their implementation.

9.9.2.5 Integration between the town centre and railway station

- 9.9.2.5.1 The Applicant considers that the proposed development and the associated improvements to the existing pedestrian links would help Sandown Park integrate with Esher Town Centre and enhance connectivity between the Site and the train station. The improvements would include a new pedestrian crossing at Esher railway station; provision of pedestrian signage; improvements based on overlooking and security of the link, to the footway surface, to the drainage at the corner of Portsmouth Road and Station Road and to the local bus stops; and provide an informal pedestrian crossing on Portsmouth Road⁶⁸. Surveillance and security arising from the presence of the proposed residential developments on Sites 4 and 5 are noted. The submission does not clarify whether the locations of these sites have been subject to any pedestrian-related crime incidents, particularly associated with the darkness in the evenings in the winter, or whether there is perceived discouragement for the residents or the town centre/Sandown Park visitors to use the pedestrian route to the railway station. With regards to all the other improvements suggested in the document, these have been requested by the CHA to make the development proposals acceptable in planning terms as part of their consultation response, to be secured by a condition. As such, it is considered that no weight should be afforded to the suggested linkage improvements in the VSCs considerations.

9.9.3 Environmental benefits

9.9.3.1 The site's sustainable location

- 9.9.3.1.1 The Applicant suggests that as the Site is accessible to a range of transport options, including walking, cycling, bus, train and others, this is a location that national and local policy would normally direct development to. It is correct that the planning policy seeks to encourage the development in the most sustainable locations, and potentially the scale of the proposed development could be accommodated in a much less sustainable location elsewhere, beyond the Borough's boundaries. As such, the benefit of residential development being situated in the potentially in one of the most sustainable locations in the Borough, moderate weight is attached to this benefit.

9.9.3.2 Ecological improvements

- 9.9.3.2.1 The Applicant has put forward a suggestion for the ecological management plan for the Site with the aim of maximising biodiversity value. In addition, it is proposed to implement additional bat and bird boxes around the racecourse, to be reviewed and detailed in a "Wider Site Enhancement Plan". Further, it is proposed that additional native woody hedgerows be established, where possible. The Applicant suggests that these ecological enhancements would go well beyond what would be necessary to support the development in line with the Core Strategy Policy CS14. On this basis, it is considered that whilst there would be benefits arising from the proposed development in the form of ecological improvements, which have not been currently clarified nor confirmed, such works could be implemented without the need for the development proposals coming forward. The Site comprises areas of ancient woodland and priority habitat and the improvement schemes and management plans should be in place regardless of the current application for the benefit of the landowner and the Site's visitors. On this basis, limited weight is afforded to this benefit.

⁶⁸ See the additional supporting document by TPP dated 11 September 2019: Proposed measures to improve connections between Esher Station, Sandown Park Racecourse and Esher town centre

9.9.3.3 Heritage improvements

- 9.9.3.3.1 The Applicant offered a voluntary financial contribution towards the restoration of a Grade II Listed Traveller's Rest. This listed building is on the 'Buildings at Risk' list and therefore its restoration would be beneficial to this heritage asset. Additionally, a suggestion for the installation of bollards to the listed racecourse gates on Portsmouth Road was put forward. Both of these would be secured by way of a legal agreement. Limited weight is afforded to this benefit.

9.9.4 Summary of the identified potential harm and benefits

- 9.9.4.1 Most of the proposed development is in the outline form and full considerations relate only to the proposed access and the works associated with the widening of the racetrack. As such, the indicative layout plans and the parameter plans should be taken only as illustrative at this stage. The identified harm therefore cannot relate to the details, which were submitted with the current application 'as indicative' only and are not subject of planning considerations at this stage.

- 9.9.4.2 Table below summarises the potential harm to the openness of the Green Belt. Furthermore, it identifies the potential impact that could arise at the future application stages, if the illustrative plans were to be advanced in their current form.

Table 6: Identified potential harm to the Green Belt and any other harm per site

Site	Application form	Identified Harm to the GB	Potential Any Other Harm (only if this cannot be mitigated for, and secured by conditions or planning obligations at this stage)
Site A	Outline	-	<ul style="list-style-type: none"> Concerns due to the indicated proximity of buildings to the trees to the north with regards to the potential deterioration of their rooting environment. These could be addressed at the detailed application stage.
Site B	Outline	Significant harm to the spatial and visual dimension of the GB openness.	-
Site C	Outline	-	-
Site D	Outline	Modest harm to Purpose 3 for inclusion of land within the GB.	-
Site E1	Full	-	-
Site E2	Full	-	-
Site F	Outline	-	-
Site 1	Outline	-	<ul style="list-style-type: none"> Potential impact on the setting of the conservation area and listed building depending on the detailed plans, specifically design, height and external materials. Concerns with regards to the changes to the ground levels and the proximity to the trees. These could be addressed at the detailed application stage.

Site 2	Outline	Significant harm to the spatial and visual dimension of the GB openness.	-
Site 3	Outline	<ul style="list-style-type: none"> • Adverse impact on Purposes 1 and 2, and less detrimental impact against Purpose 3 for inclusion of land within the GB. • Significant harm to the spatial and visual dimension of the GB openness. 	-
Site 4	Outline	<ul style="list-style-type: none"> • Limited negative impact on Purposes 2 and 3 for inclusion of land within the GB. • Significant harm to the spatial and visual dimension of the GB openness. 	<ul style="list-style-type: none"> • Potential adverse impact on the character of the surrounding area and on the wider setting of the Grade II listed Myrtle Cottages and locally listed Rosery and Glenfield, Portsmouth Road. Of a particular concern are the scale, massing and layout of the proposed development that will have to be carefully considered at the later stages of the application.
Site 5	Outline	Significant harm to both, the spatial and visual dimensions of the GB openness.	-
All Sites	Full (access only)	-	-

9.9.4.3 The other harm outlined in Table 7 indicates that at the current stage of the application it is unclear whether there would be any adverse impact. Due to the limited confirmed information being available, it is not possible to impose any conditions or planning obligations with regards to these issues at present. However, the above points highlight matters that should be carefully considered and addressed by the Applicant prior to the submission of any detailed application/s.

9.9.4.4 Table below summarises the benefits of the scheme put forward by the Applicant and the weight afforded to each by the LPA.

Table 7: Benefits of the scheme and the weight afforded to them

	Benefits of the scheme	Weight afforded to the benefit			
		<i>Significant</i>	<i>Moderate</i>	<i>Limited</i>	<i>None</i>
1.	Need for improved racecourse facilities	•			
2.	Provision of a hotel	•			
3.	Contribution towards meeting the housing need	•			
4.	Contribution towards the affordable housing	•			
5.	Provision of community family zone			•	
6.	Re-provision of a day nursery			•	
7.	Interpretation boards				•
8.	Integration between town centre & railway station				•
9.	Site's sustainable location		•		
10.	Ecological improvements			•	
11.	Heritage improvements			•	

9.10 Financial considerations and planning obligations

New Homes Bonus

- 9.10.1 Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.
- 9.10.2 The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. The Council's New Homes Bonus Scheme Grant Determination for 2019/20 is £957,930 (approx.).
- 9.10.3 Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

Community Infrastructure Levy (CIL)

- 9.10.4 The proposed development is liable for CIL. The chargeable amount of approximately £4,553,176.34⁶⁹ is required by the Council's adopted Charging Schedule. This contribution is used towards the improvements of the local infrastructure and services, including for example the provision of GP surgeries or schools/school places.
- 9.10.5 With regards to the existing situation with school places in the area, the SCC Environment and Infrastructure team offered their comments. SCC considers that the new housing proposed would result in increased demand for school places. As a result, additional educational infrastructure would be needed to accommodate children from families moving into the proposed development. Without any infrastructure contribution to mitigate these demands, the proposal would have an unacceptable negative effect on education in the area and jeopardise Surrey County Council's ability to fulfil its statutory duty to provide sufficient school places. The need for a financial contribution of approximately £1,187,000 was identified. Subject to the Council's CIL application process, such funding could be taken from the CIL contribution. As such, it is considered that the additional school places resulting from the delivery of the application proposals could be provided.

Planning obligations

- 9.10.6 Throughout this report it was identified that various further work needs to be carried out prior to commencement of development, during construction, following the completion or prior to the first use/occupation of various sections of the proposals. These are considered essential to make the development acceptable in planning terms, with their majority to be secured by conditions.
- 9.10.7 Furthermore, in line with the requirements of the NPPF⁷⁰, certain aspects of the proposed development would be secured by way of a legal agreement under the Section 106. The agreement will include the following:
- Community Use Agreement associated with facilities on Site C;
 - On-site affordable housing contribution at the level of 20% of all residential units in the agreed, SHMA compliant tenure;
 - Triggers and phasing of the development (ensuring the affordable housing comes forward);

⁶⁹ This figure is subject to indexation at the time when commencement notice for the development is submitted

⁷⁰ Paragraph 56 of the NPPF

- Re-provision of the day nursery;
- Implementation of the hotel;
- Viability review at the future applications in pursuance of the current proposals;
- Financial contribution to secure the preparation of the Management Plan and the long-term management of Littleworth Common SNCI;
- The intention to employ local people at the construction stage and beyond (offered by the Applicant);
- Financial contribution towards the accessibility improvements at Esher Railway Station (£300,000) and the Travel Plan auditing fee (£6,150);
- Financial contribution towards the restoration of the listed Traveller's Rest (offered by the Applicant);
- Implementation of bollards to protect the listed gate piers in Portsmouth Road (offered by the Applicant).

9.10.8 The Applicant has provided a draft Heads of Terms document, which forms the base of the forthcoming legal agreement. As such, the legal agreement has not yet been submitted, but the LPA together with the Applicant are in the process of drafting the details of this agreement.

9.11 **Whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations**

9.11.1 Paragraph 144 of the NPPF states that ‘*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*’ As such, substantial weight is attached to the identified harm to the Green Belt.

9.11.2 The case law confirms that the starting point in the “very special circumstances” test is to establish whether the harm by reason of inappropriateness and the further harm caused to the openness and purpose of the Green Belt was clearly outweighed by the countervailing benefit arising from the development so as to amount to very special circumstances justifying an exception to the Green Belt policy⁷¹. The same case further clarifies that circumstances to qualify as ‘very special circumstances’ do not have to be those that occur rarely.

9.11.3 The list of benefits put forward by the Applicant in this balancing exercise has been discussed in chapter 9.9 of this report. The weight associated with each of these benefits is summarised at the end of that chapter. It was concluded that:

Table 8: Summary of benefits and of potential harm arising from the proposed scheme and weight afforded to them

	Benefits	Weight afforded to the benefit/harm			
		<i>Significant</i>	<i>Moderate</i>	<i>Limited</i>	<i>None</i>
1.	Need for improved racecourse facilities	•			
2.	Provision of a hotel	•			
3.	Contribution towards meeting the housing need	•			
4.	Contribution towards the affordable housing	•			
5.	Provision of community family zone			•	
6.	Re-provision of a day nursery			•	
7.	Interpretation boards				•
8.	Integration between town centre & railway station				•
9.	Site’s sustainable location		•		
10.	Ecological improvements			•	
11.	Heritage improvements			•	
	<i>Harm to the Green Belt</i>				
1.	Spatial and visual dimension of the GB openness (Sites B, 2, 3, 4 and 5)	•			
2.	Purposes for inclusion of land within the GB (Sites D, 3 and 4)	•			

- **Significant weight in favour** of the development to be attached to the following benefits:
 - Need for improved racecourse facilities
 - Provision of a hotel
 - Contribution towards meeting the housing need
 - Contribution towards the affordable housing
- **Significant weight against** the development to be attached to the following harm:
 - Spatial and visual dimension of the GB openness (Sites B, 2, 3, 4 and 5)
 - Purposes for inclusion of land within the GB (Sites 3 and 4)

⁷¹ *R (Wildie) v Wakefield Metropolitan BC* [2013] EWHC 2769 (Admin)

- **Moderate weight in favour** of the development to be attached to the following benefit:
 - Site's sustainable location
- **Limited weight in favour** of the development to be attached to the following benefits:
 - Provision of community family zone
 - Re-provision of a day nursery
 - Ecological improvements
 - Heritage improvements
- **No weight** in favour of the development to be attached to the provision of interpretation boards and the integration between the town centre & railway station.

9.11.4 In conclusion therefore, balancing the harm and benefits of the proposed development scheme, it is considered that whilst the individual benefits of the scheme are not considered to outweigh the level of identified harm, the cumulative benefits are considered to clearly outweigh the identified harm to the Green Belt and any other harm, such that very special circumstances required to justify development in the Green Belt do exist. Therefore, the development proposals would be in accordance with the development plan and the national policy.

9.11.5 As the Council cannot demonstrate the 5-year housing land supply, paragraph 11 d) of the NPPF is engaged⁷². This requires that permission be granted unless there is a clear reason not to, or where the harm would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF taken as a whole. As concluded above, the cumulative benefits of the proposals clearly outweigh the identified harm to the Green Belt and any other harm. As a result, in accordance with paragraph 11 d) of the NPPF, permission should be granted.

10. Pre-commencement conditions

10.1 Notice under Regulation 2 of The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 was served seeking the Applicant's agreement to the suggested pre-commencement conditions associated with the highways, trees, SuDS, noise and light pollution, air quality, contamination and archaeology. Members will be advised of the outcome at the Committee meeting.

11. Matters raised in Representations

11.1 The matters raised in representations have been addressed in the planning considerations above. The outstanding matters are however discussed below:

- Cumulative impact of development on the area (including others in the pipeline or being built)

Officer's response: A new Local Plan would come with site allocations where the cumulative impact of development can be assessed through the Local Plan process. The Council's development plan currently does not include site allocations and therefore all sites come forward as windfall sites. Each case must be considered on its merits.

- Loss of staff housing. Where will the staff currently living on the location of Site 3 be moved to? Should the cost of housing them be included in the viability assessment?

Officer's response: The Applicant's submission does not confirm what the arrangements for the staff accommodation would be during the construction. However, it is considered

⁷² Please see paragraph 9.9.2.1.3 of the report

that as approximately 318 residential units would come forward as a result of the current proposals, there would be the opportunity to accommodate the staff on Site post-construction.

- Impact on local businesses (existing facilities at the Site - soft play and go karting)

Officer's response: The existing soft play area at Sandown Racecourse is situated outside of the application site and therefore the proposals do not result in its loss. In accordance with Policies CS16 and DM9, provision of new social and community facilities is encouraged. The existing go-karting business would be replaced in an alternative in the form of a cycle track. The current go-kart operator benefits from a lease and therefore this matter would need to be resolved with the Applicant, who is the freehold landowner, outside of the planning system and the current planning application.

- Objection to the proposed pedestrian link path.

Officer's response: A new pedestrian link path between Station Road and the Site was proposed at the pre-application stage. However, following the engagement with the residents it was concluded that there was no support for the link and in addition to some technical issues, the idea was abandoned. There is no pedestrian link at the rear of the existing properties in Portsmouth Road and south of the racetrack proposed as part of the current scheme.

- Disruption and disturbance during the construction phase.

Officer's response: While the concerns of the local residents in terms of the disruption including noise and traffic implications that may be caused by the construction works are noted, it is not the planning system's role to obstruct development on this basis. Inevitably, any construction works may lead to some temporary disruption. Ordinarily, the requirements of Environmental Health legislation will seek to limit any harm so far as reasonably practicable. Furthermore, to ensure that any such disruption is limited to its minimum, and as outlined in the report above, numerous conditions are suggested to secure this.

- The application should potentially be split up into its component parts, as a hybrid application adds to the complexity.

Officer's response: There are advantages and disadvantages to the application being submitted in its hybrid form. The requirement for the submission of a hybrid application arose due to the fact that the residential development on five separate sites seeks to enable the delivery of the racecourse improvements, and therefore all the relevant aspects of these proposals had to be considered under a single planning application.

- Previous application in 1972 on location of Site 3 was refused for impact on green belt. Where would equipment currently stored on location of Site 3 be re-located to?

Officer's response: The submission does not confirm, where the existing compound would be relocated to, however it is considered there is sufficient storage space around the Site to accommodate this.

- If the application is to be refused the decision notice should contain all the reasons for the refusal

Officer's response: The decision notice will be issued in accordance with the requirements of Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- Supporting documentation is too lengthy for the public to go through with multiple documents of several hundred pages. Some of the data and statements are questionable. Officer report should include a statement on each document and its contents.

Officer's response: Validation requirements for an application of a scale of the proposed development include numerous technical assessments and various supporting statements, some of which are lengthy. The technical documentation in particular was reviewed by the relevant statutory and other consultees and their consultation responses provide a professional opinion on the content of those documents. The report above summarises the relevant consultation responses and additionally provides the planning assessment of the others.

- Need to have further details of a potential access to Site 4 from the Café Rouge site.

Officer's response: The originally indicated potential vehicular access from Site 4 to the neighbouring site at Café Rouge was removed and the amended indicative layout plan for Site 4 submitted as part of the re-consultation documents. The original plan was superseded.

- Environmental Statement – figures 8.1 to 8.6 appear as blank on the uploaded document.

Officer's response: The officers checked the Council's website for this deficiency, however it was noted that the stated information was uploaded correctly, including the stated figures.

- A retirement complex should be built instead of housing.

Officer's response: The Applicant's choice of development type is a residential scheme without the age restriction. Whilst there might be some identified need for the elderly living accommodation in the Borough, there is a significantly greater identified need for a C3 residential use.

- There is a potential legal issue due to a restrictive covenant on the land (horseracing), which includes the majority of Site 3.

Officer's response: Covenants are a civil matter and are not a planning material consideration in determination of planning applications.

- Noted that the Eclipse building has been removed from the planning documents.

Officer's response: In the original submission, the improvements to the Eclipse building were excluded from the Cost Plan (part of the Viability Assessment), however some of the planning documents (the Planning and the Green Belt Statements) indicated otherwise. As such, as part of the re-consultation process, the incorrect sections of these statements were amended accordingly.

- Requested that pre-application advice be made public.

Officer's response: This information is available on request.

- It is not clear who would fund the improved nursery.

Officer's response: The replacement day nursery is part of the development proposals on Site 5, which is one of the enabling sites. As such it is anticipated that the nursery would be delivered as part of the residential scheme on this site.

12. **Conclusion**

Outline proposals

- 12.1 The proposed development constitutes inappropriate development in the Green Belt. It is considered however that the cumulative benefits arising from the scheme clearly outweigh the identified harm and therefore very special circumstances required to justify the development in the Green Belt do exist. No conflict was identified at this outline stage with the Elmbridge Local Plan or the national policy in association with the other material considerations. Any raised concerns relate to the matters that are currently reserved for later application stages and it is considered that there is a potential for these to be addressed through careful design.

Proposals for which full permission is sought

- 12.2 Development proposals associated with Sites E1, E2 and all accesses to the Site were found to be appropriate development in the Green Belt. No conflict in terms of other material considerations in line with the local and national policies was identified.

Conclusion on the hybrid application proposals

- 12.3 Accordingly, the recommendation is to grant outline and full planning permission, in the meaning of the description of the proposed development as set out in paragraph 6.1 of this report, subject to a receipt of a satisfactory legal agreement and a referral to the Secretary of State⁷³.

Recommendation A

Subject to the receipt of a satisfactory legal agreement within 6 months of the Committee resolution, or any such extended period as agreed with the Head of Planning Services, and subject of the referral to the Secretary of State, the recommendation is to grant outline and full planning permission.

Recommendation B

If a satisfactory legal agreement is not completed within 6 months of the Committee resolution, or any such extended period as agreed with the Head of Planning Services, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reasons:

1. In the absence of a completed legal agreement, the proposed development fails to secure the necessary contribution towards the affordable housing contrary to the requirements of Policy CS21 of the Elmbridge Core Strategy 2011 and the Developer Contributions SPD 2012.
2. Due to the lack of a legal agreement to secure a financial contribution towards the long-term management plan of Littleworth Common SNCI, the proposed development is likely to result in adverse impact on biodiversity contrary to the Policy CS15 of the Elmbridge Core Strategy 2011, Policy DM21 of the Development Management Plan 2015, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.
3. Due to the lack of a legal agreement to secure a financial contribution towards the accessibility improvements at Esher Railway Station and monitoring fee associated with the Travel Plans, the proposed development would result in adverse highway and transport implications in the local area of Esher. As such, the proposed development is contrary to the aims of Policy CS25 of the Elmbridge Core Strategy 2011, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.

⁷³ In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, where a development of more than 1,000sqm is proposed in the Green Belt and it consists or includes an inappropriate development, and the LPA does not propose to refuse an application for planning permission, prior to the issue of the decision the Secretary of State has to be consulted.

The proposed development does require a CIL payment

Recommendation: Permit subject to the receipt of a satisfactory legal agreement and Referral to Secretary of State

Conditions/Reasons

- 1 **TIME LIMIT (FULL APPLICATION)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.
- 2 **OUTLINE (RESERVED MATTERS)**
Plans and particulars of the
 - (i) layout
 - (ii) scale
 - (iii) external appearance of the building(s)
 - (iv) the landscaping of the site(hereinafter called "the reserved matters") shall be submitted to and approved in writing by the borough council before any work on the site is commenced and shall thereafter be carried out as approved.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.
- 3 **OUTLINE (RESERVED MATTERS - SUBMISSION IN 3 YEARS)**
Application for the approval of all Reserved Matters referred to in Condition 2 above shall be made to the Borough Council before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.
- 4 **OUTLINE (DURATION)**
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.
- 5 **LIST OF APPROVED PLANS (FULL APPLICATION)**
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents:

PL-001 Location Plan received on 25/02/2019

30918/AC/026 Rev A (Access Plan (Site 1 Mews Site Access))
30918/AC/028 Rev A (Access Plan (Site 3 Villas Site Access))
30918/AC/029 Rev A (Access Plan (Site 4 Crescent Site Access))
30918/AC/030 Rev A (Access Plan (Site 5 Villas Site Access)),

1463/001 Rev PL1 (Track Widening (East Section) Enabling Works & Earth Works)
1463/003 Rev PL1 (Track Widening (Southwest Section) Enabling Works & Earth Works)
1463/005 Rev PL1 (Track Widening (Southwest Section) Proposed Road Realignment)
1463/006A Rev PL3 (Track Widening (Southwest Section) Isopachyte 1/3)
1463/006B Rev PL3 (Track Widening (Southwest Section) Isopachyte 2/3)
1463/006C Rev PL3 (Track Widening (Southwest Section) Isopachyte 3/3)

1463/007 Rev PL1 (Track Widening (Southwest Section) Proposed Sections)
1463/008 Rev PL1 (Track Widening (Soakaway Detail & Typical Drainage Details))
1463/009 Rev PL1 (Track Widening (Location Plan for Inner Extension Areas))
All received on 22/02/2019

Reason: To ensure that the development is carried out in a satisfactory manner.

6 CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in local residential roads during these times
- (k) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications on highway safety and amenity and should be agreed before any works begin.

7 TREE PRE-COMMENCEMENT MEETING

No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the identified sites for the purposes of the development until a pre-commencement meeting has been held on each site and attended by a suitable qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman. To agree working procedures and the precise position of the approved tree protection measures or/and that all tree protection measures have been installed in accordance with all documentation submitted and approved to comply with the Additional Arboricultural Information condition. The tree protection measures shall be maintained for the course of the development works. To arrange a pre-commencement meeting please email tplan@elmbridge.gov.uk with the application reference and contact details.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

8 ADDITIONAL ARBORICULTURAL INFORMATION

No development including groundworks and demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the:

- a) existing trees and hedges to be retained in the form of a Tree Survey and Arboricultural Impact Assessment, in line with BS5837:2012;
- b) measures taken to protect existing trees and hedges during construction, demolition, delivery / storage of materials and machinery, including a Tree Protection Plan;
- c) location and installation of services/utilities/drainage, including services to automated gates.
- d) methods of demolition within root protection area (RPA as defined in BS 5837: 2012) of retained trees.
- e) details of construction and installations including methodologies within a root protection area or that may impact on retained trees.
- f) full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing.
- g) detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated.
- h) all arboricultural site monitoring and supervision required for the duration of the development.
- i) methods to improve the rooting environment for retained and proposed trees and landscaping with special attention to ancient and veteran trees.
- j) foundations designs and any other proposals involving below ground excavation inside root protection areas or that may impact on root protection areas.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

9 TREE PLANTING & MAINTENANCE

No development including groundworks and demolition shall take place until full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. Details are to include species, sizes, locations, planting pit design, supports, and guards or other protective measures to be used. Details shall also include planting times and maintenance schedules for aftercare to ensure good establishment. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of same size and species shall be planted at the same place, in the next available planting season or sooner. The development shall be completed in accordance with the approved details.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

10 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (NATURAL ENGLAND)

Prior to the commencement of any development on Site 1 and Site A hereby permitted, a site-specific Final Construction Environmental Management Plan shall be submitted to and agreed by the Local Planning Authority in writing. The Construction Environmental Management Plan shall include, but not be limited to details on how certain activities will not impact or damage the ancient woodland and veteran trees that are in close proximity to the proposed development. This will need to include dust management and control and polluted runoff etc. No materials, machinery or work should encroach on to the root protection areas of the ancient woodland or the veteran trees, either before, during or after construction unless agreed otherwise.

The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP during the demolition and construction phases of the development.

Reason: To avoid adverse impacts on the ancient woodland in accordance with Policies CS14 and CS15 of the Elmbridge Core Strategy 2011, Policies DM6 and DM21 of the Development Management Plan 2015 and requirements of the NPPF 2019.

11 ARCHAEOLOGY - WRITTEN SCHEME OF INVESTIGATION (SITE 1)

No development shall take place on Site 1 until the implementation of a programme of archaeological monitoring has been secured, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development associated with the Site's access that forms part of a full application ref. 2019/0551 is not subject of this Condition.

Reason: The site is within/adjacent to an area of high archaeological potential. It is considered necessary for this to be a pre-commencement condition because it is important that any archaeological information present should be preserved as a record before it is destroyed by the development in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.

12 ARCHAEOLOGY - WRITTEN SCHEME OF INVESTIGATION (SITES 2, 3, 4 and 5)

No development shall take place on Site 2, 3, 4 or 5 until the implementation of a programme of archaeological work has been secured, to be conducted in accordance with a site-specific written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.

Reason: The development proposed covers a large surface area or is within an Area of High Archaeological Potential and it is therefore considered likely that it will affect currently unknown archaeological information. It is considered necessary for this to be a pre-commencement condition because 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 DM12 of the Elmbridge Development Management Plan 2015.

13 ARCHAEOLOGY - ARCHAEOLOGICAL IMPACT ASSESSMENT (SITES A, B, C, D and F)

As part of any Reserved Matters/detailed application relating to Sites A, B, C, D and F, a site-specific Archaeological Impact Assessment shall be submitted. The Archaeological Impact Assessment shall define in detail the archaeological potential of the individual Site and allow decisions to be made on the need for, and scope of, any programme of pre-commencement archaeological work that may be required. The development associated with the respective Sites' accesses that form part of a full application ref. 2019/0551 are not subject of this Condition.

Reason: The development proposed covers a large surface area and it is therefore considered likely that it will affect currently unknown archaeological information. It is important that the site is surveyed to establish the scope of the necessary work to be carried out prior to commencement of development in order to preserve as a record any such information before it is destroyed by the development, in accordance with Policy DM12 of the Elmbridge Development Management Plan 2015.

14 POLLUTION - SITING/POSITIONING OF DWELLINGS

Prior to the commencement of any development hereby permitted, a scheme for protecting the occupants of the proposed development from noise and air pollution from the main Portsmouth Road shall be submitted to and approved in writing, by the Local Planning Authority. The scheme shall include, but not be limited to the location, design and outside appearance of the buildings and landscaping of the site. (Details for access have already been submitted to the Local Planning Authority).

Detailed drawings be submitted to and approved by the Local Planning Authority to show:

- i. layout
- ii. scale
- iii. appearance
- iv. landscaping (as defined in the Town and Country Planning (Management Procedure) (England) Order 2015 (as amended)).

The approved scheme shall be completed prior to the first occupation of the development.

Reason: To avoid adverse impacts on health and quality of life from pollution in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.

15 NOISE IMPACT STATEMENT

Part A - Prior to the commencement of any development hereby permitted, a Noise Impact Assessment shall be submitted in support of proposed development to the Local Planning Authority and approved in writing.

The Noise Impact Assessment shall identify that all the sources of noise, including the hotel facilities, outdoor amenity space and nursery, are fully understood and quantified, that all nearby noise sensitive receptors have been identified and that the impact on the receptor has been established with reference to relevant acceptability criteria.

Part B - Prior to first occupation, a post-completion noise assessment will then be submitted to the Local Planning Authority and approved in writing to demonstrate that the finished development (with mitigation) achieves the specific criteria. Most acceptability criteria are set out in British Standards or other published guidance and it expected the good standard will be met.

Reason: To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.

16 VENTILATION SYSTEMS

Part A - Prior to the commencement of the development hereby permitted, details of an environmentally-friendly passive ventilation scheme, to provide fresh air to habitable rooms for the residential units facing Portsmouth Road, namely site development locations 2 and 5 as shown on the submitted Site Map document, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Part B - Following the implementation of the approved ventilation scheme and prior to the first occupation of site development locations 2 and 5, an inspection by the Council's representative from Environmental Health - Pollution Team shall be arranged to ensure that the above scheme has been fully implemented in accordance with the approval; and this to be confirmed in writing by the Local Planning Authority. The works and approved scheme shall be maintained in accordance with the approved details thereafter.

Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework 2019.

17 NOISE INSULATION TO BUILDINGS

Prior to the commencement of any development hereby permitted, a scheme to demonstrate that the external noise levels within the curtilage and internally of the residential units will conform to the "design criteria for external noise" PREFERRED guideline value of:

Outdoor Amenity Space	50 dB LAeq,16hr	0700 - 2300
Bedrooms	30 dB LAeq,8hr	2300 - 0700
	35 dB L Aeq,16hr	0700 - 2300

	>15 events of >=45 dB LAmax,1hr (fast)	2300 - 0700
Living Rooms	35 dB LAeq,16hr	0700 - 2300

as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.

The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the occupation of the premises and be retained thereafter.

Reason: To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.

18 INSULATION OF PLANT AND MACHINERY

(Noise from plant and equipment - BS4142: 2014 Rating and Assessing Industrial and Commercial Sound)

Part A - Prior to the commencement of any development hereby permitted, a detailed scheme, including siting and positioning, of any fixed plant, machinery, air-moving extraction or filtration, refrigeration equipment, air-conditioning units or like-kind to be used on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved details.

Part B - Prior to the first occupation of any part of the development, a detailed noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The detailed noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The approved works and scheme hereby approved shall be implemented as approved and thereafter maintained in accordance with that approval.

Reason: To avoid adverse impacts on health and quality of life from noise in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.

19 ARTIFICIAL LIGHTING

Prior to the commencement of any development hereby permitted, a lighting scheme shall be submitted to and approved by the Local Planning Authority in writing. The lighting scheme shall identify how the existing and installation of any additional artificial lighting is orientated and shielded or otherwise designed and positioned, such that the light emitted from them does not cause light nuisance to habitable rooms.

The lighting scheme shall refer to national guidance and identify the type of lighting to be installed, height of any columns, any shielding and lux mapping showing light spillage levels received at ground level around the development. The works and scheme hereby approved shall be implemented and thereafter retained and maintained in accordance with that approval.

Reason: To avoid adverse impacts on health and quality of life from light pollution in accordance with the National Planning Policy Framework 2019 and EBC Policy DM5 of the Development Management Plan 2015.

20 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any development on each site hereby permitted, a site-specific Final Construction Environmental Management Plan shall be submitted to and agreed by the Local Planning Authority in writing, as specified in the submitted Outline Construction Environmental Management Plan, dated January 2019. The Final Construction Environmental Management Plan shall include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison.

- Arrangements for liaison with the Council's Environmental Health Pollution Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays; 08 00 and 13 00 Hours on Saturdays; and at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 (Amended 2014) Code of Practice for Noise and Vibration Control Construction on Construction and Open Sites shall be used to minimise noise disturbance from construction works (including piling and excavation)
- Procedures for emergency deviation of the agreed working hours.
- Elmbridge Borough Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Community Liaison arrangements
- Control of emissions and noise from vehicular movements associated with activities at the site.

The demolition and construction contractor(s) are required to implement and comply with the requirements of the agreed Final CEMP during the demolition and construction phases of the development.

Reason: To avoid adverse impacts on health and quality of life from pollution in accordance with the National Planning Policy Framework 2019, the Noise Policy Statement for England and EBC Policy DM5 of the Development Management Plan 2015.

21 MANAGEMENT OF ANCIENT WOODLAND (NATURAL ENGLAND)

Prior to commencement of any development on Site A and Site 1, a detailed Landscape and Ecological Management Plan (LEMP) should be submitted to and approved in writing by the Local Planning Authority. The LEMP should include adequate details of the following:

- Description and evaluation of features to be managed and created including measures to compensate for proposed loss of habitat.
- Details relating to the permanent retention and management of semi-natural buffers within Site A adjacent to the Ancient Woodland.
- Quantified information relating to impact avoidance, mitigation, compensation and enhancement measures for protected species, including provision integral to the design of the new development.
- Aims and objectives of management.
- Appropriate management options to achieve aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity.
- Details of the body or organisation responsible for implementation of the LEMP.
- Ongoing monitoring and remedial measures.
- Details of legal/funding mechanisms.

The approved details shall be implemented in full upon commencement of works to the satisfaction of the LPA.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2019.

22 AIR QUALITY (SITES 1, 2, 5, A, B and F)

Part A - Prior to the commencement of development hereby permitted, a detailed air quality appraisal of the highway improvements associated with the works requested by condition

'SUSTAINABLE TRANSPORT IMPROVEMENTS' shall be submitted to and agreed in writing by the Local Planning Authority. The design of these highway improvements shall take account of the need to improve localised air quality in conjunction with the capacity and safety criteria to enable the Esher High Street AQMA to be undeclared.

Part B - Within 14 months of completion of the development hereby permitted including the Highway Improvement Scheme works, a detailed air quality study of the highway improvement works carried out by a competent person, shall be submitted to and approved in writing by the Local Planning Authority. The study shall include, but not be limited to:

Comparing the air quality (pre-highway improvement works) to that of the post highway improvements works (to include NO₂, PM_{2.5} and PM₁₀) using data captured after the development has been in place for up to 12 months.

Reason: To take up the opportunities to improve air quality in accordance with the requirements of the National Planning Policy Framework and to enable the assessment of the impact of the proposed development on the air quality in the Esher High Street AQMA.

23 POTENTIAL LAND CONTAMINATION

To ensure the potential for contamination has been investigated and the necessary action taken to make the development site suitable for its proposed use, the following steps must be completed to the satisfaction of the Council.

No development shall be commenced until step (a) has been completed by a competent person. Furthermore, there shall be no occupation of any part of the site by any end user prior to meeting the terms of this condition in full.

a) SITE INVESTIGATION, METHOD STATEMENT AND REMEDIATION

- (i) A written site-specific investigation plan using the information obtained from the preliminary investigation (Listers Geo, Report no 18.10.006, Oct 2018), providing details of the investigation for soil, gas and controlled waters where appropriate, shall be submitted to and approved by, the Council. in writing.
- (ii) The site investigation shall be undertaken in accordance with the scheme agreed by the Borough Council. The results of the site investigation, a refined conceptual model and a risk assessment of any contamination found shall be submitted to and approved by the Council in writing.
- (iii) A written Remediation Method Statement, with Verification Plan, detailing any remediation requirements shall be submitted to and approved by the Council in writing.

b) DEVELOPMENT IN ACCORDANCE WITH THE METHOD STATEMENT

The development of the site shall be carried out in accordance with the approved Method Statement, and any addenda submitted by the developer, and agreed in writing by the Borough Council. Any post remediation monitoring identified in the Method statement, shall be installed by the developer within the timescales identified in the Method Statement and maintained and operated for as long as identified by the Method Statement.

c) UNSUSPECTED CONTAMINATION

If, during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and had approved by the Council, a written addendum to the Method Statement detailing how the unsuspected contamination shall be dealt with.

d) PILING

Development approved by this permission shall not commence unless a Foundation Works Risk Assessment for piling foundations (if piling is to be used on site) has been submitted to, and agreed in writing, by the Borough Council. The piling shall be undertaken only in accordance with the method outlined in the approved Foundation Works Risk Assessment.

e) IMPORTED MATERIAL

Clean, uncontaminated rock, soil, brick rubble, crushed concrete or ceramic only shall be permitted as infill material. The developer shall not import any material until a sampling program, including appropriate import criteria for the proposed end use and frequency of sampling, has been submitted in writing, and approved by, the Council. The Developer shall carry out the approved sampling program to check that all imported material conforms to the agreed criteria. Where the permitted end use is residential, the sampling program shall also include samples taken from the imported material after final placement. Written confirmation of the suitability of all imported materials shall be provided to the Council as part of step (g). This shall include both the results of the sampling program and also details of the origin, transport, final deposition and any temporary stockpiling of the imported materials.

f) COMPLETION OF REMEDIATION AND VERIFICATION REPORT

Note: Verification by an independent, competent person must be carried out prior to occupation of any part of the site by any end user. It is recognised that in some large-scale developments, defined areas will be phased to enable part site occupation prior to completion of the entire site. Where this approach has been implemented separate verification reports for each phase must be prepared and submitted to the Council for written approval prior to occupation of the defined area by any end user.

Upon completion of the remediation detailed in the Method Statement, and before occupation of any part of the site by any end user (see note above), a written Verification Report shall be submitted to, and agreed in writing by, the Council providing verification that the required works regarding decontamination and installation of post remediation monitoring, have been carried out in accordance with the agreed Method Statement and any addenda thereto. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.

Reason: To avoid adverse effects from pollution on the environment, harm to human health or general amenity, in accordance with the National Planning Policy Framework and EBC Policy DM5 of the Development Management Plan 2015.

24 SUDS - DETAILED LAYOUT

Each Phase of the development hereby permitted shall not commence until details of the design of a surface water drainage scheme for that phase have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a greenfield discharge rate for the positively drained area of that phase only.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) Confirmation that any existing drainage infrastructure within each phase will be incorporated or diverted as part of the surface water drainage design.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- g) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does

25 SENSITIVE LIGHTING MANAGEMENT PLAN (SWT)

Prior to commencement of any development hereby permitted, details of any external lighting scheme to comply with the recommendations of the Bat Conservation Trust's document 'Bats and Lighting in the UK - Bats and The Built Environment Series' shall be submitted to and approved in writing by the Borough Council. The lighting shall be carried out in accordance with the approved details and shall not subsequently be altered without the prior written approval of the Borough Council.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2019.

26 TREE PROTECTION MEASURES

After the agreed tree protection measures have been installed in accordance with the approved plans, all tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in any documentation submitted and approved to comply with the Additional Arboricultural Information condition.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan.

27 SUSTAINABLE TRANSPORT IMPROVEMENTS

The development at the individual sites hereby approved shall not be first occupied or first opened for trading unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) Site 3 - The widening of the carriageway of Lower Green Road between 58 and 130 Lower Green Road and the provision of full on street parking bays.
- (b) Site 1 and 3 - The improvement of bus stops located at More Lane, to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.
- (c) Site 1 and 2 - The improvement of bus stops located at Esher Green to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.
- (d) Site A, B, C and 5 - The improvement of bus stops located at Portsmouth Road to include Real Time Passenger Information Systems, access for all compatible kerbing, shelters, lighting and power.
- (e) Site 3 - The improvement of the bus stops located at Lower Green Road to include access for all compatible kerbing.
- (f) Site 3 - Assessment of the need for and subsequent provision of additional lighting and resurfacing along the footway access to Esher Railway Station from the Lower Green Road bridge to Platform 4 of the railway station
- (g) Sites F - Provision of informal pedestrian crossing points and central refuges on either side of the right hand turn lane of the primary access to the site from Portsmouth Road.
- (h) Sites 1, 2, 3, 4, 5, A and B - Provision of a crossing point that is accessible for all between Station Road and Esher Railway Station.
- (i) Sites 1 and C - Footway improvements to the More Lane footway on the site side that leads to the existing bus stop opposite 19 More Lane, to include informal crossing point.
- (j) Sites 2, 4 and 5 - Assessment of the pedestrian route between sites 2, 4, and 5 and provision of improvements such as improved pedestrian signage, cleaning the drains at the corner of Station Road and Portsmouth Road, improvements to the footway surface and new bus stops.
- (k) Site 5 - Provision of informal pedestrian crossing point and a central refuge with the right hand turn lane to the site from Portsmouth Road.

and thereafter the said approved facilities on Racecourse land shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015; and to promote sustainable modes of transport in line with the requirements of the NPPF 2019.

28 SECURED BY DESIGN

No development above the slab level shall take place until details of how the development is to meet the requirements of 'secured by design' have been submitted to and approved in writing by the local planning authority. Thereafter development shall be undertaken in accordance with the approved details and permanently maintained thereafter.

Reason: To ensure that the development creates safe and secure environment and reduces opportunities for crime in accordance with Policy DM2 of the Development Management Plan 2015 and the NPPF 2019.

29 MODIFIED/NEW ACCESSES

Site 1 shall not be occupied unless and until the proposed access to More Lane has been constructed and provided with visibility zones.

Site 3 shall not be occupied unless and until the existing access from Lower Green Road has been closed, and any footway/verge and kerblines reinstated and the proposed new access to Lower Green Road has been constructed and provided with visibility zones.

Site 4 shall not be occupied unless and until the existing access from Station Road has been closed, and any footway/verge and kerblines reinstated and the proposed new access to Station Road has been constructed and provided with visibility zones.

Site 5 shall not be occupied unless and until the proposed new northern access to Portsmouth Road has been constructed and provided with visibility zones.

Site C and D shall not be opened for trading/occupation unless and until the proposed modified access to More Lane has been constructed and provided with visibility zones.

Site A and Site 2 shall not be occupied unless and until the modified internal access road linking to the southern access to Portsmouth Road has been constructed and provided with visibility zones.

All the above shall be in accordance with a scheme or schemes to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

30 PARKING AND TURNING

The development hereby approved shall not be first occupied or first opened for trading unless and 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 for vehicles and cycles to be parked and for the loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and loading and unloading / turning areas shall be retained and maintained for their designated purposes. All cycle parking shall be secure, covered and lit.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

31 CLOSURE OF EXISTING ACCESSES

The development hereby approved shall not be first occupied or first opened for trading unless and until the existing accesses from the site to Lower Green Road and to Station Road have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

32 EVENT MANAGEMENT PLAN

Prior to the occupation/first use of any of the developments at sites A, B, C, D and F an Event management plan shall be submitted for the written approval of the Local Planning Authority and then the approved Event management plan shall be implemented on occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Event management plan to the satisfaction of the Local Planning Authority.

The Event management plan shall include, but not be limited to the following details:

- (a) Traffic management provision of all accesses to the site to ensure the free flow of traffic on all public highways.
- (b) Provision of and method of delivery of overspill car parking provision off site.
- (c) Measures to encourage visitors to the site to park in designated locations and measures to discourage parking on local streets that may result in increased highway safety or capacity risks.
- (d) A definition of what constitutes an Event and associated trigger points for the implementation of the Event Management Plan.
- (e) Communication methods and processes for relevant stakeholders - local residents, LPA and CHA.
- (f) Provision of any additional access points to the site for Event use only.
- (g) Measures to encourage sustainable transport to and from the site during Events.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

33 TREE RETENTION

All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.

- a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.
- b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy 2011 and Development Management Plan 2015.

34 TRAVEL PLANS

Prior to the occupation of the development an Umbrella Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Sandown Park Racecourse Draft Residential Travel Plan', 'Sandown Park Draft Racecourse Travel Plan' and the Sandown Park Draft Hotel Travel Plan'

And then the approved Umbrella Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Umbrella Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport " in the National Planning Policy Framework 2019 and Policy DM7 of the Elmbridge Development Management Plan 2015.

35 THAMES WATER INFRASTRUCTURE (PHASING OF DEVELOPMENT)

There shall be no occupation beyond Site 4 (72 flats) and the first 52 flats on the remaining Sites (2, 3 and 4) until confirmation has been provided to the Local Planning Authority in writing that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: To avoid low or no water pressure issues and to ensure that sufficient water capacity is made available to accommodate additional demand anticipated from the development.

36 ELECTRIC VEHICLE CHARGING

The development at sites 1, 2, 3, 4, and 5 hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to encourage and facilitate current and future use of electric vehicles in line with Policy DM7 of the Elmbridge Development Management Plan 2015 and national objectives for pollutants in accordance with the NPPF 2019.

37 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (SWT)

A detailed Landscape and Ecological Management Plan (LEMP) should be submitted to and approved in writing by the Local Planning. The LEMP should include details of the proposed impact avoidance and mitigation for the species and habitats, details of enhancement measures and adequate details of the following:

- Description and evaluation of features to be managed and created including measures to compensate for proposed loss of habitat;
- Details relating to the permanent retention and management of semi-natural buffers within Site A adjacent to the Ancient Woodland;
- Quantified information relating to impact avoidance, mitigation, compensation and enhancement measures for protected species, including provision integral to the design of the new development.
- Aims and objectives of management;
- Appropriate management options to achieve aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity.

The approved details shall be implemented in full to the satisfaction of the LPA prior to the first occupation of the development and maintained as agreed.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Policy CS15 of the Core Strategy 2011, Policy DM21 of the Development Management Plan 2015 and the National Planning Policy Framework 2012.

38 VERIFICATION REPORT (SUDS)

Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved for that phase by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Sustainable Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and to comply with Policy CS26 of the Elmbridge Core Strategy 2011, Flood Risk SPD 2016 and the NPPF.

39 CAR PARKING MANAGEMENT PLAN

Prior to the occupation of any of sites 1, 2, 3, 4, and 5 a Car Parking Management Plan shall be submitted for the relevant site for the written approval of the Local Planning Authority and then the approved Car Parking Management Plan shall be implemented on occupation of the associated development, and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

40 SITE SUPERVISION (SITES 1, 2, 3, 5, A and F)

The completion schedule/report of all arboricultural site supervision and monitoring submitted and approved in compliance with the Additional Arboricultural Information condition, shall be submitted to and approved in writing by the Local Planning Authority within 20 working days of the substantial completion of the development hereby approved. This shall include evidence of compliance through supervision and monitoring of the agreed activities by a suitably qualified arboriculturist.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, DM6 of the Councils Core Strategy and Development Management Plan.

41 TREE RETENTION

All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.

- a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.
- b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality, reduce the risk to protected and retained trees in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990, and in accordance with policies CS14, CS15, DM6 of the Councils Core Strategy and Development Management Plan.

Informatives

1 COMMUNITY INFRASTRUCTURE LEVY

The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. The notice is available at www.planningportal.co.uk/cil

For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.

2 DRAINAGE WORKS (SITES E1 AND E2)

Drainage works outside of the red line are excluded from the considerations of the current application and will require a separate planning permission.

3 NEW VEHICLE CROSSOVERS AND DROPPED KERBS

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

4 SCAFFOLDING LICENCES

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

5 MATERIAL DEPOSITS ON THE HIGHWAY

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The County Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980, Sections 131, 148, 149).

6 OTHER WORKS TO THE HIGHWAY

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

7 OTHER WORKS TO THE HIGHWAY CONTINUED

The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

- 8 **TEMPORARY ACCESS**
When a temporary access is approved, or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
- 9 **ELECTRIC VEHICLE CHARGING**
It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- 10 **ASBESTOS CONTAINING MATERIALS (ACMS)**
Please be aware that buildings constructed before 2000 may contain asbestos and a suitable asbestos survey an intrusive demolition asbestos survey in accordance with HSG264 should be undertaken before any redevelopment commences. If materials containing asbestos are present on the site, a written Plan for appropriate removal of the ACMs from the building is required by the Health and Safety Executive. This is to ensure that the material is not broken up and left on site and does not pose a health risk to site workers, future occupants or neighbouring residents. The enforcing authority with regard to asbestos on demolition and construction sites is the Health and Safety Executive and advice is available at <http://www.hse.gov.uk/asbestos/>.
- 11 **ADVICE TO DEVELOPERS REGARDING CONTAMINATION ASSESSMENTS**
Before carrying out any contamination investigation or remediation of a site, the developer is strongly recommended to contact the Environmental Health & Licensing Team for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.
- 12 **WASTE HANDLING**
All wastes need to be properly handled and disposed of whilst ensuring strict compliance with all relevant waste management legislation. If waste soils are to be re-used on site then there will need to be an Environmental Permit in place or an Exemption. Or, there will need to be a Materials Management Plan approved by a Qualified Person in accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP). Any wastes removed from site should be properly loaded onto vehicles operating with an appropriate and valid waste carriers licence and transported to licensed/permitted facilities. Imported materials should be sourced from authorised facilities and comply with relevant permits, exemptions, quality protocols or quality soil frameworks. All details need to be documented in the Site Waste Management Plan and verification reporting. Materials illegally deposited at inappropriate sites or used inappropriately on this site may be subject to relevant taxes, payable by all involved parties. Only robust due diligence is a defence against joint liability. HMRC may pursue any evasion of landfill tax for up to several years after the event. The Environment Agency and the County Council may pursue any breaches of waste management legislation. Materials records and contact documents must therefore be maintained for inspection and audit by enforcing authorities for relevant time periods after the works are completed.
Furthermore, it is noted that the submitted document broadly meets part a)(i) of the condition. I strongly recommend that the Developer and their appointed Environmental Consultant consult with the EBC land contamination team at the earliest opportunity and throughout the process, initially to ensure that the site-specific investigation plan outlined in 'Conclusions and Recommendations for Further Work' is appropriate and adequate. In addition, it is noted that a full mining risk assessment is recommended in the Phase
- 13 **IMPACT ON AN ORDINARY WATERCOURSE**
If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are

available on our website. If there are any further queries please contact the Sustainable Drainage and Consenting team via SUDS@surreyccgov.uk. Please use our reference number (LLFA/EL/19/152) in any future correspondence.