

PROOF OF EVIDENCE

of

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BSc (Hons), MSc, MA, CMLI

relating to

OPENNESS, LANDSCAPE / TOWNSCAPE & VISUAL EFFECTS

on behalf of

ELMBRIDGE BOROUGH COUNCIL

in connection with

PROPOSED DEVELOPMENT ON LAND AT SANDOWN PARK RACECOURSE

at

PORTSMOUTH ROAD, ESHER, SURREY, KT10 9AJ

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1 INTRODUCTION

Qualification

- 1.1 My name is David Webster, and I am a Chartered Landscape Architect, elected to membership of the Landscape Institute in 2008. I hold a Bachelor of Science Degree in Economics, a Post-Graduate Diploma in Garden Design and a Master of Arts Degree in Landscape Architecture.
- 1.2 I have considerable experience in the assessment of landscape and visual effects on a broad range of projects and frequently provide advice on landscape matters to Local Planning Authorities in connection with their development management and strategic planning functions.
- 1.3 I have wide-ranging experience in the design and delivery of high quality landscape for large residential schemes and have also been fortunate to work on some key public realm and masterplanning projects in London and the surrounding counties.
- 1.4 I have been a Senior Landscape Architect at Huskisson Brown Associates (HBA), a landscape architectural consultancy based in Tunbridge Wells, since 2018. The practice was established in 1987 and is registered with the Landscape Institute and the Institute of Environmental Management and Assessment. The practice is Quality Assured to BS ISO9001:2015.
- 1.5 HBA were approached by Elmbridge Borough Council (EBC) in May 2020 for a commission to consider this appeal case with a view to giving evidence on their behalf at Inquiry. Having considered the case and indicating HBA's willingness to give evidence on EBC's behalf in relation to the reasons for refusal, HBA were formally instructed on 29th May 2020.
- 1.6 In relation to the case I have read the planning application submission, the consultation responses, third party representations and the officer report to, and minutes of, the **Committee Report (CD7.3)**. I am aware of the relevant planning policies in both the **Elmbridge Core Strategy (ECS) (CD1.1)** and the **Elmbridge Development Management Plan (EDMP) (CD1.2)**, and of progress with regard to the emerging Local Plan. I am familiar with the appeal site and its locality.
- 1.7 I confirm that the evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institute, the Landscape Institute, and that the opinions expressed are my true and professional opinions.

Background

- 1.8 I provide this evidence on behalf of the Elmbridge Borough Council (EBC) in respect of the Green Belt, landscape / townscape, and visual aspects of **Reasons for Refusal 1 and 2 (RfR 1 and RfR 2)** relating to the refusal of outline planning permission **2019/0551**:

Hybrid planning application for the redevelopment of Sandown Park Racecourse involving:

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).

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.

- 1.9 Sandown Park Racecourse occupies approximately 66ha of land located to the north-east of Esher. The site is bound by Portsmouth Road (A307) to the south, Station Road to the east, Lower Green Road and a railway line to the north, and More Lane to the west.
- 1.10 A description of the overall appeal site, the individual appeal proposals and the immediate surroundings has been agreed with the appellant at Section 3 of the **Statement of Common/Uncommon Ground**.
- 1.11 A comprehensive list of the planning history relating to all of the individual areas to be developed can be found at Appendix 4 to the **Statement of Common/Uncommon Ground**, with commentary provided at Section 4 of the same document.
- 1.12 The preparation of this Proof of Evidence has involved both desk based and site work. Site visits have involved walkovers of the site and surrounding area to determine the specific Green Belt attributes relevant to the appeal proposals, the detailed landscape character and visual context of the site, and to evaluate the degree of change that might be expected to arise from the development proposals. Inspections of the various sites and surrounding area were first carried out in June 2020. Most recently, I visited the site in August 2020.
- 1.13 The submitted **Core Documents List** contains the sources considered of primary relevance to the Green Belt, landscape, and visual context of the site and its immediately surrounding area.
- 1.14 My evidence is that there would be materially damaging Green Belt effects arising from the appeal proposal. Additionally, I consider that the development would cause significant harm both to both the character and visual amenity of the area, and that the harm could not be mitigated by appropriate in character mitigation.

Scope of Evidence

- 1.15 In preparing for this Planning Inquiry, I have reviewed the scope and content of the planning application in relation to Green Belt, and landscape/townscape and visual issues, together with other pertinent information.
- 1.16 It is accepted that the development proposed on **Sites A, C, E1, E2, and F** would not be inappropriate in terms of their Green Belt location.

- 1.17 I acknowledge that the planning information for the 'Disputed Sites': **Sites B, D and 1 - 5** has been submitted in outline, with scale, layout, appearance and landscaping all reserved for consideration at a later date.
- 1.18 The scope of my evidence includes the planning information submitted for the Disputed Sites as part of the original application (**CD5: Application Documents and Plans**) and the additional information submitted post validation (**CD6: Additional information submitted after Validation**).
- 1.19 In particular, I note that the following relevant information was amended after validation and now supersedes that originally submitted:
- *Masterplan (updated Jul 2019)(CD6.48);*
 - *Design and Access Statement (updated Jul 2019)(CD6.49);*
 - *Planning Statement (updated 12th Jul 2019 – Ref. CB/385/12/6)(CD6.50); and*
 - *Green Belt Statement (updated 12th Jul 2019 – Ref. JAL/385/12/6)(CD6.51).*
- 1.20 Since the **Landscape / Townscape and Visual Appraisal (LTVA) (CD5.52)** was prepared, the **NPPF** has been updated (February 2019) (**CD2.1**) and a new National Design Guide (October 2019) has been published. The **NPPF** policy references in the LTVA are therefore out of date.
- 1.21 My evidence is structured to respond to the range of Green Belt, landscape and visual issues raised in the Appellant's submissions, and the two Reasons for Refusal. I address:
- The underlying Green Belt character, landscape/townscape character and visual amenity of the Disputed Sites, Sandown Park, and the surrounding landscape/townscape;
 - Whether there is harm to the Green Belt by reason of inappropriateness;
 - Whether the appeal proposals result in harm to the 'openness' of the Green Belt;
 - Whether the appeal proposals result in harm to the purposes of the Green Belt;
 - The design response to landscape/townscape character and context;
 - The likely effects of the proposed development on the Disputed Sites and the local character and visual amenity of the surrounding landscape/townscape; and
 - Whether the appeal proposals result in harm to the character and appearance of the area.
- 1.22 In relation to these points, my evidence will summarise the key features of the disputed appeal sites and their Green Belt, landscape / townscape, and visual context, and summarise the Green Belt, landscape / townscape, and visual effects of the proposals in support of Elmbridge Borough Council's decision to refuse the planning application.
- 1.23 Key assumptions or limitations that have been made in undertaking my assessment relate to the wholly outline nature of the Disputed Sites and the reliance therefore on professional

interpretation of the explicit and implicit consequences of the Parameter Plans.

- 1.24 The absence of confirmed detail at this stage that would allow for a more detailed and comprehensive assessment (i.e. relating to proposed earthworks, lighting and landscape treatments must therefore be a matter for professional interpretation and judgement and inferences drawn from the planning information submitted by the Appellant). In particular, the outline nature of this application presents great uncertainty about precise volumetric, spatial, and perceptual concerns with regard to Green Belt matters, whilst also raising distinct misgivings in terms of townscape character and appearance considerations.
- 1.25 My evidence addresses some of the key issues arising from the Topographical Surveys, Parameter Plans, Indicative Layouts, and Indicative Sections as described in the Appellant's supporting information.
- 1.26 The assessment methodology and supporting matrix tables used are set out in **Appendix 1** (LTVA Appraisal Methodology). These are based on the guidance in **GLVIA3 (CD3.17)**.

2 THE FIRST REASON FOR REFUSAL

2.1 The first Reason for Refusal (**RfR 1**), which my evidence addresses, states:

"The proposed development represents inappropriate development in the Green Belt which would result in definitional harm and actual harm to the openness of the Green Belt and it is not considered that the very special circumstances required to clearly outweigh the harm to the Green Belt and any other harm, including impact on transport (highway and public transport capacity), air quality and insufficient affordable housing provision, have been demonstrated in this case. The proposed development by reason of its prominent location would be detrimental to the character and openness of the Green Belt contrary to the requirements of the NPPF, Policies CS21 and CS25 of the Elmbridge Core Strategy 2011, Policies DM5, DM7 and DM17 of the Elmbridge Development Management Plan 2015."

2.2 The application site falls entirely within the Green Belt.

2.3 As stated in Policy DM17 of the **EDMP (CD1.2)** and Paragraph 133 of the **NPPF (CD2.1)**, 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.

2.4 Policy DM17 (**CD1.2**) states at Paragraph (a) *"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."*

2.5 Policy DM17 is consistent with national policy, where Paragraph 143 of the **NPPF (CD2.1)** explains *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

2.6 Further Paragraph 144 of the **NPPF (CD2.1)** requires that *"substantial weight is given to any harm to the Green Belt" and "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations."*

2.7 'Any harm' as described in Paragraph 144 can include harm by reason of inappropriateness (or definitional harm), harm to the openness of the Green Belt and/or to the purposes of including land in the Green Belt.

2.8 As noted in Section 5.1.1 of the **Green Belt Boundary Review (2016) (GBBR 2016) (CD3.8)** the site is located within a *"strategically important arc of green spaces"* that provide a narrow and fragmented barrier to the potential sprawl from the Greater London metropolitan area and the large built-up areas within Surrey.

2.9 As my evidence will demonstrate, the proposed development would substantially reduce the

openness of the Green Belt and would result in sprawl, further advancing the built-form of London into Surrey and continuing the spread of development that has already been experienced through the coalescence of Molesey and Thames Ditton with Greater London. On this basis, the fundamental aim of designating land as Green Belt would be irreversibly harmed.

2.10 Paragraph 134 of the **NPPF (CD2.1)** states that the Green Belt serves five purposes. It is my opinion that the proposed development would conflict with two of these:

- To check the unrestricted sprawl of large built-up areas; and
- To prevent neighbouring towns merging into one another.

2.11 On the basis of the above, I will establish that the development proposals will be in conflict with the **NPPF (CD2.1)** and the Elmbridge **EDMP (CD1.2)**, in particular Policy DM17.

2.12 The site is located on an area of land connected to the large built-up area of Greater London, preventing its outward sprawl on to open land. It is also considered that the proposed development would contribute towards the merging of the neighbouring settlements of Thames Ditton and Esher. I will demonstrate that the site maintains a relatively open character and provides an important visual gap between the two settlements.

2.13 Green Belt Reviews undertaken in 2016 (**CD3.8**) and 2018 (**CD3.9**) demonstrate that this part of the Elmbridge Green Belt performs **Strongly** and makes an important contribution to the integrity of the wider Green Belt. In addition, the **Minor Amendments Boundary Review 2019 (CD3.10)** recommended this part of the Green Belt for enlargement along More Lane and Lower Green Road.

3 HARM TO THE GREEN BELT

Harm to the Green Belt by Reason of Inappropriateness

- 3.1 The Appellant maintains that the scheme comprises appropriate development in the Green Belt (as it is said to fall within Paragraphs 145(b) and 145(g) of the **NPPF**). This submission is misconceived, and it is demonstrable that the proposal would constitute inappropriate development in the Green Belt.
- 3.2 Paragraph 145(b) of the **NPPF** permits, inter alia, “*appropriate facilities...for outdoor sport, outdoor recreation...*”. It is implicit within the officer’s report to the **Committee Report** (Paragraph 9.7.3.2, Footnote 29) (**CD7.3**) that the works to enhance the racecourse’s facilities could not benefit from this exception (particularly in relation to outdoor sport) as the focus is primarily on the performance of the horse and there is no physical exertion for racegoers. Only Site C would benefit from this exception.
- 3.3 The application was therefore primarily assessed against the exception set out in Paragraph 145(g), which provides for “*limited infilling or the partial or complete redevelopment of previously developed land...*”. This exception permits development which would not have a greater impact on the openness than the existing development, or, where a contribution towards meeting an identified affordable housing need would be made, which would not cause substantial harm to the openness of the Green Belt.
- 3.4 Within Annex 2: Glossary of the **NPPF (CD2.1)** ‘previously developed land’ (PDL) is defined as: “*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.*”
- 3.5 In considering whether a site is PDL the following principles, established in case law, should be taken into account:
- When defining curtilage, a key consideration is the functional relationship between land and buildings/structures i.e. land that can be said to serve the purpose of a building(s) in some necessary or useful way, and
 - Access roads and areas of hardstanding have been accepted as ‘fixed surface infrastructure’.

- 3.6 Given the above, Policy DM17 (CD1.2) clarifies in Paragraph 2.78 that “Consideration will be given on a case-by-case basis, recognising that new development should not have a greater impact on the openness of the Green Belt. As such, careful assessment of the impact of existing buildings and structures in comparison to new development is required. For example, an existing area of hard standing can be regarded as ‘development’ but its impact on openness is significantly less than a proposed building.”
- 3.7 When assessed against these criteria, I will demonstrate that the development on each of the disputed appeal sites is inappropriate as set out below:
- **Site B:** PDL – by virtue of being fixed surface infrastructure; the appellant argues that this development is appropriate as it supports an appropriate outdoor recreation facility - Paragraph 145(b); this development exception is only permissible where *“the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”* **Inappropriate:** the development should not benefit from this exception on the basis of Paragraph 3.2 (above) and results in significant harm to the openness of the Green Belt.
 - **Site D:** Partially PDL - a hard surfaced parking area serving the golf centre to the north and grassed area used for parking during race meetings; the appellant argues that this development is appropriate as it supports an appropriate outdoor recreation facility - Paragraph 145(b); **Inappropriate:** the development should not benefit from this exception on the basis of Paragraph 3.2 (above) and should instead be assessed against Paragraph 146(b) as engineering works, where it the proposals would conflict with Purpose 3 of designating land as Green Belt.
 - **Site 1:** PDL – single storey stables with associated hardstanding; the appellant argues that this would be appropriate development as redevelopment of PDL/contributing to affordable housing – Paragraph 145(g); this exception is only permissible where the redevelopment would *“not cause substantial harm to the openness of the Green Belt”*. **Inappropriate:** the development should not benefit from this exception as it would result in substantial harm to the openness of the Green Belt.
 - **Site 2:** PDL – single storey stables to the south-east, the Sandown Park Lodge on the northern boundary and associated car parking; the appellant argues that this would be appropriate development as redevelopment of PDL/contributing to affordable housing – Paragraph 145(g); this exception is only permissible where the redevelopment would *“not cause substantial harm to the openness of the Green Belt”*. **Inappropriate:** the development should not benefit from this exception as it would result in substantial harm to the openness of the Green Belt.

- **Site 3:** Partly PDL – two bungalow dwellings, car parking and racecourse access; the appellant accepts that this is inappropriate development as no applicable exception. **Inappropriate**
- **Site 4:** This site is within the curtilage of the racecourse but does not accommodate any permanent structures or fixed surface infrastructure; the appellant accepts that this is inappropriate development as no applicable exception. **Inappropriate.**
- **Site 5:** Partially PDL – children’s nursery, locally listed toll house and coach park; the appellant argues that this would be appropriate development as redevelopment of PDL/contributing to affordable housing – Paragraph 145(g); this exception is only permissible where the redevelopment would “*not cause substantial harm to the openness of the Green Belt*”. **Inappropriate:** the development would have a greater impact on the openness of the Green Belt than the existing development.

3.8 **NPPF** Paragraph 144 (**CD2.1**) is clear that substantial weight should be given to any harm to the Green Belt, including harm by reason of inappropriateness. Thus, it is clear that substantial weight should be attached to harm by reason of inappropriateness in this case. However, in addition to the definitional harm noted above, there would also be substantial harm to openness and to the purposes of including land in the Green Belt.

Harm to the ‘Openness’ of the Green Belt

3.9 A key Green Belt policy consideration is evidently the ‘openness’ of the Green Belt and the implications of development on it with reference, in particular, to Paragraphs 145 and 146 of the **NPPF**.

3.10 To understand the relevance of visual impact on openness it is important to consider the Section 70(2) TCPA requirement to determine applications having regard to the development plan and ‘any other material considerations’.

3.11 It is for the planning decision-taker to decide, on the facts of any given case, what factors are relevant when considering whether openness is preserved. In my opinion, the consideration of openness should in this case include an assessment of the visual impacts given the readily appreciable and highly visible urbanising nature of the development proposals on the edge of the Green Belt/urban boundary.

3.12 When reviewing the appropriateness of development on PDL which contributes to meeting an affordable housing need, the key test is whether the development will cause “substantial harm”. It is understood that, in the context of the Green Belt, this has not been explored in case law. However, as a point of principle, ‘substantial harm’ must involve a greater impact on the openness of the Green Belt than existing development.

3.13 Openness implies freedom from development. That being said, Paragraph 146 of the **NPPF**

(CD2.1) shows that some specific forms of development, including engineering works, may in principle be appropriate and compatible with the concept of openness, particularly if the impact is temporary and subject to restoration.

The Site as a Whole

- 3.14 The Appellant's **Green Belt Review (GBR) (CD5.50)** conflates the consideration of openness and impacts on the purposes of the Green Belt. However, it is agreed that when assessing the extent of Sandown Park's openness, it is relevant to consider how built up it is at present. The site extends up to circa 66ha in total, of which circa 7.02ha comprise the Disputed Sites. The entire Racecourse is located within the Green Belt and is bounded by Portsmouth Road (south-east), More Lane (west), Lower Green Road (north) and Station Road (east). The Racecourse has two access points via Portsmouth Road (the A307) to the south and More Lane to the west.
- 3.15 The operational facilities including the stables and paddock area, stable staff accommodation, and car parking are located on the southern part of Sandown Park Racecourse, with the Grandstand and Eclipse building (8,755m²) overlooking the racetracks, with the golf course (circa 1,025m²) and karting circuit (circa 1,065m²) to the north. In addition to the racecourse, there is also a dry ski slope/gym/fitness centre/skywalk adventure at The Warren (south west of the racecourse), a 397m² children's nursery (on Portsmouth Road) and 586m² of staff housing (in the north west of the racecourse).
- 3.16 The site is positioned on varying topography, where an area of high ground in the southern part of the site (The Warren) represents the northern end of a broader ridge extending to the south. This high ground is at circa 50m AOD and then slopes downwards across the Racecourse to the north and north-east, levelling out with the lowest point in the north-eastern corner at 12m AOD.
- 3.17 The higher ground and dry ski slope at The Warren, in combination with mature tree cover, serves to prevent any views looking north across the racecourse for receptors located within central Esher. However, as one moves north beyond The Warren the falling topography of the site enables expansive views of the racecourse extending across the entire site, particularly near the More Lane entrance. The remainder western boundary is largely formed from a closed board timber fence, which acts to screen direct views, but nonetheless there is a perception of openness beyond as a result of the lack of built form on this boundary or within the central racecourse area.
- 3.18 An open green space to the north-west of the site, known locally as The Green, provides a transition from More Lane to Lower Green Road. **Plan EDP 2: Separation Plan** notes "*There is some sense of openness in filtered views into the Racecourse.*"
- 3.19 The northern site boundary is formed from the well vegetated southern side of Lower Green

Road, and is characterised by a lack of development beyond the existing 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), concentrated in the west part of the site. The properties on the northern side of Lower Green Road represents the edge to the large built up area of Thames Ditton, where the sense of openness offered by the site is lost as Lower Green Road passes under the railway line near the northern entrance to the racecourse.

- 3.20 The short eastern boundary with Station Road is again well vegetated with mature trees and shrubs, but there exists a perception of the openness beyond by virtue of the lack of built form within the site.
- 3.21 The junction of Station Road with Portsmouth Road is marked by the presence of a Café Rouge outlet, which is adjoined to the west by a belt of linear commercial and residential development that screens views into the site. The site's presence starts to emerge near the nurseys, where clear views are available of the mature trees that form the racecourse boundary at this point. Moving west along the Portsmouth Road gaps in the trees reveal the open coach parking areas and racecourse beyond. At a point opposite Esher Heights the closeboard fencing is replaced by a much more open wrought iron fence that offers unobstructed views of the racecourse and the Grandstand. These views become increasingly screened by mature street trees, nonetheless, below canopy views of the main car parking area and the Grandstand remain available until the vicinity of the two gates entrances. At this point the boundary reverts to closeboard fencing with mature vegetation behind. Glimpsed views of the car parking beyond are sometimes available. **Plan EDP 2: Separation Plan (CD5.50)** notes *"An open boundary to the Racecourse to the south enables a sense of openness from Portsmouth Road, although the road itself is outside the Green Belt."*
- 3.22 Overall, whilst the well vegetated boundaries and topography of the site sometimes restrict views, the site makes an obvious and important contribution to openness in a perceptual sense. The appellant's argument that the closeboard timber fence on More Lane and/or Station Road, or the vegetation on various site perimeters that serve to screen views into the site therefore also acts to reduce the site's contribution to openness carries little weight. By simply walking around the site perimeter it becomes very clear that there are multiple views into and across the site, both direct and filtered, that clearly demonstrate the contribution the entire site make to openness. If realised, the proposed development would significantly reduce the permeability of the site and its boundaries.
- 3.23 The central parts of the site, including the golf course and the karting track are publicly accessible via the entrance from More Lane, as indeed are the Grandstand and other racecourse facilities for race meetings. These areas all offer extensive views across the site, largely to the boundaries be that across turfed racecourse or tarmacked parking spaces. **Plan**

EDP 2: Separation Plan notes *"From the higher ground on More Lane, particularly at the vehicular access point to the Racecourse, long views towards London are possible. From here, the lack of large built form within the central areas of the Racecourse are apparent."*

- 3.24 **Plan EDP 2: Separation Plan (CD5.50)** illustrates the 'Perceived Extent of Built Form and Areas of Hardstanding' together with a number of separation distances. This method of evaluation the openness of the site is disputed as it ignores the reality of the openness to the large expanses of car and coach parking to the south and south-east of the Grandstand. In addition, this approach rather crudely treats all built form as equal, where single storey stables and the heavily wooded Warren are considered in a similar manner both spatially and visually.
- 3.25 It would make more sense, when considering the harm to openness, to identify the perceived extent of openness, which I consider extends from the residential dwellings to the north of Lower Green Road, southwards towards the rear of the commercial and residential properties on the north side of the Portsmouth Road. This area of perceived openness would therefore include the entirety of the Racecourse.
- 3.26 The Grandstand complex forms the most noticeable built form within the site, situated on higher ground than the racecourse to the north and the car and coach parking to the south. The other built form on the site, including the stables, staff residences, golf course and karting track are relatively low level and usually only single storey. The visual and perceptual response to the site is that of the Grandstand being surrounded by largely open space, with the single storey stables to the south-west and two storey lodge to the south maintaining an overall sense of openness to the built-up area boundary of Esher.
- 3.27 The question of how built up the site would become if the proposals were implemented, is considered below through a review of each of the contested development sites.

Site B

- 3.28 **Site B** is located immediately to the east of the existing Grandstand and the development proposed is circa a 150-room C1 hotel, or a 130-room C1 hotel with approximately 9no. residential units (Use Class C3) above. The site's current condition is largely hardstanding of compacted aggregates.
- 3.29 At Paragraph 2.31 of the **GBR (CD5.50)** the appellant argues that the *"location of the existing Grandstand largely divorces parts of Portsmouth Road from the central areas of the Racecourse. Essentially, where views are available, the Grandstand serves as the perceived northern edge of built form within Esher"*. This analysis completely ignores the contribution to openness made by the areas of car parking and coach parking to the south and south-east of the Grandstand, and of **Site B** itself. I consider the appellants assessment to be incorrect in that it does not fully consider the open character of **Site B**, clear of any existing built form, and

its central location within the Racecourse allowing views across the Green Belt area towards the treelined northern boundary from a number of locations along Portsmouth Road. This is particularly evident in views looking north through the listed gates and railings, and in **Photoviewpoint EDP 11**. In addition, the relatively open nature of **Sites A, F and 2** create a clear visual and physical separation of the Grandstand from Esher town centre, that can be readily experienced from Portsmouth Road.

- 3.30 The Appellant's **Green Belt Statement (GBS) (CD6.51)** states at Table 1 that implementation of the proposals would introduce a large new 6-storey building (circa 27,950m³) to a site that is currently an overflow car park, and thus almost entirely open space. To suggest otherwise is in my opinion very surprising when one properly considers the volumetric increase and the perceptual change of openness that would arise. As noted the in **Table EDP 2.3** of the **GBR (CD5.50)** "*There would be an increase in built form within the site... While development of the site would restrict views of the northern boundary to a degree*". On this basis it is unclear how the Appellant can conclude in the same section that "*The proposals would not harm the openness of the Green Belt*". It is quite evident that on a volumetric, spatial, and perceptual basis the proposals would represent a significant harm to openness.
- 3.31 Paragraph 2.31 of the **GBR (CD5.50)** notes that **Photoviewpoint EDP 7** offers "*views from Portsmouth Road over the central areas of the Racecourse are possible to its northern boundary, which is essentially seen as a separate settlement edge*". Whilst it is agreed that such views are possible, it is disputed that the site's northern boundary is seen as a 'separate settlement edge'. As noted above, I consider that this is formed by the houses on the northern side of Lower Green Lane, which cannot be seen by virtue of the well wooded edge to the northern boundary. Indeed, it is only through the implementation of the **Site 3** proposals that the LVA assessment would be true. The proposed building would make a significantly harmful impact on the visual appreciation of openness through its effect of interrupting views across the racecourse and of the existing Grandstand.
- 3.32 In addition, the existing topography falls away from the Grandstand with an approximately 3m fall from west to east, so the description of the hotel as being 6-storeys tall is only true adjacent to the Grandstand. The change in level would actually result in the perception of a 7-storey building when viewed from the Portsmouth Road. As noted by the case officer in the **Committee Report (CD7.3)** at Paragraph 9.7.3.13, the proposed scheme "*would result in a significant adverse impact on spatial and visual dimension of the Green Belt's openness and therefore constitutes inappropriate development*". I agree with this characterisation.

Site D

- 3.33 **Site D** is described in the Design & Access Statement (**DAS**) (**CD6.49**) as an improvement of the car park through the establishment of reinforced grass surface or similar and hard standing in part, within the centre of the site. Access would continue to be provided via More Lane. The site comprises the existing golf course car park, which is surfaced with asphalt, but the remainder of the site is grassland. Only the golf course car park is considered PDL.
- 3.34 The Council accept that this site should be assessed against Paragraph 146(b) as engineering works, where the **NPPF** exception states that other forms of development would not be inappropriate in the Green Belt if they “*preserve its openness and do not conflict with the purposes of including land within it*”.
- 3.35 The **Indicative Zoning Layout** (**CD6.7**) indicates that the existing golf course car park will be retained, with additional areas of reinforced grass to serve as overflow car parking. The **Parameter Plan** (**CD5.28**) makes no such distinction, with the whole area described as “*Car parking area and associated landscaping*”.
- 3.36 Clearly parts of **Site D** are already used for car parking, but the addition of further car parking will serve to introduce increased numbers of vehicles which will inevitably have an incrementally adverse impact on openness not only when in use, but also to some degree by the increase in hard surfacing.
- 3.37 The **GBR** (**CD5.50**) states at Paragraph 2.36 that “*landscape mitigation would respond to the perception of openness in views from More Lane, and from within the Racecourse itself, as well as responding to local landscape character*”. It is not clear from the Appellant’s submission how this mitigation could be implemented.
- 3.38 Overall, in my opinion there would be slight harm to the openness of the Green Belt, particularly on race days, so the proposed development does not benefit from the exception described in Paragraph 146(b) as it cannot be said that the proposal would ‘preserve’ the openness of the Green Belt.

Site 1

- 3.39 The development proposed at **Site 1** will result in the demolition of the existing single storey stable facilities, to be replaced by a flatted mews development of circa 15no. residential units (Use Class C3), associated access off More Lane, parking, and landscaping. The **Indicative Layout** (**CD5.30**) indicates that building height would be up to 3-storeys.
- 3.40 It should be noted that the **Parameter Plan** (**CD5.20**) suggests that the entire building could have a maximum building height of 10.95m (50.75 AOD), equivalent to a three storey building. There is no volume parameter on the Parameter Plan, but the **GBS** (**CD6.51**) advises that the maximum building volume would be 5,300m³.

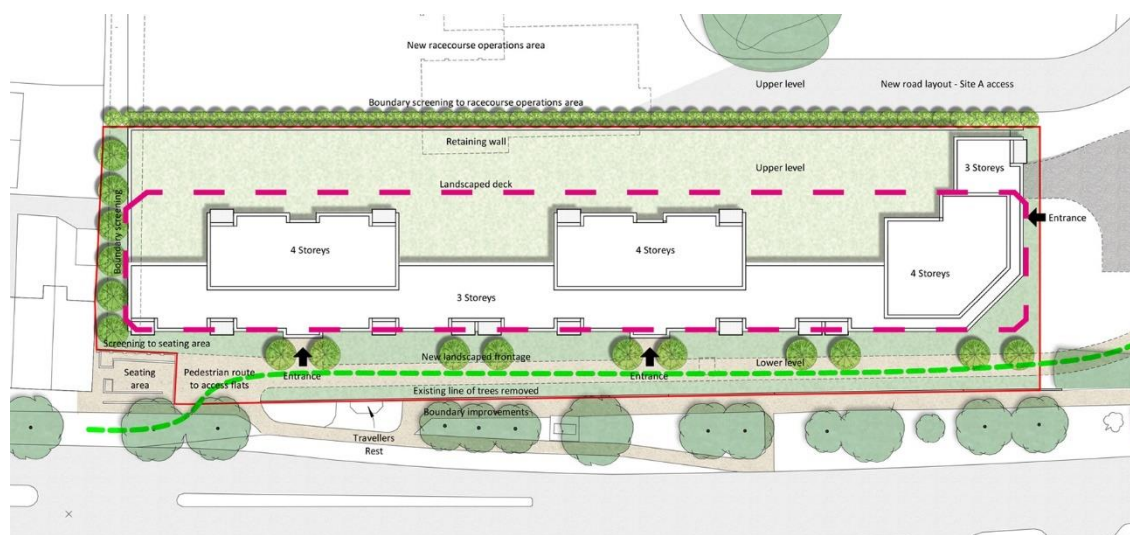
- 3.41 It is proposed that 100% of the units would be affordable, hence the development could be assessed against Paragraph 145(g), where the proposals would not be considered inappropriate provided they passed the test to “*not cause substantial harm to the openness of the Green Belt*”.
- 3.42 The existing site is composed of single storey stables running along the northern and southern boundaries, with a split-level yard at the centre of the site. The majority of the yard is surfaced with asphalt, with a grassed bank to address the level change. The majority of the site is therefore considered PDL. The stables have an average ridge height of between 3m to 4.4m, where the **GBS (CD6.51)** at Table 1 states that the volume of the existing buildings is 2,200m³.
- 3.43 From a purely volumetric perspective the proposals would represent a 3,100m³ (141%) increase in building volume over the existing. The increase in volume would be concentrated at a central location within the site, rather than dispersed throughout the site as with the existing stables. The proposals will result in the loss of the open yard area at the centre of the site, to be replaced with a three storey building of considerably increased volume.
- 3.44 From a perceptual basis, the current lack of taller built form means that the stables are generally not visible from the adjoining parts of Esher, in particular the Esher Conservation Area that immediately adjoins the site to the south. In views looking towards the site from Esher Green, there is a sense of space behind the adjoining 3-storey buildings, with the well wooded backdrop of The Warren beyond. This is particularly the case when looking towards the site across the car park entrance to The Wheatsheaf.
- 3.45 Direct views into the site from this ‘Key Gateway’ location, as described in the **Design and Character Supplementary Planning Document Companion Guide: Esher (DCSPDE) (CD3.2)**, would be available through the main entrance from More Lane. Currently, the perception of openness is maintained by virtue of the lack of built form above single storey height and the spatial separation between The Warren and the dwellings immediately to the south of the site. The proposed development would infill this open space with a 3-storey building, that would be visible through the new main entrance, with surrounding external spaces dominated by car parking. Please refer to **Additional View 4** at **Appendix 12** for information.
- 3.46 The proposals would introduce new built form to these views from the Conservation Area, with the proposed building likely to be visible behind its neighbours, interrupting views of The Warren. It is difficult to understand the visual impact on the openness of the site without verified wireline or photomontage views, hence it is necessary to take a precautionary approach and conclude that the visual impact of the **Site 1** development proposals would be likely to be considerable. The opportunities for appropriate mitigation are limited as the narrow character of the site only allows for an access road to the frontage of the new building,

with little opportunity for tree planting or other measures.

- 3.47 In my opinion, the **Site 1** proposals if implemented would result in a significant increase in the volume of built form, where the spatial arrangement of the proposals would concentrate this massing at the centre of the site. The proposals would harm the perceived appreciation of openness, given the likely views of the new building appearing over the existing built form, and the adverse impact on views of The Warren that forms the backdrop to the site.
- 3.48 When considered in the round, I believe that the **Site 1** proposals would cause 'substantial' harm to the openness of the Green Belt.

Site 2

- 3.49 The development proposed at **Site 2** will require the demolition of the existing buildings to be replaced by a flatted development of circa 49no. residential units (Use Class C3) fronting Esher High Street with associated access, parking, and landscaping. The **Indicative Layout (CD5.31)** indicates that building heights will range between from 3 - 4-storeys, and the car parking area will be covered by a podium landscape to the rear of the proposed building.
- 3.50 It should be noted that the **Parameter Plan (CD5.21)** suggests that the entirety of the main apartment building could have a maximum building height of 14.1m (45.1m AOD), equivalent to four storeys above ground floor. There is no volume parameter on the Parameter Plan, but the **GBS (CD6.51)** advises at Table 1 that the proposed building volume would be circa 18,100m³.
- 3.51 However, the **Indicative Layout (CD5.31)** indicates a 3-storey element above the entrance to the undercroft car parking that lies beyond the submitted parameters (see **Mark-up 1** below):



- 3.52 It is proposed that 100% of the units at **Site 2** would be affordable, hence the development should be assessed against **NPPF** Paragraph 145(g), where the proposals would not be

considered inappropriate provided they passed the test to “not cause substantial harm to the openness of the Green Belt”.

- 3.53 The existing site is predominantly laid to hardstanding, in use as car parking for Sandown Park Lodge which is a 21-bedroom hotel and therefore PDL. The Lodge is a 2-storey brick built hotel operated by The Jockey Club, whose frontage partially enters the site to the north and will be demolished under the current proposals. The site also accommodates the end of a terrace of single storey stables, with ridge heights varying between 3.4m and 4.4m along the south-west boundary. The **GBS (CD6.51)** Table 1 states that the total volume for the existing buildings is 3,200m³. It is unclear what proportion of this volume is stables / lodge.
- 3.54 The site topography banks up steeply from Portsmouth Road with a shallow rise thereafter towards Sandown Lodge. The raised levels at the southern part of the site gradually reduce to meet the level of Portsmouth Road at the proposed main entrance.
- 3.55 The **Committee Report (CD7.3)** notes at Paragraph 9.7.3.8 that “*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*”. This is undoubtedly true given the 465% increase in built form within the site, but there would also be a perceived loss of openness, given that existing views across the site towards the Lodge are possible, looking over the steps at the southern corner of the site, from this eastern entrance to Esher town centre.
- 3.56 The existing frontage to **Site 2** is formed from a line of Leylandii that serve to filter and screen views into the site. This visual containment does not in itself reduce the contribution the site makes to openness. Indeed, from both Portsmouth Road and from within the site it is clear that the site is almost entirely clear of buildings with the exception of the small number of stables and the Lodge frontage that enters the northern boundary of the site.
- 3.57 The **Committee Report (CD7.3)** identifies at Paragraph 9.7.3.8 that “*whilst some replacement soft landscaping is indicated, the proposed building would be very apparent within the Portsmouth Road frontage*”.
- 3.58 I consider that the proposals will result in considerable visual harm to the openness of the Green Belt in this part of the site, where an essentially open space with treelined boundary will be replaced with a large 4-storey residential building. The **Committee Report (CD7.3)** at Paragraph 9.7.3.8 identifies the same harm “*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*”.
- 3.59 The set back nature of the building means that the building will not have the effect of creating

a 'coherent urban extension to the High Street' as noted in the **DAS (CD6.49)**, but will instead introduce an additional block of linear development to the Portsmouth Road, where previously there was none.

- 3.60 The majority of the existing site currently asphalt car parking, so whilst PDL, Policy DM17 (**CD1.2**) identifies that the current impact on openness is 'significantly' less than the presence of a building.
- 3.61 Whilst the proposed demolition of the Lodge is accepted as beneficial to the openness of the Green Belt, this benefit is outweighed by the harm introduced through the development proposals. When the spatial and visual harms of the proposals are considered in the round, I consider that 'substantial' harm will be caused to the openness of the Green Belt.

Site 3

- 3.62 **Site 3** is partially situated on PDL and partially on greenfield land. The proposed development will require demolition of the existing buildings to be replaced by a development of nine residential villas of circa 108no. residential units (Use Class C3) fronting the racecourse, with and associated access off Lower Green Road, parking, and landscaping. The **Indicative Layout (CD5.32)** shows that building heights will all be three storeys in height and the unit mix will comprise one and two bed units. The proposal does not fall within any exception to inappropriate development within the local plan or the national policy.
- 3.63 Unfortunately, the **Parameter Plan (CD5.22)** and **Indicative Layout (CD5.32)** do not align, as the latter shows the western four buildings stepping southwards beyond the parameter constraints (see **Mark-up 2** below):



- 3.64 It should be noted that the **Parameter Plan (CD5.22)** suggests that the entire site is designated as 'Residential development area' including buildings up to 4.65m (16.85m AOD), equivalent to 1-storey above ground level. The plan indicates a linear band of development that restricts

the maximum building height to 10.95m (24.65 AOD), equivalent to three storeys above ground level. There is no volume parameter on the Parameter Plan, but the **GBS (CD6.51)** advises at Table 1 that the maximum building volume would be 33,750m³.

- 3.65 The existing site comprises the racecourse maintenance compound, 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), equivalent to 1,750m³ of built volume. The curtilages of residential dwellings, the access road through the site and the entrance off Lower Green Road are considered to be PDL, whilst the remainder of the site, including the allotments, is considered to be greenfield.
- 3.66 Using the volumetric approach to consider harm to the openness of this site, the proposals would represent a 32,000m³ (1,828%) increase in building volume over the existing. The increase in volume would be distributed along an east-west axis, but as noted the **Indicative Layout (CD5.32)** current exceed the building parameters.
- 3.67 The proposals would result in the loss of a considerable amount of the existing boundary vegetation and trees to be replaced by car parking. It is considered inevitable that this loss of boundary screening would increase intervisibility between Lower Green Road and the proposed development. This increased intervisibility would result in a considerable visual harm to the openness of the Green Belt for both residents and users of Lower Green Road. The loss of trees within the site is illustrated on the **Indicative Landscape Strategy Plan** for the site at **Appendix EDP4 (CD5.52)**. Please refer to **Additional View 1** at **Appendix 12** for information.
- 3.68 The **LTVA (CD5.52)** notes at Paragraph 7.19 that *“In views from the north-west and west, illustrated in **Photoviewpoint EDP 1** and **2**, the proposed development would introduce new built form in views looking into the Racecourse where, currently, mature landscape scrub serves to prevent most views”*.
- 3.69 From within the racecourse itself and particularly in views from the higher ground near the Warren and the Grandstand, the effect of the proposals would be to create a new 3-storey settlement edge along the edge of the racecourse, where previously there was a mature woodland belt with a small number of 1 and 2-storey dwellings.
- 3.70 In my opinion, the result would be that the perceived edge of metropolitan London would have shifted southwards from the north side of Lower Green Road to the frontage of the proposed built form, having significantly adverse effect upon the openness of the Racecourse.
- 3.71 This is a view shared by the Appellant as the **Green Belt Statement (CD6.51)** notes at Table 1 *“there would be a degree of a reduction in the sense of openness within the Racecourse”* and the *“Proposed development would have a greater impact on openness to that of the existing*

built context. Overall, the proposals are considered inappropriate in spatial/visual terms”.

3.72 This conclusion was reflected within the **Committee Report (CD7.3)** which stated “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”. I agree with this characterisation.

Site 4

3.73 **Site 4** is entirely greenfield, and the proposals would result in the development of circa 72no. new residential units (Use Class C3) in a single large building, associated access off Station Road, basement parking, and landscaping. The **Indicative Layout (CD5.34)** shows that the building height will range from 4 – 6-storeys in height, with the tallest part of the building closest to Station Road. In addition to the building, approximately half of the site would be laid to hardstanding to accommodate 65no. external parking spaces.

3.74 The **Parameter Plan (CD5.23)** is not co-ordinated with the **Indicative Layout (CD5.34)**, where the proposed building would extend south-east beyond the maximum building height parameter of 20.4m (33.7m AOD), equivalent to 6-storeys above ground height. In addition, the tallest part of the indicative building would be closer to Station Road than implied by the development parameters. If approved the current parameters would make delivery of the development proposals impossible in their current form (see **Mark-up 3** below):



3.75 The development proposals would clearly add a large, crescent shaped building (circa 30,050m³) where there is currently open space and does not fall within any exception to inappropriate development within the local plan or the national policy.

3.76 On this basis, the proposals would fail the volumetric test, but there would also be significant visual harm to the Green Belt and the perception of openness. For users of Station Road it is quite evident that the site itself is clear of built form, which contributes to the overall sense

openness of the rest of the racecourse beyond. Please refer to **Additional View 2** at **Appendix 12** for information.

- 3.77 The buildings in the vicinity are a maximum of 3-storeys in height, with the neighbouring Café Rouge at two storeys. The **Indicative Layout (CD5.34)** plan demonstrates that the western section of the building would be of 4-storeys, gradually rising to 6-storeys adjacent to Station Road. The height of the proposed building would be visibly out of scale with the surrounding built form and would present as a visual barrier when turning north onto Station Road.
- 3.78 The provision of external parking to approximately half of the site would potentially result in the introduction of kerbs, signs, road markings, guard railings, different types of surfacing materials, external lighting, and CCTV to this greenfield site. The appearance of such features would inevitably introduce a strongly urbanising influence, resulting in a further perceived loss of openness.
- 3.79 When considered in the round, there would clearly be significant spatial and visual harm to the openness of the Green Belt were these proposals to be implemented. The Appellant's claim at **EDP Table 2.3 (CD5.50)** that the development of **Site 4** in the manner proposed "*would not change the perception of openness within the wider setting*" is strongly disputed.
- 3.80 In my opinion paragraph 9.9.3.23 of the **Committee Report (CD7.3)** correctly states that "*the impact on the openness of the Green Belt in spatial and visual terms would be significant*".

Site 5

- 3.81 The proposals for **Site 5** would result in the development of four apartment blocks and circa 68 no. residential units (Use Class C3), and re-provision of a Class D1 children's nursery with associated access, parking, and landscaping. Separate accesses are proposed to serve the residential use off Portsmouth Road. The access to the proposed nursery will continue to be provided via the main entrance to Sandown Park Racecourse.
- 3.82 The **Indicative Layout (CD5.35)** and **Parameter Plan (CD5.24)** show that the building height would be 4-storeys or 14.1m (32.1 AOD) above ground level, comprising a mix of one, two and three bed units. The new nursery would be two storeys in height, equivalent to 7.8m (25.8m AOD) above ground level. The **GBS (CD6.51)** advises at Table EDP 1 that the maximum building volume would be 8,150m³.
- 3.83 The existing site accommodates a single storey building currently in use as a day nursery (4.8m in height) with the associated two-storey dwelling (8.2m in height) amounting to a built volume of 1,200m³, where both buildings are located within the eastern part of the site. The remainder of the site is laid to hardstanding. On this basis, the site could potentially benefit from the **NPPF Paragraph 145(g)** exception to inappropriate development, where the majority of the site is accepted to be PDL.

3.84 Once again, the indicative arrangement is not co-ordinated with the submitted development parameters, where Blocks A and D extend to the north-west beyond the maximum height parameters (see **Mark-up 4** below):



3.85 In comparison with the existing built form, the proposed development would be of a significantly greater footprint, mass, height, and dispersal throughout the site. As such, the proposal would result in a substantial harm to the openness of the Green Belt through the introduction of an additional 6,950m³ built form to the site, an increase of 580%, exacerbated by a considerable amount of external car parking located to the north of the proposed buildings.

3.86 There would also be a degree of visual harm to the Green Belt, as views into the site are possible from the Portsmouth Road, where the new development would be evident as new built form within what was a previously open part of the site. Please refer to **Additional View 3** at **Appendix 12** for information.

3.87 Whilst it is recognised that the proposals attempt to retain the existing trees along the frontage of the site to the Portsmouth Road, it still remains the case that a large number of trees will be felled within the site. This will have the effect of exposing the proposed development to views from within the Racecourse, resulting in a perceived loss of openness to the wider site. The loss of trees within the central part of the site is illustrated on the **Indicative Landscape Strategy Plan** for the site at **Appendix EDP4 (CD5.52)**.

3.88 When considered in the round, I conclude that there would be significant harm to the openness of the Green Belt, as noted in Paragraph 9.7.3.9 of the **Committee Report (CD7.3)** *“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”*.

Harm to the Purposes of the Green Belt

- 3.89 The **GBBR 2016 (CD3.8)** identifies two tiers of Green Belt land parcel – ‘Strategic Green Belt Areas’ and ‘Local Green Belt Areas’. The Racecourse is located within Strategic Area A, a narrow and fragmented band of Green Belt which closely abuts the very edge of south-west London, stretching from Heathrow Airport to Epsom. This strategically important arc of green spaces provides a narrow break between the built-form of outer London (i.e. Molesey, Thames Ditton, Long Ditton, and Hinchley Wood) and a series of Surrey towns, including Esher.
- 3.90 The **GBBR 2016 (CD3.8)** identifies at Section 5.1.1 that Strategic Area A’s key roles are with respect to Green Belt Purposes 1 and 2, meeting both of these **Very Strongly** and noting that the Area “acts as an important barrier to potential sprawl from the Greater London built-up area and a number of large built-up areas within Surrey, including several within Elmbridge, and establishes important gaps between a number of Surrey towns, preventing their merging into one another and the Greater London built-up area”.
- 3.91 When considering ‘character’ in **Annex Report 1** of **GBBR 2016 (CD3.8)** the assessment notes “the openness of the Green Belt around Esher is, to an extent, truncated by the properties on More Lane and the Sandown Park Racecourse...”. Whilst I would agree that the properties on More Lane truncate the openness of the Green Belt, I do not agree with the characterisation that the elements of built form within the Racecourse truncate openness. Indeed, my assessment is that the existing Racecourse buildings are located within an open area, where the proposed development would serve to truncate the openness of the Green Belt if realised.
- 3.92 The **GBBR 2016 (CD3.8)** notes in Section 4.2.2 that any potential alterations to the Green Belt must be based on a ‘new permanent and defensible boundary’. On this basis, permanent man-made and natural features were selected as the criteria for the identification of the Local Areas, described at Section 4.2 (**CD3.8**) as “more granular parcels for the Local Green Belt Area Assessment against the NPPF purposes”. To achieve the required level of granularity, and where appropriate, durable boundary features were considered as part of the identification of Local Area boundaries.
- 3.93 Sandown Park is identified as being the entirety of ‘Local Area 52’ with an overall Green Belt performance of **Strong**, on the basis that it served Green Belt Purpose 2 strongly (scoring 5) and stating in **Annex Report 2 (CD3.8)** 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 maintains a relatively open character and provides an important visual gap between the two settlements. Development in the land parcel would likely result in their coalescence”. Any Local Area scoring relatively strongly, strongly, or very strongly (4 or 5) against the criteria for one or more **NPPF** purpose was judged to be

- strong Green Belt overall (please refer to **Appendix 2** for maps showing Local Area A and to **Appendix 3** for a map showing its Purpose 2 performance).
- 3.94 The **GBBR 2016 (CD3.8)** also notes in Section 4.4 that “the assessment also considers in more detail the presence of small-scale sub areas within Local Areas which might be less sensitive and thus able to accommodate change”. Local Area 52 was not assessed in this manner and was thus clearly considered unable to accommodate change (please refer to **Appendix 4** for a map illustrating such sub-areas).
- 3.95 Since the publication of the **GBBR 2016 (CD3.8)**, EBC has undertaken further associated evidence base work for the emerging Local Plan including the **Review of Absolute Constraints (2016)** updated in **2019 (CD3.11)** to include veteran trees, which set out to:
- undertake a comprehensive assessment of the ‘absolute’ constraints affecting the Local Areas (parcels) of land identified through the **GBBR 2016 (CD3.8)**; and
 - identify those areas of land that are not subject to ‘absolute’ constraints and therefore, subject to further assessment and consideration of exceptional circumstances, may have development potential.
- 3.96 Local Area 52 was determined to be ‘partially affected’ by absolute constraints, resulting from a small area (2.36 ha / 3.49% of parcel area) of Ancient Woodland located on the south-western boundary (The Warren), and the Registered Commons and Village Greens of Lower Green and Cobb Green (1.0ha / 1.51%). Approximately 64.2 ha / 95% of the parcel is not affected by any absolute constraints. On this basis, Local Area 52 was recommended for further assessment.
- 3.97 In addition, the **Exceptional Circumstances Case (2016)** sets out the factors that EBC considers capable of amounting to ‘exceptional circumstances’ and that could be recommended to an Inspector to justify amendments to the Green Belt boundary.
- 3.98 This evidence informed the publication of the **Local Plan Strategic Options (Reg 18)** consultation between December 2016 and February 2017, which identified EBC’s initial preferred approach to meeting its development needs, including the identification of three key strategic areas within the Green Belt which were weakly performing, where the designation could be removed. Local Area 52 was not included within any of the three key strategic sites.
- 3.99 The consultation revealed a number of concerns that the Green Belt Local Areas in the **GBBR 2016 (CD3.8)** were too large, arguing that smaller sub-areas across the Borough should be assessed. In addition, a number of agents / landowners / developers submitted sites not assessed in their own right through the **GBBR**, which they believed should be considered for release from the Green Belt. The Council decided to undertake a furthermore spatially-focused piece of work to better understand the performance of smaller ‘sub-areas’ against the Green

Belt purposes, as well as their context in relation to the wider Green Belt.

- 3.100 The supplementary assessment took the form of **GBBR 2018 (CD3.9)**, which represents a finer grained analysis of the Local Areas considered in **GBBR 2016 (CD3.8)** and refines the earlier conclusions to include an assessment of the Green Belt performance of smaller sub-areas in relation to the wider Local Areas.
- 3.101 The more focussed nature of this assessment helped to ensure that smaller areas of Green Belt, which adjoin the existing urban settlements, were identified, and assessed against the **NPPF** purposes. In particular, this review considered **Site 3** (Sub Area 70) and **Site 4** (Sub Area 69). **Sites 1, 2** and **5** were promoted for consideration, but not subsequently assessed (please refer to **Appendix 5** for a map showing various Sub Areas and promoted sites).

Purpose 1 – Checking the unrestricted sprawl of large built-up areas

- 3.102 The **GBBR 2016 (CD3.8)** glossary defines ‘sprawl’ as *“the outward spread of a large built-up area at its periphery in a sporadic, dispersed or irregular way”* and ‘large built up area’ as *“areas defined to correspond to the major settlements identified in the respective Local Plans for each local authority, both within and outside Elmbridge, and used in the NPPF Purpose 1 assessment”*.
- 3.103 The starting point when considering harm to the first purpose is that the appeal site lies within Strategic Area A that scored **Very Strongly** for this purpose and that Local Area 52 scored **Moderately** (3 out of 5).
- 3.104 As noted in **Annex Report 2** of **GBBR 2016 (CD3.8)**, this score reflects that Local Area 52 *“is connected with the large built-up area of Greater London (Thames Ditton), 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”*.
- 3.105 **Annex Report 1C** of **GBBR 2018 (CD3.9)** states at Step 4a that the land at **Site 3** (SA-70) is *“perceptually connected to the large built-up area of Greater London (Weston Green), preventing its outward sprawl into open land. The outer boundaries of the sub-area are relatively weak comprising sporadic tree lines, and the site itself adjoins a road and a racecourse. As such, it does little to prevent sprawl due to its small scale, proximity to development and weak intermittent boundary features consisting of tree lines”*. On this basis, the land at **Site 3** achieved a score of 3 or ‘Meets Criterion’ with regard to Purpose 1.
- 3.106 I accept this analysis above, which supports the argument that the proposed development would necessarily create a new southern boundary to the built-up area of Greater London along the perimeter of the Racecourse, with the ‘weak intermittent’ tree-lined boundary very much diminished. The sprawl will have crossed Lower Green Road.

3.107 The land at **Site 4** (SA-69) is assessed as not being at the edge of a distinct large built-up area, in physical or perceptual terms. On this basis, **Site 4** achieved a score of 0 or 'Does not meet Criterion' with regard to Purpose 1.

Purpose 2 – Preventing neighbouring towns from merging

3.108 Section 4.4.2 of **GBBR 2016** notes that "In addition to the clear function of this purpose in preventing towns from merging and therefore protecting existing gaps between towns, it also forms the basis for maintaining the existing settlement pattern." For the purposes of the assessment the Greater London built-up area (including Molesey and Thames Ditton) and Esher were considered settlements.

3.109 The **GBBR 2016** glossary defines 'neighbouring towns' as "settlements within Elmbridge, as well as settlements in neighbouring authorities immediately adjacent to Elmbridge's boundaries, for the assessment against **NPPF Purpose 2**".

3.110 When considering potential harm to the Green Belt, I consider that this is the most relevant purpose with which to consider the Disputed Sites. The starting point when considering harm to the second purpose is that the appeal site lies within Strategic Area A that scored **Very Strongly** for this purpose and that Local Area 52 scored **(Very) Strongly** (5 out of 5).

3.111 As noted in **Annex Report 2** of **GBBR 2016 (CD3.8)**, this score reflects that Sandown Park Racecourse "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 maintains a relatively open character and provides an important visual gap between the two settlements. Development in the land parcel would likely result in their coalescence".

3.112 **Annex Report 1C** of **GBBR 2018 (CD3.9)** states at Step 4a that the land at **Site 3** (SA-70) is "part of the narrow gap between Greater London (Lower Green) and Esher. While it is small in scale, it plays an important role in maintaining a degree of physical separation between these settlements, in particular by providing a gap between residential properties on Lower Green Road and More Lane. It therefore prevents development that would physically reduce the perceived and actual distance between the settlements, which would result their merging. Additionally, it plays a role in preventing perceptual merging due to the strong visual links to the racecourse".

3.113 On this basis, **Site 3** achieved a score of 5, meeting the purpose assessment criteria **strongly**, and making an **important contribution** to the wider strategic Green Belt. **Site 3** was not recommended for further consideration.

3.114 I agree with this assessment, which suggests quite clearly that the proposed development at the Disputed Sites would likely result in coalescence of the built-up areas of Greater London and Esher. Further, I consider that the proposals at **Sites 2, 3, 4** and **5** would erode the

'essential gap' between these non-Green Belt settlements, by significantly reducing the intervening physical distance and the perceived visual distance.

- 3.115 The **GBR (CD5.50)** argues that the 'Perceived extent of Built Form' within Local Area 52 is referenced to the existing small-scale dwellings within **Site 3** and the main Grandstand. In my opinion, this assessment incorrectly considers the full extent of the open space with Local Area 52, where the Grandstand and other ancillary buildings represent features within the open space rather than determinants of the extent of that open space.
- 3.116 I conclude that the implementation of the development proposals at **Site 3**, and to a lesser extent **Sites 2, 4 and 5**, would result in the creation of a 'new permanent and defensible boundary' to Local Area 52, composed of residential villas and apartments blocks. This development would therefore redefine Local Area 52's existing boundaries, resulting in an actual and measurable loss of open space, and the inevitable coalescence of built-up areas.
- 3.117 Overall, when considering the wider impact on the Green Belt, the **GBBR 2018 (CD3.9)** assessment of the land at **Site 3 (SA-70)** was clear at Step 4b that *"The sub-area is of semi-urban character and of a small scale but plays an important role in maintaining the physical integrity of the Green Belt, in particular by preventing the merging of Esher and Greater London (Weston Green) both in physical and perceptual terms. Its removal would promote ribbon development in a sensitive area of Green Belt, which would harm the performance of the wider Green Belt."*
- 3.118 **Annex Report 1C (CD3.9)** notes at Step 4a that **Site 4 (SA-69)** achieved a score of 1 or 'Meets Criterion Weakly or Very Weakly', on the basis that it *"forms a small part of gap between Esher and Greater London (Weston Green), making a small contribution to preventing ribbon development along Station Road, but otherwise less essential as a result of its small scale and visual / physical enclosure"*.
- 3.119 In summary, were the development proposals to be implemented on any or all of the contested sites, the end result would be a clear reduction in the 'Essential Gap' defined by the **GBBR 2016 (CD3.8)** glossary as *"A gap between settlements where development would significantly reduce the perceived or actual distance between them"*. This would clearly be detrimental to the second purpose of the Green Belt and would therefore amount to inappropriate development.

Purpose 3 – Safeguarding the countryside from encroachment

- 3.120 The **GBBR 2016 (CD3.8)** glossary defines 'encroachment' as *"a gradual advancement of urbanising influences through physical development or land use change"*. As noted previously, this purpose of the Green Belt is accepted to be less relevant with regards to the development proposals at the Disputed Sites.

- 3.121 Nonetheless, **Sites D and 3** are partly greenfield, and **Site 4** is entirely greenfield. It is accepted that these sites do not exhibit either a 'strong unspoilt rural character' or 'largely rural character'.
- 3.122 The starting point when considering harm to the third purpose is that the appeal site lies within Strategic Area A that scored **Weakly** for this purpose and that Local Area 52 scored **Relatively Weakly** (2 out of 5).
- 3.123 As noted in **Annex Report 2** of **GBBR 2016 (CD3.8)**, this score reflects that *"14% of the land parcel is covered by built form. Sandown Park Racecourse is located in this land parcel. The land is comprised 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"*.
- 3.124 The **GBBR 2018 (CD3.9)** concludes that both **Site 3** (SA-70) and **Site 4** (SA-69) achieved scores of 2 or 'Meets Criterion Relatively Weakly' with regard to Purpose 3.
- 3.125 The **Site 3** assessment within **Annex Report 1C** states at Step 4a that the land *"has a built form percentage of 8% comprising ancillary buildings associated with the racecourse. The sub-area is small in scale though distinctly more open than the urban area opposite. It provides a subtle transition from urban to more open racecourse beyond. Overall, it has a semi-urban character"*.
- 3.126 The **Site 4** assessment within **Annex Report 1C** states at Step 4a that the land *"does not contain any built form and comprises a small enclosed paddock field, bounded by development to the west and south, and road to the east. There is limited connection to the wider countryside, although a visual relationship is maintained with the racecourse. Overall, the sub-area has a semi-urban character"*.
- 3.127 The **GBBR 2018 (CD3.9)** categorisation concludes that **Site 4** meets the purpose assessment criteria weakly and makes a less important contribution to the wider strategic Green Belt. On this basis, **Site 4** was recommended for further consideration as RSA-35, but it is important to note that the findings do not recommend the release of land from the Green Belt.

Minor Boundary Amendments

- 3.128 The **GBBR Minor Boundary Amendments 2019 (CD3.10)** performed a detailed review of the whole of the Green Belt within the Borough where it adjoins the existing built-up area. The Borough was divided into a series of 500m by 500m 'tiles' and each of these was reviewed to check whether any of the Green Belt boundary within it needs amending, either to add or remove land from the Green Belt. Sandown Park Racecourse (Local Area 52) was covered by the following tiles: 53, 54, 55, 68, 69, 70, 84 and 85.

- 3.129 Tiles 53, 54, 68 and 84 cover More Lane and Lower Green Road. The review concluded at Page 56 (**CD3.10**) that the “current boundary runs along the southern side of parts of Lower Green Road and the eastern edge of sections of More Lane, but this is inconsistent with other areas which are in the Green Belt. The Green Belt should cover Lower Green Road to its northern side and More Lane to its western side where it runs along the edge of Sandown Park. The road is currently excluded from the Green Belt between 58 and 136 Lower Green Road and 53 More Lane until it reaches the northern Boundary of 54 Esher Green. These areas should be included within it”. This change results in an increase of 1.25ha to the Green Belt area. This change reinforces the argument that the actual (and perceived) boundary to the built-up area of Greater London are the existing dwellings to the north of Lower Green Road, not the small number of ancillary buildings within **Site 3**.
- 3.130 Tile 55 covers land to the rear of 1-3 Orleans Close and 1 Station House. The review concluded at Page 57 (**CD3.10**) that the “current boundary follows the curve of the racecourse and not the edge of Sandown Park. It should therefore be moved to the western and southern boundaries of these properties to provide a logical and durable edge to the Green Belt. In addition, most of Station Road to the south of the railway line is covered by the Green Belt. The area that is currently excluded from it should be included within in it for consistency”. This change results in an increase of 1.25ha to the Green Belt area (please refer to **Appendix 6** for a plan highlighting the proposed increases in Green Belt area).

Green Belt Summary

- 3.131 I consider that the development proposals at the Disputed Sites would clearly result in significant harm to the openness and permanence of the Green Belt, beyond definitional harm, as well as giving rise to increased urban sprawl and merging / coalescence of settlements, and that these further Green Belt harms would add to the substantial Green Belt harm caused by reason of inappropriateness. On this basis. The development proposals represent inappropriate development and as such are in conflict with both Policy DM17 (**CD1.2**) and the **NPPF (CD2.1)**.
- 3.132 The starting point to my evidence is that the proposed development represents inappropriate development in the Green Belt, and Paragraph 143 of the **NPPF (CD2.1)** states that such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the **NPPF** identifies that ‘substantial weight’ should be afforded to any level of harm.
- 3.133 A key Green Belt policy consideration is the ‘openness’ of the Green Belt and the implications of development on it with reference, in particular, to Paragraphs 145 and 146 of the **NPPF (CD2.1)**. The Grandstand presents the most noticeable built form within the site, being situated

on higher ground. The other built form on the site, including the stables, lodge, staff residences, golf course and karting track are relatively low level and usually only single storey. The visual and perceptual response to the site is that of the Grandstand being surrounded by largely open space, with the single storey stables to the south-west and two storey lodge to the south maintaining an overall sense of openness to the built-up area boundary of Esher.

- 3.134 Policy DM17 (**CD1.2**) states at DM17(c) 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”. My evidence demonstrates that when reviewed from the perspective of the whole Racecourse, or on a site-by-site basis, that the scale, massing and distribution of the development proposals will – to varying degrees - constitute additional (substantial) harm to the openness of the Green Belt and conflict with Policy DM17 (**CD1.2**).
- 3.135 Finally, my evidence assesses the contribution that the Racecourse makes to the purposes of the Green Belt by reference to recent Green Belt Boundary Reviews, which conclude that the Green Belt at Sandown Park performs **Strongly** overall and that the wider Strategic Area A performs **Very Strongly** against both Purposes 1 and 2. The recent boundary amendments support the argument that the actual (and perceived) boundary to the built-up area of Greater London are the existing dwellings to the north of Lower Green Road, not the small number of ancillary buildings within **Site 3**.
- 3.136 In my opinion, the proposed development would significantly undermine the performance of the Green Belt with regard to **Purposes 1** and **2**. In particular, the development of **Site 3** would necessarily result in the sprawl of Greater London moving south across Lower Green Road into the Racecourse. Further, the wider development of the Disputed Sites would result in the erosion of the ‘essential gap’ between Greater London (Lower Green) and Esher.

4 THE SECOND REASON FOR REFUSAL (RfR 2)

4.1 The second Reason for Refusal (**RfR 2**), which my evidence addresses, states:

"It has not been demonstrated that the level of residential development and hotel proposed could be designed without resulting in an adverse impact on the character of the area, in conflict with Policies CS9 and CS17 of the Elmbridge Core Strategy 2011, Policies DM2 and DM12 of the Elmbridge Development Management Plan 2015, the Design and Character SPD 2012 and the NPPF."

4.2 I will demonstrate that the development proposals conflict with the following policies with regard to impact on the character of the local area:

- **Policy CS9** expects all new development to enhance local character and in particular to areas of high heritage value, including the Esher Conservation Area;
- **Policy CS17** requires that new development should enhance the public realm and street scene, providing a clear distinction between public and private spaces, integrating sensitively with the locally distinctive townscape and landscape assets;
- **Policy DM2** states that all development proposals must be based on an understanding of local character including any specific local designations, which includes the Green Belt and open space assets. The policy notes at Paragraph 2.2 that the *"adopted spatial strategy featured in the Core Strategy directs new development to the urban area with continual protection of the Green Belt"*.
- **Policy DM6** requires that development proposals should be designed to include an integral scheme of landscape, tree retention, protection and/or planting that does not result in the loss of trees and hedgerows that area capable of making a significant contribution to the character and amenity of an area.

4.3 In general, development proposals should preserve or enhance the character of the area by taking into account attributes such as the appearance, scale, mass, height, levels and topography, and the prevailing pattern of built development.

4.4 This is reflected in **NPPF (CD2.1)** Policy 127 that directs that planning policies and decisions should ensure that well-designed places are sympathetic to local character, including the surrounding built environment and landscape setting.

5 BASELINE CONDITIONS: LANDSCAPE TOWNSCAPE CHARACTER

5.1 I set out below a summary of the key baseline landscape and visual features, based upon the findings of my site visits and review of the pertinent information within the core documents. A plan indicating the various site locations can be found at **Appendix 2** to the **Statement of Common/Uncommon Ground**.

Review of the Submitted LTVA Baseline Assessment

5.2 As noted in Section 3 of the Statement of Common/Uncommon Ground, the high level description of the site and its surroundings are not in dispute. Instead, the dispute lies with the conclusions drawn by the LTVA in the baseline assessment of the landscape and townscape character of the Sandown Park Racecourse and the constituent development sites.

5.3 These conclusions necessarily influence the overall assessment of effects and therefore the most appropriate forms of mitigation.

5.4 The **Surrey Landscape Character Assessment: Elmbridge Borough (SLCA) (CD3.19)** identifies the Racecourse as falling within the wider Character Area of 'Significant Greenspaces within Urban Areas' and more specifically **Character Area UW6: Lower Green to Weston Green**. It notes under 'Key Characteristics' that such greenspaces "Provide visual and physical break of rural or natural open character within the Built Up Area". Please refer to **Appendix 7** for further information with regard to **Character Area UW6**.

5.5 The key characteristics of UW6 listed at Paragraphs 4.5 and 4.6 of the **LTVA (CD5.52)** are not contested, but it remains evident that the **SLCA (CD3.19)** offers very little specific analysis of the part of Sandown Park within UW6 and omits any consideration of the Disputed Sites.

5.6 The **LTVA (CD5.52)** at Paragraph 4.7 concludes of **Character Area UW6** that "Given the presence of some distinguishing features, in accordance with EDP's Methodology (included at Appendix EDP1), the townscape condition of Character Area UW6 is considered to be medium". I agree with this assessment.

5.7 The **LTVA (CD5.52)** suggests at Paragraph 4.8 that areas in close proximity to the Racecourse that are situated outside **Character Area UW6** are considered to form part of an urban area. I do not agree with the Appellant's logic that these sites should necessarily be considered part of an urban area. For example, it is unclear why the **SLCA (CD3.19)** does not include **Site 4** within **Character Area UW6**, given that it is almost entirely greenspace.

5.8 Further, I would argue that the Disputed Sites, with the exception of **Site D**, form an important landscape boundary between the distinctly urban areas that surround the Racecourse and its open central area. On this basis, whilst **Character Area UW6** provides some commentary on the central area of the Racecourse, it does not provide the site-specific consideration required to act as an appropriate baseline for the Disputed Sites.

- 5.9 The **LTVA (CD5.52)** notes at Paragraph 4.16 that *“published assessments tend to miss more localised influences on the landscape or townscape, such as the effect of traffic or existing development on tranquillity and visual character, especially within and adjacent to urban areas. This requires an appropriately detailed assessment of the Racecourse itself and its immediate surroundings which EDP has undertaken and is described below”*. Unfortunately, beyond a high-level description of each of the proposed development sites, there is very little analysis of the actual condition of these sites. For example, the presence of a mature tree belt along the northern site boundary is barely mentioned within the consideration of **Site 3**, beyond the acknowledgement that *“to the north of the site are trees and vegetation”*. Whilst the statement is true, it underplays the contribution this landscape asset makes to the northern boundary of the Racecourse.
- 5.10 The concept of landscape **susceptibility** to change was introduced in **GLVIA3 (CD3.17)** and defined as *“the ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences”*. **GLVIA3** further notes at Paragraph 5.41 that an *“assessment may take place in situations where there are existing landscape sensitivity and capacity studies... But they cannot provide a substitute for the individual assessment of the susceptibility of the receptors in relation to change arising from the specific development proposal”*.
- 5.11 **GLVIA3 (CD3.17)** continues at Paragraph 5.42 that since *“landscape effects in LVIA are particular to both the specific landscape in question and the specific nature of the proposed development, the assessment of susceptibility must be tailored to the project. It should not be recorded as part of the landscape baseline but should be considered as part of the assessment of effects”*.
- 5.12 In spite of this guidance, the **LTVA (CD5.52)** considers susceptibility as part of the baseline at Paragraph 4.26 with the following conclusion *“On the basis of the above consideration of susceptibility factors, whilst there are some higher quality landscape elements at the Racecourse boundaries and within the local context, the landscape context of the Racecourse is impacted by its urban context”*. It is not clear which ‘susceptibility factors’ have been considered and no transparency to the assessment of susceptibility.
- 5.13 As **GLVIA3 (CD3.17)** makes clear at Paragraph 5.43 *“Judgements about the susceptibility of landscape receptors to change should be recorded on a verbal scale (for example, high, medium, or low), but the basis for this must be clear, and linked back to evidence from the baseline study”*. The **LTVA (CD5.52)** does not make any clear judgement on susceptibility, which in turn will have a direct impact on the consideration of the landscape / townscape sensitivity of each of the proposed development sites.

- 5.14 The baseline study should establish the **value** attached to the landscape receptors, covering both a review of any designations at national down to local levels, and where there are no designations, judgements based upon criteria that can be used to establish landscape value. The assessment of value should also consider the value of individual contributors to landscape character, especially the key characteristics, including landscape features, notable aesthetic, perceptual or experiential qualities, and combinations of these contributors. The **LTVA (CD5.52)** fails to do this in a clear and transparent manner.
- 5.15 As part of the 'Interim Conclusions' with regard to the landscape / townscape baseline, the **LTVA (CD5.52)** concludes at Paragraph 4.27 that having *"reviewed the Racecourse and its context, there is no reason to conclude that each development site has any elevated landscape value of importance over and above the rest of Character Area UW6. Furthermore, aside from a number of recreational uses, there is no evidence to suggest that the local community place special weight on the site in landscape terms, meaning overall the site is considered to be of no more than local value"*. I would disagree with this characterisation on the basis that several of the proposed development sites are located at the boundary to the Racecourse and highly valued at a local scale.
- 5.16 In my opinion, this site wide judgement of landscape value, ignores any finer grained consideration of the landscape features and other aesthetic, perceptual or experiential qualities apparent within the Disputed Sites. This failure is all the more surprising given the summary comments at Paragraph 4.28 of the **LTVA (CD5.52)** that *"the main character and valuable fabric of the Racecourse is to be found along the well-treed boundaries, which include a number of mature trees"*. Somewhat perversely, the majority of the Disputed Sites are located in within these 'well-treed' boundaries.
- 5.17 The **LTVA's (CD5.52)** 'Interim Conclusions' on the landscape baseline conclude at Paragraph 4.29 with the statement *"The townscape sensitivity of the Racecourse is considered to be medium, being locally recognised within a townscape of medium quality with some distinguishing features. This relates to the character of the Racecourse itself and also the immediate surroundings or context, i.e. the areas where landscape character effects are most likely"*.
- 5.18 Townscape sensitivity is the product of a combined assessment of the susceptibility to the type of change or development proposed and the value attached to the landscape concerned. As noted above, the **LTVA (CD5.52)** makes no clear or transparent judgement on the susceptibility of the Racecourse or the individual development sites, whilst also failing to adequately consider the landscape / townscape value attached to each of the individual sites. This failure casts doubt over the sitewide assessment of townscape sensitivity.

- 5.19 I consider that the starting point for the baseline assessment to be the **Landscape Sensitivity Study (LSS) (CD3.25)** commissioned by EBC to inform growth options and the spatial planning evidence for the emerging Local Plan. The study also provides greater detail to support the strategic landscape information contained in the **SLCA (CD3.19)**. The report was published in January 2019, prior to the 22nd February 2019 planning submission.
- 5.20 The **LSS (CD3.25)** considers landscape sensitivity with regard to a specific development scenario, in this case large scale residential and mixed-use development, and does not provide recommendations as to whether development would be acceptable in landscape terms.
- 5.21 The study employed a two-step approach to understand the sensitivity of the landscape to change in the context of large scale residential and mixed-use development, where landscape sensitivity was defined as a function of the **value** of the landscape combined with the **susceptibility** of that landscape and its elements to specific changes resulting from the given development scenario.
- 5.22 The study identified the Racecourse (and the Disputed Sites) as falling within **Landscape Unit UW6-A**. The Landscape Unit was assessed as having a **Borough** landscape value. It is noted that the study excludes the Racecourse from this evaluation of landscape value, although I feel that a strong argument can be made that this refers to the central parts of the Racecourse rather than to the highly vegetated boundaries. Please refer to **Appendix 8** for an extract relating to **Landscape Unit UW6-A**.
- 5.23 The assessment of landscape value of the various Disputed Sites is considered in detail at **Appendix 9** in line with **GLVIA3 (CD3.17)** guidance and **Tables 1 and 2** in **Appendix 1**. A summary is given in **Table 1** below.
- 5.24 The **DCSPDE (CD3.2)** identifies the Sandown Park grandstand as a 'Local Landmark' and as *"an important and dominant use separating Esher from its train station and Lower Green"*. It also notes that Esher Conservation Area covers the western part of the town, centred around the church and green, and adjoining **Site 1**.
- 5.25 The **DCSPDE (CD3.2)** identifies four sub-areas that adjoin the Racecourse and provide a useful tool for identifying the key characteristics of the local townscape character:
- ESH01: Esher District Centre (**Sites 1 & 2**);
 - ESH02: New Road, Esher Park Avenue and Milbourne Lane (**Sites B, 2, 4 & 5**);
 - ESH05: Esher Place (**Sites 1 & 3**); and
 - ESH06: Lower Green (**Site 3**).

5.26 The DCSPDE (CD3.2) describes the predominant sub-area characteristics such as building types, use, scale, grain, tree cover and any heritage assets. Paragraph 2.4 notes “For sites that fall on the edge of two sub-areas or settlement boundaries, you will need to take into account adjoining sub-areas, which may have an impact on the context of the site”. Sites 1, 2 and 3 fall into this category.

5.27 My revised site specific rankings for landscape / townscape value are further discussed at Appendix 9 and recorded in Table 1 below:

Table 1: Comparison of Landscape Value			
	Submitted Landscape Value	Revised Landscape Condition	Revised Landscape Value
Site B	The Appeal Site was assessed to be of Local value	Low	Low (Ordinary)
Site D		Low	Low (Ordinary)
Site 1		Good	Medium (Good)
Site 2		Low	Low (Ordinary)
Site 3		Good	Medium (Good)
Site 4		Good	Medium (Good)
Site 5		Good	Medium (Good)

5.28 Overall, this more site specific assessment of landscape / townscape value concludes that a number of the Disputed Sites benefit from the ‘character and valuable fabric’ as described in the LTVA (CD5.52), and should be considered to be of a higher value than **Local**, more in line with the **Borough** value attached to Landscape Unit UW6-A.

6 BASELINE CONDITIONS: VISUAL AMENITY

- 6.1 The approach to generating a 'field tested' Zone of Primary Visibility (ZPV) is considered appropriate for the Appeal Site and was agreed with EBC together with the locations and extent of the representative views.
- 6.2 I agree that views of the Appeal Site and of the development proposals from beyond the ZPV are likely to be either partly screened or barely perceptible, and that the ZPV largely covers the Racecourse and its immediate context.
- 6.3 Typical values for certain types of view locations are set out in **Appendix 1, Table 5**.

Value

- 6.4 The perimeter of the Appeal Site is surrounded by pedestrian routes that afford views into and across the Disputed Sites. There are also a number of areas of open access land in close proximity including Esher Golf Club to the east (**Site 4**), Littleworth Common (**Sites 4 and 5**) to the south-east and Esher Green to the south-west (**Site 1**) from which views of the Disputed Sites are possible.
- 6.5 I consider that public views towards the open central parts of the Racecourse to be of **High** value, particularly where the views take in parts of the mature treelined boundaries that are characteristic of the Racecourse and contribute to the Green Belt and landscape character.
- 6.6 Views of The Warren, in particular from Esher Green, will be of **Medium High** Value given the rising topography, setting and overall visual amenity of this ancient woodland.
- 6.7 Views of the open areas of hard standing are considered to be of **Medium** value, given that the Grandstand – a local landmark – will often feature in these views. In many case the backdrop to such views from Portsmouth Road, over the car parking areas, will be of the open central parts of the Racecourse with the boundary vegetation evident in the distance.
- 6.8 Views into the Racecourse from Station Road are also limited by the surrounding vegetation and fencing, although there remains an evident perception of openness beyond, given the lack of built form and permeability of the site boundary. Views from this area are considered to be of **Medium** value.

Representative Viewpoints

- 6.9 The visual baseline considers 11 no. representative views (**Photoviewpoints 1 to 11**) to illustrate the range of views of the proposed development. It would have been helpful to have been offered a more detailed analysis of the nature, composition, and characteristics of these views.
- 6.10 I have also considered the potential effects upon additional views from public locations where I consider that the proposed development will be particularly evident (please refer to **Appendix 12** for further discussion):

- **Viewpoint 1:** looking south-west towards **Site 3** from the northern side of Lower Green Road;
- **Viewpoint 2:** looking north-west towards **Site 4** from the pedestrian crossing on Station Road at the junction with Portsmouth Road (Key Gateway);
- **Viewpoint 3:** looking north-east towards **Site 5** from the southern side of Portsmouth Road;
- **Viewpoint 4:** looking eastwards towards **Site 1** from More Lane on the northern edge of the Esher Conservation Area; and
- **Viewpoint 5:** looking north-east towards **Site 3** from a location on More Lane adjacent to The Warren.

6.11 The **LTVA (CD5.52)** states at Paragraph 5.26 when describing the ‘Interim Conclusions: Visual Amenity’ that there *“are a number of sensitive receptors that are likely to experience effects as a result of the proposed development. Those that are most likely to experience the greatest change as a result of the proposed development include residents in close proximity to the Racecourse and those on higher ground on More Lane”*.

6.12 The importance of the boundaries of the Racecourse are again recognised at Paragraph 5.28 of the **LTVA** which comments *“the treatment of the edge of the Racecourse, forming the outer edges of this open greenspace within an otherwise largely urban setting, should be given particular consideration in the forthcoming design, as this is a valuable visual and recreational amenity asset to the local context”*. I agree with this assessment, which serves to highlight the ‘outline’ nature of this application, where much of the detail required to properly consider the development proposals is absent.

6.13 In particular, it would certainly have been helpful to have included wireline views to illustrate the maximum and minimum three-dimensional building volumes proposed at each of the Disputed Sites.

7 DEVELOPMENT PROPOSALS AND MITIGATION

- 7.1 The **LTVA (CD5.52)** asserts at Paragraph 6.1 that *“the Planning Statement, and supporting Design and Access Statement, accompanying this hybrid planning application provides full details of the development proposals”*. This is clearly not the case as the information for **the Disputed Sites** has been submitted in outline (with all matters reserved aside from access).
- 7.2 As noted in Paragraph 6.4 of the **LTVA (CD5.52)** the outline information *“shows one possible way in which the proposed quantum of development could be delivered. It is anticipated that the principles of the masterplan will be refined and interpreted at a detailed level as part of future reserved matters applications”*.
- 7.3 It is difficult to take seriously the assertion in Paragraph 6.5 of the **LTVA (CD5.52)** that *“the findings of EDP’s early and ongoing field appraisals have been fed into the evolving proposals in order to ensure that the masterplan is landscape led”*. A truly landscape-led approach would have given priority to the protection and conservation of the landscape.
- 7.4 The paragraph continues by listing a number of ‘key landscape principles’ to guide the implementation of a suitable landscape scheme for the proposals (**Table 2** below):

Table 2: Key Landscape Principles	David Webster’s Comments
<p>New tree planting is proposed in key areas of each of the development parcels to enhancing the existing landscape and assimilate the proposed built form.</p>	<ol style="list-style-type: none"> 1. The Illustrative Masterplan at Appendix EDP 5 (CD5.52) does not show any tree planting information. 2. The Landscape Strategy Plans for Sites 3 and 5 at Appendix EDP 4 (CD5.52) show indicative tree planting information. 3. There do not appear to be Landscape Strategy Plans for the other Disputed Sites. 4. The tree planting information suggests that the new trees will be 350-425cm tall, a fairly small tree when compared to those removed as a result of the development, being slightly taller than the first floor of development (proposed 3-storey at Site 3 and 4-storey at Site 5). 5. The proposed trees will not adequately compensate for the felled trees, resulting in greatly diminished screening of Site 3 along Lower Green Road and on the along the southern boundary of Site 5 with Portsmouth Road.

Table 2: Key Landscape Principles	David Webster's Comments
	<p>6. The tree planting along the internal boundaries with the Racecourse at these sites will do very little to mitigate the impact of development on views from within the Racecourse looking outwards towards the Disputed Sites.</p> <p>7. The 'indicative' landscape proposals do not properly address either site's relationship to the local context or mitigate the harm of the proposals.</p>
<p>Setting back the proposed development at Site 4 from Station Road</p>	<p>1. This guidance has simply not been followed with the tallest parts of the building located immediately adjacent to Station Road.</p> <p>2. As noted in the Committee Report (CD7.3) "the proposed indicative height would appear to be excessive in the context of the surrounding built form".</p> <p>3. The Indicative Layout (CD5.34) suggests that all the existing trees on the eastern site boundary are to be replaced with new, smaller trees.</p>
<p>Setting back the proposed development from Portsmouth Road at Site 5, with new tree planting along the southern boundary and retention of the locally listed Tollhouse.</p>	<p>1. In views from the east, the proposed apartment buildings are located behind the existing treeline, but it is likely that these new buildings will be highly visible from Portsmouth Road given the number of tree removals from the central part of the site.</p> <p>2. When travelling along Portsmouth Road from the west there are clear views into the site that will remain despite the new tree planting.</p> <p>3. The 'indicative' landscape proposals do not properly address either site's relationship to the local context or mitigate the harm of the proposals.</p>
<p>Within the central areas of the Racecourse opportunities exist for new open green space</p>	<p>1. It is not clear if any of these opportunities relate to Sites B or D.</p>

Table 2: Key Landscape Principles	David Webster's Comments
	<p>2. The current proposals do not indicate "open green space with new landscape features which would seek to maintain the 'green' nature of the internal areas of the Racecourse".</p>
<p>Existing boundary hedgerows and trees within each of the development parcels will be retained where possible (with buffers to development) to protect visual amenity and landscape character</p>	<ol style="list-style-type: none"> 1. Again, it is not at all clear what areas will be retained and protected, or indeed where the landscape buffers are located. 2. At Site 2 the Leylandii screen along the frontage with Portsmouth Road will be removed, much of the existing boundary vegetation at Site 3 will also be removed, as will the vegetation along Site 4's boundary with Station Road. 3. Whilst some of the Site 5 frontage to Portsmouth Road will be retained, there will also be a considerable amount of tree felling at the centre of the site. 4. If these proposals were truly landscape-led the landscape buffers would be clearly identified on the parameter plans, with precise dimension to ensure the protection of the boundary vegetation.
<p>Provision of structural landscaping, native trees and shrubs that reflect the local context</p>	<ol style="list-style-type: none"> 1. The landscape information submitted does not indicate that a sufficient structural planting will be introduced to mitigate the effects of development. 2. The nature of the 'Enhanced Landscape Corridor' on the Landscape Strategy Plans for Sites 3 and 5 at Appendix EDP 4 (CD5.52) is not properly discussed and, given the information submitted, cannot be considered credible.

7.5 Whilst it is appreciated that the majority of the application has been submitted in outline, with the landscape design to be determined through Reserved Matters, there remains a deep concern about the quality of the landscape currently indicated. The general levels of tree felling, and scrub removal would appear to be in conflict with **Policy DM6**.

7.6 The **Landscape Strategy Plans** for **Sites 3** and **5** at **Appendix EDP 4 (CD5.52)** refer to areas of

species rich grassland that will be established within areas of green infrastructure but give no clear indication as to where this will take place. The buildings appear to be surrounded by turfed areas, but it is more likely that these will be areas of amenity turf that is mown on a regular basis.

- 7.7 The plan for **Site 3** states that waterbodies will be incorporated into the scheme design, but this would apparently mean the culverting of the existing drainage ditch to be replaced with a large area of external car parking.

8 PREDICTED LANDSCAPE / TOWNSCAPE EFFECTS

8.1 The assessment of landscape effects can be described as a consideration of the effect in terms of:

- Sensitivity of the receptor made up of judgements about:
 - the susceptibility of the receptor to the type of change arising from the specific proposals; and
 - the value attached to the receptor.
- Magnitude of the effect made up of judgements about:
 - the size and scale of the effect, for example is there a complete loss of a particular element of the landscape or a minor change;
 - geographical extent of the area that will be affected; and
 - the duration of the effect and, rarely, its reversibility.

8.2 Consideration of these issues enables an informed assessment to be made.

The Submitted LTVA

8.3 The **LTVA (CD5.52)** introduces the concept of susceptibility in the baseline assessment and concludes that the overall townscape sensitivity of the site is **Medium**. The **LTVA** does not provide any information with regard to the landscape susceptibility for either the Racecourse of the Disputed Sites.

8.4 The introduction to the 'Predicted Townscape and Visual Effects' section of the **LTVA (CD5.52)** at Paragraph 7.1 suggests that predicted effects on receptors are assessed at construction and in the first year following completion (Year 1), these effects tending to be the 'worst case'. The longer term (Year 15) effects are included within **Appendix EDP 6**, to reflect the changes "*once mitigation has had time to mature and the proposals are settled in their context*". It would have been helpful to have these effects included within Section 7 given that "*this is the timeframe over which the proposed development should be judged for its acceptability*". I disagree with this statement for the reasons set out below.

8.5 Paragraph 7.2 of the **LTVA (CD5.52)** states "*for most projects, effects during operation (at Year 1) are likely to be higher than at Year 15 due to the effect of maturing mitigation planting, which will serve to 'soften' or screen a built development... However, given the urban context of some elements of the proposed development and the lack of, or requirement for, any landscape mitigation, it is not always the case that effects at Year 15 would reduce*". The **LTVA** does not provide any guidance on which site(s) do not require landscape mitigation.

8.6 Only one of the Disputed Sites (**Site 3**) demonstrates an improvement in townscape effects over time, where the assessments of effect on townscape character found in **Appendix EDP 6**

- suggest that most sites would benefit from a maturation of the retained and proposed landscape.
- 8.7 The proposals lack any realistic landscape scheme on which to base any assumption as to the efficacy of the landscape mitigation, about which I have already expressed some of my concerns (**Section 7**).
- 8.8 It seems to me therefore that in the absence of any proper plan demonstrating a credible landscape strategy for any site, the Day 1 ranking of effect is the only clear basis on which to evaluate the proposals. This is not to say that there may not be any lessening of harmful effects as planting establishes, but that the degree of reduction is simply unknowable on the basis of the information before the Inquiry.
- 8.9 I note that the Appellant's **LTVA (CD5.52)** considers that the construction magnitude of effect for the residential and hotel sites would largely be **High, Adverse**, Short-Term, and Temporary, with the exception of **Site 3** that would experience a **Very High** and **Adverse** magnitude of effect. Whilst I agree with this assessment, a point that needs to be made in this instance is that the overall duration of the construction period is itself significant and as noted in the DAS (**CD6.49**) "*the proposed developments are expected to be delivered in phases over several years*". In my opinion this considerable duration should give an increased weight to the harm of construction effects.
- 8.10 A discrepancy was found in the predicted effects, where **Table EDP 7.1** suggests that **Site 3** would experience a **Medium** magnitude of change upon completion, whilst **Appendix EDP 6** suggests a **High** magnitude of change.
- 8.11 The effects upon townscape character are considered by the **LTVA (CD5.52)** at two levels:
- Effects on the character of each site (direct effects); and
 - Effects on the local context (indirect effects).
- 8.12 When considering the effects upon local context, the **LTVA (CD5.52)** principally considers the effects upon **SLCA (CD3.19) Character Area UW6**, and separately the townscape character and fabric of the Racecourse and local site context.
- 8.13 When considering **Character Area UW6**, Paragraph 7.7 of the **LTVA (CD5.52)** states that "*Views of the proposed development from the wider Character Area UW6 would largely be screened by intervening tree cover, with views limited to small sections of Littleworth Common.*" It should be remembered that **Character Area UW6** includes most of the central parts of the Racecourse, and to suggest that views will largely be screened is inaccurate. In reality, the proposed development at **Sites B, D, 3, 4** and **5** would likely be highly visible from the central areas of the Racecourse.

- 8.14 When considering the longer-term townscape effects, the **LTVA (CD5.52)** concludes in Paragraph 7.9 that *“on completion, due to a combination of the retention of key elements of the existing landscape fabric, being reinforced with suitable landscape mitigation measures, it is not considered that the local townscape character would be greatly altered by the proposed development... The long-term effects upon Character Area UW6 are considered to be moderate/minor, being a slight and non-fundamental alteration”*. This assessment stretches credulity given that development at all the Disputed Sites, with the exception of **Site 1**, will be visible from the parts of **Character Area UW6** that fall within the central part of the Racecourse. Little mitigation has been incorporated to reduce the overall level of these adverse effects, which are likely to be somewhat greater than anticipated by the **LTVA**.
- 8.15 The **Site B** assessment in **EDP Appendix 6 (CD5.52)** concludes that *“the local townscape character would be slightly altered as views of the proposed development would occur throughout the local townscape context where local land cover does not prevent visibility”*. Whilst the extent of the visibility is agreed, I consider the change to the local townscape character would be greater.
- 8.16 It is not clear how the townscape character assessment of **Site D** in **EDP Appendix 6 (CD5.52)** concluded that *“the local townscape character would be beneficially altered, replacing existing hardstanding with Grasscrete or similar”*. The **DAS (CD6.49)** at Page 52 identifies that the amount of hardstanding would actually increase by 2,100m².
- 8.17 **EDP Appendix 6 (CD5.52)** notes of **Site 1** that *“the local townscape character would be slightly altered as views of the proposed development would occur throughout the local townscape context where existing built form does not prevent visibility, although this is largely limited to Esher Green”*. In my opinion, the assessment does not properly consider the effects upon the Esher Conservation Area. I judge that both the townscape sensitivity and the magnitude of change should be ranked higher.
- 8.18 **EDP Appendix 6 (CD5.52)** suggests that the scale of the built form at **Site 2** will be comparable to larger units, in particular the Council office and larger units within Esher town centre. This suggests that the Appellant is aware that the proposals will appear out of scale with the shop frontages that are immediately adjacent.
- 8.19 Paragraph 7.11 of the **LTVA (CD5.52)** concludes that **Site 3** would be *“very noticeable within the vicinity through the introduction of some prominent elements and differences with the existing scale and pattern of development. However, from land outside the Racecourse, the proposed development would only be considered to be reasonably noticeable due to the retention of existing mature landscape features at the northern boundary of the Racecourse”*. It is agreed that the proposed development at **Site 3** will be ‘very noticeable’ from within the

vicinity, but arguably so will the development at **Sites 4 and 5**, and in particular at **Site B** when viewed from the parts of the Racecourse that fall within **Character Area UW6**.

- 8.20 In addition, I consider that the proposed development at **Site 3** will be more than 'reasonably noticeable' from outside the Racecourse, as much of the woodland and scrub on the northern boundary will be removed to make way for car parking.
- 8.21 **EDP Appendix 6 (CD5.52)** suggests that the **Site 3** proposals would be "*seen in a similar context to large built form aligning More Lane*", but in reality the proposals should be considered in the context of Lower Green Road, with its 2-storey character on the opposite side of the road. On this basis, the proposals look to be very much out of scale and character with the local context.
- 8.22 Paragraph 7.13 of the **LTVA (CD5.52)** describes how **Site 5** plays "*a key role in the approach to Esher on Portsmouth Road. In both the short and medium term, the proposed development would largely only be seen in views from Portsmouth Road and from some areas of the Racecourse, including the Grandstand*". This suggests that the site plays an important role in the local townscape character, that will be adversely impacted by the proposed development. The fact that in both the short-term and long-term levels of effect are considered to be Moderate/Minor (Adverse) clearly demonstrates the inadequacy of the mitigation measures and illustrates why the Day 1 effects should be considered.
- 8.23 It is noticeable that there is no effort made in this section to consider the townscape effects from the proposed developments at the other Disputed Sites. In particular, the townscape effects on the Esher Conservation Area from the proposed development at **Site 1**.

David Webster's Assessment of Landscape / Townscape Effects

- 8.24 The landscape value for each of the development sites has been recorded within the baseline assessment (please refer to **Appendix 9** and **Table 3** below).
- 8.25 The **LSS (CD3.25)** identifies Landscape Unit UW6-A as having a **Borough** landscape value and a landscape susceptibility rating of **Medium-High**. This results in an overall **Moderate-High** sensitivity to change arising from residential and mixed-use development (see Page 175), by virtue of the "*historic value attached to areas of the Landscape Unit, the recreational value attached to large areas of common land and open access land and its associated natural character. A high degree of care would be needed in considering the location, design and siting of even small amounts of change within the landscape*".
- 8.26 I have considered the landscape susceptibility (**Appendix 1, Table 3**) of the Disputed Sites in detail at **Appendix 10**, the findings of which are summarised below (in **Table 3**) and combined with the judgement of landscape value to produce the site specific landscape sensitivity according to **Appendix 1, Table 7**:

Table 3: Summary of David Webster's Landscape Sensitivity Assessment			
	Value	Susceptibility	Sensitivity
Site B	Low (Ordinary)	High	Medium
Site D	Low (Ordinary)	Medium	Medium Low
Site 1	Medium (Good)	High	Medium High
Site 2	Low (Ordinary)	Medium	Medium Low
Site 3	Medium (Good)	High	Medium High
Site 4	Medium (Good)	High	Medium High
Site 5	Medium (Good)	High	Medium High

- 8.27 I believe that this more rigorous consideration of the susceptibility of each of the development sites arrives at a more nuanced and site specific landscape / townscape sensitivity.
- 8.28 The magnitude of effect on landscape/townscape receptors need to be assessed in terms of the size or scale, the geographical extent of the area influenced, and its duration or reversibility. On this basis, each of the Disputed Sites and its surrounding context will be assessed in turn.
- 8.29 My assessment does not consider the temporary effects of construction although these can be predicted to be quite marked but of short duration for each individual site, as noted in the Appellant's **LTVA (CD5.52)**. For example, there would be a cart away operation to reduce levels, vegetation clearance, site hoardings, noise, dust, plant movement etc. Overall, the entire programme of works is expected to be multi-phased over several years and **GLVIA3 (CD3.17)** guides that this increased duration should result in an increased weight to the harm of construction effects.

Site B

- 8.30 The majority of the existing site would be replaced with a large building, rising to 6-storeys near the existing Grandstand and 7-storeys to the west of the site. The **Indicative Layout (CD6.5)** appears to show hard standing to the south of the proposed building and an area of landscape or seating to the north. The completed built form would be slightly lower in height than the existing Grandstand, but would nonetheless be an imposing and dominant structure, that would compete with the adjacent Grandstand. The building would be visible from many parts of the Racecourse and in views looking into the site from Portsmouth Road, through the listed gates and railings, where existing views of the Grandstand (a local landmark) would be obstructed.

- 8.31 When considered in the round, the proposed building would detract from the Grandstand and its elevated setting, whilst also introducing significant additional built form to this Green Belt area, thereby reducing the overall sense of openness and truncating views into the Racecourse. The magnitude of change would be **High** (Adverse and Permanent) at Day 1.
- 8.32 The overall townscape effect at **Site B** would therefore be **Moderate Substantial Adverse** at Day 1, rather than the Moderate / Minor Adverse effect recorded in the **LTVA (CD5.52)**.

Site D

- 8.33 The **DAS (CD6.49)** clarifies that the amount of hardstanding proposed would increase by 2,100m², in the eastern part of the site, whilst approximately 12,900m² of greenfield land will be converted to Grasscrete. The development proposals are potentially reversible. When considered in the round, the magnitude of change would be **Medium** (Adverse) at Day 1, given the replacement of grass with Grasscrete or similar and a slight increase in hard standing.
- 8.34 The overall landscape effect would therefore be **Slight Moderate Adverse** at Day 1. This finding contradicts the Low Beneficial assessment of the **LTVA (CD5.52)**.

Site 1

- 8.35 The indicative design of completed development would appear to be of greater scale than the surrounding urban grain, with the scale, height, and massing of the proposed built form apparent within the local setting. The proposed apartment block would be at least a storey taller than the neighbouring detached dwellings, on higher ground and interrupting views of the ancient woodland on The Warren in views from Esher Green. Much of the remaining external space is devoted to car parking and the limited landscape mitigation does not appear well conceived.
- 8.36 The area of the access off More Lane that is subject to the full application is situated within the Esher Conservation Area, with the southern boundary of the site adjoining the Conservation Area. The **DCSPDE (CD3.2)** describes this part of Esher as a 'Key Gateway' and ESH01: Esher District Centre identifies the following specific issue *"The district centre is too orientated towards the leisure sector with little in the way of retail and provision of local services"*. The opportunity suggested is *"The mixed character of the district centre should continue to be promoted to provide an appropriate mix of retail, leisure, employment and residential uses that support its continued use in the long term"*. I consider that the residential nature of the proposed development at **Site 1** does not reflect this aspiration.
- 8.37 **Site 1** is also located close to sub-area ESH05: Esher Place, where the **DCSPDE (CD3.2)** identifies the following issues (1) replacement housing is generally larger than existing housing; and (2) there is an increasing presence of flatted development replacing houses

particularly seen along More Lane. The opportunity exists for development within this sub-area to *"take into account the established scale and grain of the sub-area and respect the quality of existing housing stock"*. I contend that the development proposals exacerbate the existing issues and do not reflect the suggested opportunity.

- 8.38 The **Esher Conservation Area Character Appraisal (CD7.10)** describes the Green as retaining *"much of the character of a rural village green, in contrast to the densely developed town centre to the south... Most of the surrounding buildings are relatively small scale, accentuating the size of the Green"*. On this basis, the introduction of an apartment building in an elevated position, near the highest point of the local setting, and appearing behind much smaller detached dwellings would appear more than a 'slight alteration' and distinctly out of character. When considered in the round, the magnitude effects are judged to be **Medium** (Adverse and Permanent) at Day 1.
- 8.39 The overall townscape effect at **Site 1** would therefore be **Moderate Adverse** in the short term. This finding contradicts the Very Low Adverse assessment of the **LTVA (CD5.52)**.

Site 2

- 8.40 The proposed development would introduce a 3 – 4-storey building at the entrance to Esher town centre, replacing the current open space with built form and completely changing the sense of arrival. The proposed building will be out of scale with the shop frontages that are immediately adjacent, with the 4-storey elements clearly visible in winter.
- 8.41 It is considered likely that this disparity will be made more apparent by setting the building back from the existing alignment of the shopping parade, where significant changes are proposed to the site levels to locate the new building at the existing street level.
- 8.42 The site also adjoins sub-area ESH01: Esher District Centre and, in my opinion, fails to respect the local issues or opportunities identified in the **DCSPDE (CD3.2)**.
- 8.43 Whilst the existing street trees would provide a degree of screening to the new building, there are large gaps between these trees that will allow views of the proposed built form. The removal of the existing Leylandii screen to the front of the site is accepted as having the potential to give rise to a beneficial effect in the long-term, however, the proposed landscape treatment along the Portsmouth Road frontage looks cramped, with the proposed tree planting very close to the building façade. Overall, the magnitude of effect is judged to be **Medium** (Adverse and Permanent) at Day 1.
- 8.44 The overall townscape effect at **Site 2** would therefore be **Moderate Adverse** in the short term. This finding contradicts the Minor Adverse assessment of the **LTVA (CD5.52)**.

Site 3

- 8.45 The townscape character would be altered to the degree that, from higher ground within the Racecourse and More Lane, the proposed development would be very noticeable as a result of the introduction of some prominent elements and differences in scale with the existing scale and pattern of development. The loss of vegetation along the northern boundary would open up the site excessively to make space for car parking, such that residents, pedestrians, and road users in Lower Green Road would have views of the new residential villas and of the parked cars and external lighting.
- 8.46 The proposals very much reflect the issues identified for sub-area ESH05: Esher Place as described within **DCSPDE (CD3.2)**. The houses within sub-area ESH06: Lower Green to the south of the railway line and adjoining **Site 3** are described in Paragraph 3.51 as having a 'Garden Suburb' quality to them, particularly in relation to their cottage scale, tall chimneys and eaves half-dormers. Paragraph 3.52 continues "*Wide and open verges are a characteristic of the informal layout of houses around the green to the south of the railway line*". The proposed development does not reflect the character of this part of Lower Green, and if implemented would cause significant harm.
- 8.47 Overall, the magnitude effects are judged to be **High** (Adverse and Permanent) at Day 1.
- 8.48 The overall townscape effect at **Site 3** would therefore be **Substantial Adverse** in the short term. This finding contradicts the Moderate Adverse assessment of the **LTVA (CD5.52)**.

Site 4

- 8.49 On completion, the proposed development would introduce an overbearing presence on Station Road close to the 'Key Gateway' junction with Portsmouth Road. The new building would be of considerably greater scale than its neighbours, with the tallest elements closest to Station Road, creating a new skyline feature in the local context. The new building would also be visible as a new skyline feature in views from a wide variety of locations within the Racecourse and therefore **Character Area UW6-A**, and in views from other locations beyond the Racecourse including the pathway from Esher Station to Lower Green Road.
- 8.50 When considered in the round, the magnitude of effect is judged to be **High** (Adverse and Permanent) at Day 1.
- 8.51 The overall townscape effect at **Site 4** would therefore be **Substantial Adverse** in the short term. This finding contrasts with the Moderate/Minor Adverse assessment of the **LTVA (CD5.52)**.

Site 5

- 8.52 The proposed development will introduce a considerable amount of built form to this largely open site, which has only limited screening along its boundary with Portsmouth Road. Much

of the site will also be used for long runs of external car parking with associated lighting. The finished scheme will be readily apparent in views in both directions along Portsmouth Road, but in particular in views looking north-east through the listed railings. The extent of tree clearance within the eastern part of the site will also ensure that the new built form will be visible from a wide variety of locations within the Racecourse and therefore **Character Area UW6-A**. The proposed main entrance to the site will serve to increase intervisibility between Portsmouth Road and the completed 4-storey development, and the proposed tree planting will take many years to reach maturity. Overall, the magnitude of effect is judged to be **High** (Adverse and Permanent) at Day 1.

- 8.53 The overall townscape effect at **Site 5** would therefore be **Substantial Adverse** in the short term. This finding contrasts with the Moderate/Minor Adverse assessment of the **LTVA (CD5.52)**.

Year 15 Effects

- 8.54 As noted at Paragraph 7.1 of the **LTVA (CD5.52)** the Year 15 assessment assumes that any landscape mitigation has had time to mature and that the development proposals have settled in their surroundings. Paragraph 7.2 qualifies this assertion that *“given the urban context of some elements of the proposed development and the lack of, or requirement for, any landscape mitigation, it is not always the case that effects at Year 15 would reduce”*. This proves to be the case with only **Site 3** demonstrating any reduction in Year 15 level of effect.
- 8.55 There is no committed landscape scheme on which to base any assumption as to the efficacy of the landscape mitigation and I have already expressed some of my concerns with regard to the ‘indicative’ landscape proposals included in the outline planning application (please refer to **Section 7**).
- 8.56 It seems to me that in the absence of an approved landscape treatment there should be little or no reduction in effect noted at Year 15.

Summary of Landscape / Townscape Effects

- 8.57 I have focussed on the Day 1 or likely ‘worst case’ effect, where I conclude that **LTVA (CD5.52)** under reports the likely effects.
- 8.58 In particular, the site wide judgement of landscape value, ignores any finer grained consideration of the landscape features and other aesthetic, perceptual or experiential qualities apparent within the disputed appeal sites. Several of the proposed development sites are located at the boundary to the Racecourse and highly valued at a local scale.
- 8.59 The failure to properly consider the site specific value of each site is further compounded by a failure to properly consider the susceptibility of the wider site, or indeed the individual site, which throws considerable doubt over the site’s assessed sensitivity.

- 8.60 For many of the sites there will be a higher magnitude of change resulting from the appeal proposals.
- 8.61 On balance, the higher rating of landscape / townscape sensitivity, when combined with my alternative judgements on magnitude of effect result in higher levels of landscape / townscape effect for all the disputed appeal sites.
- 8.62 It is interesting to note that the **LTVA (CD5.52)** judges the short and longer-term effects of the proposed development to be the same, which would appear to indicate that either the proposed landscape mitigation does not offer the longer-term benefits as described, or that the Day 1 effects have been under reported (see **Table 4** below):

Table 4: Summary of Landscape / Townscape Effects				
	LTVA Level of Effect at Day 1	LTVA Level of Effect at Year 15	DW Level of Effect at Day 1	DW Level of Effect at Year 15
Site B	Moderate/Minor Adverse	Moderate/Minor Adverse	Moderate Substantial Adverse	There may be some reduction from the Day 1 Effect, but the degree of change (if any), cannot be determined on the basis of the present information
Site D	Minor Adverse	Minor Adverse	Slight Moderate Adverse	
Site 1	Minor/Negligible Adverse	Minor/Negligible Adverse	Moderate Adverse	
Site 2	Minor Adverse	Minor Adverse	Moderate Adverse	
Site 3	Moderate Adverse	Moderate/Minor Adverse	Substantial Adverse	
Site 4	Moderate/Minor Adverse	Moderate/Minor Adverse	Substantial Adverse	
Site 5	Moderate/Minor Adverse	Moderate/Minor Adverse	Substantial Adverse	

9 PREDICTED VISUAL EFFECTS

- 9.1 With regard to the consideration of visual effects, I again consider that there are significant inadequacies in the submitted assessment, not the least of which is the relatively scant assessment of the predicted visual effects in the 11 no. representative views. In particular, there is very little assessment of the Day 1 effects of the proposed development on these views.
- 9.2 The approach to a visual assessment involves a consideration of the effect in terms of:
- Sensitivity of the visual receptor (viewer) made up of judgements about:
 - the susceptibility to change of the viewer (receptor); and
 - the value attached to views.
 - Magnitude of visual effect:
 - For example, if there is a complete loss of a particular element or only a minor change, together with a consideration of extent and permanence.
- 9.3 The visual sensitivity should then be considered against the magnitude of effect, to determine the ranking of visual effect that would arise. The **LTVA (CD5.52)** summarises the visual effects in **Table EDP 7.2** and within **EDP Appendix 6**, but there is no completed assessment for the representative views.
- 9.4 The **susceptibility** to change depends upon receptor occupation or activity and the extent to which attention focuses on views and visual amenity.
- 9.5 In common with the **LTVA (CD5.52)**, I consider the most susceptible visual receptors to include local residents in proximity to the Racecourse, in particular those located along More Lane, Lower Green Road and certain locations on Portsmouth Road. These receptors are considered to have a **High** susceptibility.
- 9.6 Pedestrians walking around the perimeter of the Racecourse are considered to have a **Medium** susceptibility, with cyclists and motorists considered to have a **Low** susceptibility. As is common practice, people at their place of work (including those managing or tending to the surrounding land) have **Low** susceptibility to visual change and, for the purposes of this assessment, have been discounted.
- 9.7 I consider that the receptors within the Esher Conservation Area will have a higher susceptibility to reflect the proximity and heightened visual interest of the designation. In my opinion, the susceptibility of pedestrians would be **High** and road users **Medium**. The susceptibility of residents would remain **High**.
- 9.8 Derived from the rankings of susceptibility and value (see visual baseline), the following sensitivities are adopted for this assessment (**Appendix 1, Table 7**):
- Residents on More Lane and Lower Green Road (Sus: H, Val: H): **High** sensitivity;

- Residents in Esher Conservation Area (Sus: H, Val: MH): **High** sensitivity;
- Residents on Portsmouth Road (Sus: H, Val: M): **Medium High** sensitivity;
- Pedestrians in Esher Conservation Area (Sus: H, Val: MH): **Medium High** sensitivity;
- Pedestrians on More Lane and Lower Green Road (Sus: M, Val: H): **Medium High** sensitivity;
- Cyclists and motorists in Esher Conservation Area (Sus: M, Val: MH): **Medium** sensitivity;
- Pedestrians on Portsmouth Road and Station Road (Sus: M, Val: M): **Medium** sensitivity;
- Cyclists and motorists on More Lane and Lower Green Road (Sus: L, Val: H): **Medium** sensitivity;
- Cyclists and motorists on Portsmouth Road and Station Road (Sus: L, Val: M): **Medium Low** sensitivity;

9.9 My assessment is focussed on the Day 1 or likely 'worst case' effect with regard to the overall visual effects of the proposed development for each of the disputed appeal sites. Based on these observations, I then make an additional assessment of the representative viewpoints.

Site B

9.10 Day 1: On completion, the proposed development would introduce a dominant and imposing structure that would interrupt views of the Grandstand, which is classified as a 'Local Landmark' in the Design and Character Supplementary Planning Document Companion Guide: Esher (CD3.2), and would reduce the availability of longer views into the Racecourse. I consider the magnitude of change to be **High Adverse** and permanent.

9.11 On this basis, the short-term visual effects are assessed to be:

- Residents: **Substantial**, Adverse & Permanent
- Pedestrians: **Moderate Substantial**, Adverse & Permanent
- Cyclist & motorists: **Moderate**, Adverse & Permanent

9.12 In my opinion, the overall effects of the proposals would be greater than reported in the LTVA (CD5.52) for all receptors in the short term, where the proposed development would introduce a substantial and identifiable new feature to the Racecourse landscape that would be visible from various locations. As noted within EDP Appendix 6 the magnitude of change is likely to remain the same at Year 15 (**High Adverse**) given the lack of available in character mitigation.

Site D

9.13 Day 1: it is unclear which landscape measures would provide 'further screening', but the LTVA (CD5.52) assessment of visual amenity fails to consider the impact of the presumed increased car parking. Given that the very purpose of the development is to provide additional all

weather car parking, it would seem reasonable to conclude that views towards the site would therefore include increased vehicular movement, and a larger number of parked cars and potentially coaches. On this basis, the magnitude of change is considered to be at least **Medium Adverse** on race days.

9.14 On this basis, the short-term visual effects are assessed to be:

- Residents: **Moderate Substantial**, Adverse & Permanent
- Pedestrians: **Moderate**, Adverse & Permanent
- Cyclist & motorists: **Moderate**, Adverse & Permanent

9.15 In my opinion, the overall effects of the proposals would be greater than reported in the **LTVA (CD5.52)** for all receptors in the short and longer-term.

Site 1

9.16 Day 1: On completion, I consider that the proposed development would be clearly visible from Esher Green, rising above the neighbouring properties to introduce substantial built form, where there was none previously visible. Existing views of the well wooded summit of The Warren would be interrupted. The magnitude of change would be **Medium Adverse** and permanent.

9.17 On this basis, the short-term visual effects are assessed to be:

- Residents: **Moderate Substantial**, Adverse & Permanent
- Pedestrians: **Moderate Substantial**, Adverse & Permanent
- Cyclist & motorists: **Moderate**, Adverse & Permanent

9.18 As noted above, the receptor sensitivities are considered to be higher to reflect the Conservation Area designation and I consider the visual effects would be somewhat greater than reported in the **LTVA (CD5.52)**, which assumes that “*continued maturation of landscape proposals within the southern areas of the site would serve to provide some degree of screening*”. However, **EDP Appendix 6** of the **LTVA (CD5.52)** would appear to contradict this statement, by maintaining the same short and long-term magnitude of change. I concur with the Appendix and suggest that in the absence of an approved landscape treatment there should be little reduction in effect noted at Year 15.

Site 2

9.19 Day 1: In my opinion, the proposed development would introduce a substantial amount of built form to the eastern edge of Esher town centre. The building would be set back from the existing line of built form on Portsmouth Road, with an out of character landscape treatment that would visibly differentiate the building from the neighbouring shopping parade. The

proposals would serve to replace the existing soft landscape with a building that would create a visual barrier, blocking views into the Racecourse and reducing the perception of openness in this part of the Racecourse. On balance, I think that the short-term magnitude of change would have a **Medium Adverse** and permanent ranking.

9.20 On this basis, the short-term visual effects are assessed to be:

- Residents: **Moderate Substantial**, Adverse & Permanent
- Pedestrians: **Moderate**, Adverse & Permanent
- Cyclist & motorists: **Slight Moderate**, Adverse & Permanent

9.21 I disagree that the completed development would provide a beneficial contribution to the urban context or that the continued maturation of the landscape proposals would further assimilate the building. The **LTVA (CD5.52)** at **EDP Appendix 6** would appear to agree as the long-term magnitude of change remains unchanged. In my opinion, the visual effects are again understated in the assessment.

Site 3

9.22 Day 1: I agree with **EDP Appendix 6** of the **LTVA (CD5.52)** that when completed the proposed development would give rise to a **High Adverse** magnitude of change. The proposals would introduce new built form to views from the higher ground within the Racecourse, and the views looking towards the Racecourse from the houses on More Lane and Lower Green Road. Pedestrians on these streets would have clear views of the new built form.

9.23 On this basis, the short-term visual effects are assessed to be:

- Residents: **Substantial**, Adverse & Permanent
- Pedestrians: **Moderate Substantial**, Adverse & Permanent
- Cyclist & motorists: **Moderate**, Adverse & Permanent

9.24 The assessment at **EDP Appendix 6 (CD5.52)** is confusing, as on one hand it states that “owing to large built form already present on More Lane, the proposed development would not be considered to form a new feature within the urban scene that would change townscape character”, whilst on the other hand claiming that “at year 1, the proposed development would be deemed to be an immediately obvious feature of the urban scene”.

9.25 In my opinion, the proposals introduce development that is of a much greater scale, height, and massing than any of the existing dwellings on Lower Green Road. The proposals will increase the visual permeability of the northern site boundary, through the replacement of mature trees and scrub with external car parking. The visual relationship between the north and south sides of Lower Green Road will become all the more apparent as will the contextually inappropriate design of the apartment blocks that would be more at home on

More Lane, but are actually located along a significant length of Lower Green Road with its 2-storey detached and semi-detached dwellings. In my opinion the townscape effects will be greater than reported in the **LTVA (CD5.52)**.

- 9.26 Whilst it is possible that the continued maturation of the landscape proposals would help to settle the proposed development within its surroundings, in the absence of an approved landscape treatment there should be little or no reduction in effect noted at Year 15. I disagree with the **LTVA's** assessment at **EDP Appendix 6** that the *"retention of landscape features on the northern boundary would serve to retain the character of Lower Green Road, with little intervisibility with the Racecourse"*. In reality, I believe that the proposals will serve to increase intervisibility between the new apartment blocks and Lower Green Road, and that the character of Lower Green Road would be diminished.

Site 4

- 9.27 Day 1: On completion, the proposed development would be visible to a wide variety of receptors within the Racecourse itself, including the Grandstand. The proposed development would also be an identifiable and skyline feature in views from Littleworth Common, Esher Station, Station Road, and parts of Portsmouth Road. The Design and Character Supplementary Planning Document Companion Guide: Esher (**CD**) indicates that the junction of Station Road and Portsmouth Road is a 'Key Gateway' from where the proposed building will be visible, rising 4-storeys above the neighbouring Café Rouge. I consider the magnitude of change to be **High Adverse** and permanent.
- 9.28 On this basis, the short-term visual effects are assessed to be:
- Residents: **Moderate Substantial**, Adverse & Permanent
 - Pedestrians: **Moderate Substantial**, Adverse & Permanent
 - Cyclist & motorists: **Moderate**, Adverse & Permanent
- 9.29 The Proposed Development does not follow the key landscape design principles' as described at Paragraph 6.5 of the **LTVA (CD5.52)**, which clearly directs that *"setting back the proposed development from Station Road, namely at Site 4, would maintain the green, well-treed, characteristics of the eastern edge of the Racecourse"*. The Indicative Layout (**CD5.34**) demonstrates that this is not the case, indeed the tallest part of the building lies close to Station Road in a highly visible location, and the existing landscape boundary is replaced by new tree planting. The 6-storey height of the proposed building ensures that the proposed mitigation will never be able to screen the taller elements of a building that is clearly out of scale with the surrounding built form.

Site 5

- 9.30 Day 1: On completion, the proposed development would be clearly visible from Portsmouth Road, and the removal of trees from the centre of the site and along the norther boundary with the Racecourse would ensure that the new built form would be visible to a wide variety of receptors within the Racecourse itself. The **LTVA** notes in **EDP Appendix 6** that *“the proposed development would be considered to form a visible and identifiable element within the view... although long views to the northern boundary of the Racecourse would remain from Portsmouth Road, the proposed development would reduce the length of road from which these views would be obtained”*. In my opinion, the proposed development would be perceived as the onward progression of linear development along Portsmouth Road, and the erosion of the well-treed boundaries of the Racecourse. The magnitude of effect would be **Medium – High Adverse** and permanent.
- 9.31 On this basis, the short-term visual effects are assessed to be:
- Residents: **Moderate Substantial**, Adverse & Permanent
 - Pedestrians: **Moderate**, Adverse & Permanent
 - Cyclist & motorists: **Slight Moderate**, Adverse & Permanent
- 9.32 As noted within **EDP Appendix 6** the magnitude of change is unlikely to diminish over time.
- 9.33 The **LTVA (CD5.52)** at Paragraph 5.28 sensibly suggests that *“Consideration should be given to the detailing of any scheme and not just at eye level. The heights of buildings proposed should reflect those existing and surrounding; creating a ‘legible’ quality to the skyline”*. This guidance has not been followed at a number of the proposed development sites. For example, the proposed residential villas at **Site 3** are of a completely different scale, height, and mass to the existing dwellings on the other side of Lower Green Road, where the **LTVA** instead compares the proposals to larger apartment blocks on More Lane. This approach distorts the assessment of visual effects.

Year 15 Effects

- 9.34 As noted earlier, the absence of a credible indicative landscape strategy on which to base any assumption as to the efficacy of the landscape mitigation and about which I have already expressed some of my concerns (**Section 7**), makes a longer-term assessment unreliable.
- 9.35 It seems to me that in the absence of an approved landscape treatment there should be little or no reduction in effect noted at Year 15. Indeed, the **LTVA (CD5.52)** notes that only **Sites 3** and **4** demonstrate any reduction in visual effect in the longer-term.
- 9.36 A site specific consideration of the mitigation measures that **LTVA (CD5.52)** describes include:

- **Site B:** Possible maturation of tree cover within parking areas – I agree with the conclusion that the long-term level of effect will be unlikely to reduce;
- **Site D:** Continued maturation of the landscape proposals within the site would assimilate the proposed development into its context – it is considered unlikely that Grasscrete (or similar) will improve the visual amenity of the site over its current grassland appearance;
- **Site 1:** Continued maturation of the landscape proposals within the southern areas of the site would serve to provide some screening – this is possibly the case, but the size, location and number of these trees cannot be guaranteed by this outline application, nor their long-term viability;
- **Site 2:** Continued maturation of landscape proposals within the southern areas of the site would further assimilate the proposed development into its townscape context – this is possibly the case, but the size, location and number of these trees cannot be guaranteed by this outline application, nor their long-term viability;
- **Site 3:** Continued maturation of landscape proposals would assimilate the proposed built form, whilst the retention of landscape features on the northern boundary would serve to retain the character of Lower Green Road – the outline landscape proposals do not detail the arboricultural implications, hence the exact number of trees and other vegetation to be removed is essentially unknown at this stage, and the proposed tree planting is ‘indicative’ only.
- **Site 4:** Continued maturation of landscape proposals within the southern areas of the site, and new features at the eastern boundary with Station Road - the outline landscape proposals do not detail the arboricultural implications, hence the exact number of trees and other vegetation to be removed is essentially unknown at this stage, and the proposed tree planting is ‘indicative’ only. It is considered unlikely that any landscape measures will be able to adequately mitigate a building of this scale.
- **Site 5:** Some further maturation of tree cover within parking areas of the racecourse generally – I agree with the conclusion that the long-term level of effect will be unlikely to reduce.

9.37 On the basis of the above, the main issue must be the Day 1 ranking of effect.

Representative Viewpoints

9.38 It is disappointing that the **LTV (CD5.52)** does not offer the predicted magnitudes of change and overall effects for each of the representative Photoviewpoints. Indeed, the sections relating to ‘Operational Effects’ only give a partial understanding of the predicted effects in each of the Photoviewpoints, whilst **EDP Appendix 6** notes only which Photoviewpoints illustrate individual site context.

- 9.39 Taking each in turn and with the benefit of the observations above, the short term (Day 1) levels of effect are assessed below to fill in the gaps in the **LTV**. Further detail with regard to my assessment is given in **Appendix 11**.
- 9.40 The construction magnitude of change is accepted to be **High** and Adverse, although spread over several years of phased construction. Given the absence of an approved landscape treatment there should be little or no reduction in effect noted at Year 15.
- 9.41 The effects noted below in **Table 5** are all considered to be Adverse and Permanent in nature and rely on interpretation from **LTV (CD5.52)** Section 7.

Table 5: Summary of Visual Effects (Representative Viewpoints)				
	LTV Level of Effect at Day 1	LTV Level of Effect at Year 15	Level of Effect at Day 1	Level of Effect at Year 15
Viewpoint EDP1 Residents Pedestrians Road Users	Major Moderate Moderate/Minor	Major/Moderate Moderate/Minor Minor	Substantial Moderate Substantial Moderate	There may be some reduction from the Day 1 effect, but the degree of change (if any), cannot be determined on the basis of the present information
Viewpoint EDP2 Residents Pedestrians Road Users	Major Moderate Moderate/Minor	Major/Moderate Moderate/Minor Minor	Substantial Moderate Substantial Moderate	
Viewpoint EDP3 RC Visitors		Moderate/Minor	Moderate	
Viewpoint EDP4 RC Visitors		Moderate/Minor	Moderate	
Viewpoint EDP5 Pedestrians			Moderate Substantial	
Viewpoint EDP6 Residents Pedestrians Road Users		Minor Minor/Negligible	Moderate Substantial Moderate Slight	
Viewpoint EDP7 Residents Pedestrians Road Users	Major/Moderate	Major/Moderate Moderate/Minor Minor	Substantial Moderate Substantial Moderate	
Viewpoint EDP8				

Table 5: Summary of Visual Effects (Representative Viewpoints)				
Pedestrians		Moderate/Minor	Moderate	
Road Users		Minor	Slight Moderate	
Viewpoint EDP9			Moderate	
Pedestrians	Moderate	Moderate/Minor	Substantial	
Viewpoint EDP10			Slight	
Pedestrians				
Viewpoint EDP11			Substantial	
Residents	Major/Moderate	Major/Moderate	Moderate	
Pedestrians		Moderate/Minor	Substantial	
Road Users		Minor	Slight Moderate	

Additional Viewpoints

- 9.42 As noted earlier, I have included 5no. additional viewpoints to illustrate parts of my evidence and to act as an 'aide-mémoire' to the Inspector as he undertakes his site visit. The views are presented in a manner consistent with current Landscape Institute guidance for a Type 1 visualisation or 'Viewpoint Photograph' i.e. 50mm focal length single image (*Technical Guidance Note 06/19 - Visual Representation of Development Proposals*) (CD7.12). For a 'mathematically correct' image the sheets should be printed at A3. The viewpoint locations are noted on drawing **HBA-840-001**.
- 9.43 I have included consideration of the likely effects upon these views at **Appendix 12** and a summary below in **Table 6**, where all the Day 1 effects are to be Adverse and Permanent in nature:

Table 6: Summary of Visual Effects (Additional Viewpoints)				
	LTVA Level of Effect at Day 1	LTVA Level of Effect at Year 15	Level of Effect at Day 1	Level of Effect at Year 15
Additional Viewpoint 1			Substantial	There may be some reduction from the Day 1 Effect, but the degree of change (if any), cannot be determined on the basis of the present information
Residents	N/A	N/A	Moderate	
Pedestrians			Substantial	
Road Users			Moderate	
Additional Viewpoint 2			Moderate	
Residents	N/A	N/A	Substantial	
Pedestrians			Moderate	
Road Users			Substantial	
Additional Viewpoint 3			Slight Moderate	
			Moderate	

Table 6: Summary of Visual Effects (Additional Viewpoints)				
Residents Pedestrians Road Users	N/A	N/A	Substantial Moderate Slight Substantial	
Additional Viewpoint 4 Residents Pedestrians Road Users	N/A	N/A	Moderate Substantial Moderate Substantial Moderate	
Additional Viewpoint 5 Residents Pedestrians Road Users	N/A	N/A	Substantial Moderate Substantial Moderate	

Summary of Visual Effects

- 9.44 As a general note, I consider that an application for this number of houses and a hotel should also have included verifiable photowire visual representations of the proposed development to better understand the scale and massing of the submitted parameter plans. Such visual representations are described as 'Type 4' visualisations within *Technical Guidance Note 06/19 (CD7.12)*. Type 4 visualisations involve the use of a defined camera / lens combination and establishing the camera location with sufficient locational accuracy to enable accurate scaling and location of a 3D architectural model within the view.
- 9.45 The Day 1 effects identified in **Table 7** below are all considered to be Adverse and Permanent in nature:

Table 7: Summary of Visual Effects				
	LTVA Level of Effect at Day 1	LTVA Level of Effect at Year 15	DW Level of Effect at Day 1	DW Level of Effect at Year 15
Site B Residents Pedestrians Road Users	- Moderate/Minor Minor	- Moderate/Minor Minor	Substantial Moderate Substantial Moderate	There may be some reduction from the Day 1 Effect, but the degree of change (if any), cannot be determined on the basis of the present information
Site D Residents Pedestrians Road Users	Moderate Minor Minor/Negligible	Moderate Minor Minor/Negligible	Moderate Substantial Moderate	

Table 7: Summary of Visual Effects				
				Moderate
Site 1				
Residents	-	-		Moderate
Pedestrians	Minor	Minor		Substantial
Road Users	Minor/Negligible	Minor/Negligible		Moderate
				Moderate
Site 2				
Residents	Moderate	Moderate		Moderate
Pedestrians	Minor/Negligible	Minor/Negligible		Substantial
Road Users	Minor/Negligible	Minor/Negligible		Moderate
				Slight Moderate
Site 3				
Residents	Major	Major/Moderate		Substantial
Pedestrians	Moderate	Moderate/Minor		Moderate
Road Users	Moderate/Minor	Minor		Substantial
				Moderate
Site 4				
Residents	-	-		Moderate
Pedestrians	Minor	Minor/Negligible		Substantial
Road Users	Minor	Minor/Negligible		Substantial
				Moderate
Site 5				
Residents	Major/Moderate	Major/Moderate		Moderate
Pedestrians	Moderate/Minor	Moderate/Minor		Substantial
Road Users	Minor	Minor		Moderate
				Slight Moderate

10 CONCLUSIONS

10.1 The development proposals would introduce significant built form, car parking and other associated development to a number of site locations either along the boundary of the Racecourse or in highly visible locations towards the centre of the Racecourse.

Green Belt

10.2 The Racecourse falls entirely within the Green Belt. As stated in Policy DM17 (**CD1.2**) and Paragraph 133 of the **NPPF (CD2.1)**, 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. I consider that the development proposals at the Disputed Sites would clearly result in harm to the Green Belt and conflict with Policy DM17 and the **NPPF**.

10.3 The starting point to my evidence is that the proposed development represents inappropriate development in the Green Belt, and Paragraph 143 of the **NPPF (CD2.1)** states that such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the **NPPF** identifies that 'substantial weight' should be afforded to any level of harm.

10.4 Having established the definitional harm to the Green Belt, my evidence identifies the actual harm to the openness of the Green Belt and the purposes of including land within it.

10.5 A key Green Belt policy consideration is evidently the 'openness' of the Green Belt and the implications of development on it with reference, in particular, to Paragraphs 145 and 146 of the **NPPF (CD2.1)**. My evidence reviews both the openness of the Racecourse as a whole, and then subsequently of the individual development sites that are disputed.

10.6 The Grandstand complex forms the most noticeable built form within the site, situated on higher ground than the racecourse to the north and the car and coach parking to the south. The other built form on the site, including the stables, lodge, staff residences, golf course and karting track are relatively low level and usually only single storey. The visual and perceptual response to the site is that of the Grandstand being surrounded by largely open space, with the single storey stables to the south-west and two storey lodge to the south maintaining an overall sense of openness to the built-up area boundary of Esher.

10.7 In my opinion, the perceived extent of openness extends from the residential dwellings to the north of Lower Green Road, southwards towards the rear of the commercial and residential properties on the north side of the Portsmouth Road. This area of perceived openness would therefore include the entirety of the Racecourse, a far greater area than that indicated in **Plan EDP 2: Separation Plan (CD5.50)**. Any further development within this open area would clearly introduce new built form that would harm the existing openness of the Green Belt.

- 10.8 Policy DM17 (**CD1.2**) states at DM17(c) 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”*. My evidence demonstrates that when reviewed from the perspective of the whole Racecourse, or on a site-by-site basis, that the scale, massing and distribution of the development proposals will – to varying degrees - constitute additional (substantial) harm to the openness of the Green Belt and conflict with Policy DM17. It is well understood from case law that the essential quality of openness is the freedom from built development.
- 10.9 The concept of openness is not narrowly limited to the volumetric approach and a number of factors are capable of being relevant to the issue of openness - prominent amongst these is how built up the Green Belt is now and how built up it would be if redevelopment occurs. In this case, such factors include spatial/physical considerations, and as a material concern my evidence details the specific volumetric increases for each development site, and the likely changes in spatial organisation that would result in clear harm to the Green Belt.
- 10.10 In addition, my evidence also concludes that in this case any consideration of openness also has a visual dimension, namely the impact of the proposed development on the perception of openness of the Green Belt at each of the Disputed Sites. The development proposals, if implemented, would result in an obvious perceived harm to the openness of the Green Belt.
- 10.11 Finally, my evidence assesses the contribution that the Racecourse makes to the purposes of the Green Belt by reference to recent Green Belt Boundary Reviews (by Arup). The Racecourse lies within Strategic Area A, described in the **GBBR 2016 (CD3.8)** as a narrow and fragmented band of Green Belt which closely abuts the edge of south-west London. It concludes that Strategic Area A performs **Very Strongly** against both Purposes 1 and 2, and that the Green Belt at Sandown Park performs **Strongly** overall.
- 10.12 The supplementary **GBBR 2018 (CD3.9)** represents a finer grained analysis of the Local Areas considered in **GBBR 2016 (CD3.8)** and refines the earlier conclusions to include an assessment of the Green Belt performance of smaller sub-areas in relation to the wider Local Areas. Smaller areas of Green Belt, which adjoin the existing urban settlements, were identified, and assessed against the **NPPF** purposes. In particular, this review considered **Site 3** (Sub Area 70) and **Site 4** (Sub Area 69). **Sites 1, 2 and 5** were promoted for consideration, but not subsequently assessed.
- 10.13 Where sub areas perform more weakly (**Site 4**) they have not been recommended for removal from the Green Belt. Indeed, the only local changes to the Green Belt have seen an increase in coverage over the site by 1.36ha following the boundary amendments in 2019 (**CD3.10**).

10.14 In my opinion, the proposed development would significantly undermine the performance of the Green Belt with regard to **Purposes 1** and **2**. In particular, the development of **Site 3** would necessarily result in the sprawl of Greater London moving south across Lower Green Road into the Racecourse. Further, the wider development of the Disputed Sites would result in the erosion of the 'essential gap' between Greater London (Lower Green) and Esher.

Landscape / Townscape Effects

10.15 I conclude that the proposed development would be in conflict with policies within the **Elmbridge Core Strategy (CD1.1)** and the **Elmbridge EDMP (CD1.2)**.

10.16 Policy CS9 guides that additional residential development should be provided primarily through redevelopment of PDL (PDL). Whilst it is accepted that some site offer a varying quantum of PDL, I do consider that the scale massing and distribution of the proposals will enhance the local character. The **DCSPDE (CD3.2)** suggests various issues and opportunities that should be considered by developers, but the proposals do not reflect these aspirations.

10.17 Policy CS17 (**CD1.1**) under 'Local Character' requires that development should respond 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"*. For the reasons described in my evidence, I do not believe that the proposals reflect or integrate with the local landscape / townscape and therefore conflict with this policy.

10.18 Policy DM2 (b) (**CD1.2**) requires that development should *"preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD"* with particular regard to the following attributes: appearance, scale, mass, height, levels and topography, prevailing pattern of built development, and separation distances to plot boundaries. When considered in the round, the outline proposals do not demonstrate such regard and therefore conflict with this policy.

10.19 The **LTVA (CD5.52)** suggests that areas in close proximity to the Racecourse that are situated outside **Character Area UW6** are considered to form part of an urban area. I do not agree with the Appellant's logic that these sites should be considered part of an urban area.

10.20 Further, I would argue that the Disputed Sites, with the exception of **Site D**, form an important landscape boundary with the distinctly urban areas that surround the Racecourse and its open central area.

10.21 On this basis, whilst **Character Area UW6** provides some commentary on the central area of the Racecourse (including **Site D**), it does not provide the site-specific consideration required to act as an appropriate baseline for the Disputed Sites. Unfortunately, beyond a high-level description of each of the proposed development sites, there is very little documented analysis of the actual condition of these sites.

- 10.22 Indeed, the site wide judgement of landscape value, ignores any finer grained consideration of the landscape features and other aesthetic, perceptual or experiential qualities apparent within the disputed appeal sites. Several of the proposed development sites are located at the boundary to the Racecourse and highly valued at a local scale.
- 10.23 A more site specific assessment of value concludes that a number of the Disputed Sites benefit from the 'character and valuable fabric' as described in the **LTVA (CD5.52)**, and should be considered to be of a higher value than **Local**, more in line with the **Borough** value attached to Landscape Unit UW6-A in the recent Landscape Sensitivity Study (**CD3.25**).
- 10.24 Further, the landscape **susceptibility** to change of either the Racecourse in its entirety, or the Disputed Sites individually is not considered as required by **GLVIA3 (CD3.17)**. This concept describes the ability of a defined landscape / townscape to accommodate the specific proposed development without undue negative consequences. It follows that the consideration of susceptibility must form part of the assessment of the proposed development not the baseline study.
- 10.25 The sensitivity of a landscape / townscape to change is a function of both value and susceptibility. I consider that the **LTVA's (CD5.52)** failure to properly consider susceptibility or value at a more granular scale than the entire Racecourse undermines the overall assessment of effects. My own assessment of each of the Disputed Sites reveals a higher degree of sensitivity.
- 10.26 Thereafter, I have demonstrated that for many of the sites there will be a higher magnitude of change resulting from the appeal proposals than described in the **LTVA (CD5.52)**.
- 10.27 When the increased sensitivity is considered alongside the greater magnitude of change experienced by each of the Disputed Sites, the overall landscape / townscape effect is far greater than reported in the **LTVA (CD5.52)**.
- 10.28 The scheme has been submitted in outline, with no committed landscape scheme on which to base any assumption as to the efficacy of the landscape mitigation and about which I have already expressed some of my concerns. It seems to me that in the absence of an approved landscape treatment there should be little or no reduction in effect noted in the 'longer term'.
- 10.29 On this basis, I have focussed on the Day 1 or likely 'worst case' effect, where I conclude that **LTVA (CD5.52)** under reports the likely effects. My own assessment concludes that the hotel site (**Site B**) and the proposed residential sites (**Sites 1 – 5**) would result in a **Moderate to Substantial Adverse** effect.

Visual Effects

- 10.30 The assessment of visual effects also fails to properly consider the susceptibility to change of the viewer, which depends upon receptor occupation or activity and the extent to which attention focuses on views and visual amenity.
- 10.31 In common with the **LTVA (CD5.52)**, I consider the most susceptible visual receptors to include local residents in proximity to the Racecourse, in particular those located along More Lane, Lower Green Road and certain locations on Portsmouth Road. These receptors are considered to have a **High** susceptibility.
- 10.32 Pedestrians walking around the perimeter of the Racecourse are considered to have a **Medium** susceptibility, with cyclists and motorists considered to have a **Low** susceptibility. As is common practice, people at their place of work (including those managing or tending to the surrounding land) have **Low** susceptibility to visual change and, for the purposes of this assessment, have been discounted.
- 10.33 I also consider that the receptors within the Esher Conservation Area will have a higher susceptibility to reflect the proximity and heightened visual interest of the designation. In my opinion, the susceptibility of pedestrians would be **High** and road users **Medium**.
- 10.34 The **LTVA (CD5.52)** concludes at Paragraph 7.34 that the *“anticipated visual effects are limited by both landscape screening and existing built form, including larger built form already associated with the Racecourse”*. I disagree with this assessment on the basis that the majority of the proposed development will be located on the site boundaries, where the proposals themselves require the removal of much of the landscape screening, thereby increasing the intervisibility of the proposed built form and the identified visual receptors.
- 10.35 I consider that there are a wide range of receptors that are likely to experience visual effects and for each receptor it has been demonstrated that there is ample scope to conclude a higher level of effect at Day 1 than has been recorded in the **LTVA (CD5.52)**. This has been achieved through the proper consideration of receptor susceptibility and a more realistic assessment of the likely magnitude of effect. The visual effects of the proposed residential development are considered to be at least **Moderate Substantial Adverse** for local residents and at least **Moderate Adverse** for pedestrians.