



Appendices to Appellant Proof of Evidence of
Ian Robert Clarke BA (Hons) DipTP MSc MRTPI

SANDOWN PARK RACECOURSE, PORTSMOUTH ROAD, ESHER KT10 9AJ

October 2020

PINS Ref: APP/K3605/W/20/3249790
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Appendix 1: Qualifications and Experience

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Ian Robert Clarke - Qualifications and Experience

1. My full name is Ian Robert Clarke. I am a chartered town planner and a Member of the Royal Town Planning Institute. I hold three planning qualifications from Oxford Polytechnic - Bachelor of Arts and Master of Science Degrees and a Post-Graduate Diploma.
2. I am Senior Partner and Head of the Town Planning Department of Rapleys, 33 Jermyn Street, London SW1Y 6DN and Birmingham, Bristol, Edinburgh, Huntingdon and Manchester. Prior to joining Rapleys, I held positions with West Glamorgan County Council and at Healey and Baker (now Cushman and Wakefield).
3. Rapleys is a firm of surveyors and planning advisors involved in all aspects of residential and commercial property throughout the United Kingdom. The Town Planning Department of the Practice currently advises a wide range of clients, including major investment institutions, retailers, commercial businesses, house builders, leisure based operators, developers, and public bodies.
4. I am experienced in dealing with a variety of planning matters relating to all types of development and, in these terms, have been practising since 1991. Expressly, I have experience in the planning assessment of residential, commercial and leisure proposals (at application and appeal). I have also advised on these uses within wider mixed-use schemes both inside and outside of the Green Belt.
5. I am familiar with the proposals which are the subject of this inquiry, with the site and the relevant surroundings, and the planning policy frameworks within which it will be relevant to determine the case.

Appendix 2: Character and Appearance

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Character and Appearance

Site	Surrey Landscape Character Assessment (CD 3.19)	Elmbridge Design and Character SPD: Companion Guide for Esher (CD 3.2)	Listed Building	Conservation Area	Area of Special Character	Policy Protected Views	Landscape Value	Nature Conservation	Ancient Woodland	Tree Preservation Orders / Veteran Trees
1	Urban Area	Esher Character Sub-Area (access only).	No	Yes - Esher (access only)	No	No	No	No	No	No
2	Urban Area	Outside Character Sub-Areas (landscape setting only: non-Core Strategy designation).	No	No	No	No	No	No	No	No
3	Urban Area (save for a small area to the south west in UW6)	Outside Character Sub-Areas (landscape setting only: non-Core Strategy designation). Recognises flatted development to the north of More Lane: higher density development may be appropriate in the vicinity.	No	No	No	No	No	No	No	No
4	Urban Area	Outside Character Sub-Areas (landscape setting only: non-Core Strategy designation). Recognised as a key gateway to Esher.	No	No	No	No	No	No	No	No
5	UW6 - Lower Green to Weston Green and Littleworth Common	Outside Character Sub-Areas (landscape setting only: non-Core Strategy designation). Acknowledges the maintenance of surrounding architectural scale.	No	No	No	No	No	No	No	No
B	Urban Area (save for a small area to the east in UW6)	Outside Character Sub-Areas (landscape setting only: non-Core Strategy designation).	No	No	No	No	No	No	No	No

Footnotes:

1 - There are two Conservation Areas in close proximity to the Racecourse: Esher (to the south west) and Weston Green (to the north east).

- 2 - The Racecourse demise does contain ancient woodland at “The Warren” (situate between the grandstand and Site 1). TPOs adjoin Site 1.
- 3 - There are a number of Listed Buildings/features within Esher, including the Coal Tax Post adjacent to Site 5 and, further, the gates and railings, to the Racecourse, as fronting Portsmouth Road.
- 4 - There is a Scheduled Ancient Monument, known as the “White Lady Milestone”, at the junction of Portsmouth and Station Roads.
- 5 - The above matters (Footnotes 1-4) are addressed by material/evidence in support of the scheme, including the Heritage Statement.
- 6 - The Surrey Landscape Character Assessment is addressed by Mr. Connolley. The proposals are permissible in the context of this document.
- 7 - It is recognized that the Elmbridge SPD does not include Green Belt in character areas.

Appendix 3: Regulation 122 Compliance Note

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Regulation 122 Compliance Note

Although it is for the local authority to confirm that the planning obligations secured by the development are compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010, the following table is offered to assist the Inspector's appreciation of the matter.

Obligation	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
Affordable Housing	Yes - planning policy requires residential development to bring forward affordable housing, subject to viability.	Yes - the affordable housing forms part of the development proposals.	Yes - the quantum of affordable housing has been informed by viability assessment, in the context of delivering the comprehensive package of development as proposed.
Esher Railway Station	Yes - the proposal will assist in delivering more sustainable transport modes.	Yes - part of a package of measures to encourage sustainable transport.	Yes - the level of financial contribution is considered appropriate by the local highway authority, and it is not disputed by the appellant.
Community Use Agreement	Yes - as it will secure a planning benefit/very special circumstance.	Yes - the obligation relates to Site C.	Yes - it is no more than necessary to create the benefit sought by the appellant.
Littleworth Common Management	Yes - it will address a potential impact identified on local ecology whilst bringing benefits.	Yes - residents of the development will be able to access Littleworth Common.	Yes - survey work, funded by the planning obligation, will confirm what management measures are necessary and a further (capped) contribution will deliver the improvements.
Travel Plan	Yes - it will encourage more sustainable modes of transport.	Yes - the travel plan will relate to future residents of the development and the racecourse.	Yes - the plan will apply to residents and the racecourse.

Appendix 4: The Principles of Appropriate Development

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Green Belt Appropriateness

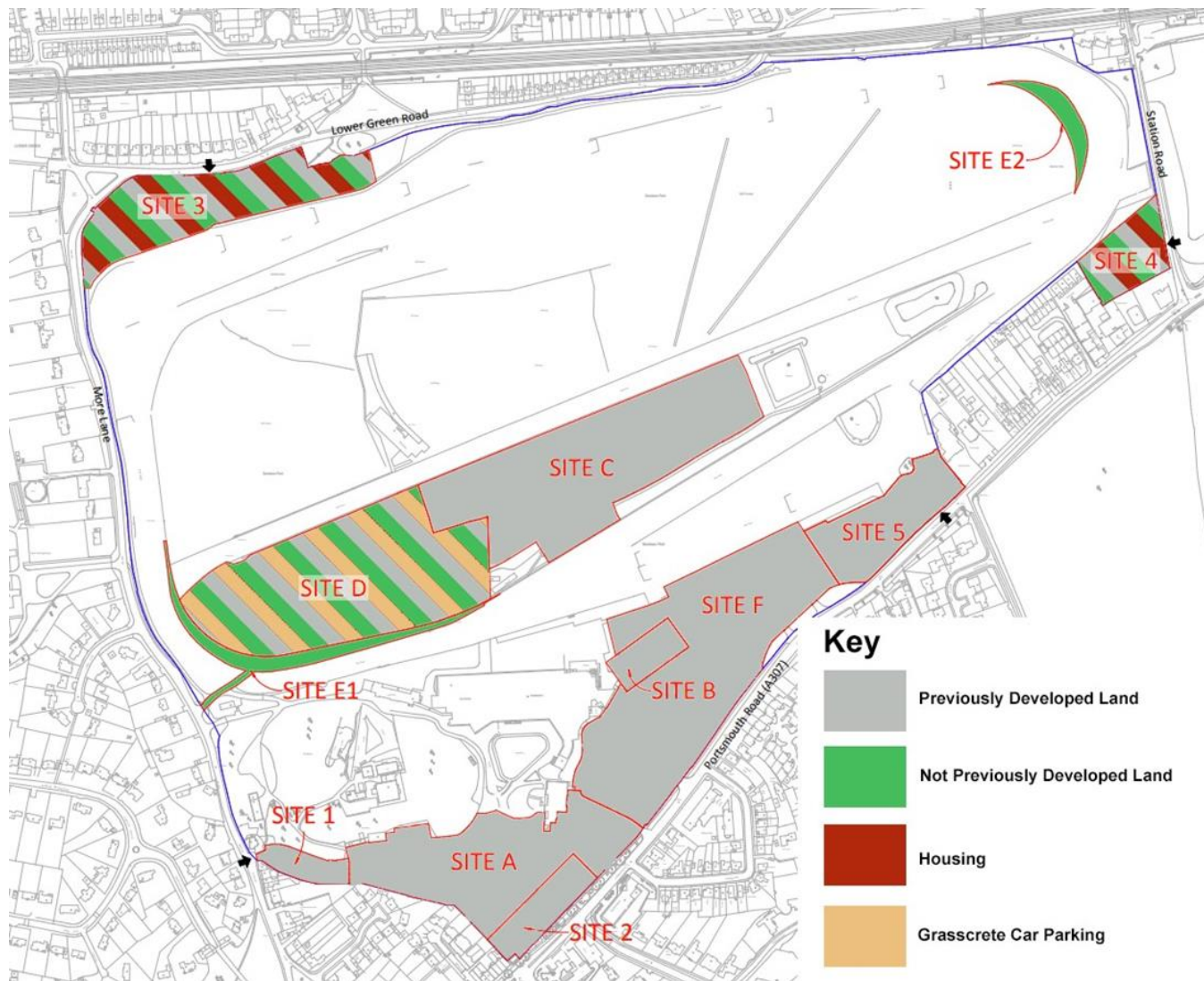
Site	Previously Developed Land	NPPF, Paragraph 145b (CD 2.1)	NPPF, Paragraph 145g (CD 2.1)	NPPF, Paragraph 146b (CD 2.1)
1	Yes ⁽¹⁾	Development is part of a single package to provide and sustain outdoor sport / recreation.	Redevelopment of previously developed land to provide affordable housing.	Not applicable
2	Yes ⁽¹⁾	Development is part of a single package to provide and sustain outdoor sport / recreation.	Redevelopment of previously developed land to provide affordable housing.	Not applicable
3	Yes (partial)	Development is part of a single package to provide and sustain outdoor sport / recreation.	Redevelopment of a partially developed site, which as part of the package (comprising previously developed land more generally), promotes affordable housing elsewhere in the development.	Not applicable
4	Yes (partial)	Development is part of a single package to provide and sustain outdoor sport / recreation.	Redevelopment of a partially developed site/infill development forming part of the package of sites which, comprising previously developed land more generally, promotes affordable housing elsewhere in the development.	Not applicable
5	Yes ⁽¹⁾	Development is part of a single package to provide and sustain outdoor sport / recreation.	Redevelopment of previously developed land, which as part of the package, promotes affordable housing elsewhere in the development.	Not applicable
B	Yes ⁽¹⁾	Development is part of a single package to provide and sustain, and be used in conjunction with, outdoor sport / recreation.	Redevelopment of previously developed land, which as part of the package, promotes affordable housing elsewhere in the development.	Not applicable
D	Yes (partial)	Development is part of a single package to provide and sustain, and be used in conjunction with, outdoor sport / recreation.	Ongoing use of previously developed land (in part), which in conjunction with the package (comprising previously developed land more generally), promotes affordable housing elsewhere in the development.	Car park works constitute engineering operations ⁽²⁾

Footnotes:

1 - Accepted by LPA (Statement of Case, Paragraph 6.15).

2 - See LPA's Statement of Case, paragraph 6.15.

Appellant's position on previously developed land (excluding racetrack widening works)



Previously Developed Land¹

- Site A - 2.20 ha
- Site B - 0.30 ha
- Site C - 3.30 ha
- Site F - 3.68 ha
- Site 1 - 0.24 ha
- Site 2 - 0.46 ha
- Site 5 - 0.99 ha

Sub-Total - 11.17 ha

Part Previously Developed Land¹

- Site 3 - 1.76 ha (0.43 ha previously developed²)
- Site D³ - 3.5 ha (0.50 ha previously developed²)
- Site 4 - 0.57 ha (0.09 ha previously developed²)

Sub-Total - 5.26 ha (1.02 ha previously developed²)

Total¹

Previously Developed Land - 12.19 ha

(excluding Site D³) - 11.69 ha (85%)

Not Previously Developed Land - 4.24 ha

(excluding Site D³) - 1.81 ha (15%)

Footnote 1: Areas are approximate

Footnote 2: Previously developed refers to the floorplate of existing buildings and hardstanding or equivalent, it excludes residential gardens

Footnote 3: Site D - no buildings proposed, ongoing use as car parking (with 57% hardstanding/grass-crete and 43% remaining as greenfield)

Appendix 5: The Impact of the Proposal on the Green Belt

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Green Belt Openness and Purpose

Site	Previously Developed Land ⁽¹⁾	Surrey Landscape Character Assessment (CD 3.19) ⁽²⁾	Arup Sub-Area Assessment 2018 (CD 3.9)	Settlement Area Boundary ⁽³⁾	Surrounding Area ⁽⁴⁾	Distance: Thames Ditton ⁽⁵⁾	Distance: Greater London ⁽⁶⁾	Proposal Relationship to the Gap ⁽⁷⁾
1	Yes	Urban Area	Not assessed	Esher	Esher	Circa 1.6km	Circa 3.4km	N/A - Development sits between site and the gap.
2	Yes	Urban Area	Not assessed	Esher	Esher	Circa 1.5km	Circa 3.2km	N/A - Development sits between site and the gap.
3	Yes (partial)	Urban Area (save for a small area to the south west in UW6)	Strongly performing (but disputed by the appellant)	Esher	Esher	Circa 1.5km	Circa 3km	Retained at 480m at western end of Racecourse.
4	Yes (partial)	Urban Area	Weekly performing; consideration for GB release	Esher	Esher/Thames Ditton, Long Ditton, Hinchley Wood and Weston Green	Circa 0.8km	Circa 2.4km	Retained at 200m/135m at eastern end of Racecourse.
5	Yes	UW6 - Lower Green to Weston Green and Littleworth Common	Not assessed	Esher	Esher	Circa 1km	Circa 2.6km	N/A - Development sits between site and the gap.
B	Yes	Urban Area (save for a small area to the east in UW6)	Not assessed	Esher	Esher	Circa 1.3km	Circa 3km	Retained at 480m at western end of Racecourse.
D	Yes (partial)	UW6 - Lower Green to Weston Green and Littleworth Common	Not assessed	Esher	Esher	Circa 1.5km	Circa 3.1km	N/A - Continued use as car parking which already exists on site in the gap.

Footnotes:

1 - See Footnote to Appendix 4 on PDL.

2 - The Surrey Landscape Character Assessment (CD3.19) is addressed by Mr. Connolley. The proposals are permissible in the context of this document.

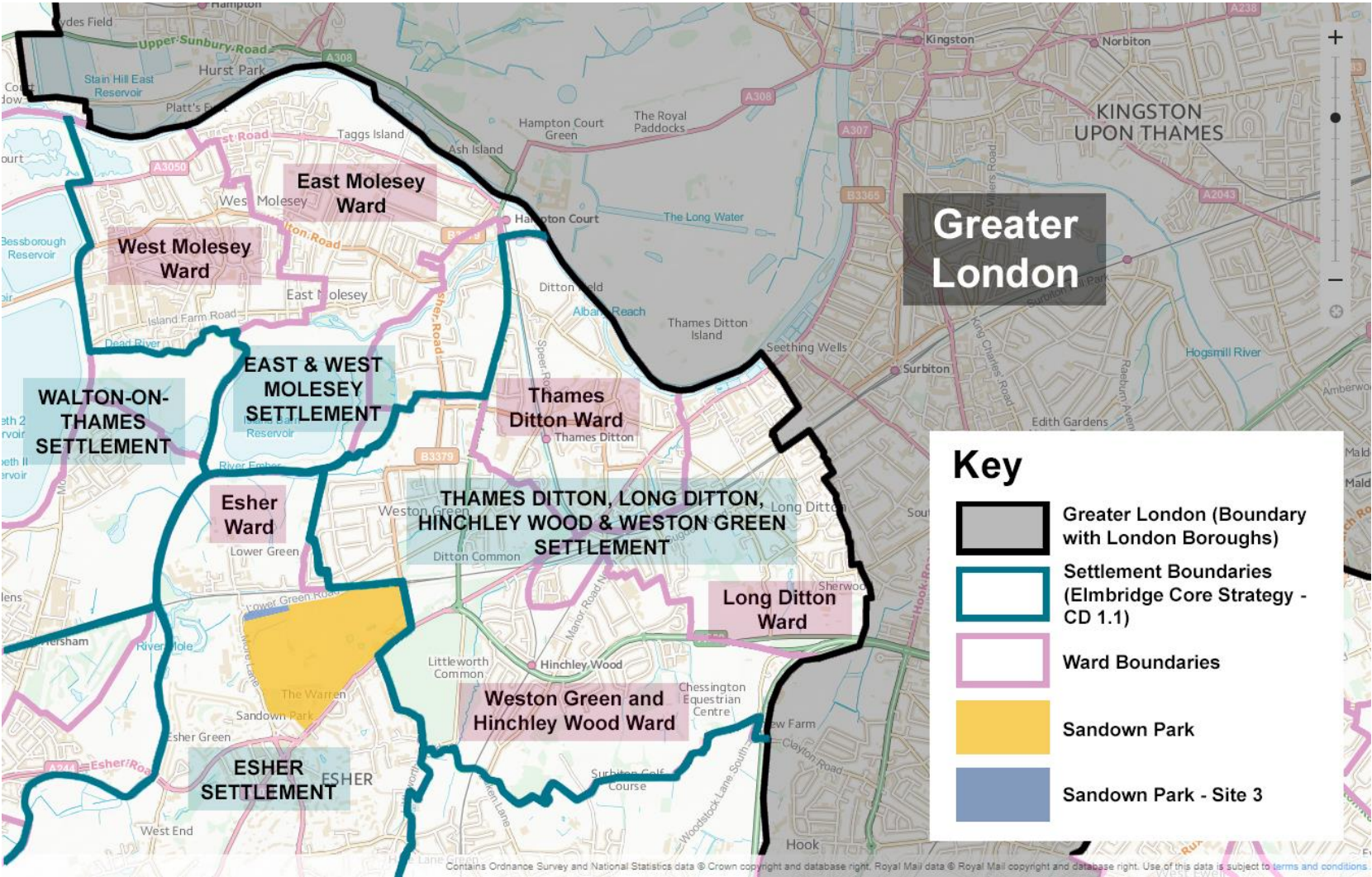
3 & 4 - As defined in the Elmbridge Core Strategy (CD1.1).

5 - Thames Ditton is selected (re: paragraph 6.8 of the Council's Statement of Case). Distances to Ward boundary.

6 - Distance to nearest London Borough (in response to the reference to Greater London in the Council's Statement of Case at paragraph 6.8).

7 - As referenced on Plan EDP2 - EDP Green Belt Review (CD 5.50).

Green Belt Openness and Purpose - Administrative and Policy Boundaries



Appendix 6: Site 3 Assessment

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Site 3 Assessment

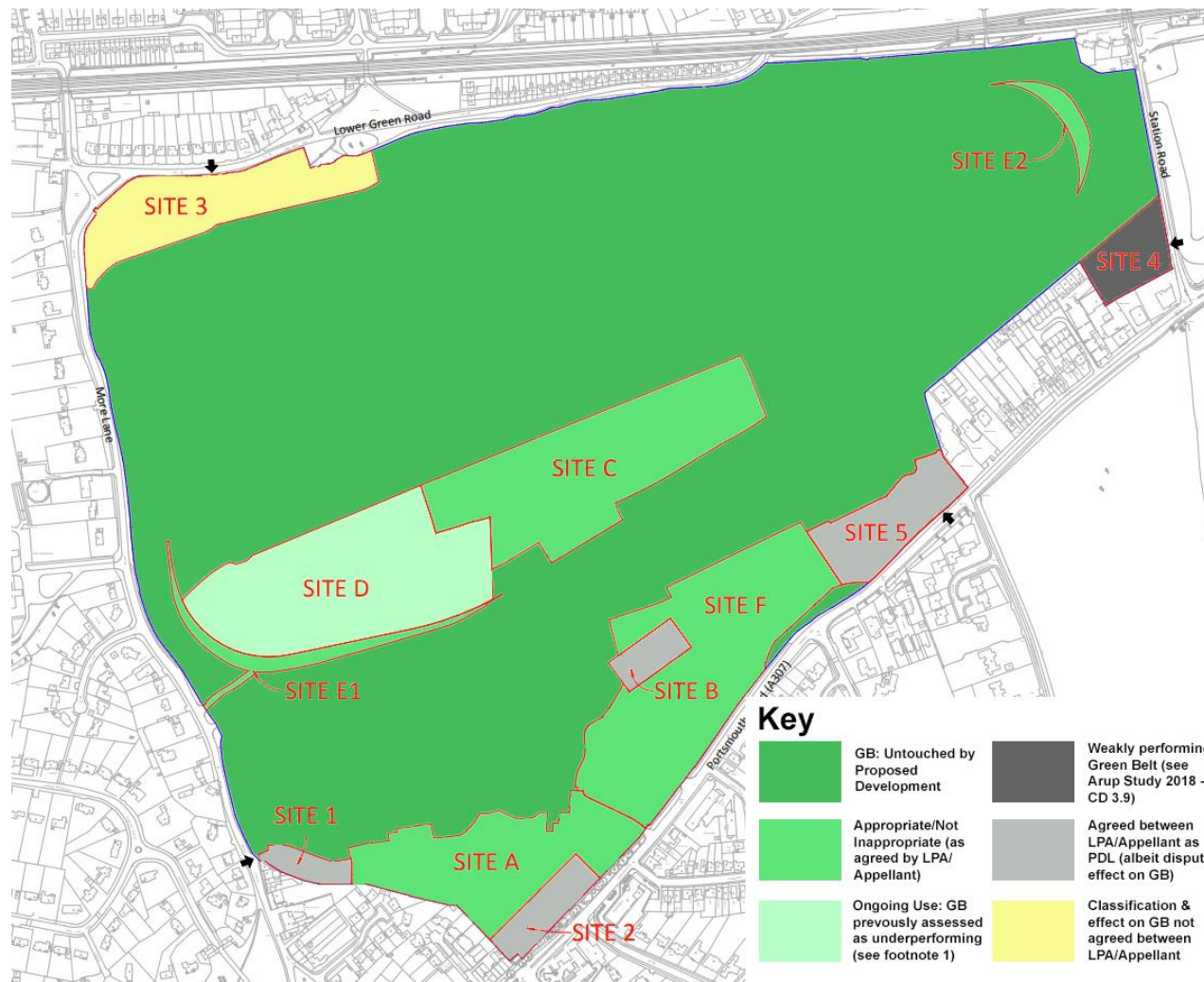
Indicator	Green Belt Boundary Review: Local Area Assessment: Forming Part of Area 52 (CD 3.8)	Green Belt Boundary Review: Sub-Area Assessment (CD 3.9) - Based on SA70	Commentary
Definition of Greater London (re: sprawl)	Large built up areas of Molesey, Long Ditton and Thames Ditton.	Weston Green and Lower Green.	There is no consistency on the definition of Greater London to inform the assessment of sprawl (notwithstanding Map 4.5 in CD 3.8). On either base, however, Site 3 will not contribute to sprawl. It is partially developed and divorced from Greater London (see plan in Appendix 5).
Greater London Boundary / Prevention of sprawl	Railway line and Lower Green Road.	Does little to prevent sprawl due to its small scale, proximity to development and weak intermittent boundary.	The boundary cannot form Lower Green Road and the railway line: it must be one only. The definition is confused, but either represents a permanent barrier to sprawl (rather than Site 3). Agree that Site 3 has no meaningful purpose in preventing sprawl.
Definition of towns / settlements (re: coalescence / merging with Esher)	Built up areas of Thames Ditton and Lower Green.	Weston Green.	There is no consistency on the definition of settlements: thus, the associated assessment process.
Gap between settlements	Essential gap / provides an important visual gap.	Important role in providing a gap between Lower Green Road and More Lane where the former is inferred to form part of Lower Green, with the latter falling in Esher.	The essential gap will remain (although the Racecourse is a large area of open land). However, Lower Green and Esher fall within the same settlement (of Esher). In this sense, there is no gap, nor any point on coalescence to address. However, any perceived gap between More Lane and Lower Green Road will be maintained. This is because there is already development on Site 3 and, further, Green Belt land (beyond the site) sits between the highways (notwithstanding that the two roads, already, are adjoined).
Ribbon development	N/A	Prevents ribbon development along Lower Green Road / More Lane and maintaining separation of the settlements.	The proposed development will not contribute to ribbon development. It will replace existing built floor space, without extending (broadly) further west than existing properties, whilst stopping short of the existing warehouse to the east of the site in the grounds of the Racecourse.
Character	Semi-urban.	Semi-urban.	The site has an urban setting (albeit, within the grounds of the Racecourse).

Appendix 7: Green Belt Context: Proposed Development

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Green Belt Context: Proposed Development



Footnote 1 - Assessment of the performance of the site in 9.7.2.12 of the local authority Committee Report (CD7.3)

Appendix 8: Housing Supply

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The Council's Housing Need and 5 Year Housing Land Supply (Discounts Applied)

Deliverable Housing Sites	Homes
Under Construction	592
Unimplemented Planning Permissions	1,037
Opportunity Sites 1-5 Years	715
Total	2,344
Annualised Supply	469
Years of Supply	3.13

Source: Authority Monitoring Report 2018/19

Affordable Housing Need and Delivery

Year	Delivered	Annual Requirement (Gross)	Annual Requirement (Net)	Deficit (Gross)	Deficit (Net)
2017/18	73	458	332	385	259
2018/19	57	458	332	401	275

Sources:

- Delivery: Authority Monitoring Report 2017/2018 and Authority Monitoring Report 2018/19
- Requirement: Strategic Housing Market Assessment for Kingston Upon Thames and North East Surrey Authorities June 2016

Footnote: table excludes units under construction

Appendix 9: Planning Benefits Table

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Planning Benefits

Benefit	Local Authority Position - October 2019 (Planning Committee Report)	Local Authority Position - June 2020 (Local Authority Statement of Case)	Appellant's Position	Appellant's Evidence (not exhaustive)
Need for improved racecourse facilities	Significant	Moderate	Significant	1. Evidence of Mr Gittus 2. JCR Statement of Case and Appendices 3. Application Green Belt Statement (Section 2) (CD 6.51)
Provision of a hotel	Significant	Limited	Significant	1. Evidence of Mr Gittus 2. Post-Consultation Supplemental Statement (Appendix 9) (CD 6.47) 3. Surrey Hotel Futures Study 2015 (CD 3.47) 4. Elmbridge Core Strategy Policy CS9 (CD1.1)
Economic Benefits	Not Assessed	Not Assessed	Significant	1. Evidence of Mr Gittus
Provision of market homes	Significant	Significant	Significant	1. Evidence of Mr Clarke (Appendix 8) 2. Appellant's Main Statement of Case (Section 5) 3. LPA AMR 2018/19 (CD3.13)
Provision of affordable housing	Significant	Moderate	Significant	1. Evidence of Mr Clarke (Appendix 8) 2. Appellant Main Statement of Case (Section 5) 3. LPA AMR 2018/19 (CD3.13)
Provision of the family / community zone	Limited	Limited	Significant	1. Evidence of William Gittus 2. Post-Consultation Supplemental Statement (Section 4 and Appendix 2) (CD 6.47)

Benefit	Local Authority Position - October 2019 (Planning Committee Report)	Local Authority Position - June 2020 (Local Authority Statement of Case)	Appellant's Position	Appellant's Evidence (not exhaustive)
Integration between the town centre and the railway station	None	Limited	Significant	<ol style="list-style-type: none"> 1. Evidence of Mr Lewin (Section 4) 2. Post-Consultation Supplemental Statement (Section 4) (CD 6.47) 3. Application Green Belt Statement (Section 9) (CD 6.51)
The site's sustainable location	Moderate	None	Significant	<ol style="list-style-type: none"> 1. Evidence of Michael Lewin 2. Appellant's Transport Statement of Case 3. Application Green Belt Statement (Section 3) (CD 6.51)
Landscape / Arboricultural benefits	Not Assessed	Not Assessed	Significant	<ol style="list-style-type: none"> 1. Evidence of Mr Connolley 2. Arboricultural Statement (October 2020) by Tyler Grange
Ecological benefits	Limited	Limited	Significant	<ol style="list-style-type: none"> 1. Ecological Statement (October 2020) by Tyler Grange 2. Appellant's Main Statement of Case (Section 14)
Heritage benefits	Limited	None	Significant	<ol style="list-style-type: none"> 1. Heritage Statement (October 2020) by EDP 2. Appellant's Main Statement of Case (Section 14)
Re-provision of the nursery	Limited	Limited	Moderate	<ol style="list-style-type: none"> 1. Appellant's Main Statement of Case (Section 14) 2. Post-Consultation Supplemental Statement (Section 4) (CD 6.47)
Interpretation boards	None	None	Limited/Moderate	<ol style="list-style-type: none"> 1. Application Heritage Statement (Section 6) (CD5.39) 2. Application Green Belt Statement (Section 9) (CD 6.51)

Appendix 10: Rule 6 Party Response

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Rule 6 Party Comments

1. The objections raised by the Rule 6 Party (SPAG) have been expressed in its Statement of Case of July 2020. However, the objections within the Statement of Case fail to follow the clear guidance of PINS in its procedural guide relative to planning appeals. In particular, the Statement amounted to little more than generalised criticisms of the proposal and its supporting submissions. The appellant has asked for further detail relative to the Rule 6 case, and in the interim reserves its position to respond to any new evidence circulated, but at this stage the following response is offered to the Statement of Case, such as it is.
2. Paragraph 1.3 - the proposals “appear to have little regard for either the context or the environment it seeks to develop”. It is unclear, at this stage, what aspect of the proposal, or the application/appeal submissions, that SPAG is concerned with. However, the application and appeal were submitted with a full suite of drawings and technical studies, appropriate to the proposal’s outline nature. Attention is also drawn to the evidence of Mr Connolley.
3. Paragraph 1.4 - “this approach has resulted in an abomination of expedient development proposals that have become detached from their Planning Policy context by the financial argument to support a business plan”. It is unclear, again, what element of planning policy is alleged to be offended in these terms, but the application and appeal submissions fully and transparently set out the context of the development proposals in terms of JCR’s aspirations for Sandown Park, and they address planning policy in detail.
4. Paragraph 2.1 - “The Group contends that the absence of any visual impact studies of the Jockey Club’s proposals has too easily allowed mitigating arguments in their favour, to hold sway”. Further clarification has been sought relative to this matter, however the proposal was supported by a Landscape/Visual Impact Appraisal which addressed visual impact.
5. In this context, and whilst clarification is sought from SPAG, it is clear that the comments made in the Rule 6 Statement of Case are entirely unsubstantiated, and do not raise any matters which would suggest that planning permission be refused. Rather, the Appellant’s case has been fully supported by evidence and related submissions which covers the range of policy matters in this case. This indicates that the appeal should be allowed, contrary to the Rule 6 Party’s position.

Appendix 11: Public Comment Response

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Main Issue	Summary of Issues Raised	Principal Response ¹
Green Belt	<ul style="list-style-type: none"> The proposed development is inappropriate development. Loss of essential green space. Sabotage of the Green Belt. The primary objective of Green Belt policy was to restrict development and the report by Arup referencing “underperforming Green Belt” may be seen as a work of creative fiction. The development will result in uncontrolled urban sprawl, urban creep, reduction in the gap between Esher and Thames Ditton, and damaging the feeling of “countryside.” Breach of national and local planning policy in relation to well-performing Green Belt land and it would set a dangerous precedent increasing the risk of development on other Greenbelt sites in Esher, Thames Ditton and Claygate. Loss of openness. Any development on Green Belt should only be allowed if the benefit is for most of the community and the Jockey Club’s “special circumstances” are not special in any way. There are no very special circumstances. Weighting and balancing exercise contained in the Officers’ report has a series of fundamental errors. 	The “appropriateness”, the development’s impact on the Green Belt and the very special circumstances arising are addressed in the Proof of Evidence of Robert Clarke
Traffic / Public Transport	<ul style="list-style-type: none"> Increase in traffic and congestion the town which is a total bottleneck on race days. The proposed number of accesses will impact on the local traffic condition with limited parking facilities which will have an adverse effect on the businesses in the town. Residential and hotel development will have an impact on the commute to the hospital, and other local journeys to schools, doctors and dentists, due to the road and traffic pressure. The high density development will generate more traffic on overcrowded Portsmouth Road with possibly up to 500 cars onto the high street. Increased traffic will make it harder and dangerous for getting out of Warren Close. The proposed development on Site 3 will lead to road accidents as cyclists come round the bend the bottom of More Lane at speed and the new access road will be only 75m from the blind corner of More Lane and Lower Green. The proposed use of the centre of the course as car park will lead to a far greater proportion of race traffic on More Lane, Esher Green and Lower Green Road. The proposed new entrance to Site 1 is a potential safety hazard. The proposal will result in the loss of two parking spaces outside no 54 Esher Green. It has not been demonstrated that the traffic impact is sufficiently mitigated. Insufficient car parking for residential development. There is no junction modelling assessment and the transport assessment and travel plans submitted are not sufficient to satisfy the key transport tests in the NPPF. Trains are already seriously overcrowded during peak hours and there is not enough capacity to support the occupants of the proposed development. More Lane and Lower Green Road are effectively single lane due to cars parked and the proposal will add to the congestion and the gridlock. The accident hotspot at the junction of More Lane and Lammas Lane will become more congested. Increased traffic would/may result in a loss of footfall in the high street. 	The impact of the proposal on the local highway network, highway safety, parking matters and public transport provision are addressed in the Proof of Evidence of Michael Lewin

Main Issue	Summary of Issues Raised	Principal Response ¹
	<ul style="list-style-type: none"> The junction of Station road and Portsmouth Road is already busy and a new exit road from the site by Cafe Rouge will cause increased congestion. More Lane and Lower Green Road already suffer from significant obstruction and disruption to traffic including cyclists, due to school drop off/pick up related parking. 	
Affordable Housing / Viability	<ul style="list-style-type: none"> The level of affordable housing proposed does not comply with the Local Plan. The viability assessment is fundamentally flawed, as it does not take account of the value of the new facilities, it assumes the new works creating no extra income, the hotel creating a land value without taking account of future revenue, no income from the operation of Sandown to fund the works, and taking no account of any other income available to the Jockey Club. The Council could be left with no affordable housing provided at all, if the Jockey Club intends to undertake further negotiations on the affordable housing element. There are no mechanism being proposed to capture any receipts from land sales to reinvest in Sandown alone. 	Matters of affordable housing and viability are addressed in the Proofs of Evidence of Nicholas Fell and Robert Clarke
The built form, design, character and views	<ul style="list-style-type: none"> The development of an already over developed area. Site 2 is monstrous. The application provides limited information and lack of understanding of local context and contrary to the “Building Better, Building Beautiful Commission” report, seeking to “refuse ugliness”. The design approach is simply wrong as the proposal seeks to clap over scaled, ill considered, additions onto the face of a familiar and well-loved local area. Only indicative drawings are submitted. This is not enough to properly assess the impact on the character of the town. 4-6 storeys are inappropriate for Esher. The removal/reduction of the tree screen between Lower Green Road and the racecourse perimeter would affect the local character transforming it from rural to suburban. The scheme should not be presented in an outline application lacking details. Due to the land level, the proposed development on site 2 would be the equivalent of 5 floors from the road level. The proposed flatted development is not attractive, and there should be a mixture of luxury apartments and affordable flats. The scheme is out of proportion for Esher and its scale is not in keeping with the surrounding area and the character of the area. Skylines will be altered for many. Loss of views across the racecourse. 	The impact of the proposal on the character of the area is addressed in the Proof of Evidence of Ben Connolley, matters relating to the level of information included in the application are addressed in the Proof of Evidence by Robert Clarke, other matters relating to design are addressed the Design and Access Statement submitted with the application
Infrastructure	<ul style="list-style-type: none"> Infrastructure is inadequate to cope with the development. The development will put pressure on community resources such as GP surgeries, school places and general use of amenities. 	These matters are addressed by the development’s contribution to CIL, and through planning obligations and conditions
Air Quality	<ul style="list-style-type: none"> Increased level of air pollution. The loss of trees will add pollution along Portsmouth Road. 	Addressed in the Air Quality Statement by Redmore Environmental Ltd
Ecology	<ul style="list-style-type: none"> Impact on the natural environment. The proposal will have an impact on the local wildlife, habitat and travel corridors. The proposal will be a threat to the wildlife, the birds, hedgehogs, field nice, foxes etc which live in and around the area of the racecourse. 	Addressed in the Ecology Statement by Tyler Grange

Main Issue	Summary of Issues Raised	Principal Response ¹
Trees	<ul style="list-style-type: none"> The removal of trees (TPO) on the nursery relocation site would be illegal. Loss of trees (some of which have TPOs). Replacement trees will take 20 years to mature. 	There are no proposals to remove TPO trees as part of the development. Other tree-related matters are addressed in the Arboricultural Statement by Tyler Grange
Heritage	<ul style="list-style-type: none"> The proposal contravenes policies DM12 and DM2. Impact on historic environment. Impact on the Esher Green Conservation Area. Impact on Locally Listed Buildings (Horseshoe Nursery - Esher's former Toll House). 	Matters of heritage impact are addressed in the Heritage Statement by EDP
Noise	<ul style="list-style-type: none"> The loss of trees will add noise along Portsmouth Road. During summer, music from Sandown is a concern. The noise assessment suggests that there will be at least a medium impact on noise at site 2 and that the development might be refused on these grounds. The noise assessment points out that the hotel may produce a significant increase in noise levels. 	Matters of noise impact are addressed in the Noise Statement by Sharps Redmore
Flooding	<ul style="list-style-type: none"> Increased Flood Risk (Lower Green Road). The removal of the tree screen between Lower Green Road and the racecourse perimeter and the proposed hardstanding for this area will increase the flood risk, as Culverts have not proved sufficient as can be seen from Cobb Green and the road flooding. If the project proceeds, then the development should be moved by approximately 25 yards south. 	Matters of flood risk are addressed in the Flood Risk Assessment submitted with the planning application
Amenity	<ul style="list-style-type: none"> Overlooking and loss of privacy for those living near the racecourse. Impact of the development of Site 2 on existing residential property at 2A Warren Close due to its proximity and the height of the development, in terms of the loss of light, overshadowing and loss of privacy. 	The proposed development will be designed in a manner that prevents overlooking and loss of privacy, and neighbouring dwellings are sufficiently far from the proposals for this not to be a matter of concern in principle. Matters of residential amenity, particularly Sunlight and Daylight, are addressed in a letter from Dan Tapscott of Rapleys within this appendix
Proposed enhancement works and their need	<ul style="list-style-type: none"> Provision of a hotel is unnecessary. The proposed buildings have been designed for the convenience of the Jockey Club with little or no regard for the local community. The proposed upgrades of Sandown Park facilities could easily be funded from profits and reserves as was done previously at Epsom and Cheltenham, and therefore does not constitute a very special circumstance. There is no guarantee that the Jockey Club would not return in future asking for more development to finance further growth/profit in future. 	The need for the enhancement works, their costs and the benefits arising are addressed in the proof of evidence of William Gittus, the planning benefits of the proposal are also addressed in the Proof of Evidence of Robert Clarke

Main Issue	Summary of Issues Raised	Principal Response ¹
	<ul style="list-style-type: none"> There is no detailed evidence as to the financial position regarding the totality of the Jockey Club's business and why £48.1m operating profits (2018) cannot be used for Sandown, rather than demanding prize money. There is no evidence as to why land at other venues should not be sold rather than land at Sandown. The residential development would appear to be far in excess of the likely actual cost of the desired basic refurbishment of the stabling and the grandstand which has not been quantified. To fund the proposed refurbishment, only a total of £11m is required. Of this, only £1m repairs to the stables was urgently needed. There are no benefits to the community. 	
Relocation of the nursery	<ul style="list-style-type: none"> Relocation of the nursery disregards the children's health. 	The relocation of the nursery to provide new and modern facilities can only benefit children's health.
Other	<ul style="list-style-type: none"> The Statement of Case should not reference Covid-19 and should be based solely on the social and economic conditions that were in place at the time of the application to the Council. The applicant submitted insufficient, inaccurate and misleading information and errors in the Jockey Club's own financial documentation. A case is made for the registration as Common part of Site 3, which should have been registered as such under Commons Registration Act. 	These matters are either not correct, or disputed by the Appellant, or both. The matter raised relative to the Commons Registration Act is not relevant to the planning merits of the development proposals.

Footnote 1: Further details, in response, can be found in the evidence base supporting the proposals. Some of the matters being raised are not planning matters.

DT/20-01471

19 October 2020

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Sent by email only

Dear Robert

Re: Proposed Development at Sandown Racecourse, Portsmouth Road, Esher, Surrey KT10 9AJ - Response to objections from 2a Warren Close

You have provided me with copies of the outline proposals for 'Site 2' and 'Site A' in respect of the above and further to an objection on the grounds of overshadowing and loss of sunlight I can confirm my thoughts as follows:

Background information

My review has been on a desktop basis, having regard to online aerial imagery and bearing in mind the preliminary review criteria outlined within BRE Report 209: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2nd Edition 2011). This guidance is regarded as industry standard for local authorities and designers in considering the impact of Daylight & Sunlight from a proposal. My review has been on the basis of the following drawings prepared by PRC:

- 11071/PL_102 – Site 2 Parameter Plan;
- 11071/PL_106 – Site A Parameter Plan;
- 11071/PL_202 – Site 2 Indicative Layout;
- 11071/PL_206A – Site A Indicative Layout;
- 11071/PL_302 – Site 2 Indicative Section;
- 11071/PL_402 – Site 2 Existing OS;
- 11071/PL_402 – Site 2 Existing OS;
- 11071/PL406 – Site A Existing OS;
- 11071/PL_502 – Site 2 Topographical Survey;
- 11071/PL_506 – Site A Topographical Survey;
- 11071/PL 602 – Site 2 Existing Block Elevation;
- 11071/PL 606-1 Site A Existing Block Elevations Sheet 1 of 3;
- 11071/PL 606-2 Site A Existing Block Elevations Sheet 2 of 3; and
- 11071/PL 606-3 Site A Existing Block Elevations Sheet 3 of 3.

In addition, I have reviewed the Elmbridge Local Plan dated April 2015 and note the requirement for protecting the amenity of adjoining and potential occupiers and users with development proposals that should be designed to offer an appropriate outline and provide adequate daylight, sunlight and privacy (Universal Policy DM2 – Design and amenity).

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REGULATED BY RICS

The objection has been raised by the owner / occupier of 2a Warren Close, a two storey semi-detached residential dwelling located to the southwest of the development site. Its rear elevation overlooks its garden which extends approximately 12m to the boundary which is flanked by a row of single storey stables with mono-pitched roofs sloping away from the boundary. Therefore at the boundary, the rear elevation of the stables can be described as being 1.5 storeys in height (circa 4.5m according to the topographical drawing supplied).

The 'Site 2' proposals are for the demolition of these stables as well as the 2 storey Sandown Park Lodge building that 2a Warren Close overlooks. Thereafter, a new residential development is to be constructed that will be arranged predominantly over 3 storeys, with three 4 storey elements set back from the front elevation and extending slightly into the landscaped 'deck' at the rear to accommodate level changes from the front, Portsmouth Road facing elevation. None of the proposed buildings themselves will flank or directly overlook 2a Warren Close.

Adjacent to 2a Warren Close, the 'Site A' proposals comprise the provision of a horse box car park and associated landscaping. No additional massing is proposed. Replacement stables, a pre-parade ring and facilities for racing staff (including a hostel) are also proposed on this site, but the illustrative scheme submitted with the application indicates that they are well away from 2a Warren Close and too far from this property to have any impact.

Findings

The rear elevation rooms and windows at 2a Warren Close currently enjoy very good levels of Daylight & Sunlight amenity; this will be higher than a significant proportion of its neighbours in this urban setting. This will be due to the relatively open arrangement of 'Site 2' and 'Site A' presently with only the existing Sandown Lodge building as well as the row of stables flanking the rear elevation. With the demolition of these structures there will be further improvement, with the removal of these obstructions.

The 3 storey part of the development, at its closest point, is measured as being 22m away and the 4 storey section, 27.5m away from the rear elevation of 2a Warren Close. Although, these will not directly overlook the neighbouring property.

The combined effect should improve the passage of light via the demolition of the existing structures which shall mitigate against the new massing, which does not directly overlook or flank the neighbouring property and is positioned a reasonable distance away from the boundary.

The BRE guidance includes a preliminary assessment where a 25 degree line is drawn from the lowest level window facing a development site. As the new buildings do not face this neighbouring property, the section drawing will only illustrate the improvement following the demolition of the existing structures.

In terms of overshadowing, again, there will be some improvement following the demolition of the stables resulting in a more conventional boundary treatment (a typical fence being 1.8m high), compared with a circa 4.5m of obstruction. The 4 storey element of the proposal closest to this property shall cast some additional shadow to the garden at 2a Warren Close. However, due to the orientation of the proposal to the east, the track of the sunpath will mean that any impact shall be minimal, between sunrise and the very early part of the day. During the times of day from mid-morning onwards, when the garden is more likely to be used, the new massing will not impact upon the use of the space or the amenity of this neighbour.

Conclusion

I do not believe the proposed massing of the 'Site 2' proposals are likely to adversely impact this neighbouring property. The 'Site A' proposals, with the demolition of the stables adjacent to 2a Warren Close will only result in improving the levels of Daylight & Sunlight amenity to this property, and no other element of the development proposals on this site will have any impact. I do not believe that a full study is warranted.

I trust you will find the above useful and I remain available should you or the Local Authority have any queries or wish to discuss matters further.

Yours sincerely

Dan Tapscott

BSc (Hons) MRICS

Partner & Head of Neighbourly Matters

Building Consultancy Group