

Main Statement of Case Appendix 12

# REPRESENTATIONS TO THE EMERGING LOCAL PLAN

JAL/385/12/6

30 September 2019

33 Jermyn Street  
London SW1Y 6DN

0370 777 6292  
info@rapleys.com  
rapleys.com

Planning Policy  
Elmbridge Borough Council  
Civic Centre  
High Street  
Esher  
KT10 9SD

LONDON  
BIRMINGHAM  
BRISTOL  
CAMBRIDGE  
EDINBURGH  
HUNTINGDON  
MANCHESTER

Dear Sir/Madam

**Re: Elmbridge Local Plan: Draft Options Consultation 2019**

1. We act on behalf of Jockey Club Racecourses Ltd ('JCR') and have been instructed to submit representations to the current consultation on the emerging Elmbridge Local Plan Strategic Options consultation document (referred to hereafter as the "consultation document").

2. By way of background, JCR is the owner and operator of Sandown Park Racecourse. Sandown Park is an established nationally recognised leisure, sporting and recreational destination for outdoor sports with facilities for conferences, banqueting and exhibitions, as well as being a key employer in Elmbridge. JCR is committed to its ongoing and future operation. To this end, a hybrid planning application has been submitted for a range of enhancements to the racecourse and community facilities, including:

- Substantial upgrading and renovation works to the main grandstand, conference and banqueting facilities;
- The replacement of the existing outdated stables and associated supporting facilities;
- Improvements to the accessibility and sustainability of the site and facilities for all modes of transport including pedestrians, cycles, public transport, car sharing and taxis;
- A high quality family/community zone;
- A modern high quality "midscale/upscale" hotel;
- Essential track widening;
- A modern, replacement day nursery, and
- Significant environmental and other associated improvements (including the landscaping and remodeling of car parking areas).

3. These enhancements will be facilitated by the returns from residential development on five fringe sites within the current racecourse boundary, comprising a total of 318 dwellings. These sites are indicated on the plan appended to this letter (Appendix 1), and are annotated Sites 1 to 5.

4. Notwithstanding the intention to secure planning permission before the anticipated Local Plan adoption date of January 2021, the emerging Local Plan should fully recognise Sandown Park's contribution to the Borough as a major leisure, sporting and recreational destination of national significance, and should support JCR's vision of delivering a competitive and sustainable future for the racecourse (to include hotel use) so that it is able to compete not only with other racecourses but also with high quality leisure, sporting and recreational uses and developments elsewhere. It is noted that Officers consider that significant weight should be given to the economic benefits arising in this instance from the retention of the viable operations on the site (see Officer Report to planning application 2019/0551).

5. We therefore request that the contents of these representations are taken into account in the current consultation on the development options in the Local Plan. However, in advance of reviewing the consultation document, it is noted that two of the development options within the consultation document make reference to the potential of meeting some of Elmbridge's needs in neighbouring authorities through the duty to co-operate. Contrary to policy in NPPF (2019) paragraph 27 and national planning practice guidance, no information has been published relative to the potential for this (or otherwise). In this context, JCR reserves the right to make further comment if discussions with neighbouring authorities have any implications on the Borough's housing requirement during the plan period and if any statements are published. In the absence of any information at this stage, however, it can only be assumed that there is no agreement in place or any likelihood of neighbouring boroughs absorbing even a small percentage of Elmbridge's housing need.

#### **Commentary relative to the published consultation options**

6. The need for housing during the plan period has been calculated, using the Government's standard methodology at 9,345 new homes, equivalent to 623 per year. As recognised in the "Myth Busters" section of the consultation document, when preparing a local plan, the Government expects local authorities to meet housing need, as calculated using the standard methodology, in full. A variety of homes to meet the needs of different groups in the community should be provided. This includes affordable housing for which there is a considerable need in the area (332 dwellings per annum, against 326 in total being delivered over the 5 years since 2013) and subject to viability considerations the development of the sites proposed, at Sandown Park, can provide a valuable contribution towards meeting such need. This is of particular relevance having regard to the fact that the proposed residential sites largely comprise previously developed land and therefore would be appropriate development in accordance with the NPPF. We note that Officers, in this context, consider that significant weight should be given to the provision of affordable housing as well as smaller one to three bedroomed residential units in the Borough (see Officer Report to planning application 2019/0551). Meeting identified housing need, as calculated through the standard methodology, should be the starting point of any future Elmbridge Local Plan.

7. When considering how to meet this need, the local authority should take a sequential approach (in principle) when identifying sites, as below:

1. In the first instance, previously developed land in urban areas, outside the Green Belt, in sustainable locations (for example, near existing town centres, transport nodes and on or close to public transport corridors);
2. Non-previously developed land outside the Green Belt in urban areas, in sustainable locations;
3. Other non-Green Belt land, in less sustainable locations than 1 and 2 above, within established urban areas;
4. Previously developed land within the Green Belt, albeit in sustainable locations;
5. Non-previously developed land within the Green Belt in sustainable locations, and
6. Finally, other Green Belt land in non-sustainable locations.

8. The total capacity of tiers 1 to 3, comprising the Borough's urban areas, has been calculated at 6,299 dwellings in the local authority's 2018 Land Availability Assessment, albeit quoted as being approximately 5,300 within the consultation document. In this context, in order to meet the Borough's identified housing need, between 3,000 to 4,000 dwellings would need to be delivered from tiers 4 to 6 – i.e. from the Green Belt during the plan period. As such, it is clear that any future Local Plan will need to focus on accommodating housing needs in existing urban areas, with the inevitability of some Green Belt releases, if Objectively Assessed Need (OAN) is to be met, as required by Government policy.

9. However, when releasing land from the Green Belt to meet identified housing need, and in line with the sequential approach, the local authority needs to ensure that only the most sustainable Green Belt sites are released (and therefore focus on tiers 4 and 5). From review of the local authority's evidence base, and specifically some of the sites within the Green Belt that the local authority have identified as poorly performing against the purposes of including land within it (as identified in the NPPF), it is clear that many of them are not previously developed, in relatively unsustainable locations away from existing public transport nodes and centres and should therefore be rejected in favour of more sustainable sites, particularly those which are identified to be available.

10. In this context, the following commentary is offered relative to the five options identified:

- **Option 1** involves accommodating all of the Borough's housing need within existing urban areas. However, given that the local authority's evidence base indicates that the urban area does not have the capacity to accommodate this level of new housing, this option will either cause physical, environmental and potentially social harm to the urban area (for example, by building on allotments and playing fields as well as causing town cramming), or will prove undeliverable (or both).
- **Option 2** does not propose to meet all the Borough's housing need, whilst proposing significant Green Belt release which includes sites which are not-previously developed, nor in sustainable locations. This option is therefore contrary to Government policy in the NPPF.
- **Option 3** proposes to significantly exceed meeting all of the Borough's housing needs, but through widespread Green Belt release, including on sites which are not previously developed, and in relatively unsustainable locations. This option is undeliverable and will cause environmental harm, albeit the merits of the proposed residential sites, at Sandown Park, should still be recognised (having regard to the evidence base supporting the application 2019/0551).
- **Option 4** aims to deliver housing entirely within existing urban areas pursuant to the capacity identified in the Land Availability Assessment, which evidently falls far short of the identified housing need. This option is therefore contrary to Government policy in the NPPF as the need is not met.
- **Option 5** involves delivering housing within existing urban areas, pursuant to the capacity identified in the Land Availability Assessment, supplemented by Green Belt release in order to meet housing need. Although the extent of Green Belt release is smaller than that proposed in Option 3, it still includes sites which are not previously developed, and in relatively unsustainable locations. The option also fails to recognise the evidence base, where Site 4 at Sandown Park is acknowledged to be weakly performing Green Belt but is yet to be included on the Plan accompanying Option 5 for Green Belt release. Overall, the option is therefore contrary to Government policy in the NPPF.

11. As a result, it is considered that none of the options presented within the consultation document are appropriate. Instead, the local authority should pursue an option (in an attempt to meet its needs) which falls between the approaches adopted in Options 4 and 5 (which might be referred to as “Option 4 plus”, or “Option 5 minus”), which:

- Focuses housing within existing urban areas and settlement boundaries, supplemented by:
- The release of sustainable sites from the Green Belt which also least meet the purposes of including land within the Green Belt.

### **Sandown Park – Residential Sites**

12. As part of the above Option 4 plus/5 minus, the five sites (indicated as 1-5 on the plan in Appendix 1) adjacent to Sandown Park Racecourse should be released from the Green Belt, and allocated for residential development. In the context of the sequential approach, it must be recognised that:

- Four of the five sites (Sites 1, 2, 3 and 5) are previously developed land, and development at Site 4 would represent a continuation of (and therefore respect) existing patterns of development, and
- All five sites are in highly sustainable locations, between Esher and its railway station (and as such are close to an existing centre and a transport node, as well as public transport corridors).

13. On this basis, Sites 1, 2, 3 and 5 all fall into tier 4 of the sequential approach, with Site 4 falling into tier 5.

14. In terms of the purposes of including land within the Green Belt, and with reference to supplementary work supporting the local authority’s Green Belt Boundary Review (December 2018) (“the Review”), the following should also be recognised and accepted by the Council:

- Site 4 is found in the Review to perform weakly in terms of meeting the purposes of including land within the Green Belt, and it is recommended that this site be further considered for release from the Green Belt for the purposes of housing development for which there is a clear need.
- Although Site 3 is found in the Review to perform strongly overall, more detailed inspection of the analysis indicates that it is only found in the Review to perform strongly in terms of one of the three purposes (no. 2). In addition, the more detailed analysis itself is flawed. As such, Site 3 performs weakly overall, in terms of including land within the Green Belt – further commentary relative to this matter is considered later in this submission.
- Sites 1, 2 and 5 are not reviewed at all within the published supplemental work. However, they are all well integrated within existing patterns of development, and buildings (in terms of Esher Centre, development on Portsmouth Road and the racecourse grandstand and other structures within the racecourse boundary). As such, it is not considered that they meet the purposes of including land within the Green Belt, and should therefore be removed from it. Further, it is recommended that they be considered for release from the Green Belt for the purposes of housing development for which there is a clear need.

15. The principle of releasing Sites 1-5 from the Green Belt is reinforced by the local authority’s 2018 Land Availability Assessment, which:

- Discounted all Green Belt sites for the purposes of initial assessment, but – in parallel – continued to include a list of Green Belt sites that could be assessed at a later stage of plan preparation, and (in this context)

- Identified, within the above list, Sandown Park, as a suitable, available and achievable opportunity for 300 residential units (as well as a 150 bed hotel).

16. It should also be noted that the residential sites at Sandown Park are proposed in support of significant physical enhancements to the adjacent Racecourse, which will generate substantial additional planning benefits as a result of their release from the Green Belt, not least by:

- Sustaining the economic future of the Racecourse, a major leisure, sporting and recreational destination of national significance and key job creator in the Borough, and
- Bringing wider economic, social and environmental benefits to the Borough.

17. All five sites should therefore be released from the Green Belt, and allocated for housing.

### Site 3

18. As previously confirmed, the Review is flawed in its assessment of Site 3 (annotated as “Sub-area 70”) – in particular:

- The overall assessment of meeting the purposes of including land within the Green Belt, in the context of the more detailed commentary supporting this conclusion, and
- In its more detailed assessment, not least in terms of purpose 2 (see above and below).

19. The overall categorisation of this site, within the Review, finds that “it meets the assessment criteria strongly, and makes an important contribution to the wider strategic Green Belt”. On this basis, further analysis is not recommended by the Review. This conclusion is not supportable, nor is the decision not to undertake further analysis.

20. **Overall categorisation** - of the three purposes reviewed in support of this conclusion, the site is found by the Review to perform strongly only in relation to one purpose - purpose 2 (preventing neighbouring towns from merging). In terms of purpose 1 (checking the unrestricted sprawl of settlements), it is found by the Review that the purpose is merely met i.e. not strongly, and in terms of purpose 3 (safeguarding the countryside from encroachment) the purpose is found by the Review to be relatively weakly met. In this context, the conclusion of the assessment by the Review significantly overstates how much the site contributes to the purposes of including land within the Green Belt, in the context of the more detailed analysis supporting it.

21. Further, the more detailed analysis places significant weight on the contention that Site 3 lies between Greater London (Weston/Lower Green) and Esher. However, this is unsupported on the following grounds:

- **Administratively** - in the first instance, Weston and Lower Green clearly fall within Elmbridge Borough, within the non-metropolitan county of Surrey. This has been the case for many years and no circumstances have recently changed to determine otherwise. As such, they lie outside the Greater London Authority (GLA) boundary, and by this yardstick not in Greater London. Further, More Lane, Sandown Park, Site 3 and Lower Green to the north of the Racecourse all form part of Esher Ward. They are all also included within the settlement area boundary of Esher, as defined by the Proposals Map of the Development Plan. It is unequivocal that, administratively, Site 3 and its surroundings all lie within Esher, and are not on the boundary of the Greater London Authority area.
- **Functionally** - the built-up area, as defined by the Office of National Statistics based on 2011 Census data, includes Sandown Park, Site 3 and parts of areas to the north of the railway (and Esher itself). The schools, shops and local facilities in the area have catchments which include the location of Site

3. In this context, functionally these areas are part of the same built up area and Site 3 is not in a 'narrow gap' between or on the boundary between two distinct urban areas.

- **Spatially** – the Surrey Landscape Character Assessment for Elmbridge Borough (2015), prepared by Surrey County Council, defines a series of landscape character areas in the County. The Racecourse falls within Character Area UW6: Lower Green to Weston Green and Littleworth Common (within the wider Landscape Character Type UW: Significant Greenspaces within Urban Areas). However, Site 3 and properties on Lower Green Road and More Lane are outside of any of the identified Landscape Character Areas. The Landscape Character Assessment states that “this study has identified and briefly considered several significant individual green space areas within the county’s Built Up Areas of towns across the county”. As such, this confirms that Site 3 is assessed as being part of a Built-Up Area, and not at the boundary of two distinct urban areas.
- **Visually** - views of Site 3 are not obtained from recorded or promoted viewpoints. Receptors would be located either within the Racecourse, including the Grandstand, or on More Lane, which includes residential receptors. However, some longer views would be experienced from a short section of Portsmouth Road where only lower sensitivity receptors may experience these in glimpsed appreciation. In these views, or in any views, the site is not perceived as forming part of the 'narrow gap between Greater London (Lower Green) and Esher'.

22. The above analysis feeds into the detailed assessment of purposes 1 to 3 of the NPPF reasons for including land within the Green Belt, as follows.

23. **Purpose 1** – the analysis in the Review relative to this criterion suggests that the site is perceptually and functionally at the edge of the large built up area of Greater London (Weston Green) – in the context of the above commentary, this is clearly not the case. Further, although the Review indicates that the site has a role in preventing outward sprawl into open land, the analysis goes on to recognise that the site currently does little to prevent such sprawl due to its small scale, proximity to development and weak intermittent boundary. In this context, the site does not meet purpose 1 of including land within the Green Belt, and the scoring should reflect this. Applying this purpose, the site is logically part of the same urban area as its surroundings.

24. **Purpose 2** - in the context of the above commentary, it is clear that the site does not form part of the narrow gap between Greater London (Lower Green) and Esher. Aside from properties on the site, there is no material gap between residential properties on Lower Green Road and More Lane, as illustrated by the photographs appended to these representations (Appendix 2). According to the Council’s own criteria, More Lane and Lower Green Road form part of the continuous built-up area of Esher within Elmbridge. Therefore, evidence demonstrates that the site forms part of a single built-up area rather than a green space or a gap between Greater London and Esher.

25. **Purpose 3** – the Review suggests that the site relatively weakly assists in safeguarding the countryside from encroachment. However, this overstates the position – the site is not in or adjacent to open countryside. Indeed, it forms part of a built-up area. Further, the Racecourse, to the south, exhibits a semi-urban character (recognised in the Review work carried out by Arup in 2016), and the site itself is previously developed with more residential development to the north.

26. In the context of the foregoing commentary, it is clear that Site 3 does not strongly meet the purposes for including land within the Green Belt. It should further be noted that:

- The Review finds that the release of Site 3 would result in a Green Belt boundary of “similar strength” to the existing one;
- The site is previously developed, and lies in a highly sustainable location between Esher and its railway station, and

- Residential development is proposed in the context of a raft of planning benefits (specifically, the enhancement works proposed by the planning application currently with the local authority).

27. The Review is flawed in the assessment of Site 3 for the reasons rehearsed above. It should, as previously advised, be released from the Green Belt, and allocated for housing.

### **Timescales of Delivery**

28. As previously confirmed, the local authority's Land Availability Assessment indicates that Sandown Park is suitable, available and achievable to deliver, inter alia, 300 homes in 6 to 10 years. However, as also advised, there is a current planning application for residential development of approximately this quantum of development with the local authority for consideration. In this context, it is envisaged that residential development will start to be brought forward in advance of the timescale indicated in the Land Availability Assessment, in the first years of the plan period. This will assist delivery of the identified OAN in the Plan. Government policy is to ensure that the OAN is met and the release of the sites proposed to be developed at Sandown Park will materially assist this objective.

29. Annual housing delivery within the Borough between 2009/2010 and 2016/2017 has ranged between 201 and 355 dwellings per annum. Meeting identified housing need, as calculated using the standard methodology, will require the delivery of at least 623 units a year. Reviewing the local authority's latest anticipated trajectory (published in 2018), projections indicate that need will only be met in one year (2025/2026). In all other years there will be shortfalls and, in the early years of the Plan period, significant shortfalls.

30. Although it is accepted that the adoption of a Local Plan could increase delivery against current local authority projections in later years, it will have a limited impact in the short term (not least as the Local Plan will not be adopted until January 2021 at the earliest). In this context, there will be, as stated above, acute shortfalls of housing delivery against housing need over the next five years. In particular, delivery in 2021/2022 and 2022/2023 is anticipated to be circa 150 units per annum (of which just over half is derived from windfall sites).

31. On the basis that the current planning application at Sandown Park is granted permission, housing development is anticipated to be brought forward from late 2021. Therefore, it would make a significant positive contribution to meeting the Borough's housing needs at a time when, by the local authority's own projections, delivery will be substantially below requirements and required urgently to be met by allocating and developing sites which are clearly deliverable in the early years of the Plan.

### **Sandown Park – the Racecourse**

32. In addition to the removal of Sites 1 to 5 from the Green Belt, the future Local Plan should recognise the key importance of Sandown Park including its racecourse and facilities as an established, national outdoor sports, leisure, recreational and community facility in Esher, Elmbridge and the surrounding region/sub-region, and acknowledge its contribution to the three objectives of sustainable development within the NPPF. Further, the Local Plan should ensure that the planning system supports future improvements to the racecourse's offer and facilities, in the interests of securing its long term viability, and the planning benefits it generates.

33. In this context, the Racecourse as a whole (excluding the aforementioned residential sites, which should be allocated as proposed in these representations) should benefit from policy support/allocation where the local authority will allow the provision of new and improved facilities for outdoor sport and recreation and complementary functions to the operation of the Racecourse.

34. Further, Sites A, B and F, as well as the Grandstand and its connecting structures, should be removed from the Green Belt, given that:

- It is the racetrack itself and the land within and directly around it that contribute to the openness and purposes of the Green Belt by providing a large, open green space, whereas
- Sites A, B and F are all urban or semi-urban in character, include numerous elements of built form and are framed by land outside the Green Belt and the substantial structure of the Grandstand and immediately adjacent buildings. In this context, they and the Grandstand (and adjoining structures) offer no contribution to the purposes of the Green Belt, but rather detract from them: the purposes and function of the remaining areas in relation to the Green Belt would be strengthened by their removal.

35. The removal of these sites from the Green Belt is further reinforced by the Review's failure to expressly consider their Green Belt purpose and function. In accommodating this Green Belt amendment, Sites A, B and F (and other built forms including the Grandstand) would continue to become areas of focus for ongoing improvement works, as promoted – in essence - by the current application.

### **Concluding Comments**

36. In the context of the above commentary:

- None of the development options 1-5 within the consultation document should be pursued by the local authority – instead an approach which falls between options 4 and 5 should be taken (ie one that focuses housing within existing settlement boundaries, whilst releasing the most sustainable sites from the Green Belt);
- In this context, Sites 1 to 5 on the attached plan should be released from the Green Belt and allocated for housing development, not least as they could be brought forward in the early years of the plan period, where the local authority's own projections indicate a significant shortfall in delivery, and
- Sandown Park should be allocated as a key sports, leisure and recreational facility, and improving its offer and facilities should be encouraged, not least on Sites A, B and F (and other built forms including the Grandstand), which should be removed from the Green Belt.

37. We trust that these representations will be fully considered by the local authority, and future Local Plan documents will respond positively to the comments made. In the interim, if the local authority has any questions relative to the representations, or requires further information, please contact Jason Lowes as set out below.

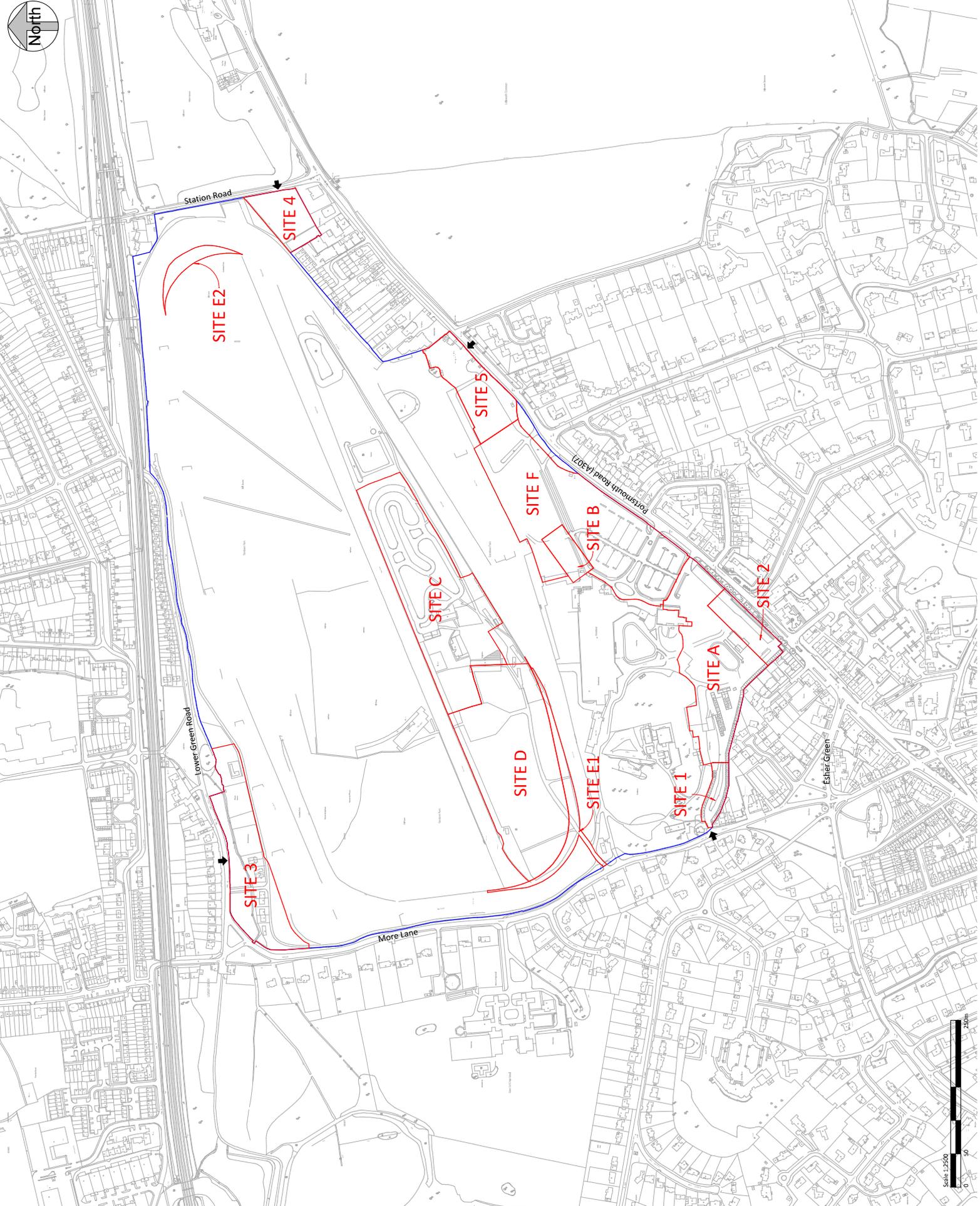
Yours faithfully

**Jason Lowes**  
BSc (Hons) DipTP MRTPI  
Partner - Town Planning  
[jason.lowes@rapleys.com](mailto:jason.lowes@rapleys.com)  
07899 963524



Approved drawings only to be used. All drawings to be used must be accompanied by the relevant planning consent. This drawing is the property of PRC and is not to be reproduced without the written consent of PRC. The copyright in this drawing is held by PRC and is not to be reproduced without the written consent of PRC.

Scale: 1:2500  
 Date: 01.02.2019  
 Drawn: MC  
 Checked: PL



# Preliminary Issue



CLIENT: Jockey Club Racecourses Ltd  
 PROJECT: Sandown Park  
 DRAWING TITLE: Location Plan

ARCHITECTURE: PRC  
 PLANNING: PRC  
 SCALE: 1:2500  
 DATE: 01.02.2019  
 DRAWN: MC  
 CHECKED: PL  
 TITLE: 11071  
 PROJECT: PL\_001

Scale 1:2500  
 0 50 250m

**Appendix 2 – Photographs for the Analysis of Site 3**



**Image 1:**

Frontage – Part of the existing built form (re: bungalows and houses on Site 3)

Background – Housing on Lower Green Road which stretches either side of the photographed property



**Image 2:**

Frontage – The western end of Site 3 showing part of the compound adjacent to the existing properties on the site  
Background – Existing properties on More Lane (near/at its junction with Lower Green Road)



**Image 3:**  
Frontage – The western end of Site 3 showing part of the compound adjacent to the existing properties on the site  
Background – Existing properties on More Lane (near/at its junction with Lower Green Road)