

Main Statement of Case Appendix 3

LANDSCAPE STATEMENT OF CASE BY EDP



**Sandown Park
Racecourse,
Esher**

**Statement of Case
in Respect of
Local Landscape,
Townscape and
Green Belt
Character**

LPA REF:
2019/0551

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Report Ref:
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Section 1

Introduction

Purpose and Background

- 1.1 This Statement of Case in respect of Landscape, Townscape and local Green Belt character matters has been prepared on behalf of the Jockey Club Racecourses Ltd ('the Appellant') in relation to the appeal against the decision of Elmbridge Borough Council to refuse a hybrid planning permission (LPA Ref 2019/0551) for redevelopment proposals at Sandown Park Racecourse, Esher, 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); and
 - Full application for the widening of the south-west 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.
- 1.2 The application was considered by Committee on 01 October 2019 and, against officer recommendation, was refused. The Reasons for Refusal (RfR) of relevance to landscape and visual matters are:
- 1) *"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; and*
 - 2) *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."*

Scope and Structure of the Statement of Case

- 1.3 This Statement focuses on the landscape matters contained within the above RfR, in particular whether the proposed development would have “*an adverse impact on the character of the area*” or whether it “*would be detrimental to the character ...of the Green Belt*”.
- 1.4 The Appellant and the Local Planning Authority (LPA) are seeking to agree through a Statement of Common Ground (SoCG) further matters not expressly referenced in the above reasons for refusal in order to minimise the content of evidence required to be submitted for the inquiry and therefore saving inquiry time.
- 1.5 With regard to the consideration of the openness of the Green Belt, being whether and to what extent the land is free from development, this is a matter considered within the evidence of Mr Robert Clarke of Rapleys.
- 1.6 At this time the Appellant reserves the right to amend or add to this Statement of Case, should this become necessary, once the SoCG has been agreed and/or in the light of the Statements of Case received from the LPA or any subsequent Rule 6 parties.

Section 2

Review of Relevant Background and Context

Site and Surrounding Area

- 2.1 Sandown Park Racecourse ('the Racecourse') is located between the centre of Esher and a railway line to the north. Given the urban context of the Racecourse, although there is a degree of open character within it, in the wider context it is effectively enclosed by existing built form and mature tree cover or surrounding paling fencing along the adjacent roads. While views from publicly accessible areas are often limited by urban form, large built form within the Racecourse, namely the Grandstand, affords long-distance views over London for visitors.
- 2.2 The topography of the Racecourse slopes gently to the north, with higher ground being located at The Warren, an elevated mound where a dry ski slope is located. This higher ground, in combination with mature tree cover, serves to prevent any views looking north for receptors located within Esher town centre.
- 2.3 As illustrated within the aerial image provided at **Plan EDP 1**, the Racecourse includes a number of uses within its central areas which, owing to mature landscape features at the edges of the Racecourse, are seen by few receptors. These facilities include a go-kart track, a golf centre and a number of smaller buildings. Where views into the Racecourse are possible, the Racecourse fencing, jumps and facilities associated with horse racing create a busy and somewhat cluttered character to it. However, as referenced by the Elmbridge Local Plan Design and Character Supplementary Planning Document (SPD) (**Core Document CD3.2**), the lack of large built form within the central areas of the Racecourse enables "*impressive long views towards London*".
- 2.4 There are a number of heritage assets within the local context which may influence the visual character of the landscape or townscape, including a single Scheduled Monument, namely the 'The White Lady Milestone', a number of Listed Buildings and two Conservation Areas (CAs); Esher CA, which is located immediately to the south-west of the Racecourse, and Weston Green CA, which is located 500m to the north-east.
- 2.5 As set out within the Statement of Case in respect of Heritage Matters, produced by Mr Eddy Stratford of EDP:

"it is the Appellant's position that the assessment submitted with the planning application provided a proportionate assessment of all relevant heritage assets within the appeal site's wider zone of influence. It is considered that the significance of these designated heritage assets, which include listed buildings, a scheduled monument and a conservation area, would in no way be adversely affected or harmed by the form of development proposed within any site, either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting."

- 2.6 The character of the surrounding context is dominated by a variety of building styles, both within Esher town centre and within the relatively well-treed residential areas to the north of the Racecourse. In views looking back towards the Racecourse from the wider context, owing to existing built form and enclosure created by mature landscape features aligning both road and rail corridors, the Racecourse does not form a prominent, or important, part of the appreciation of the wider landscape. Where views look towards the Racecourse from the wider context, existing built form is found to be most prominent within the view. The Racecourse itself, with the exception of some glimpsed views of the Grandstand, was largely found to be barely perceptible from publicly accessible areas beyond the adjoining road corridors.
- 2.7 As such, given the urban context of the Racecourse, the opportunity for views to and from it from publicly accessible locations is limited. EDP have undertaken an analysis of existing views by walking and driving local roads, rights of way and other publicly accessible viewpoints around the Racecourse. The findings of EDP's Visual Appraisal (**Plan EDP 2**), with photographs from Photoviewpoints EDP 1 to 23 (to be provided in evidence), is considered to accurately predict the extent of both wintertime and summertime views of the proposed development. Given the urban context of the Racecourse, views beyond its immediate setting are considered to be either partly screened or barely perceptible.
- 2.8 Evidence will be presented to explain the relationship of the site to the existing urban context of Esher, as well as consideration of the effect of the proposed development on local character.

Policy and Context

- 2.9 The development plan for Elmbridge was adopted in July 2011 and sets out local planning policy for the period 2011-2026. Policies with relevance to landscape and Green Belt matters contained within the *EBC Core Strategy Development Plan Document* (July 2011) (**Core Document CD1.1**), include:
- **Policy CS1 - Spatial Strategy** states that *"All new developments must be high quality, well designed and locally distinctive. They should be sensitive to the character and quality of the area, respecting environmental and historic assets and, where appropriate, introduce innovative contemporary designs that can positively improve local character."*;
 - **Policy CS9 - Esher** states that *"All new development will be expected to enhance local character. Specific attention will need to be given to areas of high heritage value, including West End and Esher Conservation Areas."*;
 - **Policy CS14 - Green Infrastructure** seeks to ensure that *"new development protects and enhances local landscape character (2), strategic views and key landmarks as shown on the proposals map, and takes account of their setting, intrinsic character and amenity value."*; and

- **Policy CS17 - Local Character, Density and Design** states that “New development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area.”

Elmbridge Local Plan Development Management Plan April 2015

- 2.10 According to the *Elmbridge Local Plan Development Management Plan* (April 2015) (**Core Document CD1.2**), it:

“contains the day-to-day policies against which planning applications and enforcement action will be assessed. These policies will ensure that development contributes to the wider, strategic aims of the Core Strategy, providing further detail where necessary in order to deliver the long-term spatial vision for Elmbridge.”

- 2.11 The policies of relevance to the site relating to landscape and Green Belt matters are set out below:

- **Policy DM2 - Design and Amenity** includes a list of criteria relating to design. Those of relevance include (inter alia):
 - *“All development proposals must be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Development proposals will be expected to take account of the relevant character assessment companion guide in the Design and Character SPD.”; and*
 - *“Proposals should preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD...”*
- **Policy DM6 - Landscape and Trees** states that development should “include an integral scheme of landscape, tree retention, protection and/or planting that ... Reflects, conserves or enhances the existing landscape and integrates the development into its surroundings, adding scale, visual interest and amenity”; and
- **Policy DM20 - Open Space and Views** states that “Development within Strategic Views or affecting Key Landmarks (as identified in the Policies Map and detailed in Appendix 3) will be permitted provided that it has been well designed to take account of the setting, character and amenity value of the view or landmark. Proposals should not obscure or adversely affect these views and landmarks and those that create new views or reinstate obscured views will be supported”.

Analysis of Reasons for Refusal

- 2.12 RfR1 states that the proposed development is “*inappropriate development in the Green Belt which would result in definitional harm and actual harm to the openness of the Green Belt*”, a matter considered within the evidence of Mr Robert Clarke of Rapleys. In relation to landscape matters, and forming a key test here, RfR1 continues that “*The proposed development by reason of its prominent location would be detrimental to the character ...of the Green Belt contrary to the requirements of the NPPF*”. Given that matters of landscape character are dealt with in RfR2, it is assumed that the reference to ‘character’ within RfR1 relates only to the local character of the Green Belt.
- 2.13 It is the Appellant’s position that the wording of RfR2 does not reflect the balancing act enshrined within the National Planning Policy Framework (NPPF) (**Core Document CD2.1**) and mirrored in the policy of the development plan. To be clear, neither the NPPF or Development Plan require that harm or ‘adverse impacts’ are to be avoided in order for development proposals to comply with relevant policy. However, the key test in landscape terms set out within RfR1 is whether the proposed development would result in an “*adverse impact on the character of the area*”.
- 2.14 Relating to landscape matters, the policies referenced within RfR2 that are of relevance include Policy CS9: Esher, Policy CS17: Local Character, Density and Design of the Elmbridge Core Strategy 2011 (**Core Document CD1.1**), and Policy DM2 Design and Amenity of the *Elmbridge Local Plan Development Management Plan* (April 2015) (**Core Document CD1.2**).

Review of Published Landscape Guidelines/Recommendations

- 2.15 The appellant will demonstrate that the proposed development would not result in unacceptable landscape and visual effects, and that there will be landscape and environmental benefits of the proposal. The planning evidence given by Robert Clarke of Rapleys will demonstrate that any such effects are more than outweighed by the substantial economic, social and environmental benefits that the proposed development will deliver in accordance with the NPPF (**Core Document CD2.1**).
- 2.16 The appellant will refer to the following:
- Photographic, artist and computer-generated images and evidence;
 - Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment (2013)) (**Core Document CD3.17**);
 - Landscape and seascape character assessments (Natural England and Department for Environment, Food & Rural Affairs (2014)) (**Core Document CD3.18**);

- Surrey Landscape Character Assessment: Elmbridge Borough (2015) (**Core Document CD3.19**);
 - Elmbridge Borough Landscape Sensitivity Study (January 2019) (**Core Document CD3.25**);
 - Elmbridge Borough Strategic Views Study (January 2019) (**Core Document CD3.26**);
 - Design and Character Supplementary Planning Document Companion Guide: Esher (2012) (**Core Document CD3.2**);
 - Elmbridge Local Plan Design and Character SPD (2012) (**Core Document CD3.2**);
 - Green Belt Boundary Review – Assessment of Previously Developed Land (2019) (**Core Document CD3.10**);
 - Elmbridge Green Belt Boundary Review (EGBR) (2016) (**Core Document CD3.8**);
 - The Future of Surrey's Landscape and Woodlands. 1997 (**Core Document CD3.46**); and
 - Any other documentation that may be relevant and in Core Documents.
- 2.17 Evidence will be presented to demonstrate that the proposed development complies with the above guidance and Landscape Character Assessments.
- 2.18 Evidence will be sought to be agreed with the LPA in advance of presentation, such as photographic viewpoints.

Section 3

Architectural Design Evolution

Architectural Design Evolution

- 3.1 The Planning Statement (**Core Document CD6.50**), and supporting Design and Access Statement (**Core Document CD6.49**), which accompanied the hybrid planning application provides full details of the development proposals.
- 3.2 The outline element of the application (with all matters reserved aside from access), includes the following operational enhancement and facilitating proposals:
- **Site A** (Racecourse Operational Facilities) – redevelopment and rationalisation of the stables, the paddock area, pre-parade ring, horse box parking area and re-provision of stable staff accommodation and associated facilities;
 - **Site B** (Hotel) – the erection of a 150-room hotel (Class C1);
 - **Site C** (Family/Community Zone) – remodelling of the existing kart track area to accommodate a new family/community zone including outdoor recreational areas and cycle track and indoor soft play and ancillary café buildings;
 - **Site D** (Rationalisation of Car Park) – improvement of the car park through the establishment of grasscrete surface or similar and hard standing in part, within the centre of the site. Access shall continue to be provided via More Lane;
 - **Site F** (Car Parking Improvements) – improvements to the existing car parking and amendments to layout through soft and hard landscaping, including relocation of the existing broadcasting compound, turnstiles/kiosk elsewhere within Site F and installation of a new ring main unit;
 - **Site 1** (Residential Mews) – demolition of the existing facilities to be replaced by new flatted mews development of circa 15no. residential units (Use Class C3), associated access off More Lane, parking and landscaping. Building height ranges between two to three storeys, comprising a mix of one and two beds;
 - **Site 2** (Residential Urban Frontage) – demolition of the existing buildings to be replaced by new flatted development of circa 49no. residential units (Use Class C3) fronting Esher High Street with associated access, parking and landscaping. Building height will range from three to four storeys, comprising a mix of one, two and three beds. The parking area will be covered by a landscaped deck over;
 - **Site 3** (Residential Villas) – demolition of existing buildings to be replaced by new residential villa development of circa 108 residential units (Use Class C3) fronting the racecourse, with associated access off Lower Green Road, parking and

landscaping. The buildings will be three storeys in height, comprising a mix of one and two beds;

- **Site 4** (Residential Crescent) – development of circa 72no. new residential units (Use Class C3), associated access off Station Road, basement parking and landscaping. Building heights will be split into three elements (four storeys, five storeys and six storeys), comprising a mix of one, two and three beds; and
- **Site 5** (Residential Villas and Day Nursery/Community Use) – development of circa 68 no. new 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 accessed via the main entrance to Sandown Park Racecourse. The flatted residential development comprises four storeys comprising a mix of one, two and three beds. The new nursery comprises two storeys.

- 3.3 The full element of the application relates to the proposed racetrack widening (**Site E**). The proposal is to widen the two bends (the south-west and east) of the existing racecourse track. The proposals primarily involved a minor ground levelling, relating to the south-western section only, and repositioning of the white fence.
- 3.4 In accordance with the legislative requirements, evidence will be submitted to demonstrate that the Design and Access Statement and Vision Statement include, and were informed by, an assessment of character and context which informed the indicative design, landscaping, layout and scale of the proposed development. Further, an Illustrative Masterplan was produced to demonstrate how the proposed development could be delivered.
- 3.5 Further evidence will be presented on the design process, sustainability, landscape and visual assessment, along with other inputs which informed the development of the Masterplan and the application proposals and additional information which will respond to the member discussions in committee and RfR.
- 3.6 In support of the above, more detailed commentary on the design approach to each of the development parcels is provided by PRC Architecture and Planning LTD (submitted separately).

Section 4

Impact on Local Landscape, Townscape and Green Belt Character

Reasons for Refusal

- 4.1 The appellant shall present specialist evidence to address the landscape matters contained within RfR1 and RfR2.
- 4.2 We will show in evidence that there is no justification why the proposed development or any element of it would be unacceptable in terms of the effects on the landscape or townscape character or visual amenity and, overall, would contribute to retaining the open character of the Green Belt.

Impact on Local Landscape, Townscape and Green Belt Character

- 4.3 A full Guidelines for Landscape and Visual Impact Assessment (GLVIA) compliant Landscape/Townscape and Visual Appraisal (LTVA; Report No. edp5237_r002) (**Core Document CD5.52**) formed part of the application documents. This identified the main landscape and visual receptors likely to be affected by the proposed development and resulted in a baseline appraisal in the context of which landscape and visual effects could be fully assessed. The main landscape and visual implications of the proposed development, with consideration of an indicative design, were identified and mitigation developed in conjunction with the masterplanning process in order to minimise these impacts.
- 4.4 Whilst the development proposals would certainly yield change to the character of each development site, the LTVA finds no reason why the change of land use should be found to be so harmful as to be unacceptable in terms of the effects on the landscape/townscape character and visual amenity. Further, EDP's Green Belt Review demonstrated that each of the proposed development could be brought forward, retaining the open character of the Green Belt and retaining the function of the Racecourse, perceptually, as a 'gap' between Esher and developed land to the north of the Racecourse.
- 4.5 Perceptually, substantial built form is already present within parts of the Racecourse and many of the areas surrounding the central core area have substantial built development on them which, in the case of the area to the south of the central core, includes buildings with significant mass, height and bulk. The central core is also not free from built development and includes built development and hard standing over a significant area opposite the car parks and stands. However, as referenced by the Elmbridge Local Plan Design and Character SPD (**Core Document CD3.2**), the lack of large built form within the central areas of the Racecourse enables "*impressive long views towards London*". In this regard, the proposed development would not obscure such views and, while not strictly a public receptor group, visitors to the Racecourse would continue to experience far reaching views from higher ground and the Grandstand to London. No part of the

proposed development would adversely affect any of the key landmarks and strategic views identified and listed in Core Strategy policy CS 14 (Green Infrastructure), on the Policies Map, or in the Development Management Plan Appendix 3: Views and Landmarks (DM20 – Open space views).

- 4.6 In the long-term, no material adverse effects are predicted by the LTVA on the Townscape Character and Fabric of the Racecourse and Local Site Context, or on Character Area UW6: Lower Green to Weston Green and Littleworth Common. This is due primarily to the location of each of the development sites within the Racecourse, and the nature of the local townscape context. Intervisibility with the wider Character Area UW6 is extremely limited, largely by mature tree cover.
- 4.7 The anticipated visual effects predicted by the LTVA are limited by both landscape screening and existing built form, including larger built form already associated with the Racecourse. Notable visual effects for receptors at publicly assessable locations were only recorded in the short-term, largely for receptors on Portsmouth Road and on More Lane. The Council's Committee Report (**Core Document CD7.3**) concludes that *"In terms of their impact on the character of the area in general, the developments are unlikely to be harmful..."*, and that *"Due to their location near/adjacent to the town centre, where such built form is commonly present, it is unlikely that this [the proposed development] would be out of place in principle"*.
- 4.8 For receptors passing along More Lane, for the most part the Racecourse and its central core is hidden behind a visual barrier caused by The Warren mound or by paling fencing along the whole length of the More Lane boundary. As part of the development proposals, these views would be opened up by proposed improvements to existing fencing on More Lane and thereby increasing the perceived open character of the Green Belt by opening up views across it.
- 4.9 The Council's own Green Belt review¹ (**Core Document CD3.8**) identifies the Racecourse as falling within 'Local Area 52' and, with regard to the open character of the Green Belt, finds that *"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."* Further, the Council's Review states that *"Despite its small size, the local area maintains a relatively open character and provides an important visual gap between the two settlements."*
- 4.10 The Elmbridge Borough Council 'Green Belt Boundary Review – Assessment of Previously Developed Land', published in June 2019 (**Core Document CD3.10**), provided further commentary relating to local character. Site 4 is described as having *"limited connection to the wider countryside, although a visual relationship is maintained with the racecourse. Overall, the sub-area has a semi-urban character"*, and Site 3 is described as being *"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."*

¹ Elmbridge Green Belt Boundary Review (EGBR) (2016)

The Council's Consideration of the Character of the Surrounding Area, Heritage Assets, Landscape and Visual Amenities

4.11 The Officer's Report to Committee (**Core Document CD7.3**) recommended approval of the application and provided 'indicative' comments, stating that *"The starting point in concluding on these matters is that the development proposals are currently in their outline form with their design"*. However, the Officer's Report then concludes that *"In terms of their impact on the character of the area in general, the developments are unlikely to be harmful..."*.

4.12 Further, in conclusion, the Officer's Report (**Core Document CD7.3**) states that (with EDP emphasis):

*"it is not possible to assess the impact on the character of the surrounding area arising from the proposed development with certainty at this outline stage. Such considerations would be subject of detailed plans at the later stages of the application process. **It is however likely that the sites would be able to accommodate the envisaged quantum of development in a satisfactory manner in terms of their relationship with their respective surrounding areas.**"*

Section 5

Conclusions

- 5.1 In terms of potential landscape and visual effects, as set out within EDP's LTVA (**Core Document CD5.52**) submitted as part of the application, the limitation in views available of a proposed development in this location confirms that development on the site would have little, or no, effects upon either sensitive or non-sensitive receptors, with any change limited to public receptors passing along Portsmouth Road and More Lane, and a small number of adjacent residential dwellings. The impact on public receptors along the roads surrounding the Racecourse is highly limited and would be significantly improved by proposed improvements to existing fencing on More Lane, substantially increasing the open character of the Green Belt in this location.
- 5.2 The proposed development has emerged from a detailed study of the area and is considered to address the constraints of the site and incorporates both landscape and ecological recommendations that are specific to the locale. The proposed development would contribute to retaining the open character of the Green Belt whilst also providing a sustainable and high-quality development which links very well to the existing context.
- 5.3 In recommending approval of the application, the Officer's Report (**Core Document CD7.3**) accepts the inevitable effects of new development, stating that *"any development proposal would result in a change to the existing built form and landscape and these current proposals are no different"*. In addition, the Officer's Report continues that *"In terms of their impact on the character of the area in general, the developments are unlikely to be harmful"* and that *"The proposed densities are not considered to be excessive or out of character with this edge of town centre..."*.
- 5.4 The Appellant will demonstrate in evidence that matters concerning the Impact on Local Landscape, Townscape and Green Belt Character contained within RfR1 and RfR2 are not justified and the Appeal should be allowed, giving due weight to the Development Plan and all other relevant material considerations.
- 5.5 Furthermore, the Council's stated views on the *"prominent location"* of the site, as referenced within RfR2, will be shown to be unfounded and that the site and the particular characteristics of this urban location are able to accommodate the proposed development without resulting in unacceptable effects on local character or views.

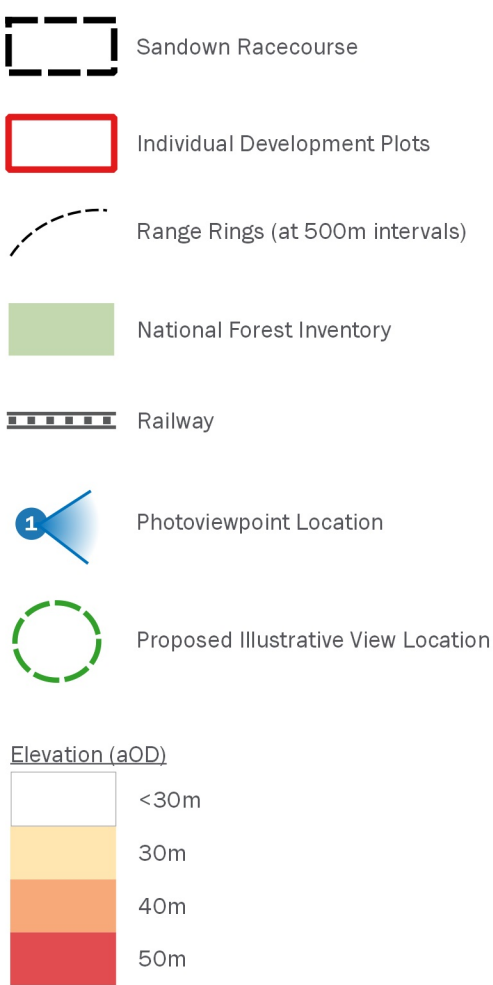
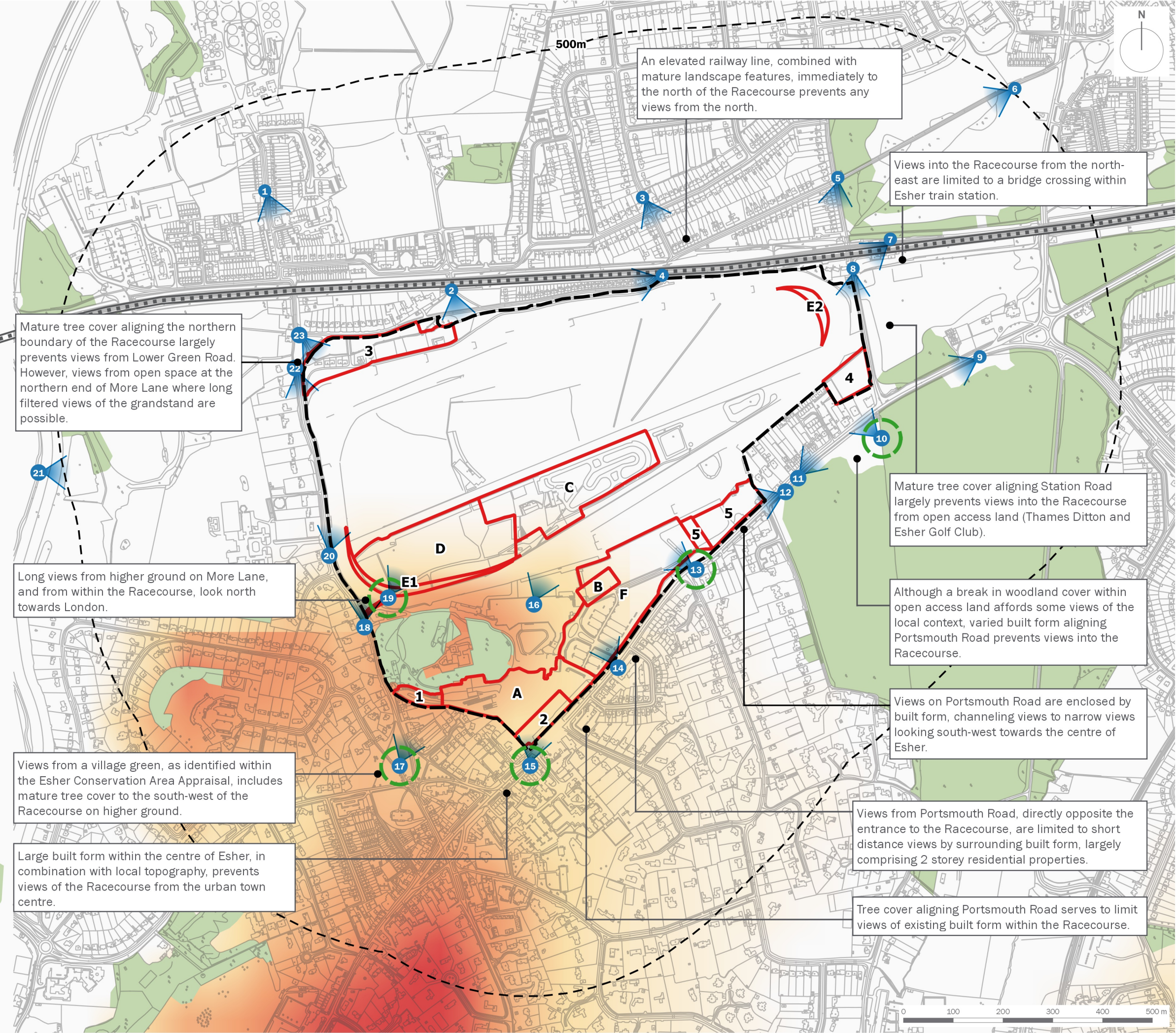
Plans

Plan EDP 1 Local Character and Context
(edp5237_d016b 12 March 2020 BC/ER)

Plan EDP 2 Findings of EDP's Visual Appraisal
(edp5237_d015b 12 March 2020 BC/ER)



client	The Jockey Club Racecourses Ltd		
project title	Sandown Park Racecourse, Esher		
drawing title	Plan EDP 1: Local Character and Context		
date	12 MARCH 2020	drawn by	BC
drawing number	edp5237_d016b	checked	ER
scale	1:7,500 @ A3	QA	RB



client	The Jockey Club Racecourses Ltd		
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