

Green Belt

- Racecourse is located within **Strategic Area A**
 - Narrow and fragmented band of Green Belt which closely abuts the very edge of south-west London, stretching from Heathrow Airport to Epsom.
 - Strategically important arc of green spaces provides a narrow break between the built-form of outer London (i.e. Molesey, Thames Ditton, Long Ditton, and Hinchley Wood) and a series of Surrey towns, including Esher.
 - **Strategic Area A's** key roles are with respect to Green Belt **Purposes 1** and **2**, meeting both of these **Very Strongly** and noting that the Area *"acts as an important barrier to potential sprawl from the Greater London built-up area and a number of large built-up areas within Surrey, including several within Elmbridge, and establishes important gaps between a number of Surrey towns, preventing their merging into one another and the Greater London built-up area"* - **GBBR 2016 (CD3.8, 1of3, p.48)**.
- Racecourse is almost co-terminus with **Local Area 52** with an overall Green Belt performance of **Strong**, serving Green Belt **Purpose 2** strongly (scoring 5) and **Purpose 1** moderately (scoring 3) and stating in **Annex Report 2** that *"The land parcel forms part of the essential gap between the non-Green Belt settlements of Greater London (Thames Ditton and Lower Green) and Esher. Despite its small size, the local area maintains a relatively open character and provides an important visual gap between the two settlements. Development in the land parcel would likely result in their coalescence"* - **GBBR 2016 (CD3.8, 3of3, p.164)**.
- **GBBR 2018 (CD3.9)** - finer grained analysis of **Local Area 52**. The more focussed nature of this assessment ensured that smaller areas of Green Belt, which adjoin the existing urban settlements, were assessed against the NPPF purposes. In particular, this review considered **Site 3** (Sub Area 70) and **Site 4** (Sub Area 69). **Sites 1, 2** and **5** were promoted for consideration, but not subsequently assessed (**Appendix 5**).
- **GBBR Minor Boundary Amendments 2019 (CD3.10, 4of5)** - detailed Borough-wide review of the entire Green Belt where it adjoins existing built-up area:
 - Concluded that *"The Green Belt should cover Lower Green Road to its northern side and More Lane to its western side where it runs along the edge of Sandown Park"* (p.56).
 - This change results in a recommended increase of 1.25ha to the Green Belt area that washes over the Racecourse.
 - The north-western corner of the Racecourse was also recommended for expansion (0.11ha) (p.57)

Landscape Character

- **UW6-A (CD3.25, 2of2, p.171)**: includes the entirety of the Racecourse and the Disputed Sites – **Table 32** summarises the findings with regard to landscape susceptibility:
 - **Settlement Character and Edge Conditions**: *“These landscapes also contribute to the perceived sense of separation from neighbouring settlements and busy road and rail infrastructure passing through the Landscape Unit. Sandown Park in the west is relatively private and enclosed by fencing, and therefore contributes little to the scenic qualities of adjacent settlement edges, however its large scale contributes to the perceived gap between settlements, and acts as a buffer between Esher and the South Western Main Line”* (p.173).
 - **Visual Character**: *“Sandown Park in the west affords an even greater degree of intervisibility due to its large, open scale and gently sloping landform”* (p.173).
 - Sensitivity = **Moderate-High** (Value = **Borough**; Susceptibility = **Medium-High**)
 - *“A high degree of care would be needed in considering the location, design and siting of even small amounts of change within the landscape”*.
 - **Table 6** (1of2, p.22) – *“The Landscape Unit is less sensitive to development in the west where the landscape is less distinct, displays fewer characteristics representative of wider landscape character and is in poorer condition”*. This high-level conclusion is considered to reflect the overall condition of the Racecourse.
 - As noted in the **LTVA (CD5.52, Para 4.28)** *“the main character and valuable fabric of the Racecourse is to be found along the well-treed boundaries, which include a number of mature trees”*.
 - **Committee Report** (9.8.2.5) concludes *“The sites that are likely to most affect the character of the surrounding area are those, which include development on the peripheries of the site”*.

LVIA Assessment Methodology

- Assertion that a ‘countryside’ approach has been taken is incorrect – methodology refers to landscape in accordance with the definition adopted by the Council of Europe the European Landscape Convention (ELC) 2002 - *“an area, as perceived by people, whose character is the result of the action and interaction of natural and / or human factors”*. The ELC is all encompassing, referring to natural, rural, urban and peri-urban areas.
- **GLVIA3 (CD3.17, Para 5.43)** is clear *“Judgements about the susceptibility of landscape receptors to change should be recorded on a verbal scale (for example, high, medium, or low), but the basis for this must be clear, and linked back to evidence from the baseline study”*. The **LTVA (CD5.52)** does not make any clear judgement on susceptibility – a matter that has been addressed in the rebuttal.

Site 4 (0.57 ha)

- (Site 4 - JCR3/5 – p.16 of 18) & (AV2 EBC1/3)
- Views across the site from junction of Portsmouth Road & Station Road – Café Rouge
- Currently no buildings on site and appreciable sense of openness
- Southern boundary is a white masonry wall with approx. 10m tall trees (G45) – silver birch
- Eastern boundary formed from existing site entrance, a signage board and closeboard timber fence with approximately 5m tall trees (G44)
- Lack of built form evident beyond these boundaries
 - No perceptual appreciation of buildings on Lower Green Road or the railway embankment that form the southern boundary of Greater London built-up area (North)
- When approaching site from Esher train station, again the lack of built form and openness is obvious
 - No perceptual appreciation of Esher town centre (south west)
- In views from Littleworth Common lack of built form and openness of the site is clearly apparent behind Café Rouge (VP EDP9 - JCR3/5 – p.10 of 18).
- Junction described in Design & Character SPD as ‘Key Gateway’ to Esher (see map CD3.2, 2of2, p6)
 - Particular care required with regard to scale, massing and form
 - ‘Landmark’ building should announce or signify the approach to Esher
 - Neither ‘Key Corner’ or ‘Landmark’ site – not the focus of a number of direct or indirect views and/or be at a critical junction - Design SPD (CD3.2, 1of2, Para 5.67 or 5.69)
 - Site located behind Café Rouse further down Station Road
- Site adjoins ESH02 CD3.2 (p.9) – south & west – ‘issue’: “increasing presence of flatted development replacing houses particularly seen along Portsmouth Road” – ‘opportunity’: “Any further development in this area should seek to maintain the scale and quality of the existing architecture” (Para 3.19).
- **Proposal:** Proposals would introduce 6-storey crescent shaped building (72 units) (CD5.34)
 - Wholly different scale to neighbours
 - Tallest elements adjacent to Station Road
 - Southern part of site dominated by car parking
 - Hardstanding, signage and external lighting would introduce further urbanising features
 - Additional basement car parking with ramp hard on western boundary
 - Tree planting in car parking ill-conceived
 - Sensitivity = **Medium High** (V = Medium; Sus = High) (**Medium**)
 - Magnitude of change = **High** (Adverse & Permanent) (**Medium**)
 - Overall effect = **Substantial Adverse** (**Moderate / Minor**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG)
- **Visual:** Proposals would be identifiable and skyline feature in views from Littleworth Common, Esher Station, Station Road, and parts of Portsmouth Road – as confirmed by LTVA (CD5.52)
 - 4-storeys taller than Café Rouge – 3-storeys taller than other nearby built form

- **Parameter Plan (CD5.23)** indicates maximum building height of 20.40m (33.70 AOD) vs. Café Rouge RL 22.70m AOD (+11.00m) – to west RL 24.86m AOD (+8.84m).
- Visible to a wide variety of receptors within the Racecourse itself, including the Grandstand - **LTVA (CD5.52)**
- Magnitude of change to be **High** (Adverse and Permanent) (**Medium**)
 - Residents: **Moderate Substantial**, Adverse & Permanent
 - Pedestrians: **Moderate Substantial**, Adverse & Permanent (**LTVA: Minor**)
 - Cyclist & motorists: **Moderate**, Adverse & Permanent (**LTVA: Minor**)
- **Year 15:** *“continued maturation of landscape proposals within the southern areas of the site, and new features at the eastern boundary with Station Road, it is considered that the perceived character of the proposed development from the local context would be similar to that of existing built form within the local context... Although likely to be visible above although likely to be visible above existing built form, the proposed development would be considered a minor element of local views...”*.

Green Belt:

- Greenfield site (0.08% PDL):
 - **Table 1 (GBS CD6.51)** initially accepted as **Inappropriate** development - *“There would be an increase in built form within the Site. ...it is not previously developed land and would be considered new building in the Green Belt”*.
 - (**SOC1/1, 12.11**) - now considered ‘Limited Infilling’ - not ‘limited’ as 6-storeys / 72 units / car parking (basement) – not ‘infilling’ as site open to north & east, only adjoined by built form to south & west – in any case has a greater impact on openness as no existing buildings.
- Harm to Openness:
 - **Spatial harm** - volume of built form increases to 30,050m³ where previously none and concentration of height and volume to the east of the site adjacent to Station Road
 - **Perceptual harm** – the height of the proposed building would be visibly out of scale with the surrounding built form and would present as a visual barrier when turning north onto Station Road - parking to approximately half of the site would introduce an urbanising influence.
 - **Committee Report (9.9.3.23)** states *“the impact on the openness of the Green Belt in spatial and visual terms would be significant”*.
- Harm to Purposes:
 - **GBBR 2018** concludes meets the purpose assessment criteria **Weakly** - less important contribution to the wider strategic Green Belt (not none) - Recommended for further consideration, but importantly, **not** for removal as part of the **Minor Boundaries Review (2019)**.
 - **Purpose 3** - achieved score of 2 or Meets ‘Criterion Relatively Weakly’ – **modest harm**
 - **Purpose 2 - Annex Report 1C of GBBR 2018** states at Step 4a that the land at **Site 4 (SA-69)** achieved a score of 1 or **Meets Criterion Weakly**, on the basis that it *“forms a small part of gap between Esher and Greater London (Weston Green), making a small contribution to*

preventing ribbon development along Station Road, but otherwise less essential as a result of its small scale and visual / physical enclosure”.

Site 5 (0.94 ha)

- (VP EDP8 - JCR3/5 – p.9 of 18) & (AV3 EBC1/3)
- Site = two halves
- East = nursery/residential with gardens & West = largely open hardstanding
- Frontage with Portsmouth Road is short closeboard timber fence and gappy treelined edge offering clear views into the site and across the Racecourse (AVP3 - EBC1/3).
- Lack of built form evident
- Site adjoins Grade II listed gates and railings (1860)
- Majority of the site designated an Area of High Archaeological Importance
- Site adjoins ESH02 CD3.2 (p.9) – south & east – ‘issue’: *“increasing presence of flatted development replacing houses particularly seen along Portsmouth Road”* – ‘opportunity’: *“Any further development in this area should seek to maintain the scale and quality of the existing architecture”* (Para 3.19).
- **Proposal:** Proposal would demolish extension to Toll House and introduce 4no. 4-storey apartment blocks and a 2-storey nursery replacement (68 units) (CD5.52 Appendix EDP4):
 - 4-storey buildings would be of greater scale than surrounding buildings (2.5 – 3-storey)
 - **Parameter Plan (CD5.24)** indicates maximum building height of 14.10m (32.10 AOD) vs. Cheltonian Place EL 24.73m AOD (+7.37m) & Toll House RL 22.62m AOD (+9.48m).
 - Wholly different in scale to locally Listed Toll House (looms over)
 - Views into proposed site access would be framed by built form
 - Development would continue the ribbon development along the northern side of the Portsmouth Road
 - Substantial tree loss - removal of 4no. Cat B trees and 2no. Cat B groups, plus further tree loss on northern site boundary that will increase intervisibility between site and surroundings – would be perceived as a loss to the ‘existing landscape fabric’ within the urban scene LTVA (CD5.52, Para 7.23)
 - Much of the remainder of the site will be used for car parking & ancillary built form etc.
 - Sensitivity = **Medium High** (V = Medium; Sus = High) (**Medium**)
 - Magnitude of change = **High** (Adverse & Permanent) (**Medium**)
 - Overall effect = **Substantial Adverse** (**Moderate / Minor**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG)
- **Visual:** Proposals will be readily apparent in views in both directions along Portsmouth Road:
 - *“The proposed development would be considered to form a visible and identifiable element within the view... However, although long views to the northern boundary of the Racecourse would remain from Portsmouth Road, the proposed development would reduce the length of road from which these views could be obtained”* EDP6 (CD5.52) – appreciable loss in visual amenity.
 - Would be perceived as the onward progression of linear development along Portsmouth Road and the erosion of the well-treed boundary of the Racecourse.

- **Landscape Strategy Plan EDP4 (CD5.52)** indicates intervisibility with Racecourse.
- Magnitude of change to be **Medium - High** (Adverse and Permanent) (**Medium**)
 - Residents: **Moderate Substantial**, Adverse & Permanent (**Major / Moderate**)
 - Pedestrians: **Moderate**, Adverse & Permanent (**LTVA: Moderate / Minor**)
 - Cyclist & motorists: **Slight Moderate**, Adverse & Permanent (**LTVA: Minor**)
- **Year 15:** LVTA does not consider there to be any change in the longer term Magnitude of Change.

Green Belt:

- Majority PDL - Harm to Openness:
 - **Spatial harm** - volume of built form increases from 1,200m³ to 18,150m³ – 4-storey with proposed height 14.10m (32.10m AOD) – existing nursery 1-storey (4.8m) / 2-storey building (8.2m) - proposed development significantly greater footprint, mass, height, and dispersal throughout the site – substantial spatial harm - additional 16,950m³ built form to the site, an increase of **1412%**, exacerbated by a considerable amount of external car parking located to the north of the proposed buildings.
 - **Perceptual harm** – there would also be a obvious degree of visual harm to the Green Belt - proposals would be evident as new built form where previously very little - a large number of trees would be felled within the site, exposing the proposed development still further, and also to views from within the Racecourse.
 - **Committee Report (9.7.3.9)** states *“the proposal would likely result in a substantial harm to both, the spatial and visual dimensions of the Green Belt that would not benefit from the exceptions to inappropriate development. As a result, the development proposals on Site 5 constitute inappropriate development”*.
- Harm to Purposes:
 - **Purpose 2:** The proposed development of **Site 5** would result in the further erosion of the ‘essential gap’ between Greater London (Thames Ditton & Lower Green) and Esher (ESH02: New Road, Esher Park Avenue and Milbourne Lane, resulting in clear harm to the Green Belt.

Site B (0.30 ha)

- **(VP EDP11 - JCR3/5 – p.11 of 18)**
- *“From the south, due to the relatively open boundary between Portsmouth Road and the Racecourse, views into the Racecourse are possible for road users travelling both east and west... In these views, Sites B, C and 5 are considered to be most prominent” LTVA (CD5.52, Para 7.22).*
- *“An open boundary to the south enables a sense of openness from Portsmouth Road” – GBR (CD5.50, EDP2) (VP11, CD5.52)*
- To the east of the Grandstand there is a distinct and perceptible absence of buildings.
- Long views are available across the Racecourse to the well-treed northern boundary with Lower Green Road – although the dwellings and railway embankment are not perceptible as a result of vegetation.
- The openness and availability of views make a valuable contribution the character of the local area.
- Site located on higher ground, with fall of approximately 4m across the site.
- Plays an important role, given its central location, to maintain the openness at the heart of the Racecourse.
- **Proposal:** Proposal would introduce a 6-storey hotel (possible additional C3):
 - Site would be completely engulfed by the proposed development and replaced by built form
 - Proposed building would detract from the elevated setting of the Grandstand.
 - *“views of the proposed development would occur throughout the local townscape context” - EDP6 (CD5.52)*
 - Design Guide (CD3.2, 2of2, p.5) – *“important and dominant use separating Esher from its train station and Lower Green” - Increase the amount of built form in centre of Racecourse and towards the Station*
 - Several trees (some Cat B) would be felled on or around the site boundary
 - Sensitivity = **Medium** (V = Low; Sus = High) (**Medium**)
 - Magnitude of change = **High** (Adverse & Permanent) (**Medium**)
 - Overall effect = **Moderate Substantial Adverse** (**Moderate / Minor**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG) - Any on-site mitigation would be difficult to achieve given the scale and extent of the proposals.
- **Visual:** On completion, would introduce a dominant and imposing structure that would interrupt views of the Grandstand from Portsmouth Road - identified as a ‘Local Landmark’ in the **Design SPD: Esher (CD3.2)** - would reduce the availability of longer views into the Racecourse:
 - *“the proposed development would be considered to form a visible and identifiable element within the view, but not changing the character of the immediate urban context. However, although long views to the northern boundary of the Racecourse would remain from Portsmouth Road, the proposed development would reduce the length of road from which these views could be obtained” EDP6 (CD5.52).*

- Proposed building would be imposing and dominant structure that would obstruct views of the adjacent Grandstand (a local landmark) – in views from Portsmouth Road the building would look taller than 6-storeys - looking up hill (1.5 – 4.5m) **DAS (CD6.49, 2of2, p.59)**.
- Obstruct views (of Grandstand) from Grade II listed gates and railings.
- The proposals at Site B and Site 5 would serve to bookend the existing views across the Racecourse, considerably restricting the existing horizontal field of view.
- Visible from many parts of the Racecourse (including Grandstand).
- Magnitude of change would be **High (LTVA: Medium)** (Adverse and Permanent) – Visual effects are assessed to be:
 - Residents: **Substantial**, Adverse & Permanent
 - Pedestrians: **Moderate Substantial**, Adverse & Permanent (**LTVA: Moderate / Minor**)
 - Cyclist & motorists: **Moderate**, Adverse & Permanent (**LTVA: Minor**)
- **Year 15:** As noted within **EDP6** the magnitude of change is likely to remain the same longer term (**LTVA: Medium**) given the lack of available in character mitigation.

Green Belt:

- **Committee Report** (9.7.3.2, Footnote 29) - works to enhance the racecourse's facilities could not benefit from Paragraph 145(b) (particularly in relation to outdoor sport) as the focus is primarily on the performance of the horse and there is no physical exertion for racegoers – in any case, does not 'preserve the openness of the Green Belt' and conflicts with the purposes of including land within it.
- Harm to Openness:
 - **Spatial harm** – increased volume of built form 27,950m³ – 6-storey building to site that is currently an overflow car park, and almost entirely open space (**Policy DM17**)
 - **Perceptual harm** – the existing topography falls away from the Grandstand with an approximately 4m fall from west to east, allowing clear views of the proposed building from Portsmouth Road through Grade II listed gates and railings - existing views of the Grandstand (a local landmark) and would be obstructed.
 - **GBR Table EDP 2.3 (CD5.50)** states *"There would be an increase in built form within the site... While development of the site would restrict views of the northern boundary to a degree"*.
 - **Committee Report** (9.7.3.13) notes that the proposed development *"would result in a significant adverse impact on spatial and visual dimension of the Green Belt's openness and therefore constitutes inappropriate development"*.
- Harm to Purposes:
 - **Purpose 2:** The proposed development of **Site B** would result in the introduction of a large building within the 'essential gap' between Greater London (Thames Ditton & Lower Green) and Esher (ESH02: New Road, Esher Park Avenue and Milbourne Lane, resulting in clear harm to this Green Belt purpose.

Extant Permission: Avoids impact on views across the Racecourse and views of the Grandstand & Less harmful to character and appearance of the area

Site 2 (0.42ha)

- (VP EDP6 - JCR3/5 – p.8 of 18)
- Approach to Esher town centre characterised by Leylandii boundary on higher ground (2.5m) and street trees (soft)
- Public views into the site available from the west, with existing Lodge clearly visible (VP EDP6 - JCR3/5)
- Currently hard standing for car parking
- **Proposal:** Proposal would introduce a 4-storey residential block (49 units) (CD5.31):
 - Lodge, stables and other built form would be demolished
 - Ground levels reduced to that of Portsmouth Road (up to 3m) – retaining structure to rear
 - Building set back from Giro café outdoor seating and Traveller’s Rest listed building
 - Site will be completely replaced by built form, with undercroft car park to rear
 - New building will created a new – offset – frontage to Portsmouth Road that will block views into the Racecourse
 - Substantially greater footprint, mass and height than existing
 - Taller than adjoining buildings – offset creates perspective view of a similar height building
 - **Parameter Plan (CD5.21)** indicates maximum building height of 14.10m (45.10 AOD) vs. Giro Café EL 37.43 (+7.67m) & RL 40.30m AOD (+4.8m).
 - Sensitivity = **Medium Low** (V = Low; Sus = Medium) (**Medium**)
 - Magnitude of change = **Medium** (Adverse & Permanent) (**Low**)
 - Overall effect = **Moderate Adverse** (**Minor**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG) - Mitigation looks to be poorly conceived - western boundary (6no. ‘architect trees’), squeezed between the proposed and existing buildings - screening between northern boundary (retaining wall) and car parking **Site A** (kerbs) - trees very close to the building façade (management & rooting volumes)
- **Visual:** introduce a substantial amount of visible built form to the eastern edge of Esher town centre:
 - Set back and out of character landscape treatment would visibly differentiate the building from the neighbouring shopping parade
 - EDP is from opposite side of road, from Giro Café views would have more limited perception of built form, looking north-east towards the open ground of Racecourse
 - On same side of road – true height can be appreciated
 - Visual barrier to views into the Racecourse
 - Magnitude of change would be **Medium** (**LTVA: Low**) (Adverse and Permanent):
 - Residents: **Moderate Substantial**, Adverse & Permanent (**LTVA: Moderate**)
 - Pedestrians: **Moderate**, Adverse & Permanent (**LTVA: Minor / Negligible**)
 - Cyclist & motorists: **Slight Moderate**, Adverse & Permanent (**LTVA: Minor / Negligible**)
 - **Year 15:** EDP6 (CD5.52) suggests that proposals would provide a ‘beneficial contribution’ to the urban context or that the continued maturation of the landscape proposals would further

assimilate the building – Disagree and considered the longer-term effects to remain largely unchanged given proposed mitigation.

Green Belt:

- PDL - 100% of the units would be affordable, hence the development could be assessed against Paragraph 145(g)(ii), where the proposals would not be considered inappropriate provided they passed the test to “not cause substantial harm to the openness of the Green Belt”.
- **Committee Report** (9.7.3.8) concludes “whilst the proposed development would provide 100% affordable housing, it has been identified that it would result in a significant impact on the openness of the Green Belt. As such, the proposal on Site 2 is not considered to benefit from the exception within Policy DM17 or paragraph 145 g) of the NPPF and constitutes inappropriate development”.
- Harm to Openness:
 - **Spatial harm** - volume of built form increases from 2,800m³ to 18,100m³ (+546%) – 4-storey with maximum height 14.10m (45.10m AOD) – replaces existing stables and 2-storey Lodge with concentration of volume to the frontage with Portsmouth Road.
 - **Perceptual harm** – perceived loss of openness, given that existing views across the site are possible - evident that the site is largely clear of buildings (stables and the Lodge frontage) – view corridor towards north and north-east of Racecourse blocked.
 - **Committee Report** (9.7.3.8) states “The proposed development is likely to be substantially greater in scale, massing, height and footprint than the existing built form and is therefore considered to likely result in a substantial harm to the spatial dimension of the Green Belt... the proposed building would be very apparent within the Portsmouth Road frontage. The fact that the existing single storey stables to the side boundary with the considerably larger expanse of hardstanding across the site would be replaced by up to a 4-storey building along the whole site’s frontage is considered to amount to a significant impact upon the visual dimension of the Green Belt.

Purposes:

- **Purpose 2:** The proposed development of **Site 2** would potentially result in the further minor erosion of the ‘essential gap’ between Greater London (Thames Ditton & Lower Green) and Esher (ESH02: New Road, Esher Park Avenue and Milbourne Lane, resulting in harm to the Green Belt.

Extant Permission (2008/0729 & 2011/0811):

- Proposals are materially greater built form
- Sets back the hotel from Portsmouth Road to maintain the open setting of the existing car parking - LVIA Para 3.8.6 highlights that “During discussions with Elmbridge Borough Council it was stated that the existing view corridor from the south-west corner of the racecourse to the wider Green Belt setting to the north and east should be respected to maintain the openness of the Green Belt”.
- Provides an active and positive transition between the racecourse and Esher townscape.

- Visually permeable boundary treatments to reinforce existing visual links to the Green Belt and racecourse settings (The Warren).
- Some spatial and visual harm to openness – but less harmful to the character and appearance of the local area.

Site 1 (0.24ha)

- (VP EDP5 - JCR3/5 – p.7 of 18) & (AV4 EBC1/3)
- Split level (1.5m) site on upward slope of The Warren, with single storey stables forming northern and southern boundaries
- Stables are not visible from The Green, but roofline can be seen over gate
- Central yard with access from More Lane
- Adjoins Esher Conservation Area (CD7.10, p.13):
 - Retains much of the character of a rural village green
 - Buildings surrounding Esher Green mostly 'small in scale'
- Key Gateway location - **Design SPD (CD3.2, 2of2, p.6)**:
 - Particular care is required as to the scale and form of new development
 - A 'landmark' building not proposed in this location, but might unintentionally become one.
- Site adjoins both ESH01 & ESH05 Character Areas – specific issues:
 - Replacement housing generally larger than existing
 - Increased presence of flatted developments – particularly along More Lane
 - Opportunity – *“take into account the established scale and grain of the sub-area and respect the quality of existing housing stock”*
- Ancient woodland to the north (The Warren, TPO) – several Cat B trees on the southern boundary
- **Proposal:** Proposal for 3-storey building (15 units) (CD5.30):
 - Stables and yard demolished
 - Ground levels reduced – retaining structure to rear (adjoining ancient woodland)
 - Replaced with a centrally located apartment block
 - External car parking and access road
 - Proposal of greater scale, height, and massing than the surrounding urban grain
 - **Parameter Plan (CD5.20)** indicates maximum building height of 10.95m (50.75 AOD) vs. Wheatsheaf EL 43.05 (+7.70m) & RL 46.06m AOD (+4.69m).
 - Proposal detracts from the character of Conservation Area
 - Rejects ESH05 'Opportunity' guidance
 - Landscape proposals ill-conceived - narrow fringe around the building perimeter - pair of 'architect' trees at the building entrance and a third on the building's south corner - restricted rooting volumes and likely future conflict between the tree canopies and the building façade
 - Sensitivity = **Medium Low** (V = Medium; Sus = High) (**Medium**)
 - Magnitude of change = **Medium** (Adverse & Permanent) (**Very Low**)
 - Overall effect = **Moderate Adverse** (**Minor / Negligible**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG)
- **Visual:** proposed development would be visible from north of Esher Green, rising above the neighbouring properties:

- On higher ground of Esher Green, the proposal would introduce new built form where there was none previously visible.
- EDP5 taken from low ground near monument
- On higher ground, abreast of The Wheatsheaf, views of the well wooded summit of The Warren would be interrupted (protected as 'Key Landmark' under Policy CS14)
- Views increasingly screened when heading south (downhill) – looking up through Wheatsheaf
- Views will be particularly evident from Key Gateway – (AV4 EBC1/3)
- Receptor sensitivities are considered to be higher to reflect the Conservation Area designation.
- Magnitude of change would be **Medium (LTVA: Low)**:
 - Residents: **Moderate Substantial**, Adverse & Permanent
 - Pedestrians: **Moderate Substantial**, Adverse & Permanent (LTVA: Minor)
 - Cyclist & motorists: **Moderate**, Adverse & Permanent (LTVA: Minor / Negligible)
- **Year 15**: No material reduction in effect over time (agreed in SoCG)

Green Belt:

- PDL - 100% of the units would be affordable, hence the development could be assessed against Paragraph 145(g)(ii), where the proposals would not be considered inappropriate provided they passed the test to *"not cause substantial harm to the openness of the Green Belt"*.
- Harm to Openness:
 - **Spatial harm** - maximum building height of 10.95m (50.75m AOD) - equivalent to a 3-storey building – maximum building volume would be 5,300m³ – existing stables average ridge height of between 3m-4.4m & existing volume is 2,200m³ - represents a 3,100m³ increase (+141%) concentrated at a central location within the site, rather than dispersed throughout the site as with the existing stables.
 - **Perceptual harm** – lack of taller existing built form ensures stables are generally not visible from the adjoining parts of Esher (Conservation Area) - perception of openness is maintained by virtue of the lack of built form above single storey height and the spatial separation between The Warren and the dwellings immediately to the south of the site - proposed development would infill this open space with a 3-storey building - visible through the new main entrance with surrounding external spaces dominated by car parking.
 - **Committee Report** (9.7.3.5) concludes that *"Whilst the proposal is likely to be considerably higher than the one it replaces, the staggered nature of the existing built form, and with the backdrop of higher 'The Warren', the proposal might not result in a visually intrusive or overly dominant feature in the setting of the surrounding environment"*. Visually intrusive and overly dominant.

Site D (3.5 ha)

- (VP EDP3 - JCR3/5 – p.6 of 18) & (AV5 EBC1/3)
- More Lane just south of entrances to Racecourse and The Warren, the open nature of the Racecourse is obvious.
- View looks over closeboard fencing and is only partially interrupted by lone tree, gateway and associated signage.
- View takes in Site 4 in the midground, with the well-treed northern boundary of the Racecourse clearly visible just below the horizon
- No perception of Lower Green through this vegetation.
- Only the 2no. 2-storey dwellings and roofline to a bungalow visible, which are very comfortably embedded within the Site 3 setting.
- **Proposal:** retain existing areas of tarmac relating to the car parking for the golf course, plus additional 2,100m² of hard standing to the eastern part of the site – Indicative Zoning (CD6.7):
 - Further 12,900m² of greenfield land will be converted to a reinforced grass system with surface drainage, for the purpose of overflow car parking
 - Existing topography and access arrangements will remain largely intact
 - This car park infrastructure (lighting, CCTV etc.) in combination with increased usage will serve to have an urbanizing effect
 - Sensitivity = **Medium Low** (V = Low; Sus = Medium) (**Medium**)
 - Magnitude of change = **Medium** (Adverse & Permanent) when in use (**Low**)
 - Overall effect = **Slight Moderate Adverse** (**Minor**)
 - **Year 15:** No material reduction in effect over time (agreed in SoCG) - **GBR (CD5.50, Para 2.36)** states that “*landscape mitigation would respond to the perception of openness in views from More Lane, and from within the Racecourse itself, as well as responding to local landscape character*” - planning submission does not describe how this mitigation would be implemented.
- **Visual:** it is unclear which landscape measures would provide ‘further screening’, but the **LTVA (CD5.52)** assessment of visual amenity fails to consider the impact of the reasonably expected increase in vehicle parking:
 - Proposal is to provide additional all weather car parking
 - Reasonable to conclude that views towards the site would therefore include increased vehicular movement, and a larger number of parked cars and potentially coaches
 - Magnitude of change is considered to be at least **Medium** (Adverse) on race days (**Low**):
 - Residents: **Moderate Substantial**, Adverse & Permanent (**Moderate**)
 - Pedestrians: **Moderate**, Adverse & Permanent (**Minor**)
 - Cyclist & motorists: **Moderate**, Adverse & Permanent (**Minor / Negligible**)
 - In my opinion, the overall effects of the proposals would be greater than reported in the **LTVA (CD5.52)** for all receptors in the short and longer-term, given the lack of credible mitigation.

Green Belt:

- Partially PDL - **Committee Report** (9.7.3.2, Footnote 29) - works to enhance the racecourse's facilities could not benefit from NPPF Paragraph 145(b) (particularly in relation to outdoor sport) as the focus is primarily on the performance of the horse and there is no physical exertion for racegoers – in any case, does not 'preserve the openness of the Green Belt' and conflicts with the purposes of including land within it.
- Should be assessed against Paragraph 146(b) as engineering works, where it the proposals would conflict with **Purpose 3** of designating land as Green Belt – does not 'preserve the openness of the Green Belt'.
- Harm to Openness:
 - **Spatial harm** - clearly parts of **Site D** are already used for car parking, but the addition of further car parking will serve to introduce increased numbers of vehicles which will inevitably have an incrementally adverse impact on openness not only when in use, but also to some degree by the increase in hard surfacing that will introduce an urbanising character.
 - **Perceptual harm** – Modest visual harm to the openness of the Green Belt, particularly on race days – with potentially large numbers of cars and coaches.
- Harm to Purposes:
 - **Purpose 3:** the urbanising effects noted earlier from the introduction of additional hard standing, Grasscrete, other car parking infrastructure and the additional effects of the in-use car and coach parking would adversely impact this purpose.
 - **Committee Report** (9.7.3.25) states *"the proposed development on Site D would have a modest impact upon the third Purpose and as a result would not benefit from the exception in paragraph 146 b) of the NPPF and constitutes inappropriate development"*.

Site 3 (1.76 ha)

- **(VP EDP2 / 1 – CD5.52 – p.10 / 9 of 18)**
- Located in the north-western part of Landscape Unit UW6-A - known locally as Lower Green.
- Mature woodland and scrub provides the dense green backdrop that forms the northern site boundary.
- Substantial areas of greenfield remain along the southern part of the site that adjoins the Racecourse, where topography down and away from the Racecourse towards a drainage channel.
- Small allotment in the eastern part of the site, with a maintenance compound to the west.
- A road runs through the site to access the 2no. bungalows (west) and 2no. 2-storey dwellings (east), with a site access onto Lower Green Road - Offers unobstructed views across the Racecourse towards The Warren.
- **GBBR 2018 Annex Report 1C (CD3.9)** - Step 4a – *“has a built form percentage of 8% comprising ancillary buildings associated with the racecourse. The sub-area is small in scale although distinctly more open than the urban area opposite. It provides a subtle transition from urban to more open racecourse beyond”*.
- **VP EDP2 (CD5.52, 2of2)** – winter shot (Feb 2019) – roof lines of small amount of built form within site can be seen above close board fence – permeability of northern boundary evident – properties on Lower Green Road visible through tree canopies.
- **VP EDP1 (CD5.52, 2of2)** – little perception of built form – breaks in boundary vegetation allow long views across the Racecourse towards the Grandstand in the distance.
- *“Some sense of openness in filtered views into the Racecourse”* – **GBR (CD5.50, 4of4, EDP2 Separation Plan)**.
- **EDP2** notes – *“open green space to the north-west of the Racecourse acts as a transition between large properties on More Lane and smaller residential properties on Lower Green Road”* – dwellings on Lower Green Road are *“two-storey properties within a green setting”*.
- **ESH06** Lower Green described as having a ‘Garden Suburb’ quality (Para 3.51), particularly in relation to their cottage scale, tall chimneys and eaves half-dormers - *“Wide and open verges are a characteristic of the informal layout of houses around the green to the south of the railway line”* - **SPD: Esher (CD3.2, 2of2, Para 3.52)**.
- **SPD** (Para 3.55) identifies ‘opportunities’ – *“expected that development in this sub-area will mostly consist of extensions and alterations. However, due to its proximity to Esher rail station, higher density development maybe appropriate... Case Study CS1”*
- **CS1 (CD3.2, 1of2, p.58)** – (Para 7.14) Concept – *“footprint of the building and its envelope will largely determine its overall capacity”* & (Para 7.15) *“built form of the development should reflect the informality of plan shape and massing which is the predominant character of this streetscape”* – (Para 7.18) Indicative Design – *“located within the parameters of the footprint and height envelope of two storeys”*
- **Proposal:** introduction of 9no. 3-storey apartment blocks (114 units) **(CD5.52, 1of2, EDP4)**:

- Much of the existing woodland and shrub boundary to the site will be removed and replaced with hard standing for car parking and general site access
- Serves to increase intervisibility.
- Proposals do not follow CS1 guidance – considerably greater scale, height, and massing than existing buildings and surrounding area – flat roof at odds with precedent image in **DAS (CD6.49, Fig 64, p.56)**.
- Proposals do not reflect ‘Garden Suburb’ scale and character of Lower Green Road
- **Parameter Plan (CD5.22)** indicates maximum building height of 10.95m (24.65 AOD) vs. existing 20.25m AOD (+4.4m) – **LGR** (no.146) RL 20.28m AOD (+4.37m) & west RL 21.70m AOD (+2.95) – EL varies 17.23 – 19.29m AOD (+5.36 - 7.42m).
- On completion, *“proposed development would be very noticeable within the vicinity through the introduction of some prominent elements and differences with the existing scale and pattern of development”* – **EDP6 (CD5.52, 2of2)**.
- **Condition 27(a)** – implementation results in widening of the carriageway of Lower Green Road between 58 and 130 Lower Green Road and the provision of full on street parking bays – north-east of **Site 3** - removal of narrow belt of woodland completely opening-up that stretch of Lower Green Road – transformative to the character and appearance of Lower Green Road – introduce clear views across the Race course (**Sites B, 3, 4 & 5**).
- Sensitivity = **Medium High** (V = Medium; Sus = High) (**Medium**)
- Magnitude of change = **High** (Adverse & Permanent) (**High**)
- Overall effect = **Substantial Adverse** (**Moderate / Minor**)
- **Year 15: EDP6** asserts *“maturation of the proposed landscape features would serve to assimilate the proposed built form into its local setting, being seen in a similar context to large built form aligning More Lane”* – represents lasting and irreversible harm to the character and appearance of Lower Green, where the existing ‘Garden Suburb’ quality will be lost forever - optimistic to conclude that Magnitude of Change will reduce to **Medium** – parts of northern vegetated boundary could be infilled overtime, little mitigation possible on southern boundary with Racecourse.
- **Visual:** proposals would introduce substantial new built form to views from the higher ground on More Lane and from within the Racecourse (**EDP3 - JCR3/5**):
 - Felling of a large amount of the northern boundary will increase intervisibility with Lower Green Road
 - **EDP6** notes *“proposed development would introduce new built form in views from higher ground within the Racecourse... the proposed development would be deemed to be an immediately obvious feature of the urban scene”*.
 - **LTV A (CD5.52, 1 of2, Para 7.19)** – *“proposed development would introduce new built form in views looking into the Racecourse where, currently, mature landscape scrub serves to prevent most views”*.
 - **EDP Appendix 6** proposals give rise to a **High Adverse** magnitude of change:

- Residents: **Substantial**, Adverse & Permanent (LTVA: Major)
- Pedestrians: **Moderate Substantial**, Adverse & Permanent (LTVA: Moderate)
- Cyclist & motorists: **Moderate**, Adverse & Permanent (LTVA: Moderate / Minor)

Green Belt:

- **Table 1 of GBS CD6.51** – *“Proposed development would have a greater impact on openness to that of existing built context”*.
- Harm to Openness:
 - **Spatial harm** - volume of built form increases from 1,750m³ to 33,750m³ = 32,000m³ (+1,828%) – 3-storey with proposed height 10.95m (24.65m AOD) – existing ridge height 4.6-8m – line of 9 substantial buildings – relatively little separation – bike/bin stores in gaps.
 - **Perceptual harm** – creation of a new 3-storey settlement edge along the southern site boundary - perceived edge of metropolitan London will have moved southwards from the northern side of Lower Green Road - significant harm to perceived openness – particularly oblique views
 - **Committee Report (9.7.3.22)** *“Due to the indicative extent of its footprint, scale, height and dispersal on the site, in comparison with the existing built form, the proposed development it is considered to result in a significant adverse impact in terms of the spatial and visual dimension of the Green Belt’s openness”*.
- Harm to Purpose 2:
 - **GBBR 2018 Annex Report 1C (CD3.9)** - Step 4a - **Site 3 (SA-70)** is *“part of the narrow gap between Greater London (Lower Green) and Esher. While it is small in scale, it plays an important role in maintaining a degree of physical separation between these settlements, in particular by providing a gap between residential properties on Lower Green Road and More Lane. It therefore prevents development that would physically reduce the perceived and actual distance between the settlements, which would result their merging. Additionally, it plays a role in preventing perceptual merging due to the strong visual links to the racecourse”*.
 - **Site 3** achieved a score of **5**, meeting the purpose assessment criteria **Strongly**, and making an important contribution to the wider strategic Green Belt - Not recommended for further consideration.
 - Mr Clarke (**JCR1/3**, Appendix 6) suggests that the administrative boundaries play a role in defining the ‘essential gap’ – they cannot as have no spatial or perceptual role with regard to the Green Belt – clear volumetric and visual separation between Lower Green and Esher t/c.
 - Turner (Para 15) – *“There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns”* – gap would be reduced spatially and perceptually.
- Harm to Purpose 1:
 - **Annex Report 1C** - Step 4a - **Site 3 (SA-70)** is *“perceptually connected to the large built-up area of Greater London (Weston Green), preventing its outward sprawl into open land”*. Scores **3** – meets criterion.

- Proposals creates a new southern boundary to the built-up area of Greater London along the perimeter of the Racecourse, with the tree-lined boundary very much diminished.
- The sprawl will have crossed Lower Green Road.
- Harm to Purpose 3:
 - Site partly greenfield – Achieves Score of **2** – ‘Meets Criterion Relatively Weakly’
 - **Modest** harm to purpose

61 More Lane (2017/0401):

- Development comprising 17no. flats with associated parking following the demolition of 61 and 63 More Lane and associated garages and outbuildings – far fewer than the 114no. at **Site 3**.
 - The existing 2no. detached two storey houses fill the majority of the width of their respective plots.
 - Far less prominent location than **Site 3** – clear relationship to railway embankment.
 - The proposal is for a two-storey building that includes accommodation within the roof space with breathing space to the south with no.59 and to the north with the railway embankment.
 - **Appeal Decision** (Para 11) – *“Given that varied context, the site does not neatly fall into either Character Area 5 or 6, as described in the Council’s Design and Character Supplementary Planning Document (SPD), nor could the appeal scheme reasonably be described as an uncharacteristic form of development”* – **Site 3** clearly falls within ESH06 and the proposals are distinctly uncharacteristic of Lower Green Road.
 - The proposed building would be positioned in a similar location to the existing houses and set back on the site, with its frontage facing the street scene – as per **CS1 (CD3.2, 1 of 2, 7.14)**.
 - **Officer Report** (Para 52) – *“the plot would appear spacious and this would respect the prevailing character and pattern of built development in the surrounding area”*.
 - The design of the building employs the use of varied rooflines, gable ends and hips in the new building to visually break up the front elevation whilst evoking traditional Victorian features and would appear respectful within the setting of the site and street scene.
 - Viewed from More Lane the proposals benefit from second floor accommodation within the front gable - replicates that of the development opposite.
 - **Officer Report** (Para 57) – *“The overall appearance of the building would be in keeping with the character the area”*.
 - **Appeal Decision** (Para 13) – *“The proposal would not amount to overdevelopment nor would the appeal scheme be at odds with the varied pattern of existing development”* – proposals at **Site 3** would evidently amount to over development and would be at odds with existing pattern of development on Lower Green Road - would **not** retain the spacious feel and verdant character of the local street scene.

Conclusions

- The development proposals would introduce significant built form, car parking and other associated development to a number locations along the boundary of the Racecourse or in highly visible locations towards the centre of the Racecourse.
- Materially damaging Green Belt effects arising from the proposed development of the Disputed Sites and therefore conflict with **Policy DM17** and the **NPPF**. These effects include:
 - Harm by reason of inappropriateness (all sites).
 - Spatial and perceptual harm to the openness of the Green belt (all sites)
 - Harm to the purposes of the Green Belt (all sites, with exception of **Site 1**)
- Substantial weight should be given to any harm to the Green Belt.
- 'Very special circumstances' will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations (**NPPF**, Para 144).
- The proposals would cause substantial harm to both the character and visual amenity of the area, and that the harm could not be significantly reduced by appropriate in character mitigation.
 - **Policy CS9** – expects all new development to enhance local character - scale, massing and distribution of the proposals detract from local character - significantly adverse effects.
 - **Policy CS17** under 'Local Character' requires that development should respond to the *"positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area"* – the proposals clearly conflict with this policy.
 - **Policy DM2(b)** requires that development should *"preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD"* with particular regard to the following attributes: appearance, scale, mass, height, levels and topography, prevailing pattern of built development, and separation distances to plot boundaries - Proposals do not demonstrate such regard - conflict with this policy.