

LOCATION: LAND AT FRIMLEY FUEL ALLOTMENTS, OLD BISLEY ROAD, FRIMLEY, CAMBERLEY

PROPOSAL: Change of Use of land from informal recreational use to the provision of a Suitable Alternative Natural Greenspace (SANG) and associated development. (Amended key plans rec'd 24/09/14).

TYPE: Full Planning Application

APPLICANT: Mr Robin Pearmain
Linden Homes

OFFICER: Duncan Carty

RECOMMENDATION: Defer and delegate for a legal agreement then GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application relates to the change of use of informal recreational land to provide a Suitable Alternative Natural Greenspace (SANG) to support the proposal for the residential development of 100 dwellings at The Ridgewood Centre, being reported elsewhere on this Agenda under application SU/14/0800.
- 1.2 The application site relates to a part of the Frimley Fuel Allotments (FFA) site which falls within the defined Countryside (beyond the Green Belt) and the south part of the site which falls within a wider Site of Nature Conservation Interest (SNCI). The site is predominantly woodland with a watercourse running from north to south with the north boundary of the site with Old Bisley Road and the Pine Ridge Golf Course to the west and east and MoD land to the south.
- 1.3 The principle of the use of the site is considered to be acceptable noting its Countryside location and the SNCI designation of part of the site. The use of the site as a SANG to support application SU/14/0800 is considered to be acceptable subject to a legal agreement to incorporate controls over the delivery and future management of the SANG, including "step-in" rights, provision of commuted sum/maintenance fund and the obligations for future owners of dwellings provided (under application SU/14/0800) and a SAMM payment. Upon the completion of such an agreement by 12 February 2015, the application is considered to be acceptable.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to a part of the Frimley Fuel Allotments site to the south of Old Bisley Road outside of the settlement of Frimley. The 7.8 hectare site is irregular in shape being narrow in the north part (width of 50 metres) and wider to the south (width of up to about 700 metres) and having a maximum length (from north to south) of 1.5 kilometres. The site is predominantly woodland with a watercourse, providing ponds in two places, running from north to south with the north boundary of the site with Old Bisley Road and the Pine Ridge Golf Course to the west and east and MoD land to the south.
- 2.2 There are a series of footpaths through the site with footpaths running from north to south, with other more minor link footpaths running west to east across the site. The site lies

opposite the Ridgewood Centre site (under application SU/14/0800). The south part of the site falls within a wider Site of Nature Conservation Interest (SNCI).

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history to this site. However, this application is linked to the proposal below:

3.2 SU/14/0800 Residential development of 100 dwellings (comprising 9 one bed, 27 two bed, 49 three bed, 11 four bed and 4 five bed units) with garaging/parking, access roads, other ancillary development and landscaping following the demolition/part conversion of existing buildings. Being reported elsewhere on this agenda.

4.0 THE PROPOSAL

4.1 The current proposal is to change of use of informal recreational land to provide a Suitable Alternative Natural Greenspace (SANG). This proposal will support the proposal for the residential development of 100 dwellings at The Ridgewood Centre, being reported elsewhere on this Agenda under application SU/14/0800.

4.2 The proposal would provide improvements to the land to improve access (and use) as a recreational space for walking and dog walking purposes and well as providing opportunities for ecological enhancements to this land. These details are set out further in Paragraph 7.3 below.

4.3 No parking exists or is proposed for this proposal.

5.0 CONSULTATION RESPONSES

5.1 County Highway Authority No objections.

5.2 Natural England No objections to the principle and raise no objections to the provision as a SANG, subject to the provision of a commuted sum and maintenance fund, and "step-in" rights if the management company fails.

5.3 Surrey Wildlife Trust No objections, subject to landscaping provided to limit access close to a badger sett and other recommended actions to protect species from adverse effect resulting from development works and the after-use of the site as a SANG.

5.4 West Surrey Badger Group No objections, subject to landscaping provided to limit access close to a badger sett.

6.0 REPRESENTATIONS

6.1 At the time of preparation of this report no representations have been received.

7.0 PLANNING CONSIDERATIONS

7.1 The application site falls within the Countryside (beyond the Green Belt) and the south part of the site falls within a wider Site of Nature Conservation Interest (SNCI). Due to the nature of the proposal, it is not CIL liable. The relevant policies include Policy CP1, CP11, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the NPPF. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 is also relevant.

7.2 The main issues to be addressed in the officer report are:

- Principle of the development and impact on the countryside;
- Whether the proposal meets the requirements of a SANG;
- Impact on delivery of Strategic Access and Monitoring (SAMM) of the SPA;
- Impact on character of area and trees;
- Impact on residential amenity;
- Impact on highway safety; and
- Impact on ecology.

7.3 Principle of the development and impact on countryside

7.3.1 The proposal relates to a low key outdoor recreational use of land in the Countryside. Paragraph 17 of the NPPF indicates a core of planning principles which should under-pin decision making including recognising the intrinsic value of the countryside and it is considered that the proposal does not conflict with this principle. The core principles also include making the fullest use of walking and cycling and support the health wellbeing of a community and this proposal would support these principles. No objections are therefore raised to the principle of the development, subject to the matters raised below.

7.4 Whether the proposal meets the requirements of a SANG

Policy background

7.4.1 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that:

“All new (net) residential development within 5 kilometres of the Thames Basin Heath Special Protection Area [SPA] is considered to be give rise to the possibility of likely significant effect. Accordingly only new development that complies with the following requirements will be permitted.....Proposals for residential development...[more than 400 metres from the SPA, such as the development proposal under application SU/14/0800]....will be required to provide appropriate measures to avoid adverse effects upon the...[SPA]... in accordance with the...adopted avoidance strategy. Such measures shall include...all net residential development shall provide or contribute towards the provision of Suitable Alternative Natural Greenspaces (SANGs)...”

The application site, for the residential development (under application SU/140800) which is supported by this proposal, falls about a minimum of 500 metres from the nearest part of the SPA.

7.4.2 Paragraph 5.126 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that the “key issues around the provision of SANGs are:

- *That these must be provided “in perpetuity” and legal advice has indicated that this requirement means that provision must in practice be provided and managed by a public body or similar and public access be unrestricted.*
- *That these must be to a standard appropriate to the development concerned (that is at least 8 hectares per 1,000 new occupants) sufficient to ensure that they represent an effective avoidance measure.*
- *The provision should be made available before the dwellings are occupied.”*

The period of perpetuity is normally accepted to be 80 years, although the applicant is proposing a 125 year lease. It is possible to provide private SANGs but there needs to be some guarantees regarding the retention of the SANG and public access to it in the long term and maintaining its quality so that it remains a suitable alternative to the SPA for recreational activity.

7.4.3 Paragraph 5.7 of the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 confirms that for development comprising 100 dwellings or more would be expected to provide their own on-site SANG. SANGs are areas that are currently not in use or (as in the case of this proposal) under-used for recreational use which can absorb additional recreational use.

7.4.4 Paragraph 3.3 of the SPD indicates that “*carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without detriment to the site. For new SANGs with no existing usage the carrying capacity will normally be 8 hectares per 1,000 population standard. For sites already in use [such as the current proposal] which have the capacity to absorb additional recreational use without detracting from the attractiveness of the site a discount will be applied to capacity.*” The nature conservation value of a site would also need to be taken into consideration when assessing the carrying capacity of a site. Visitor surveys will inform the amount of available carrying capacity, taking into consideration the nature conservation value of a site, and it would be for the applicant to indicate (please see assessment in Paragraph 7.4.6 below) any resulting uplift in capacity that would be provided by the proposal.

7.4.5 Appendix 2 of the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 indicates the requirements for SANG provision and are summarised below:

- Parking is required, but only for SANG proposals of 4 hectares in area or above;
- A circular path of 2.3-2.5 kilometres around the SANG;
- SANGs must be designed so that they are perceived to be safe and easy to use and well maintained but should remain unsurfaced to avoid the site becoming too urban in feel;
- SANGs should be provided as semi-natural spaces with very little intrusion or artificial structures. However some visually-sensitive way markers and benches are acceptable;
- Access within the SANG should be unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off the lead;

- It is desirable that SANGs should provide a natural space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water in part, but not the majority of sites, is desirable; end
- SANGS must be free from any unpleasant intrusion (e.g. sewage works).

The quality of the SANG provision

7.4.6 The current proposal would provide 7.8 hectares for the proposed SANG. This amount of land meets the minimum requirements (to support application SU/14/0800). The site is currently used for walking purposes, as indicated above, but the level of use confirmed by the visitor surveys undertaken for the application site is 496 visitors, which equates to an area of 3.97 hectares which is to be discounted from the carrying capacity of the site. The proposal would equate to an additional 237 residents in the local area, equating to as requirement for 1.9 hectares of SANG, which would be accommodated within the current proposal. Natural England confirms that the proposal would support the residential proposal (under application SU/14/0800) and would also provide additional “headroom” equating to 1.9 hectares to support residential development elsewhere.

7.4.7 The proposal would also provide a circular walk of at least 2.3 kilometres in length, meeting minimum requirements. Part of this walk is within relatively dense woodland and at this point takes a zigzag direction through the site. For the north part of the site which is the narrowest part of the site, there is also a footpath to both flank (i.e. west and east) boundaries with sufficient distance and natural barrier (a watercourse) between to provide this circular walk. The site provides a semi-natural condition and with limited tree (and scrub) removal would retain its woodland character and provide an acceptable circular walk. Natural England has confirmed that the proposed SANG would meet the minimum tests for SANG provision and is acceptable.

The SANG delivery

7.4.8 The applicant has confirmed that capital works required to provide the SANG include the provision of a circular walk, the installation of waymarkers within the site and two signs (a signpost and a sign illustrating the route) at the entrance to the site from Old Bisley Road, the provision of crossing point (small 3 metre length culvert) to stream and new tracks would be lightly gravelled to reduce erosion but retain rural character. The delivery of these works would be needed prior to the first occupation of the residential development (under application SU/14/0800).

The SANG management

7.4.9 The applicant is proposing that a private SANG is provided at the site. A management plan is proposed with the developer providing the SANG with a management company, then taking over the running of the SANG and maintaining its quality as a SANG, an approach accepted in principle by Natural England. The future maintenance would include the maintenance of circular walk (and other tracks), waymarkers and signs, tree and scrub management and stream and pond management. The management would be subject to review and arrangements for the delivery of the SANG and its retention and long term maintenance would also be required.

7.4.10 The long term management of the SANG would need to take into consideration:

- The securing of maintenance in perpetuity;
- The collection and enforcement of residents service charge and how shortfalls in payment will be reclaimed at property sale;

- Commuted sum and maintenance fund; and
- Step-in rights i.e. the management company fails.

7.4.11 The applicant has confirmed that the wider Frimley Fuel Allotments site is currently managed in line with the Frimley Fuel Allotments Management Plan 2012 produced by the Surrey Wildlife Trust. The applicant expects that the wider site (beyond the SANG boundary) would continue to be managed by the Trust and the FFA Charity overseeing the management works and would step-in if the management company were to fail or maintenance is not considered to be acceptable. Some heathland regeneration works are proposed under the management plan for the wider site but, as indicated in Paragraph 7.4.7 above, only limited tree/scrub removal would be possible within the SANG area.

7.4.12 The applicant has provided a draft legal agreement which confirms that:

- A 125 year lease would be provided to the SANG management company;
- The provision of the service delivery and management plans for prior written approval by the Council (this will be provided by condition instead - see Condition 2 below);
- Obligations included within the transfers to the purchasers of the dwellings (under application SU/14/0800);
- Notification procedure to the Council when the SANG is provided in accordance with the delivery plan and upon the completion of the lease leasing the SANG to the SANG management company;
- Making available the use of the SANG for future residents (of development under application SU/14/0800);
- No occupation (of dwellings provided under SU/14/0800) until SANG delivery plan has been provided and the SANG management company is in place (and after details agreed by the Council);
- Provision of annual reports in relation to SANG management for the duration of the leases. This would include annual cost, receipts (of the service charge and premiums) and any resulting deficit;
- Comments of the Council to be considered by the SANG management company; and
- The step-in arrangements if the SANG management company fails (see Paragraph 7.4.13 below).

7.4.13 The proposed "step-in" arrangements would occur where the SANG management company does not maintain or manage the SANG. In accordance with the management plan, the extent and nature of the failure and the steps and timescale to rectify the failure would be provided. Where a dispute would arise, a resolution process would be undertaken, which may alter these requirements. If the breaches are not then resolved, the responsibilities (i.e. step-in) to maintain the SANG would rest with the Frimley Fuel Allotments charity.

7.4.14 If the SANG management company fails should the company fold, fail to collect the service charge, etc.) then it would be the Frimley Fuel Allotments Charity which would step-in to manage the SANG.

Funding for the equivalent of ten year's maintenance of the SANG is held should the management company fail or where the maintenance of the SANG is considered to be insufficient.

- 7.4.15 It is considered that these arrangements are acceptable and the proposal would comply with SANG management and delivery requirements and, subject to the completion of a legal agreement, complies, in this respect, with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved), Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and the NPPF.

7.5 Impact on the delivery of SAMM

- 7.5.1 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 indicates that the Strategic Access Management and Monitoring project (SAMM), a joint project between the local authorities affected by SPA, is a project to provide management of visitors across the entire SAP and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. Residential development provides contributions to support this to levels as set out in the SPD, and for application SU/14/0800 amounts to £61,779 and is required as a part of the legal agreement. No objections are raised on these grounds subject to the completion of a legal agreement to provide this funding by 12 February 2015, no objections are raised with the proposal complying, in this respect, with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved), Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and the NPPF.

7.6 Impact on character of area and trees

- 7.6.1 The proposal would provide a low key use in the countryside and whilst some intensification of use is proposed, this would not have an impact on landscaping details, including any required tree and scrub loss, would follow as a part of the management plan but it is not envisaged that this would result in any material "urbanising" of the site. As such, the proposal is considered to be acceptable on these terms and complies, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.7 Impact on residential amenity

- 7.7.1 The application site is located some distance from any residential property (found to the north of Old Bisley Road). Taking into consideration the very limited impact of the proposal, no objections are raised on residential amenity grounds, with the proposal complying, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.8 Impact on highway safety

- 7.8.1 No parking exists or is proposed for this proposal. It is expected that the use, connected with the development principally proposed on the opposite side of Old Bisley Road (SU/14/0800) and the carrying capacity of the SANG proposal, it is not envisaged that such parking is required. No objections are raised to the proposal by the County Highway Authority and Natural England have also confirmed that these arrangements are acceptable. No objections are therefore raised on highway safety grounds with the proposal complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.9 Impact on ecology

- 7.9.1 The proposal would result in the increased activity of the site which has an ecological value, part of which is designated as a Site of Nature Conservation Importance (which is a County level designation). The proposal would provide some ecological enhancements to offset the impact of this increased activity. There is also a main badger sett close to the application site and the Surrey Wildlife Trust and West Surrey Badger Group confirm that with some landscaping (provided as a part of the management and delivery plan) to reduce public access in closer proximity to the sett, no objections are raised on ecological grounds. The proposal is considered to be acceptable on such grounds complying, in this respect, with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)

ORDER 20

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included 1 or more of the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 It is considered that the proposal would provide a SANG capable of supporting application for residential development SU/14/0800 with some headroom. The application can therefore be supported on these grounds.
- 9.2 The proposal would have no adverse impact on residential amenity, highway safety, character and trees, and ecology. A legal agreement is required in line with Paragraphs 7.4.10, 7.4.12 and 7.5.1 above, and subject to the completion of such an agreement by 12 February 2015, the application is considered to be acceptable.

10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and

in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the details submitted with this application, prior to the commencement of the approved development, a SANG management and delivery plan shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be undertaken in accordance with the approved details. Any variation to the approved details will require the prior approval in writing of the Local Planning Authority.

Reason: In the interest of SANG delivery and nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework.

3. The proposed development shall be implemented, except where varied by Condition 2 above, in accordance with the following approved plans: D23230L.110 [Masterplan and Sheets A-G (inclusive)] received on 24 September 2014 as received on unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

Informative(s)

1. Decision Notice to be kept DS1

In the event that a satisfactory legal agreement has not been completed by the 12th February 2015, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:

1. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policies CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework, in relation to the provision of a Suitable Alternative Natural Greenspace (SANG) to support residential development elsewhere in the Borough, failing to comply with Policies CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework