

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 11 January 2017

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<b>AGENDA ITEM NO</b>	1
<b>APPLICATION NO</b>	3872/16
<b>PROPOSAL</b>	Hybrid application comprising: - application for full detailed Planning Permission for the erection of a new Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential unit (revised scheme to application 0846/15).
<b>SITE LOCATION</b>	Land south west of, School Lane, Fressingfield IP21 5PZ
<b>SITE AREA (Ha)</b>	1.09
<b>APPLICANT</b>	The Trustees Of Fressingfield Baptist Chapel.
<b>RECEIVED</b>	September 14, 2016
<b>EXPIRY DATE</b>	December 15, 2016

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#### **REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

- (1) it is a "Major" application for:-
- a residential land allocation for 15 or over dwellings

#### **PRE-APPLICATION ADVICE**

1. This application is a re-submission of application 0846/15. Pre application advice was sought from the Case Officer prior to the submission of this application to discuss how to overcome the refusal reasons of 0846/15.

#### **SITE AND SURROUNDINGS**

2. The application site relates to a parcel of land extending to an area of 1.09 hectares of grassland covered with vegetation including mature trees. The site is bounded to the north by the playing fields associated with Fressingfield Church of England Voluntary Controlled Primary School. On the eastern boundary the site abuts the rear gardens of No's 1 to 6 Stradbroke Road and No's 1-5 The Laurels, a cul-de-sac served off Stradbroke Road. To the south is open countryside. To the west the site adjoins side and rear gardens of properties in Sancroft Way and Oatfields. There is a Public Footpath adjacent to the southern boundary of the site which runs between Priory Road and Stradbroke Road.

The site abuts the defined settlement boundary of Fressingfield on the west, north and east boundaries as shown on Mid Suffolk Local Plan Inset Map 36. The site for planning purposes is deemed to be within the countryside.

The majority of the site has been identified by Natural England as Broadleaved woodland, a Priority habitat (under s41 NERC Act).

## HISTORY

3. The planning history relevant to the application site is:

1200/00	Residential development (17 dwellings) and construction of new estate road (extending from New Road to North-West).	Refused 31/03/2000
0846/15	Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units; as amended by drawings received 17 November 2015 altering the design of the chapel and drawing 18975/802 rev A received 11 January 2015 amending the road layout and agent's letter received 11 January 2015.	Refused 07/03/2016

## PROPOSAL

4. This is a "hybrid application" which comprises of:

- Full planning permission for the erection of a Baptist chapel, car parking and access.
- Outline planning permission for up to 18 residential units.

### Full element:

The application seeks permission for a new access to be created off School Lane which would serve both the proposed Baptist Chapel and the residential development.

The full application relates to the northern part of the site. The Baptist Chapel would be in the northwest corner of the site and would face eastwards over a new car park which provides 50 spaces including 4 disabled and a bicycle storage area.

The Baptist Chapel would have accommodation over two floors with a main meeting room and vestry, hall, kitchen, coffee shop, offices and common rooms on the ground floor. On the first floor which only cover part of the building are further common rooms. It is proposed to provide seating for a congregation of up to 200 people.

The building has an overall width of 36.24 metres and a depth of 27.28 metres (30.02 overall). The overall height of the building would be at 8.29 metres. It would have a ground floor area of 959sqm and first floor area of 173sqm. The building would be constructed with a buff brick plinth, light brown horizontal

boarding above and profiled roof sheeting in dark grey for the roof material.

The layout plan identifies the provision of a new block paved footway which runs from the new access road, along the northern edge of the site within the car park and then links to an existing footpath within the Primary School Grounds which is outside of the application site. The school path runs along the southern edge of the school playingfield providing access to the school from Sancroft Way. This is controlled by a gate which is only available during the beginning and end of school day. The proposal will involve the repositioning of the gate and erection of a fence and hedge to create a new boundary to the playingfield. A section of path would then provide an unrestricted right of way to the application site connecting Sancroft Way to School Lane.

**Outline Element:**

Outline planning permission is sought for the erection of up to 18 dwellings. All matters are reserved for subsequent approval with the exception of the access. An indicative layout plan has been submitted within the application. This shows that the new access proposed to serve the chapel would also serve the dwellings. 35% (6) of the dwellings will be affordable units.

**POLICY**

5. **Planning Policy Guidance**

See Appendix below.

**CONSULTATIONS**

6. This is a summary of the representations received. A copy of the full consultation responses are enclosed within the agenda bundle.

**The Parish Council:** The parish council recommends approval. In summary:

- Members recognised and appreciated the mitigating woodland that had been proposed and the following of the Arboricultural Implications Assessment and Method Statement was supported by the Council.
- The retention of some trees (for bats to feed) and hedgerows was supported.
- Members were pleased that Highways issues had been addressed satisfactorily.
- The design and layout of the proposal as a whole was fitting for the site.
- The protection of wildlife habitats had been addressed satisfactorily
- The proposal provides facilities that will be available to the community as a whole, not just the congregation of the chapel.
- This development will bring much needed parking space in the vicinity of the primary school that should alleviate the dangers at drop off and collection times and the proposed play area would add to the facilities available to the parents of children at the school before and after lessons
- It is hoped that the reserved matters application for the houses will demonstrate a variety of types to fill various needs that will sit well with the current village vernacular.
- The requirement for affordable housing in Fressingfield is well known

and this proposal appears to promise such properties. The Council wishes to emphasise that the affordable housing promised in this application is absolutely critical to the village.

- Satisfies policies FC1 and FC1.1 of the Focused Review, GP1, CL8, T9, T10, H4 H13, H14, H15, and RT1 of the Mid Suffolk Local Plan.

**SCC Highways:** Suffolk County Council Highways raise no objection to the proposal subject to conditions agreeing precise details for the estate road and footpaths, construction of footways and road prior to occupation of the chapel and the use shall not commence until the parking areas are provided.

**Suffolk County Council Infrastructure:** Suffolk County Council Infrastructure team calculate a sum totalling £16,069.00 towards primary school and libraries which will form the basis of a CIL contributions bid by County. They have also requested S106 funding towards improvements to the public footpath 66.

It is also likely County will grant permission for the disposal of land to create the footway link subject to approval by the Secretary of State.

**Environmental Health (Land Contamination):** The Environmental Health team raise no objection. A Phase I desk study and site walkover has been submitted. This report adequately assesses the former uses of the site and demonstrates that the risks posed at the site are minimal and probably reflect the use of the site for agricultural purposes. They do not object to the proposal and request the inclusion of advisory comments on unexpected ground conditions.

**Environment Agency:** No response was received from the Environment Agency. The Environment Agency advised in the previous application (ref. 0846/15) that this application falls outside their remit as a statutory planning consultee.

**Strategic Housing Service:** The Strategic Housing Service raises no objection to the proposal. They advise that six of the proposed dwellings should be affordable housing. These should be provided through a S106 Agreement in the form of: -

Rented: -

2 x 1-bedroom 2-person flats @ 50 sqm

2 x 2-bedroom 4-person bungalows @ 70 sqm

Shared ownership: -

1 x 2 bed 4 person houses @ 79 sqm

1 x 3 bed 5 person house @ 93 sqm

**MSDC Tree Officer:** MSDC Tree Officer has no objection to the proposal subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report and retention of the boundary hedgerows. The trees for removal are generally of limited amenity value and/or in poor condition and with the retention of the boundary hedgerows and trees this loss should not have a significant impact upon the visual character of the local area. The Tree Officer advises that classification of part of the site as 'priority woodland habitat' is somewhat difficult to understand and possibly not the result of a detailed assessment.

**Landscape Officer:** The Landscape Officer is content that the proposal is, as

set out in his letter dated 09/09/15 in respect of the earlier application acceptable in landscape terms subject to the conditions set out at that time.

**Suffolk Fire and Rescue:** Suffolk Fire and Rescue advise that their comments to the previous application remain relevant. Their previous comments stated the relevant building regulations requirements for fire safety and that if minded to approve this application adequate provision is made for fire hydrants and a suitable planning condition is imposed.

**Suffolk County Council Archaeological Service:** Suffolk County Council Archaeology raises no objection to the proposal subject to conditions requiring the agreement and completion of archaeological works. This, as County state, is because the proposal lies in an area of archaeological interest, in a topographical location that is favourable for early occupation of all period. Although there are no recorded heritage assets on the Suffolk Historic Environment Record, this area has not been the subject of previous systematic investigation. The scale of the plot is such that there is a high potential for the discovery of hitherto unknown important features and deposits of archaeological interest at this location. Any groundworks associated with the proposed development has the potential to cause significant damage or destruction to any underlying heritage assets.

**Natural England:** Natural England commented on the previous application proposal in their letter dated 19 August 2015. This letter states that based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England have not assessed this application and associated documents for impacts on protected species and guides the Council to their published Standing Advice on protected species.

Natural England advises that this previous response applies equally to this revised scheme. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Suffolk Wildlife Trust:** Suffolk Wildlife Trust provides comments on the proposed development. They state;

It is proposed to provide replacement planting at a site equivalent to that which would be lost as compensation. As required by the National Planning Policy Framework, compensation for biodiversity loss should only be considered when such loss cannot first be avoided or mitigated. The determination of this application must therefore consider whether the identified loss can be avoided. Only if suitable avoidance or mitigation cannot be achieved should compensation be considered.

Any compensation proposed should seek to secure biodiversity gain, such as by being of a greater size than the area to be lost, and its long-term future and beneficial management secured as part of any scheme.

Notwithstanding the above, any loss of existing habitat from the development site would result in a short/medium term net loss to the biodiversity of the area as compensation planting will take time (and appropriate management) to mature.

The great crested newt survey report makes reference to mitigation measures included within a Construction Environmental Management Plan (CEMP), however no such document appears to be included with this application. Suffolk Wildlife Trust query how it is intended to mitigate for any great crested newts which may be present on site. *Case Officer Note- a CEMP has since be received as discussed below.*

Whilst the development proposes to retain the boundary vegetation at the site, the majority of the other vegetation is to be removed. This will reduce the amount of foraging habitat available to bats in this area. There should therefore be suitable demonstration that the number of dwellings proposed can be accommodated without having a detrimental effect on the boundary vegetation.

Suffolk Wildlife Trust recommends that a sensitive lighting strategy is produced in order to demonstrate that any external lighting will not have an adverse impact on such species, no vegetation clearance is undertaken without the implementation of measures to protect such species and that the recommendations made within the ecological survey reports are implemented in full, via a condition of planning consent.

Since Suffolk Wildlife Trusts response a Construction Environmental Management Plan and Supplementary Information In Relation To The Proposed Mitigation For Loss Of 'Priority Woodland'. A further response from Suffolk Wildlife Trust is outstanding and will be reported to Committee as a late paper or verbally on the day.

**Place Services- Ecology (Sue Hooton):** Place Services, the Council's Ecological Consultants, advise that all significant adverse impacts from the proposed development upon Priority habitats, as well as Protected and Priority species, will be mitigated in line with relevant wildlife legislation and planning policy. The LPA can therefore demonstrate its legal compliance with the Habitats Regulations and Wildlife & Countryside Act, as well as its biodiversity duty under s40 of Natural Environment & Rural Communities Act.

It is agreed that the works will result in impacts on important ecological features including Priority broadleaved woodland habitat and could impact on Protected and Priority species. However with mitigation secured, these impacts will be minimised such that the proposal is acceptable in terms of biodiversity impacts, subject to the conditions based on BS42020:2013. The conditions will secure mitigation, compensation, protection and enhancement measures including a lighting strategy.

**Environmental Health (Sustainability):** The Environmental Health Team comment that the application does not make reference to policy CS3. and there is no attempt to suggest methods by which the development would reduce water use, make use of sustainable construction techniques and materials and otherwise reduce the environmental impact of the development.

The recommendation is to impose pre-commencement conditions to ensure the buildings are as sustainable as possible and to secure the required 10% energy reduction for the Church building. The conditions would secure a Sustainability & Energy Strategy.

**Public Rights of Way:** The Public Rights of Way Team raises no objection to

the proposal. Footpath 66 runs adjacent to the application site. As a result of anticipated increased use of the public rights of way in the vicinity of the development, Suffolk County Council may be seeking a contribution for improvements to the network.

**Anglian Water:** Anglian Water confirms that the foul drainage from this development is in the catchment of Weybread Water Recycling Centre that will have available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable at a maximum of 5.00l/s. They recommended a condition that no hard standing areas to be constructed until works in the agreed surface water strategy have been implemented.

**Environmental Health (Other matter):** No objections subject to conditions to mitigate impacts of noise and lighting. Conditions relating to agreeing details of air source heat pump, extraction and ventilation details, that working hours are to restricted to 08:00 to 18:00 Mon to Fri and 08:00 to 13:00 on Sat with no working outside of these hours, and that no external lighting shall be installed without details being submitted and approved by the Local Planning Authority.

**Heritage:** The Heritage Team has no comments to make on this application

**Suffolk County Council Floods:** Suffolk County Council, Flood and Water Management can make the following initial comment

- 1) FRA need to be updated to reflect the latest Ciria SuDs manual
- 2) Infiltration test results need to be submitted for the full part of this hybrid application
- 3) FRA and drainage strategy need to be updated to reflect changes to climate change %
- 4) Evidence needs to be provided that the watercourse has a positive outfall
- 5) Design should include for above ground attenuation
- 6) FRA states that the highway drainage system will be offered to Norfolk CC
- 7) Applicant needs to reference and follow SCC's local SuDs guidance

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

### **Petitions**

A petition signed by 25 residents objecting to this development was reported to Full Council at the meeting held on 31 October 2016. The petition states the incorrect planning reference number but clearly relates to this proposal. It includes the application proposal description and application site address. The petition states *'Should the above planning application be granted permission. This will create an increase in the amount of traffic using School Lane with the extra hazard and danger this will cause'*. The signatories agree to the statement *'I strongly object to the above planning application near to the Fressingfield*

*Primary School*. 15 of the signatories are residents of Fressingfield.

**Summary of responses with grounds for objections:**

- Potential noise and light issues to adjacent neighbours due to the increase in traffic, external equipment (ventilation equipment) and potential events at the new chapel at any time.
- The existing church and the conversion of the existing listed building for alternative use could be a condition of consent as part of the planning obligation of this development.
- The existing chapel should be renovated and kept for the use as a Baptist Chapel. There has been little to substantiate the need for a further chapel of this scale.
- There are more appropriate sites in the centre of the community (e.g. disused petrol station site).
- Will result in congestion, highway safety harm and restricted access to the school and chapel especially at school opening and closing.
- Potential harm to school children's safety given the public access, congestion and additional traffic including construction traffic making dropping off and picking up pupils dangerous.
- Associated traffic, including construction traffic may cause obstructions and parking problems to surrounding roads (Sancroft Way and Oatfields)
- The local doctors surgery and primary school are near or at capacity
- This is a woodland area that supports many species especially great crested newts and could be used as the school's woodland or area to expand the school. It should be retained and protected.
- Loss of only open woodland in Fressingfield which is a Priority Habitat and some of the trees should be protected by a tree preservation order.
- Inconclusive and inaccurate ecological reports which missed out two ponds in the area out lined in red and the bat surveys do not take account of trees along Stradbroke Road
- Loss of views of open countryside
- The development does not accord with local or national policies
- Reduction of school property and restrict future expansion of school.
- This is an application for a church not a multi-use facility
- These churches are not run as community resources and would not benefit the whole community.
- Violation of the human Rights Act section 8 the right to privacy and family life due to the size of the building, rear windows and proximity to the gardens with no boundary trees and subsequent overlooking.
- The new footpath was rejected by the school governors for matters of policing and liability and would make the public footpath redundant
- Building materials and design is not within keeping with the area and the village. It is hideous in design and appears more as a warehouse and will be obtrusive in this area.
- Car park may give rise to anti-social behaviour.
- The sports hall area would only be used by chapel members and seems in direct conflict with the frequent requests for locals to use the existing sports and social facilities at the playing fields, or else they are in danger of closing.
- There are other developments in Fressingfield which are more appropriate.
- This development doesn't stand for what village life is about

**Summary of responses with grounds for support**

- More road way down past the chapel and car park will give more room for cars



to park rather than over the grass verges, on the main road, blocking views of the road and causing safety issues with school buses and children walking home. This space will relieve the congestion around the area.

- Unlikely to be significantly more traffic as traffic for work is generally outside of school times and the main chapel traffic would be on Sundays and evenings when the school is closed.
- The footway will connect to footways so children will not have to cross road to enter or exit the school.
- The existing building has accessibility problems for mothers with prams, the disabled and the elderly.
- The building is no longer suitable for the needs of the youth group and the congregation. The rooms are not of today's standard and it lacks a kitchen facility. The church is also growing in size.
- Parking is a problem at the existing chapel.
- The existing chapel is a grade 2 listed building and therefore expansion and alterations are limited.
- The Chapel will benefit the young people of Fressingfield where the drama groups and youth can have a place to meet and play games/indoor sports in a safe environment.
- Would be available for the community and for school productions. There are not many facilities that can accommodate lots of people at the moment.
- Excellent idea to join the footpath from the estate behind the school to Sancroft Way as walking down New Street with no pavement is rather dangerous. This would provide access from one side of the village to the other at all times.
- The new houses are needed as is the provision of affordable housing.
- Many facilities have closed in the village and the housing will help keep the village keep moving forward.
- No significant wildlife seen during the surveys that were undertaken and the trees are not extensive; the site is currently overgrown but that does not mean it should be treated as a nature reserve it is unused agricultural land.
- Construction traffic is likely to be controlled as not to coincide with pick up and drop of times.

## ASSESSMENT

### 8. Background Information

The previous application 0846/15 ("2015 application") was refused by Development Control Committee on the 02 March 2016 for the following reasons:

*1. The proposal seeks to provide a footway link and new path on land outside the red line application site and outside the applicant's ownership or control. There is no agreement to secure the transfer of the land for the provision of the footpath.*

*The provision of this footpath provides a direct link to local services and facilities, without which the proposal would be contrary to paragraphs 31, 34, 35 and 72 of the NPPF, not providing or promoting viable infrastructure necessary for the development, or indeed prioritizing pedestrian access and as such not contributing to the achievement of sustainable development*

*required by paragraph 6 of the NPPF, contrary to Core Strategy Policies FC1 and FC1.1.*

*2. Part of the visibility splay required when entering the site from School Road (as shown on Forward Visibility Plan 18975/802 Rev B, received 4/2/2016) are not within the red line application site and outside the applicant's ownership or control. Their provision and future retention cannot be secured and on that basis the development cannot deliver safe and secure access as required by Policy T10 of the Mid Suffolk Local Plan and paragraph 32 of the NPPF.*

*3. The application site forms part of a designated Priority Habitat Area of broadleaf woodland. The NPPF at paragraphs 117 and 118 aims to conserve and enhance biodiversity, including the preservation, restoration and re-creation of Priority Habitats, further requiring that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.*

*The proposal would result in the incursion of residential development and community facilities across the entire designated area resulting in the complete loss of this irreplaceable habitat contrary to Core Strategy Policy CS5, Local Plan Policy CL8, Core Strategy Focused Review Policies FC1 and FC1.1 and the National Planning Policy Framework paragraphs 7, 109, 117 and 118.*

*As such the proposal cannot be considered to improve biodiversity, and as such not achieve the environmental aims of sustainable development. As the different roles of sustainable development identified in paragraph 7 of the NPPF should not be undertaken in isolation the proposal cannot be considered sustainable development in this respect and as such is contrary to the requirements of paragraphs 7, 8, 109, 117, 118 and 119 of the NPPF.*

*4. The development if approved would not secure adequate provision of open space and/or infrastructure to mitigate the impact of the development contrary to policy CS6 or the Core Strategy 2008 without the requisite S106 obligation or CIL being in place.*

#### Officers Assessment

This application seeks to overcome these reasons for refusal. The scheme remains predominately of the same layout and scale as the 2015 application. The new Baptist Chapel has some minor alterations to the elevations. Internally the sports hall has been moved to the north side wing and the common rooms and offices have been moved into the south side wing. Subsequently the fenestration arrangement has also been flipped so that the south elevation of the 2015 application is the north elevation to this proposal and the north elevation of the 2015 application is the south elevation of the scheme.

The double height front gable has been extended forward to be flush with the double height side wings and more glazing has been inserted in the gables apex. The 2015 application had four single pane windows and the double height side wings projected forward of the main gable.

The foyer element to the front has been reduced in width from 18.24m to 17.67m and the ridge height has increased from 5.26m to 6.44m to allow for a matching roof pitch to the double height gable. Subsequently the windows to the foyer area have been reduced from six to four and an additional pane has been included the front windows the side wings.

The plinth has been reduced in height and all the boarding is to be light brown. The 2015 application had dark boarding to the main gable.

The alterations to the design of the Baptist Chapel do not significantly alter the appearance of the building proposed under the 2015 application. The alterations are considered to be an improvement to the 2015 application creating a more visually appealing front elevation.

The internal alterations do result in windows facing the rear gardens of properties on Sancroft Way. Previously these windows faced the side elevation of No. 12 Sancroft Way. These are however high level windows and the building is located 22m from the boundary with the houses. As such the alterations are not considered to create an unacceptable impact on neighbour amenity.

Due to the distance between this building and neighbouring properties it is not considered necessary to restrict the hours of operation. The use of the building however will be restricted to be used solely as a Baptist Chapel with ancillary facilities and for no other use under Class D2. Permitted Development rights for change of use will be restricted.

The new access road has also been altered from the 2015 application. The bend in the road has been reduced in tightness to provide for the visibility splays within the application site. This has resulted in the loss of small play area which would have been managed by the Baptist Chapel. The play area was located between the road and the new car park. Whilst this loss is regrettable the site is in close proximity to the existing play area and playingfield in Fressingfield and the Chapel itself is a community facility. The loss of play space is therefore on balance not deemed a reason for refusal.

The main considerations to be assessed are therefore the reasons for refusal of the 2015 application:

- Provision of the footway connection with the Sancroft Way
- Visibility splays for the new access road
- Impact on biodiversity
- Planning Obligation

#### Provision of the footway connection with the Sancroft Way

A Deed of Variation dated 24 March 1995 made between the landowners of this application site and Suffolk County Council was submitted to the Local Planning Authority. This deed grants certain rights to the landowner and their successor in title owners or occupiers for up to eighty years from 24th March 1995.

The Deed allows for the route of a footway link and any respective fencing from the application site to Sancroft Way within a defined area. This is subject to the reasonable requirements of Suffolk County Council. The footway link proposed

by the 2015 application did not accord with the right granted in this Deed.

To achieve this link the proposed Baptist Chapel has been re-positioned further south to allow the footway to run alongside the north elevation of the Chapel. The sports hall has been relocated into the north side wing and overlooks the footway. The footway will extend across the corner of the school playingfield and connect with the existing school footway entrance to Sancroft Way. The existing gates will be re-positioned to maintain the schools security.

Suffolk County Council Infrastructure Officer advises that discussions have been had between County and the Headteacher who agree that it would be practical if this corner of the site was disposed of to the developer, subject to consent from the Secretary of State.

Whilst consent will be required from the Secretary of State to dispose of the corner of the Playingfield, taking into account the legal agreement, the nature of the area to be disposed and its size; it is considered reasonably likely that the footway can be achieved. As such provision of the footway can be secured through the planning obligation and conditions.

The provision of this footpath provides a direct link to local services and facilities, and consequently provides viable infrastructure and promotes pedestrian activity and priority. Subsequently the proposal accords with paragraphs 31, 34, 35 and 72 of the NPPF, and as such contributes to the achievement of sustainable development required by paragraph 6 of the NPPF and The Focused Review Core Strategy Policies FC1 and FC1.1.

#### Visibility Splays for new access road

Paragraph 32 of the NPPF states that development should provide safe and suitable access to the site for all people. Policy T10 of the Mid Suffolk Local Plan 1998 also provides that development will be considered in regards to the provision of safe access to and egress from the site.

The 2015 application had the forward visibility splay for the new road across land outside of the applicant's ownership and control. As a result the applicant would not be able to provide or keep the splay clear in the future.

This scheme extends the road further into the site and reduces the tightness of the roads curve allowing for the visibility splays to be achieved within the application site and the landowner's control. Therefore the proposal would achieve safe vehicular access and accords with policy T10 of the Mid Suffolk Local Plan and paragraph 32 of the NPPF.

Suffolk County Council Highways Officer raises no objection to the proposal and recommends conditions to secure the road, footways and parking.

#### Impact on biodiversity:

The majority of the site has been identified by Natural England as Broadleaved woodland, a Priority habitat (under s41 NERC Act) although Natural England advise that none of the site is within a statutory designated area and offer no further comments.

Nevertheless the Local Planning Authority has a statutory duty under the Natural Environment and Rural Communities Act (NERC) 2006 section 40, to conserve biodiversity, as to ensure that such a decision will not give rise to the risk of commission of an offence to protected species.

The 2015 application did not provide an assessment of the likely impacts on the priority habitat and protected species and did not provide an effective scheme for their mitigation. A Construction and Environment Management Plan (CEMP) did detail mitigation for disturbance & killing/injury of protected and priority species but did not provide adequate mitigation for the loss of terrestrial habitat for protected species or how this loss will be adequately compensated or offset. Subsequently the application was refused on these grounds.

This application includes the following documents:

- Arboricultural Implications Assessment and Method Statement by Andrew Belson dated 09 September 2016.
- Tree Inspection- Assessment of Group B (ref: 2635.AIA) in respect of its Priority Woodland' Classification by Andrew Belson dated 23 May 2016
- Ecological Surveys- Protected Species and Habitat Surveys by Anglian Ecology dated 27 January 2015
- Great Crested Newt Survey Report by Eco-check dated June 2016
- Proposed Mitigation for Loss of Priority Woodland by Adam Power Associates dated 18 August 2016
- Reptile Survey by Eco-Check dated June 2015
- Summer Bat Survey by Ecocheck Ltd dated June 2015
- Construction Environmental Management Plan (CEMP) and Biodiversity Enhancement Method Statement by Ecocheck Ltd dated November 2016
- Supplementary Information in Relation to the Proposed Mitigation for Loss of Priority Woodland by Adam Power Associates

This suite of documents identify that all significant adverse impacts from the proposed development upon Priority habitats, as well as Protected and Priority species, will be mitigated in line with relevant wildlife legislation and planning policy. The Local Planning Authority can therefore demonstrate its legal compliance with the Habitats Regulations and Wildlife & Countryside Act, as well as its biodiversity duty under s40 of Natural Environment & Rural Communities Act.

The Arboricultural Implication Assessment identifies that the proposal will lead to the loss of trees and this loss is unavoidable. However, it should be noted that the final housing layout may allow for some trees to be retained. The Arboricultural Implication Assessment sets out that some of the trees are of poor condition and require removal but the majority are of good to reasonable condition. The Assessment provides measures to protect trees to be retained.

MSDC's Tree Officer advises that subject to retention of the boundary hedgerows and trees this loss should not have a significant impact upon the visual character of the local area.

The Tree Officer also points out that the classification of part of the site as 'priority woodland habitat' is somewhat difficult to understand and possibly not the result of a detailed assessment.

The Arboricultural Implication Assessment also notes that the validity of this designation has been assessed as inappropriate as the Classification has not been 'ground truthed' – that is, it has only been designated through the use of aerial imagery.

The Tree Inspection- Assessment of Group B (ref: 2635.AIA) in respect of its 'Priority Woodland' Classification concludes that Tree Group B (which is predominately part of the area within the designated area) could not be described as a 'valued landscape' and the loss of Group B would have minimal impact on biodiversity. Group B is not irreplaceable natural habitat having grown up within the last 70 years; probably much less – perhaps 30 years or so. The trees could easily be replaced within a relatively short space of time. The southwestern boundary hedge (and the trees associated with it), are however a significant and important landscape feature.

Sue Hooton, Ecologist at Place Services, has advised that she disagrees that designation is incorrect but accepts that this woodland is of low habitat distinctiveness and in poor condition. Although the boundary trees will be retained with the proposed development, the loss will require offsetting with replacement woodland creation.

The development proposes to compensate for the loss of this habitat through creation of a new woodland area of the same site area as the priority habitat. This land would be planted with species and managed accordingly. Sue Hooton has recommended this be 0.3ha in size, double the existing area. However, given the low level of habitat distinctiveness and the poor condition of the habitat overall and that the south western boundary trees identified as being of landscape value are to be retained; it is considered that a new broadleaf woodland of the equivalent size is acceptable as its quality would provide an enhancement to biodiversity. It should also be noted that dependent on the final housing layout and scale, some trees may still be retained within Group B.

Paragraph 118 of the National Planning Policy Framework details that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

National Planning Practice Guidance identifies that the following questions should be answered.

*Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?*

There are other potential sites around Fressingfield which could arguably be used for relocating the development. However, these are not as well connected to the services and facilities to Fressingfield and many would also have similar impact to the countryside views being on the edge of the settlement. The site is nestled within the existing built environment, unlike other sites which are more open to the countryside. As such the alternative sites whilst not resulting in the loss of a designated priority habitat would also risk harm to the landscape.

*Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?*

The boundary hedge and trees are to be protected and retained. Whilst this does offer some mitigation it would still result in the almost total loss of this Priority Habitat.

Whilst the final housing layout could result in the retention of more trees this would still be likely to result in the loss of the habitat where trees would fall within garden areas.

*Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?*

The new woodland area would provide more ecological value through agreement of the species and planting scheme along with the long term management and retention. As such it is considered that the loss of the priority habitat, subject to the legal agreement and conditions, can be properly compensated through the equivalent value of biodiversity.

The site has been surveyed for protected species along with mitigation and enhancement measures to ensure no significant adverse impacts on Protected Species. Sue Hooton, Place Services, is satisfied that subject to conditions to implement the mitigation and enhancement measures contained in the submitted CEMP, conditions to retain boundary hedgerows and a lighting scheme, there will now be no significant adverse impacts on European Protected Species, Protected Species and Priority Species.

In conclusion the amended scheme and additional reports overcome the reason for refusal of the 2015 application and the development would thus accord with the requirements of paragraphs 7, 8, 109, 117, 118 and 119 of the NPPF and policy CS5 of the Core Strategy and CL8 of the Mid Suffolk Local Plan.

#### Planning Obligation

The 2015 application was determined prior to the adoption of the Community Infrastructure Levy. County Infrastructure Team have detailed the calculations which will form a future CIL bid towards education and the library under this application.

However Suffolk County Council have requested contributions towards raised kerbs at bus stops and the contribution of money towards surface improvements to footpath 66.

Paragraph 204 of the National Planning Policy Framework states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development. The S106 agreement must secure infrastructure

The reasoning for contributions towards resurfacing the footpath is due to the increase in footfall from this development along this footpath to Sancroft Way. The development provides a footway link from School Road to Sancroft Way and the southern boundary trees and hedge are to be retained. There is no connection between this site and footpath 66. Future residents are unlikely to use this footpath other than for recreational purposes due to the new footway link to Sancroft Way which leads up to the village shop and doctor's surgery it is unlikely this development will lead to an intensification of use in terms of providing access to Sancroft Way. Subsequently it is not deemed necessary or reasonably related to the development.

No justification has been provided as to why the raised kerbs are necessary for this development to be acceptable in planning terms or how this directly relates to the development. No details have been provided for which bus stops require the raised kerbs and where. This does not appear reasonably related to the development or necessary.

A neighbour requested consideration that the conversion of the existing chapel must be sought through the obligations. This is not deemed necessary or relevant to the planning merits of this application.

The legal agreement will secure the provision of the affordable housing, creation of the footway and the replacement and future management of the new woodland.

#### Other Matters

Many residents raised concerns about the need for a new chapel and why the existing chapel cannot be renovated. The current building is a grade 2 listed building and is listed in regards to its unusual form and design. External and internal alterations are likely to have a significant impact on the historic interest of the building.

It is recognised that the congregation is growing and the building no longer provides the space or function required by the applicant.

Additionally comments have been raised by residents that there are other sites currently being considered or likely to come forward for planning permission which are more appropriate for housing. The Local Planning Authority, in light of the lack of five year land supply, must consider this application on its own merits as to whether a Chapel of this scale and residential development of up to 18 dwellings is acceptable in this location. The other developments coming forward are not a material planning consideration to this proposal.

Furthermore it is important to note that the development will provide footway connections with School Road as to allow pedestrian access from the chapel car park to the school without the need to walk in the highway.

#### Conclusion

The amended scheme overcomes the previous refusal of the 2015 application by providing a new footway connection to Sancroft Way as to prioritise the pedestrian and promote accessibility or maximise the use of sustainable modes



of transport. The new road layout provides visibility splays within the landowners control to ensure the splays are maintained in-perpetuity. As such a safe and secure layout is provided. The proposal accords with policy T10 of the Mid Suffolk Local Plan and paragraphs 31, 32, 34, 35 and 72 of the NPPF.

The application identifies the impact of the development on biodiversity and provides mitigation, compensation and enhancement measures to overcome any significant adverse impact on protected species, priority species and the loss of priority habitat. As such the proposal accords with the requirements of paragraphs 118 and 119 of the NPPF, CS5 of the Core Strategy and CL8 of the Mid Suffolk Local Plan.

## **RECOMMENDATION**

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Professional Lead - Growth and Sustainable Planning to secure:**

- The creation of the replacement woodland and details of its long term management
- 35% Affordable Housing
- The new footway link with Sancroft Way.

**(2) That the Professional Lead - Growth and Sustainable Planning be authorised to grant Full Planning Permission subject to conditions including:**

### **Full Planning permission for the Baptist Chapel**

- Time Limit for commencement
- Accord with approved plans
- Construct in accordance with Tree Protection measures
- Retain boundary hedgerows and trees
- Prior to commencement of development agree written scheme of investigation for archaeological works
- Prior to occupation complete and agree site investigation and post investigation assessment
- Prior to commencement agree Sustainability and Energy Strategy
- Prior to commencement agree details of estate road and footpaths
- Construct carriageway and footways prior to occupation
- Use shall not commence until parking and manoeuvring area provided and thereafter retained
- Agree details of external equipment such as air source heat pumps, kitchen extraction and ventilation systems prior to their installation
- Prior to commencement of development lighting strategy to be agreed in order to protect neighbour amenity and biodiversity
- Prior to commencement permeability tests to be completed and detailed surface water drainage system submitted and agreed
- No hard standing to be constructed prior to installation of the surface water drainage strategy has been implemented
- Development shall be constructed, completed and overseen in accordance with the Construction Environmental Management Plan and Ecology Reports
- Enhancement measures to be implemented in accordance with the Ecology Reports, Habitat Creation and Construction Environmental Management Plan

- Prior to commencement (including site clearance) details of Landscape and Ecological Management Plan (LEMP) to be submitted and agreed.
- Prior to commencement details of hard and soft landscaping including boundary treatments
- Implementation of hard and soft landscaping and replacement of dead or dying landscaping
- Prior to occupation position of fire hydrants to be agreed and installed accordingly
- The footway link to Sancroft Way shall be made available prior to the occupation and retained to allow public access
- Prior to works above slab level, precise details of the external materials to be agreed.
- Construction working hours to be 08:00 to 18:00 Monday-Friday and 08:00 to 13:00 Saturdays. No working on Sundays or Bank Holidays
- Construction Management Plan to be agreed and implemented accordingly.
- Chapel to be used solely as Chapel including the ancillary uses of the coffee shop and sports hall. It shall not be used for any other use within Class D2 benefit from have permitted development rights to change use.
- No gates to be installed to the car park

#### Outline Permission- New dwellings

- Time limit for submission of Reserved Matters and commencement
- In accordance with approved plans
- Concurrent with submission of Reserved Matters, details of tree protection measures to be agreed and implemented
- Retain boundary trees and hedgerow
- Prior to commencement of development agree written scheme of investigation for archaeological works
- Prior to occupation complete and agree site investigation and post investigation assessment
- Prior to commencement agree details of estate road and footpaths
- Construct carriageway and footways prior to occupation
- Prior to commencement of development lighting strategy to be agreed in order to protect neighbour amenity and biodiversity
- Prior to commencement permeability tests to be completed and detailed surface water drainage system submitted and agreed
- No hard standing to be constructed prior to installation of the surface water drainage strategy has been implemented
- Development shall be constructed, completed and overseen in accordance with the Construction Environmental Management Plan and Ecology Reports
- Enhancement measures to be implemented in accordance with the Ecology Reports, Habitat Creation and Construction Environmental Management Plan
- Prior to commencement details of Landscape and Ecological Management Plan (LEMP) to be submitted and agreed
- Prior to commencement details of hard and soft landscaping including boundary treatments
- Implementation of hard and soft landscaping and replacement of dead or dying landscaping
- Prior to occupation position of fire hydrants to be agreed and installed accordingly
- The footway link to Sancroft Way shall be made available prior to the occupation
- Prior to works above slab level, precise details of the external materials to be agreed.
- Construction working hours to be 08:00 to 18:00 Monday-Friday and 08:00 to 13:00 Saturdays. No working on Sundays or Bank Holidays
- Construction Management Plan to be agreed and implemented accordingly
- Details of proposed materials

**(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Professional Lead - Growth and Sustainable Planning be authorised to refuse planning permission on appropriate grounds.**

Philip Isbell  
Professional Lead - Growth & Sustainable Planning

Rebecca Biggs  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

- Cor1** - CS1 Settlement Hierarchy
- Cor2** - CS2 Development in the Countryside & Countryside Villages
- Cor5** - CS5 Mid Suffolks Environment
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- Cor6** - CS6 Services and Infrastructure
- Cor3** - CS3 Reduce Contributions to Climate Change
- Cor4** - CS4 Adapting to Climate Change

### **2. Mid Suffolk Local Plan**

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- CL8** - PROTECTING WILDLIFE HABITATS
- RT12** - FOOTPATHS AND BRIDLEWAYS
- RT1** - SPORTS AND RECREATION FACILITIES FOR LOCAL COMMUNITIES
- T9** - PARKING STANDARDS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
- H13** - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
- H14** - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
- H15** - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- H4** - PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT

### **3. Planning Policy Statements, Circulars & Other policy**

- NPPF** - National Planning Policy Framework
- C01/03** - Safeguarding aerodromes, technical sites and military explosives

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of **41** interested party(ies).

The following people **objected** to the application

[Redacted list of names and addresses of people who objected to the application]

The following people **supported** the application:

[Redacted list of names and addresses of people who supported the application]

The following people **commented** on the application:

[Redacted list of names and addresses of people who commented on the application]