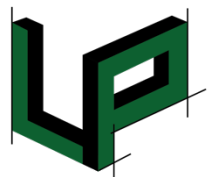


PLANNING STATEMENT

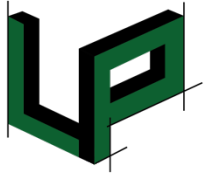
Proposed Development: Multi-Use Games Area (“MUGA”), Car Parking, and Landscaping

Site: Badwell Ash Village Hall, The Street, Badwell Ash, IP31 3DG

March 2024



LOCUS
PLANNING



LOCUS
PLANNING

REPORT INFORMATION

Site: Badwell Ash Village Hall, The Street, Badwell Ash, IP31 3DG

Applicant/Client: Badwell Ash Parish Council

Date: March 2024

Local Planning Authority: Mid Suffolk District Council

Author: James Platt, BSc (Hons), MRTPI – Director, Planning Consultant

CONTENTS

INTRODUCTION	1
SITE & SURROUNDINGS	1 - 2
THE DEVELOPMENT	2
PLANNING HISTORY	2
LEGISLATION & PLANNING POLICY CONTEXT	2 - 4
PLANNING ASSESSMENT	4 - 7
PLANNING BALANCE & CONCLUSION	7 - 8

Introduction

- 1.0 This Planning Statement (“**Statement**”) is prepared by Locus Planning (“the **Agent**”) on behalf of Badwell Ash Parish Council (“the **Applicant**”) in support of an application for full planning permission (“the **Application**”) for the development of a multi-use games area and car park extension (“the **Development**”) at Badwell Ash Village Hall, The Street, Badwell Ash (“the **Site**”). The Application falls to be determined by Mid Suffolk District Council (“the **Council**”).
- 1.1 This Statement describes the Site and its surroundings; details the Development; and assesses it against local planning policy and other material considerations that are relevant to the determination of the Application. It will be demonstrated that the Development is acceptable for reasons including its compliance with the development plan when taken as a whole; and the presence of material considerations that indicate planning permission should be granted, namely the Development’s compliance with the National Planning Policy Framework. On that basis, the Council is invited to grant planning permission.
- 1.2 The following information has been submitted in support of the Application and should be read in conjunction with this Statement:
- Preliminary Ecological Appraisal prepared by Riverdale Ecology
 - Arboricultural Impact Assessment prepared by Oakfield Arboricultural Services
 - Flood Risk Assessment prepared by Evans Rivers and Coastal

Site & Surroundings

- 2.0 The Site is formed by Badwell Ash Village Hall and its associated car park, and an area of the adjacent recreation ground. The village hall comprises a single-storey ‘L’ shaped building bounded by its car park to the east and the recreation ground to the west. The recreation ground, including the area within the Site, is laid to lawn; with tree and hedge planting enclosing its northern, southern and western boundaries. Beyond the Site and wider recreation ground, housing lies to the south and east, and agricultural land to the north and west.
- 2.1 The Site is situated and accessed from the western side of The Street; a classified road that continues through Badwell Ash Village, proceeding northward to the village of Walsham-le-Willows and westward to the village of Stowlangtoft via Hunston Road. A public right of way in the form of Footpath 7 lies approximately 40m to the north of the Site.
- 2.2 For the purposes of the development plan, the Site lies partly within and partly outside of the Badwell Ash Settlement Boundary; the settlement itself classified as a ‘Primary Village’. The Site is wholly within Flood Zone 1 of the Environment Agency Flood Maps whilst subject to areas of low, medium, and high surface water flood risk. The Site

does not contribute the setting of a listed building nor is it within or adjacent to a conservation area; or any land designated locally, nationally, or internationally for its environmental quality.

The Development

- 3.0 The Development is for the delivery of a multi-use games area (“MUGA”) within the existing recreation ground, and the extension of the existing village hall car park. The car park extension seeks to deliver an additional 21 spaces. Access is proposed via the existing entrance from The Street.

Planning History

- 4.0 The Site is not subject to any relevant planning history.

Legislation & Planning Policy Context

- 5.0 In determining an application for planning permission, Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the provisions of the development plan so far as is material to the application, and to any “*other material considerations*”. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise. Thus, the development plan is the starting point, but not the end point, for decision taking.
- 5.1 It is for the decision-maker to decide whether a factor is a material consideration and “*it must be a factor which has some weight in the decision-making process*” and the test applied should be an objective one and the considerations chosen must be “*rationaly related to land use issues*”.¹
- 5.2 The National Planning Policy Framework (“the NPPF”) is a material consideration and must be taken into account for decision making purposes in accordance with those duties as set out.

The Development Plan

- 5.3 The development plan document of consequence to the Application comprises the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (“JLP”).
- 5.4 For the determination of the Application, the most important policies are considered to be:

¹ R (Kides) v South Cambridgeshire District Council and Others [2002] EWCA Civ 1370

JLP

- SP03 – The Sustainable Location of New Development
- SP09 – Enhancement and Management of the Environment
- LP15 – Environmental Protection and Conservation
- LP16 – Biodiversity and Geodiversity
- LP17 – Landscape
- LP24 – Design and Residential Amenity
- LP28 – Services and Facilities Within the Community
- LP29 - Safe, Sustainable and Active Transport

The NPPF

5.5 The NPPF (2023) sets out the Government’s planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to state, however, that *‘they are not criteria against which every decision can or should be judged’* (Paragraph 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole.

5.6 Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. These objectives are interdependent and should be pursued in mutually supportive ways:

‘a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective –to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

5.7 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (11.c)).

5.8 An assessment of the Development under the above policy context is detailed below and in consideration of the planning matters material to the Application. It will be shown that the Development accords with the development plan when taken as a whole because of its compliance with the most important policies for its determination. Such a view is entirely consistent with the *Corbett* judgment of the Court of Appeal.² Thus, in accordance with Paragraph 11(c) of the NPPF, planning permission should be granted without delay. Notwithstanding the Development's compliance with the development plan, it will also be shown that the NPPF, a material consideration; indicates planning permission should be granted in this instance.

Planning Assessment

The Location of Development

6.0 JLP Policy SP03 (The Sustainable Location of New Development) seeks to direct the location of new development within Mid Suffolk District. The policy confirms the principle of development is established within the settlement boundaries. Outside of the settlement boundaries, the policy states that development will normally only be permitted where compliant with specific criteria; including, as set under Criterion C), where '*it is in accordance with one of the policies of this Plan listed in Table 5*'. Policy LP28 (Services and Facilities Within the Community) is among the policies listed in Table 5.

6.1 As noted, the Site lies partially within and partially outside of the Badwell Ash Settlement Boundary. As will be demonstrated in forthcoming section of this Statement, the Development is found to comply with Policy LP28 and therefore, accords with Policy SP03.

Community Facilities

6.2 Paragraph 96 of the NPPF confirms planning policies and decisions should aim to achieve healthy, inclusive, and safe places which enable and support healthy lifestyles; especially where it would address identified local health and well-being needs, including, for example, through the provision of sports facilities.

6.3 Paragraph 102 of the NPPF recognises the important contribution that high-quality open spaces and opportunities for sport and physical activity make to the health and well-being of communities.

6.4 To provide the social, recreational, and cultural facilities and services that communities need; Paragraph 97 of the Framework confirms planning policies and decisions should plan positively for the provision and use of community facilities to enhance the sustainability of communities.

² *Cornwall Council v Corbett* [2020] EWCA Civ 508.

- 6.5 JLP Policy LP28 (Services and Facilities Within the Community) supports the development of services and facilities where it would assist in safeguarding a viable community asset. The policy confirms the facility should be of a proportionate scale to the settlement and should not adversely affect existing facilities. Furthermore, development proposals must demonstrate evidence of community need, and/or the benefits of the new facilities and good accessibility to the community to be served. Development must also be of a high standard of design and sympathetic to the surrounding landscape and townscape, with no adverse effects on heritage assets.
- 6.6 Fundamentally, the Development concerns the provision of a new sports facility in the form of a MUGA within the existing recreation ground, a community facility for the purposes of Policy LP28. To support the use of the MUGA and the village hall; the latter also being a community facility, the Development includes an extension to the existing car park.
- 6.7 The Development will provide for the improvement of the recreation ground and village hall; promoting their use and thus, helping to safeguard these viable community assets. The resultant facilities would remain proportionate to the scale of Badwell Ash and would not adversely affect other existing facilities. The Application is advanced by Badwell Ash Parish Council; seeking to deliver an accessible development that respond to the needs of the local community, whilst providing significant benefits through improved opportunities for sport and physical activity. As will be demonstrated below, the Development is of an appropriate design and will give rise to an acceptable impact on the character and appearance of the area. No heritage assets would be affected. Accordingly, the Development would comply with Policy LP28 and the above-mentioned paragraphs of the NPPF.

Landscape

- 6.8 Paragraph 135 of the NPPF seeks to ensure *inter alia* that development is sympathetic to its landscape setting. Paragraph 180 of the Framework confirms planning decisions should contribute toward and enhance the natural and local environment, including through recognition of the intrinsic character and beauty of the countryside.
- 6.9 JLP Policy LP17 (Landscape) requires development to conserve and enhance landscape character through the following measures:
- a. Integrate with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements;*
 - b. Be sensitive to landscape and visual amenity impacts (including on dark skies and tranquil areas) on the natural environment and built character; and*
 - c. Consider the topographical cumulative impact on landscape sensitivity.'*
- 6.10 Although the Site lies partly within the countryside (outside of the settlement boundaries), the Development is consistent with the established use of the Site and would be viewed within the context of the existing village hall, car

park, and play area. Furthermore, on account of the existing planting to the boundaries of the recreation ground, the Site is screened from the rural landscape to the west and any such views in the direction of the Site afforded there. Accordingly, the Development will conserve the landscape character of the area in accordance with Policy LP17, and Paragraphs 135 and 180 of the NPPF.

Design & Residential Amenity

- 6.11 Paragraph 131 of the NPPF attaches great importance to the design of the built environment, confirming that good design is a key aspect of sustainable development. Equally, Paragraph 135 of the Framework seeks to ensure *inter alia* developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and promote a high standard of amenity for existing and future occupiers.
- 6.12 JLP Policy LP24 (Design and Residential Amenity) requires development to be of high-quality design that responds to and safeguards the existing character/context; creates character and interest; is designed for health, amenity, well-being, and safety; and meets space standards. Specifically in relation to amenity, JLP Policy LP15 (Environmental Protection and Conservation) seeks to avoid significant adverse impacts where a proposal is located adjacent to or close to existing uses.
- 6.13 The design of the Development is largely born out of the functionality of its use. Nevertheless, the layout of the Development is legible whilst the scheme has been sited to minimise its visual impact through the retention of existing landscaping. Regarding the impact of the proposal on the character of the area, as noted in the preceding section of this Statement, the Development would be viewed in the context of the existing recreation ground and village hall; whilst views from The Street would be screened due to the presence of existing development. Noting the established use of the Site, and its relationship with neighbouring properties, including separation distances and intermediary features, the Development would not give rise to unacceptable impact on residential amenity.
- 6.14 Given the above, the Development is of an acceptable design that would not be harmful to the character of the area, whilst there will be an acceptable amenity outcome for existing occupiers. Accordingly, the Application complies with above policies and paragraphs of the NPPF.

Access & Parking

- 6.15 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.16 JLP Policy LP29 (Safe, Sustainable and Active Transport) requires development to demonstrate safe and suitable access for all; confirming the impact of development on highway safety must be acceptable and the residual cumulative impacts on the road network must not be severe.
- 6.17 The proposed method of access is considered to be satisfactory to serve the Development, giving rise to an acceptable impact on the highway network with respect to capacity and safety. Sufficient parking and manoeuvring space is demonstrated on the proposed plans, in accordance with the local parking standards. Accordingly, the Application complies with above development plan policy and the NPPF.

Biodiversity

- 6.18 Paragraphs 180 and 186 of the NPPF requires *inter alia* that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.19 JLP Policy LP16 (Biodiversity and Geodiversity) requires development to follow the biodiversity mitigation hierarchy, conserve and enhance biodiversity interests, and protect designated sites. The policy confirms enhancements for biodiversity should be commensurate with the scale of development.
- 6.20 The Application is supported by a Preliminary Ecological Appraisal. Subject to the proposed precautionary and enhancement measure, there would be no adverse impact upon priority or protected species. Net gains in biodiversity can also be secured through the measures outlined. The Application therefore complies with Policy LP16 and the above paragraphs of the NPPF.

Scheme Benefits

- 6.21 The Development will deliver a new sports facility; providing the community with enhanced access and opportunities for sport and physical activity. The construction phase of the development will stimulate the local economy through the employment of construction workers and sourcing of materials. There will be opportunities to secure net gains to biodiversity. All of the foregoing carry an important weighting in the planning balance.

Planning Balance & Conclusion

- 7.0 At the heart of the balancing exercise to be undertaken is section 38(6) of the *Planning and Compulsory Purchase Act 2004* which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the *Town and Country Planning Act 1990* reinforces that due regard must be paid to such considerations.

- 7.1 For the reasons set out within this Statement, the Development is found to be in accordance with development plan when taken as a whole. In such circumstances, planning permission should be granted without delay. Beyond the development plan, other material considerations indicate planning permission should be granted in this instance, namely the Development's compliance with the NPPF and the significant benefits that would arise. On that basis, the Council is invited to approve the Application.