

Public Document Pack



PLANNING COMMITTEE	
DATE:	WEDNESDAY, 10 AUGUST 2022 9.30 AM
VENUE:	WHERSTEAD PARK, THE STREET, WHERSTEAD, IPSWICH IP9 2BJ

For consideration at the meeting on Wednesday, 10 AUGUST 2022, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

		<u>Page(s)</u>
a	DC/22/00985 BELLE VUE PARK, AT THE ROUNDABOUT JUNCTION OF CORNARD ROAD AND NEWTON ROAD, SUDBURY	3 - 4
b	DC/21/06519 BELLE VUE HOUSE & OLD SWIMMING POOL, NEWTON ROAD, SUDBURY, CO10 2RG	5 - 30
c	DC/22/02948 1 NORTHERN ROAD, CHILTON INDUSTRIAL ESTATE, SUDBURY, SUFFOLK, CO10 2YH	31 - 40
d	DC/20/03083 ERWARTON HALL FARMYARD, THE STREET, ERWARTON, SUFFOLK	41 - 42
e	DC/22/00754 FORMER CHAMBERS BUS DEPOT, CHURCH SQUARE, BURES ST MARY, SUFFOLK, CO8 5AB	43 - 46

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact Committee Services on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

This page is intentionally left blank

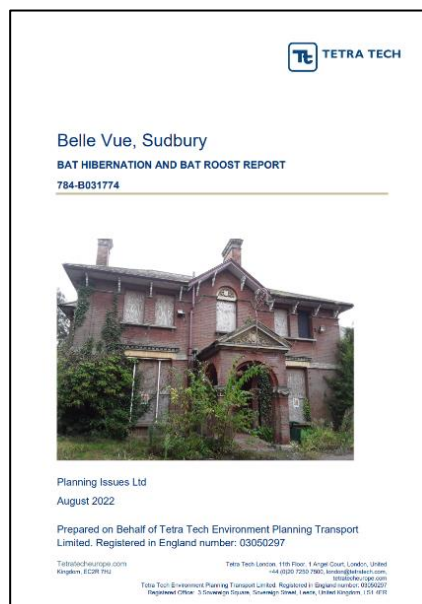
Agenda Item 6a

Agenda Item 6A – DC/22/00985

**Demolition of existing retaining wall to former swimming pool site.
Construction of new retaining wall, park entrance landscaping to Belle Vue Park and pedestrian crossing to Cornard Road.**

Belle Vue Park, Sudbury at The Roundabout Junction of Cornard Road and Newton Road.

- A further local representation has been sent direct to the Council's Ecological consultants, which identifies that, within 250m of the site there are ponds in the rear gardens of dwellings that backs on to the park, and these ponds may be a suitable habitat for Great Crested newts. It is urged that further assessment is carried out in this regard. It is also stated that bat surveys should be completed before prior to the determination of the planning application taking place, in order that responsibilities are met.
- Following receipt of additional information in relation to the issue of bat presence, the following summarised further comments have been received from the Council's ecological consultants:
 - Brown long eared bat droppings were recorded in two areas of the roof void of B1, indicating the likely presence of at least two bat roosts.
 - Four common pipistrelle day roosts, one soprano pipistrelle day roost and one brown long eared bat day roost was recorded at the building. A further possible brown long eared bat day roost was also recorded at a different point on the building.
 - No evidence of hibernating bats was recorded.
 - Any works which would impact bat roosts found to be present must be carried out under an EPS licence.



This page is intentionally left blank

Agenda Item 6b

Agenda Item 6B – DC/21/06519

Construction of 41no. Retirement Living apartments for older persons including communal facilities, access, car parking and associated landscaping. Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)

Belle Vue House & Old Swimming Pool, Newton Road, Sudbury

- By way of clarification, the area of parkland that would be utilised as part of the development proposal equates to approximately 336 sq m. A plan has been produced that shows the extent of land, and this will be included in the presentation to Members. Notwithstanding comments made in the report, the identified land would be used for open space to serve the development and, in addition, an area of the new building would also occupy part of the identified land.
- Additional information in relation to the presence of bats in Belle Vue House has been provided on behalf of the applicant and this has been referred to the Council's ecology consultants. [as above]
- Notwithstanding comments made in the report, Members are advised that CIL is not payable for the retirement apartment element of the development. However, the conversion of Belle Vue House to create 2no. new dwellings would attract a CIL payment.
- Belle Vue Action Group objects [email dated 7 August 2022]

“We would please ask you, ahead of the meeting, to read our official objection (see attached) to the proposed planning application DC/21/06519. It has been thoroughly researched and put together and references a number of material considerations and points of law.

We may be opposed to development at Belle Vue Park because we wholeheartedly believe that no council should sell public open space to private business concerns but we have expertise across relevant professions and we have argued our case on solid planning grounds, referring to the NPPF and Babergh development policies.

- *Key concerns in relation to this application focus on **OPEN SPACE** and in addition to our original objection we are extremely concerned that this application is at this very late stage being linked to the successful outcome of the entrance application (a separate application and separate applicant) and not on its own planning merits. In our view the position is already flawed. This is because the crucial matter of the swimming pool site being open space under both a legal and NPPF definition has been ignored (open space is a factual and legal position and not just where a council has designated it as open space) and the new entrance proposal site is existing open space. With*

reference to the latter BDC have always been aware (see attached doc) that this land counts as open space (in law open space remains so even if it has become derelict and is laying waste and unoccupied) so the proposed new entrance cannot be used as an additional quantity of open space to support the officers para 99 (b) argument. Per 3.3 of BDC's strategic report from 2013 which was submitted by the economic and growth team in 2021 as part of the sale documents states:

"The adjacent swimming pool site is also a financial liability as BDC continue to insure and maintain it to a standard as it is publicly accessible space."

- **NPPF para 99a very clearly states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.** BDC carried out an open space assessment in 2019 which shows there is a significant deficit of all open space but specifically, a 24 acre park and recreation open space deficit and Sudbury is highlighted in the BDC and mid suffolk report joint report as one of three parishes in the whole of BDC and Mid suffolk where there is a particular concern (see attached). **DEVELOPMENT ON THIS SITE SHOULD BE REFUSED.**

In addition, this suggested link between the two proposals at Belle Vue constitutes an attempt to bind the private developer's application to a s106 agreement and cost commitment from the council regarding the entrance. **Churchill are refusing to pay the suggested £1,169,414 CIL contribution** towards social housing which has a current holding objection by the BDC strategic housing team. Churchill will not be providing any social housing and are refusing to provide evidence as to why it would not be economically unviable. In fact they have submitted their costings as attached which shows a £2.4million profit and yet the report is suggesting to bind a s106 agreement on the council for the Churchill application to help support the Churchill application. No local housing need has been evidenced and submitted to date for private residential flats for the over 60's. (it's worth noting that Churchill agreed to the full requested £534K s106 contribution for affordable housing contribution as requested as a condition of the retirement flats at Risbygate street in Bury St Edmunds.)

We will be sending over our concerns regarding the entrance application and references to BDC key documents and policies in the next few days and would ask, again, that you read them to add to the information already presented by the applicants and planning officer ahead of any decision on Wednesday."

Submitted with the objection are a package of supporting documents that include:

- **18 page objection letter:**

OBJECTION AND REQUEST FOR REFUSAL FROM THE BELLE VUE ACTION GROUP FOR THE PLANNING APPLICATION DC/21/06519 – CONSTRUCTION OF 42 NO. RETIREMENT LIVING APARTMENTS FOR OLDER PERSONS INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING, AND ASSOCIATED LANDSCAPING.

CONVERSION AND RESTORATION OF BELLE VUE HOUSE TO FORM 2 NO. DWELLINGS (FOLLOWING PARTIAL DEMOLITION)

We propose that the application is REJECTED on the following grounds with the reasoning and application setting out the reasons further below:

- Loss of open space
- Poor design
- Highways & road safety impact
- Removal of public access to Belle Vue Park – heritage and highways concerns
- Bat survey & other ecological assessments to be carried out
- Loss of trees
- Lack of amenity space for a new development
- Heritage and archaeological value
- Insufficient provision for active travel
- Need for affordable housing not met

LOSS OF OPEN SPACE

1. We have explained in detail below the reasoning for the open space grounds for objection.
2. The application only assumes that a very small area of the site is open space based on 2006 designations, but the planning policy doesn't refer to only designated open space, it just refers to land that is open space. Designations of open space are merely a local allocation by BDC and many sites across BDC have been missed off the 2006 local plan. A request to have the swimming pool site, as well as the tennis courts in Belle Vue was made in December 2020 as part of the consultation to the JLP.
3. The application has completely omitted the swimming pool site as being open space. BDC economic and regeneration team and the response from public realm argues that the swimming pool site ceased to be open space in 1987 and is not currently open space on the basis that they repurposed the swimming pool site in 1987 with an indoor pool that you pay at the point of use despite the swimming pool site continuing to be used for recreational purposes until 2016. This is the site the flats are being built on.
4. As far as we can see the swimming pool site has not ever been developed on, apart to house some temporary outbuildings as part of the park and the house as set out in the conveyance of the site 'Belle Vue' with the house known as Maxted House in 1936. We have attached the original conveyance document and map that was attached to the conveyance which has not been included in the application details.

5. The application implies that a police station was situated on the site, but the police station was situated in front of the boundary wall on the land owned by Suffolk County Council and was built when the roads were not in place so came out further on to the junction. The swimming pool was opened in 1939 behind the boundary wall that encompasses Belle Vue Park. It was separate to the police station that was part of SCC land which was demolished around 1960 and has always been and remains open space.
6. BDC were always aware that the old swimming pool site is publicly accessible open space as per the attached document. BDC published this document to demonstrate that they had power to sell the site without having to go to council for approval (which we contested but it is not related to the planning issue). They clearly state in the document at 3.3.

"The adjacent swimming pool site is also a financial liability as BDC continue to insure and maintain it to a standard as it is publicly accessible space."

7. The legislation is quite clear about what is open space. BDC advised there is no clear definition but there is a definition in the Open Space Act 1906.

The expression "open space" means any land, whether enclosed or not, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied

8. When BDC acquired the site on 1 April 1974 as part of a reorganisation they acquired the swimming pool site which was used as recreation and owned by the Borough of Sudbury (who purchased the site in 1936).
9. BDC were originally aware of their responsibilities of acquiring an open space site as noted above but we believe that with officers changing over the years this information has not necessarily continued to be passed on. BDC were originally aware that they had a legal responsibility regarding the open space act as s.10 states that:

s.10 - A local authority who have acquired any estate or interest in or control over any open space or burial ground under this Act shall, subject to any conditions under which the estate, interest, or control was so acquired—

- a) hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose: and***
- b) maintain and keep the open space or burial ground in a good and decent state.***

10. Failure to maintain the open space does not stop the land being open space. The application incorrectly refers to the site as being a brownfield site, but it is not, and it is not listed on the brownfield register or followed any of the procedures to consider or register it as such and it is not on the Brownfield West Suffolk map which includes Sudbury (despite the register being run by Babergh separately).
11. **The swimming pool site is quite clearly has always been open space and remains open space albeit it has not been maintained correctly and is of great public value.** Therefore, this planning application has a serious issue in respect of the open space.

The planning issue:

12. The NPPF states that existing open space should NOT be built on unless an assessment clearly shows the open space to be surplus to requirements. The assessments show the opposite and that there is a clear need for more open space. **The assessment shows Sudbury has a significant DEFICIT of open space, a deficit of 24 acres of park and recreation land and this application should be REFUSED on the grounds that the application goes against the NPPF para 99 and goes against BDC strategic local policy.**

13. The NPPF (July 2021) at para 98 (previous iterations include PPG17) states:

*98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. **Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.***

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

14. In addition to the legal definition and requirements of what is open space which clearly includes this site, it must be mentioned that that NPPF also has a definition of open space defined as:

*“All **open space of public value**, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) **which offer important opportunities for sport and recreation and can act as a visual amenity.**”*

15. The term public value can be subjective, but it cannot be subjective in that the swimming pool site previously and continues to offer opportunities for recreation.

16. We would argue that it has significant public value and this has been well supported for many years by the local town council, STC who understand this to be open space and have asked for this site to be improved and opened back up to the public as well as support locally against this land being built on, and a petition with currently over 1100 names has been signed to save this publicly valued land as well as numerous objections.

17. The site was an asset of community value until March 2020 which quite clearly demonstrates it is of public value. When Sudbury Town Council applied to renew as an asset of community value, BDC refused it as the site hadn't been in actual recreational use in the 'recent past' which BDC determined is a strict 5 years although guidance says it is down to the district to decide.

18. Even in its current state where BDC have neglected their legal duties to maintain the site under s.10 open spaces Act, the old wall and the trees and canopy cover and attractive gated entrance provides a far greater visual amenity in keeping with the character of the area and reflective that the site is on a public park than the 20m plus 4 storey flats.
19. The heritage assessment that was carried by ECUS also refers to the swimming pool site as open space albeit that it is not significant heritage value.
20. An open space assessment was carried out in July 2019 and used by Babergh as an evidence base for its Infrastructure Delivery Plan (IDP) and for the Joint Local Plan (JLP), this clearly showed a significant deficit of different types of open space including a 24-acre deficit of park and recreation land in Sudbury alone which is a growing town.
21. Sudbury was highlighted as a town of concern and where additional open space ought to be sought due to the substantial deficit. I have included a link to the assessment but have attached the relevant assessments.

<https://www.babergh.gov.uk/assets/Strategic-Planning/Current-Evidence-Base/Babergh-and-Mid-Suffolk-Open-Space-Study-May-2019.pdf>

22. The planning application does not provide any information on the site map of what is and isn't open space which it should surely identify, and it is absolutely clear from BDC's assessments that that there is already a hugely significant deficit of park and recreation open space in Sudbury.
23. Churchill have recognised in their planning statement at 5.4 that the loss of open space would not be permitted. They are also under the impression that only a very small area is open space (although they do not indicate it on any plans). They have made the mistake of stating that this small area (assumed to be the space adjacent to the house and the entrance site) would still be open space but that it will now be private fenced off open space for the residents. This would also no longer be open space which is for public enjoyment.
24. They reference the JLP proposed wording at LP30 albeit they are aware it would have only had limited weight which was trying to allow for development on open space, but this policy has been deleted and so no weight at all can be afforded. They then reference at 5.6 that the cabinet that approved this sale did so *"in the knowledge that the residential development of this brownfield site accords with the adopted development plan and national planning policy"*.
25. We do not believe that this was considered at this stage. It is not a brownfield site and BDC have never recorded or sold it as such and when objections were made when the original decision was taken in March 2021 planning issues were raised to the officers and councillors and also via a legal pre action letter to BDC including the loss of open space concerns and their legal response was that they were not part of the decision to sell and would be considered separately as a planning matter. "Ultimately, however, "the relevant planning tests will necessarily be considered in the context of a subsequent application for planning permission for the development of the Site. The impugned decision does not authorise the development of the Belle Vue Site."

26. **BDC policy -**

- **Babergh Local Plan - Core Strategy Feb 2014** - It states at 3.3.4 Strategy for Environmental Enhancement

*“All new development will be expected to ensure its design, character and scale complements its location and as such **will be required to include adequate open space, landscaping and biodiversity elements which will enhance the existing and surrounding environment.**”*

- **CS14** - BDC's policy CS14 states that existing green infrastructure will be protected and enhanced. An area of the site adjacent to the house is being developed and is not being protected as public open space.
- **CS15 Implementing Sustainable Development in Babergh states the policy to** *ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;*
- **BDC Open space, Sport and Recreation strategy 2010** - This supports the Local plan Core Strategy policies with the strategy vision for *"everyone in the district will have reasonable access to all types of open space, sport and recreation. The spaces provided will serve a range of functions, meet appropriate minimum standards and be of an acceptable size and quality for all to enjoy"*.
- **Relevant strategy objectives at 3.2 include:**
 - *Identify open space, sport and recreation facilities which are important to the communities which they serve and seek to protect them from alternative uses or from development;*
 - *To inform policy formulation for the planning and operation of open space, sport and recreation facilities in the future, in particular, the policy context for enhanced provision through the Babergh Development Framework;*
 - *To provide and support a network of open spaces which contribute to local biodiversity and nature conservation value;*
 - *To ensure an adequate provision of green infrastructure is provided throughout the district and beyond to provide recreation and nature conservation opportunities;*
 - *To ensure that provision for open space, sport and recreation is commensurate with future housing growth through out the district.*
- **Open space assessment July 2019** – The assessment was undertaken to provide up to date evidence of the open space provision in the area and also supports the Infrastructure Delivery Plan which was adopted by full council. The IDP is to be used to support the emerging JLP. The open space assessment strategy policy options state:

" The starting point of any policy adopted by the Council should be that all open space should be afforded protection unless it can be proved it is not required "

27. The assessments prove not just that this open space is required but that more open space is needed. BDC economic and regeneration team advised that the site was a 'surplus asset'. We then discussed this with BDC who advised that the term surplus is merely an accounting term. This site has never been declared surplus for which there are procedures to follow, and the site would need to be added to the register for surplus assets on the ePIMS service. Again, this has never been applied.

28. The quantitative assessments clearly show a substantial deficit NOT surplus, and the site has never been declared formally as a 'surplus asset'.
29. This open space assessment 2019 narrative complies with the NPPF open space provision. The assessment evidence the following relating to park and recreation land:

"Considering the average levels of provision and the spread of provision across different areas (and the low provision in Sudbury, which only has 0.25ha/1000 of this typology), it is considered that a standard in line with the existing average level of provision is a good benchmark to assess provision; Therefore, a standard of 1.0 ha/1000 for publicly accessible parks and recreation grounds is recommended to assess existing provision, and also for calculating the requirements for new provision."

30. The deficit for Sudbury, park and recreation open space is 9.74 hectares (i.e., 24 acres) which compared to highest deficit of this type of space across the whole of Babergh and Mid Suffolk. The second highest deficit is Great Cornard at 5.92 hectares with the majority of other parishes being under 1 hectare deficit.

31. Relevance to the JLP

The open space policy LP30 for the JLP has been requested by the planning inspectorate to be deleted due to concerns with site allocations. The councils were also asked to reword the policy as the wording of the proposed policy was implying allowing development on open space without regard to whether it was surplus which was contrary to the NPPF position below. Therefore, no weight can be given to the JLP policy wording at LP30 in respect of open space but the additional designations for open space and the newly updated policies have been asked by the inspectorate to be reflected in the existing policies.

The legal issue:

32. As above BDC have a requirement to hold or administer the swimming pool in trust to allow public enjoyment of this space and for no other purpose under the terms of the Open Space Act 1906. There has been case law on this where councils have tried to put private buildings that the public can't access on open space, and it has gone to court, and they have lost on the grounds that the public can't enjoy the land. Please see case example link below:

<https://www.hughjames.com/blog/council%E2%80%99s-decision-to-lease-open-space-land-to-a-limited-company-for-private-use-was-held-to-be-unlawful>

In summary:

33. We do not believe that the fundamental issue of open space had been properly considered to date or even at pre application stage and that the swimming pool open space site cannot be built on as there is NOT and will likely NEVER be surplus to requirements after applying the assessments.
34. The NPPF states that existing open space should NOT be built on unless an assessment clearly shows the open space to be surplus to requirements. The swimming pool site is open space. **The assessment shows Sudbury has a significant DEFICIT of open space, a deficit of 24 acres of park and recreation land and this application should be REFUSED on the grounds that the application goes against the NPPF para 99 and goes against BDC local policy.**

POOR DESIGN

35. We cannot see the height of the 4-storey element plus pitch anywhere throughout the documents seen. This elevation must be advised by the applicant.
36. The 3-storey element alone states 16m which for context is 4 metres higher than crown buildings on Newton Road. The height and size of the flats are not consistent with neighbouring properties.
37. The proposal is significant overdevelopment and would adversely impact the street scene from viewpoints from town/King Street, Newton Road, East Street junction, Cornard road and Station Road. The neighbouring developments that Churchill have included that they consider to be similar include Minden Road and Crown buildings both of which are not in character of the medieval market town, but mainly made up of Georgian and Victorian architecture which are all reflected in the conservation area adjacent properties. To add a further building of this size would significantly impact the character and heritage site of Sudbury.
38. The height of the house is being used as the ridge line for the entire development as the road is on a hill. This is not in character and the comparison to Crown Buildings is not in point as they have not used the ridge line for the same length of development and their land is less than half the size of this development. A stepped roof of lower levels of maximum 2 storeys for half the length although not acceptable to us would have been more in keeping.
39. NPPF para 126 also used by Churchill states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." The proposed retirement flats are not beautiful, and the site has not addressed sustainable building options.
40. The NPPF at para 130 states that developments should add to the overall quality of the area over the lifetime of the development, are visually attractive with appropriate landscaping, sympathetic to local character and history, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). This application does not meet these requirements.

Para 134 NPPF states that *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."*

41. BDC policy:

- **Babergh Local Plan - Core Strategy Feb 2014** - It states at 3.3.4 Strategy for Environmental Enhancement:

"All new development will be expected to ensure its design, character and scale complements its location and as such will be required to include adequate open space, landscaping and biodiversity elements which will enhance the existing and surrounding environment."

- **BDC core planning policy CS4 - Strategy for Sudbury**

*"Development in Sudbury / Great Cornard should comply with other policies in this Local Plan, particularly Policy CS15, and other subsequent documents, and where appropriate, provide: i) high quality design, structural landscape planting, **and layouts and scale of development that respect adjacent landscape or townscape features**, ensure a separate identity and avoid creeping coalescence with adjacent settlements; "*

- **BDC core planning policy CS15 - Implementing Sustainable Development in Babergh**

- **Related to design aspects, proposals should:**

i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;

ii) make a positive contribution to the local character, shape and scale of the area;

- Other elements of failing CS15 are included in other areas of the objection.
- BDC's design expectations document provides questions that developers should consider rather than what would be expected which is correct as each development will have its own facts and circumstances but many of the questions have not been adequately answered in terms of a building fitting with the character of the surroundings, the visual amenity, lack of amenity space, no real consideration of loss of open space or new provision of open space, safe access etc and therefore cannot be attributed significant weight.
- **National design guide (updated January 2021)** – There are many elements that we feel that this development falls short of the National Design Guide including the movement and built form guidelines, but we have focussed on Context and Identity as set out below:

- **Context - Understand and relate well to the site, its local and wider context.**

The sole premise for context of the multi storey flats appears to be on the basis that there was once a police station on part of the proposed site, built in the late 1890's which was a 3-storey building limited to the front of the wall of the current site which although three storeys is much shorter than the proposed development and was more in keeping with the existing architecture at that time.

At that time there were also very few cars and Sudbury was a much smaller market town without the development of over 100 years. In 1906 there was a vast amount of public recreation land and amenity space. It has been recreational use for the whole custodian period that BDC have 'managed' the land. The application has not taken account of the local and wider context. The proposal does not contribute to local character and does not take account of the local vernacular to inform the form, scale or appearance. It does not respect the existing public spaces, removing access and the development's proportions do not compliment or enhance the context.

- **Identity - Respond to existing local character and identity**

The development will negatively impact the gateway site with the sheer height, scale, massing and relationships between buildings, including concern with the length of the building.

The ridge line is the same height at the height of the house. It would be the tallest residential building in Sudbury by far and far outweighs the styles and heights of conservation area historic and grade 1 and 2 buildings that are adjacent to the site and make up the historic town centre and surrounding streets. We would expect to see the roofscape stepped down and for a reduced length and mass due to the height of the hill that the site sits on.

- **Public spaces** – There is no additional or improved public open space to be provided as part of this development, yet it is a multi-storey 4 level block of flats on a busy junction. There is no direct access to the remaining Belle Vue Park site and yet it can house up to 57 residents. The amenity space being provided is so small in comparison with the scale of the building. There is little opportunity for social inclusion with the wider community from the site itself.

42. In addition to the design failings of the flats, the view of the tree canopy cover and Belle Vue House which is seen right through the town centre and up King Street is historic and important view and sets off the gateway view from King Street and when approaching Sudbury in Newton Road and from the one way. The house although not listed with Historic England is locally listed by Sudbury Society who worked with BDC. The view of St Peters Church seen from numerous points around town is also the view from right across Belle Vue Park and the proposal of the flats would mean that this view would be lost.
43. The site is a key gateway site when entering and exiting Sudbury, a market town, yet Newton Road now already has the crown buildings on the opposite side which is one of the tallest multi storey flats in Sudbury so to fill both sides with multi story high rise flats does not demonstrate the character of Sudbury at all. Sudbury has supported one off development that are higher rise, but they are scattered across Sudbury and not on key gateway and prominent sites. Any building should be reflective of the character of the local and wider site and respect the conservation area.
44. **The application should be REFUSED on the grounds that the application is of poor design, the height and scale is excessive to the site area and as a key gateway it does not respect local area and not respecting and the application conflicts with the character of the market town and adjacent conservation area (NPPF para 134).**

HIGHWAYS AND ROAD SAFETY

45. There are a number of health and safety concerns with the impact on highways by the proposed development commented on below.

Pedestrians

46. The transport statement by Paul Basham Associates/Churchill is fundamentally flawed as it refers to their being safe access to the site using the 'pedestrian crossings' at 2.9 and 2.11

from the refuge islands. However, these are not pedestrian crossings. It appears that the author has not visited the site.

47. Pedestrian crossings - The very definition is to give priority to pedestrians to safely cross. The refuge island to the park entrance/proposed development is a dropped kerb across to lanes of traffic on one of Sudbury's busiest junctions. There is no priority access for pedestrians and instead pedestrians must make a calculated risk to cross. The supposed pedestrian crossing at 2.11 is again a dropped kerb but this has two lanes of traffic but from two directions. This is a very unsafe place to cross even if you can walk at speed.
48. The proposed development is retirement flats where the applicant has stated they do not need the parking spaces as the average occupant is 80. Although there are many fit and active 80-year-olds there will also naturally those that can be classed as disabled due to immobility issues which is reflected in the statements by Churchill with a buggy park for scooters being provided on site for those with mobility issues. The current access to the town across these junctions as it stands is not only not adequate, but it is highly dangerous and would not be suitable to meet disabled access requirements.
49. SCC have asked for a CIL contribution but have not advised that they would be installing additional safe pedestrian access. There is no current safe access to the proposed development for resident pedestrians. The dropped kerb further to the front is even more lethal, as it has two lanes of traffic coming at it with one fast moving lane from the one way and from different directions with the Newton Road junction where vehicles turn right from both lanes to use the separate lanes, with one towards Cornard and the other over to Station Road.

Vehicle use and access

50. The transport study makes recommendations on the grounds that there would be a NET REDUCTION in traffic if the proposed development is successful. They have calculated this by using estimated trips as if Belle Vue house was Council offices. However, they have not been offices for many years and this comparison is null and void. Instead, the calculations they have undertaken suggest 70 trips in a 12-hour window in and out (with the house and flats) of the development on the already overused junction. This trip average was taken using another site on a two-day period in January 2020 on weekdays. This would significantly increase over the weekend when family and friends visit and when that junction is already over capacity with delays into town from Newton Road. No traffic surveys have been undertaken which should have been carried out. Therefore, the recommendation made in the report are incorrect and there would a significant net increase on use of the proposed access. This has not been addressed by SCC highways who have taken the figures provided by Churchill.
51. The access to the site would mean turning right if coming through the one-way king street road, given the speed that the traffic moves through that junction which is regularly in excess of the 30 MPH subject to the lights (although often cars screech to a halt on that bend) but is a dangerous turn if at stand still or slowing to turn right. The recent traffic lights that were placed where the turning would be involved a number of near misses and was reported to Cadent for safety issues. Given there will be on average 35 trips in (half of the 70 estimated by Churchill) in a 12-hour period this is a key safety concern. The other issues are evident in that turning right out of the development just off that junction is again not addressed by SCC.

52. The appendix H showing the waste vehicle access is only on the basis of the waste truck turning in from the opposite side off the one way and being forced to turn up Newton Road, crossing the traffic on its way out. However, if you reverse that, and the waste truck or any large vehicle of similar size that comes down Newton Road will be forced on to oncoming traffic and a refuge island as part of its turning circle on the way out. The access by waste and other large vehicles should be able to safely enter and exit from both directions. The turning area is not a circle on the development and relies on reversing and using up the full proposed bell mouth entrance to enter and exit and surely does not meet basic requirements for access.
53. The parking provision is based on Churchill's application from other sites that are not market towns and have much greater public transport offerings. Being a small market town, residents are reliant on cars as a mode of travel.
54. The Suffolk Guidance for Parking (2019) for car parking for retirement developments is 1 space per dwelling for residents and 0.25 spaces for visitors unless evidence is provided to demonstrate a reduced need.
55. The SCC highways response has accepted Churchill's evidence based on sites which are not market towns, where public transport is more available and proposes 0.28 spaces per dwelling which is under the ratios for all other schemes that they have proposed.
56. Paul Basham Associates Limited carried out the analysis, relying on 2 days midweek in January 2020 to advise of the take up of car parking spaces. This did not include weekends which are busier with family and friends visiting. They have not provided the older data set for average parking provision was 0.42 and they have advised that they are updating these statistics which have been used since 2016.
57. Local up to date evidence for similar sites suggests a much higher proportion is required for it to be suitable, the other schemes some of which have come before SCC Highways previously.
58. McCarthy and Stone retirement living have brought a planning application at Water Street, Lavenham. Paul Basham Associates Limited the same company approved by the same employee, James Rand that provided the research for Churchill's transport statement 5 months later provided a transport statement stating

"This research has been used to determine the appropriate level of car parking that needs to be provided to ensure that no overspill parking occurs on the local road network.

The research identifies an average car parking demand of 0.45 spaces per apartment for residents is required with a further 0.1 spaces per apartment for visitors."

59. This would mean 19 parking spaces for residents and 4 parking spaces or rounded up 5 parking spaces for visitors. The proposal is for 17 parking spaces in total.

Ben Chester at SCC Highways advised that in this case:

"we are concerned that the proposed level of vehicle parking is insufficient and would result in additional on-street parking and loading. This is detrimental to the safety of highway users as vehicles can obscure visibility and obstruct accesses and pedestrian and cycle routes."

“Appendix D of the Transport Statement does not provide any assurance of parking demand, given the lack of information to support the figures.

In summary, the level of proposed vehicle parking is not acceptable to the Highway Authority and we object to the proposal on that basis.”

60. The Belle Vue site has the exact same issue with on-street parking on Newton Road and the transport statement and the research provided is from the same sources as the Lavenham development and yet SCC Highways have agreed to this reduction for Churchill, Belle Vue with no further question and have refused Lavenham for the same grounds and where the parking provision was significantly higher than the Churchill proposal.

61. In respect of the Churchill Belle Vue development, Ben Chester at SCC Highways the same officer who advised on Water Street, Lavenham stated:

“The proposed parking provision does not accord with Suffolk Guidance for Parking (2019). However, given the evidence of parking demand provided and subject to the above contribution to reduce reliance on motor vehicle travel, and local parking restrictions around the development, we are satisfied that a reduced provision is acceptable in this instance.

62. This is a serious conflict of positions from the same officer using the same data sources and BDC should be challenging Highways as to why they have taken completely opposing views for similar sites using the same research and assessments with assessments carried out by the same people.

63. Other local retirement developments with over 60's including weavers court in Sudbury have parking spaces allocated for all flats and that development has 35 flats with 33 occupied.

64. SCC Highways have also accepted on the basis that there are parking controls so that there would not be built up roadside parking. However, this is also incorrect as there are currently no yellow lines on Newton Road past the Belle Vue Road turning. If visitors were minded to park just outside the development metres away on a key high traffic Sudbury road this would have a huge detrimental impact to the traffic flow as per SCC's concerns and reason for refusal of the Retirement living site at Lavenham. The impact of the on-street parking has been ignored by SCC highways and not taken into consideration.

Other highways issues

65. The parking sizes are the minimum standard 2.8m x 4.8m. There is no disabled parking on site which must a highways requirement as part of a new development. We ask why this has not been taken into account by Highways.

66. The pavement which should be at 1.8m depth currently runs out towards the house site. The pedestrian access to the Belle Vue House properties, requires walking through a car park with no safe passage. The pavements surround the properties need to be considered to conform with standard and safe access needs to demonstrated by the applicant.

67. There is no provision for electric vehicles in the parking provision. Given the latest policies and drive to being carbon neutral by 2030, BDC should consider that all new developments

especially of this size ensure that they have at least one marked spot for electric vehicle charging.

In summary:

68. We ask that Highways reconsider their position and that BDC planning take account of local evidence across other retirement living providers that parking provision should be at least 24 spaces including disabled parking.
69. **Based on the safety and highways grounds above including parking provision we ask for the application to be REFUSED. The proposal does not meet the NPPF para 112 requirements and the para 113 requirement for a transport statement is null and void as it uses incorrect data and incorrectly provides details of pedestrian crossings, referring to them as additional safe crossings that are not actual pedestrian crossings.**

LOSS OF ACCESS TO PUBLIC PARK – HERITAGE AND HIGHWAYS CONCERNS

70. The footprint of the site that the planning application covers includes the main access to Belle Vue Park and to access the front of Belle Vue House including the terrace and gardens which are all part of the public park. This access has been used for well over 200 years according to old maps. The park is open space held in trust by BDC for the benefit of the enjoyment of the public.
71. This is a standalone planning application by Churchill. If this application is approved, BDC would be removing access to the public park but without having secured a new entrance.
72. NPPF para 100 states:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

Removing the safer and main access to a park is contrary to para 100.

Highways concerns

73. Although Highways have also failed to comment on the access to the park for pedestrian and for key maintenance and emergency vehicular access there is also a procedure for diversion or stopping-up of rights of way made under The Town and Country Planning Act 1990 and prescribed in Schedule 14 of The Town and Country Planning Act 1990 and The Town and Country Planning (Public Path Orders) Regulations 1993.
74. We cannot see that this has been considered as part of the application although in the transport statement at 3.4 it states: “The existing access to the west of the site is intended to be stopped up with full height kerbs restored.”
75. Highways have failed to comment on this critical point of removing access to a public park and for the impact of vehicular access to the other side of the park and removal of access is contrary to NPPF para 100.

Heritage concerns

76. The assessment carried out by ECUS who carry out all of the heritage assessments for Churchill developments provide the following as a conclusion in their report a 6.1.6:

“Whilst a level of harm has been identified as a result of the redevelopment within this assessment, the opportunities it presents cannot be overlooking. The redevelopment, alongside proposals for renovation of Belle Vue House, provide an opportunity for regeneration and to improve the public realm of this area. Improvements to Belle Vue House would have heritage benefits and ensure its long-term preservation. Although a small part of Belle Vue Park would be lost, a new park entrance would also be established creating improved access for a range of audience groups.”

77. A new entrance is not part of this application which needs to be considered on its own merits and evidence.

78. The heritage statement is very biased towards providing new development rather than preserving the heritage assets and views and doesn't consider the height impact, referring it as similar to Crown Buildings. The site height will be far in excess of that and not at all within the character of the Grade II heritage properties that are within the conservation area overlooking the site in King Street. The loss of part of the park including the entrance that has been used for 150 years, which is surrounded by mature trees and supported by the locally listed house is of significant harm in our view.

79. The current site includes vehicular access including for emergency vehicles. The application needs to address the plans for vehicular access to the remaining park given there is no hard surface from the Ingrams Well Road entrance that is suitable particularly in relation to emergency vehicles and the regular maintenance vehicles for managing the park site including the public toilets.

80. **We ask for this application to be REFUSED on the grounds that it is contrary to NPPF para 100 or at a minimum for it to be conditional of permission being granted of a new entrance with work to be carried out on the new entrance prior to work or development being started on the retirement flats or house works that impedes use of the entrance to the park. We also ask for it to be REFUSED on the grounds that it fails to preserve heritage assets which impact the character of the conservation area and removes key vehicular access which is used regularly by emergency services and weekly for maintenance of the site.**

BAT SURVEY & OTHER ECOLOGICAL SURVEYS REQUIRED

81. The ecological assessment carried out by TetraTech on 9 September 2021 has identified that Belle Vue House is a High suitability for roosting bats. This has been flagged to BDC in previous objections and was a consideration as part of a community bid as I live on a property that backs on to the park and had concerns. We have the bats visit and fly around our garden and the park every summer. A bat roost can be one bat or a number of bats. Bats are a legally protected species, and it is a criminal offence to kill or damage a bat but also to obstruct/damage a bat roost.

82. **The report submitted by Churchill states that "No works or development should take place without further surveys being undertaken. The results of these surveys will be used to inform the planning application, required mitigation and EPSL (which would be required if roosting bats are found). Natural England will only grant an EPSL, when planning approval has been obtained. Furthermore, the EPSL would be required prior to any works being undertaken that could impact the bat roost (s).**
83. The recommendations are that three separate surveys are carried out between May and August for roost surveys and that due to suitability for hibernating bats that three surveys are carried out starting in December and finishing in February.
84. Additional surveys for local reptiles have also been advised and the houses backing on the park nearly all contain ponds suitable. We have many newts now in our pond which we did not have a few years ago and our house backs on to the park.
85. **We ask that the application is REFUSED until such time that the required bat surveys and any other ecological surveys are carried out given the site is on a park and that recommendations have been made with advisement that no works or development be carried out until surveys are completed and if required what mitigation steps are required which will impact the planning application.**

LOSS OF TREES

86. There is no impact assessment or confirmation of which trees will be lost as part of the project.
87. The extension on Belle Vue House will require the removal of at least 1 yew tree that is over 150 years old. This has not been addressed in the application.
88. At least one of the trees has been marked as historic whilst others may be notable given their size and age.
89. There is a wider impact on the loss of trees by this application in that the park entrance is being proposed to be moved. But, by moving that entrance, a number of mature trees will be having to taken down to allow for the walls and new access which would mean a significant loss of tree canopy cover.
90. As per the Aboricultural officers' statement this application needs the relevant reports to be concluded.

LACK OF AMENITY SPACE FOR A NEW DEVELOPMENT

91. BDC's policy CS14 states that existing green infrastructure will be protected and enhanced. In new developments green infrastructure will be a key consideration and on the larger sites it will be central to the character and layout of development. All new development will make provision for high quality, multi-functional green infrastructure appropriate to the scale and nature of the proposal. Particular consideration will be given to ensuring new provision establishes links with existing green infrastructure, providing a well-connected network of green infrastructure in urban and rural areas.

92. A further separate concern is that there are 42 flats, and a very minimal amount of amenity space is to be provided with no direct access to the park which is and will continue to be locked at certain times. There is a minimum requirement if more than 10 dwellings are built, and the amenity space being provided for the number of dwellings and the amount provided is not sufficient.
93. The Belle Vue House renovation also has no proposals for any private garden with no layout for access or where the parking spaces would be.
94. The houses are to be a 5-bedroom house and a 3-bedroom house new residential setting and to have no private gardens when the boundary for the house is on the terrace which means there is no privacy doesn't make sense. Further information about proposals for the use of the curtilage of the house renovation should be sought.

HERITAGE AND ARCHAEOLOGICAL VALUE

95. The impact on heritage from a design and amenity value perspective has been highlighted above.
96. A further concern is that the Belle Vue House site and the land where the proposed extension and the start of the 3 storey flats is marked as a possible Anglo Saxon/Norman mint site. Coins have been found from the Anglo Saxon 'Sudbury mint'. Having looked at local documentation and maps the site is referred to in a number of publications including a map reference at the Suffolk Heritage.gov.uk site and recorded at Heritage gateway. The following critical archaeological information states:
 - The Royal mint was established in Sudbury in the reign of Ethelred II (978 – 1016)
 - Coins were minted there 1009 – 1066.
 - Land in King Street named 'The Mint' in its deeds reputed to be site of Saxon Mint, occupied by house named "Belle Vue".
 - Links are included below.

https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=c7f750f5-04a3-4c9d-9c70-153ce73956ec&resourceID=19191

<https://heritage.suffolk.gov.uk/Monument/MSF16026>

97. We believe this site as a minimum to be of archaeological interest for which the NPPF defines it as:

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

98. The archaeological report and assessment undertaken is aware of this and references the mint being in Sudbury around this site. However, the consultant did not reference the documents

and references above and chose a position that followed Sudbury History Society's mock-up of where the medieval town would be with the suggestion that the mint site would be a further few metres down the road. Given the archaeological value in this site and that there are only a few metres between the house site and where the assessment suggests could be the mint site, we believe that this poses a serious concern and that further archaeological resource should be considered.

99. The assessment provided by ECUS whom Churchill use for all their developments state that "there is Moderate to High potential for remains of post-medieval and twentieth century date relating to the former use of the Site. Whilst any such remains would contribute to our understanding of the historic development and function of the Site, they would be of negligible to (at most) low local heritage significance." This would not necessarily be the view of local heritage given the Sudbury mint is of known value.
100. We contacted Professor Carenza Lewis who provided details of some renowned experts including Rory Naismith who is credited to the assessment findings and an expert in this field. As the previous site use as a hotel fell through, we did not pursue the contacts for reference to this specific site as the house and site were no longer in jeopardy at that point and the house in particular was not going to be dug around.
101. Given the more involved interest in Sutton Hoo in addition to the local impact of this site being a key Anglo-Saxon heritage asset site we believe this needs further investigation as this is a site of archaeological interest.
102. **We wish to request that the application is REFUSED until further investigation is carried out to ensure that the development does not ignore and doesn't knowingly build further over an Anglo-Saxon mint site without further archaeological survey.**

INSUFFICIENT PROVISION FOR ACTIVE TRAVEL

103. We understand there has been a response from the active travel officer, but we wanted to make the following points.
104. The Application provides insufficient provision for Active Travel.
105. The cycle/buggy storage provision is likely far too small, especially since electric bicycles are becoming extremely popular for over the over 70's demographic.
106. The access to the development provides only a footpath with no provision for a cycle path as per LTN 1/20 (Section 12 is to be followed for New Developments), since this development is supposedly being developed in conjunction with Babergh District Council this omission suggests there is no such collaboration.
107. Cycle paths are intended for use by Mobility scooters as well, so the access to the development should provide a pavement of a minimum 1.8m wide and a separate cycle path of 2m wide or a shared path of minimum width 2.5m.

108. There are no current safe crossings for either pedestrians or cyclists/mobility-scooterists across Newton Road or Kings Street or Cornard Road and no clear plans at all for these crossings from other planning applications.
109. **We would therefore recommend REFUSAL unless these issues are resolved, with access paths suitable for all Active Travel users and controlled crossings for them across Newton Road, Kings Street and Cornard Road.**

NEED FOR AFFORDABLE HOUSING NOT MET

110. BDC have met their five-year housing supply and currently at 6.86 years so this application will not impact this.
111. Babergh does have an older population, and there is need for affordable retirement accommodation including council schemes to help residents free up larger properties for families, but this is a market scheme with no affordable housing to be included. None of the local policies reflect a local housing need for retirement living market value housing. This development does not address the issue of affordable retirement living.
112. Churchill have relied on national data and the closest information is Ipswich which has a different demographic to a market town and has not produced any local needs evidence for retirement living at market prices. This should not have been difficult to obtain.

BDC Policy CS18: Mix and Types of Dwellings Residential development

"that provides for the needs of the District's population, particularly the needs of older people will be supported where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh district (see also Policy CS15)."

113. Churchill have relied on the development being zero rated for Community Infrastructure Levy (CIL) on the basis it is specialist housing for older people. As with all sites, this should surely be reviewed against relevant policies for viability including RICS guidance note in "Financial viability in Planning". Assuming this meets the tolerances then we request that if BDC are looking to approve this application then it comes with condition of an assessment for contributions towards affordable housing. As we understand the Hadleigh site at the former Brett Works assessed a sum of £225,000 plus £75,000 towards maintenance of open space.
114. **No local need has been demonstrated or evidenced for the proposed market price retirement living and therefore the application should be REFUSED on the grounds that it does not meet local housing need until local needs evidence is provided. At a minimum a CIL contribution towards there being no affordable housing provision offered by the development.**

This Conveyance is made the *Sixteenth*

day of *December* One thousand nine hundred and thirty-six BETWEEN CAPTAIN WILLIE JOHN SHOLL formerly of 1 Maxted Park Harrow on the Hill in the County of Middlesex but now of Maxted House Sudbury in the County of Suffolk Newspaper Proprietor (hereinafter called "the Vendor") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF SUDBURY acting by the Council as the Urban Sanitary Authority for the said Borough (hereinafter called "the Corporation") of the other part.

WHEREAS—

(1) The Vendor is seised in fee simple in possession free from incumbrances of the hereditaments hereinafter described.

(2) The Corporation have under the powers of the Public Health Acts 1875 to 1925 agreed with the Vendor to purchase the said property and the fee simple thereof in possession free from incumbrances for the purposes authorised by Section 164 of the Public Health Act 1875 at the price of Two Thousand Five Hundred Pounds.

NOW THIS DEED WITNESSETH as follows:—

1. IN pursuance of the said agreement and in consideration of the sum of Two Thousand Five Hundred Pounds now paid by the Corporation to the Vendor (the receipt of which sum the Vendor hereby acknowledges) The Vendor as Beneficial Owner hereby conveys unto the Corporation ALL THOSE several enclosures of land situate at Sudbury in the County of Suffolk between the Newton Road and the Cornard Road there having a frontage to the said Newton Road of four hundred and four feet or thereabouts and a frontage to the said Cornard Road of six hundred and thirty-seven feet nine inches or thereabouts TOGETHER with the dwellinghouse formerly known as "Belle Vue" but now as "Maxted House" and the stables coachhouses greenhouses and other outbuildings standing thereon containing five acres one rood (more or less) which said premises are more particularly delineated on the plan drawn hereon and edged with red and are now in the occupation of the Vendor TO HOLD the same unto the Corporation in fee simple.

2. IT IS HEREBY DECLARED that if any part of the property hereby conveyed shall not be required for the purpose aforesaid the same may by the direction or with the sanction of the Minister of Health be used for any other purpose for which the Corporation are or hereafter shall be authorised by statute to acquire land.

3. THE Corporation hereby covenant with the Vendor to erect within three months from the completion of the purchase a good and sufficient fence on the eastern boundary where marked "T" on the plan drawn hereon.

IN WITNESS whereof the Seal of the Corporation was hereunto affixed and the Vendor has hereunto set his hand and seal the day and year first above written.

Signed Sealed and Delivered }
by the said Willie John Sholl in }
the presence of

Alfred N. Lamburn
Solicitor
Sudbury, Suffolk

W. J. Sholl

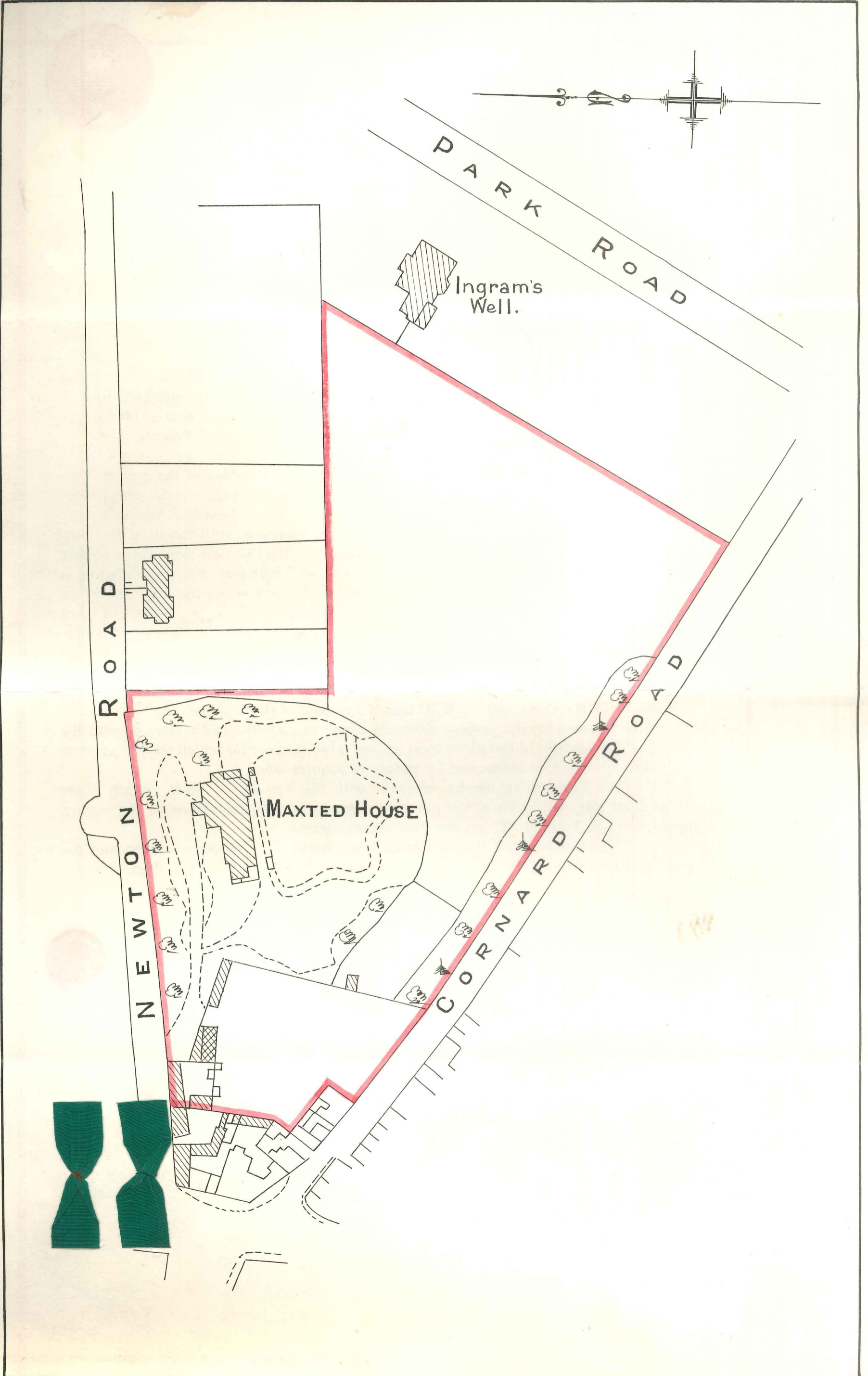


The Common Seal of the Mayor Aldermen and Burgesses was pursuant to a Resolution of the said Council passed at a meeting duly convened and held on the *fourth* day of *November* 1936 affixed hereto in the presence of

W. H. Weston Mayor.

A. W. Braithwaite Town Clerk.





①

Dated *16th Decem* 1936.

Captain W. J. SHOLL

— TO —

THE MAYOR ALDERMEN AND
BURGESSES OF THE BOROUGH OF
SUDBURY acting by the Council.

— OF —
Ombudsman

Maxted House, Sudbury, Suffolk.

*Pos.
cov.*

4.

2036

Other documents include:

- Babergh Strategy on Open Space
- Babergh and Mid Suffolk Open Space Study May 2019
- BDC Report stating the Swimming Pool site is publicly accessible open space
- BMSDC IDP Sept 2020 – Reference to **deficit of open space**
- Churchill's costings for Belle Vue

All documents are available on the Council's website.

From: Richard Abel <mccabe.abel@yahoo.co.uk>

Sent: 07 August 2022 22:03

To: Philip Isbell <Philip.Isbell@babberghmidsuffolk.gov.uk>; Mark Russell <Mark.Russell@babberghmidsuffolk.gov.uk>; Tom Barker <Tom.Barker@babberghmidsuffolk.gov.uk>; Simon Bailey <Simon.Bailey@babberghmidsuffolk.gov.uk>; Bradly Heffer <Bradly.Heffer@babberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>; Mark Leonard <mistudley@outlook.com>

Subject: BELLE VUE HOUSE - WITHDRAWAL STATEMENT

A WITHDRAWAL Statement from McCabe & Abel regarding our involvement within the:

Belle Vue House and Old Swimming Pool site planning application (DC/21/06519)

Whilst the Churchill Retirement Living bid was chosen by Babergh District Council as the preferred scheme for the Belle Vue House site, a separately negotiated agreement has always been in place that Belle Vue House (and associated amenity land) would be sold on to McCabe & Abel for restoration and residential reinstatement of the historic Belle Vue House. This is because Churchill Retirement Living freely admit that they do not undertake and have no experience in these types of schemes.

As a result, on confirming Churchill Retirement Living as the preferred bidder and with the full and agreed knowledge of Babergh District Council, McCabe & Abel began contract negotiations with Churchill Retirement Living (having already previously agreed an onward purchase price) to ensure the swift and clean transfer of ownership of Belle Vue House to enable urgent restoration work to begin.

After more than a year working to secure the onward sale and restoration of Belle Vue House (subject to planning), we unfortunately are no longer able to proceed any further with Churchill Retirement Living.

Our attempts to save Belle Vue House from demolition started in 2015, so seven years on, we are extremely disappointed and stressed regarding the current situation with Churchill Retirement Living.

For the onward sale of Belle Vue House for restoration and preservation, McCabe & Abel were issued with a 27 page legal contract from Churchill Retirement Living with totally unworkable contract terms. By contrast, a similar property recently purchased directly from Babergh District Council came with a 7 page legal contract. This enabled the sale to proceed swiftly and resulted in an award winning Heritage development.

In our opinion, it is now clear Churchill Retirement Living potentially have alternative plans for Belle Vue House more in line with their business model and therefore, all elements within the above planning application which relate to the restoration of Belle Vue House are now factually incorrect, cannot be relied upon and should therefore be dis-regarded. As the architects drawings relating to the restoration of Belle Vue House are the intellectual property of McCabe & Abel and supplied in good faith for the purposes of the above planning application before the contract was issued for the onward sale, we request their withdrawal.

These concerns have already been highlighted with Babergh District Council, and in our opinion, could have been avoided if the original sale and the site had been split in two. Belle Vue House (for preservation and restoration) and the Old Swimming Pool site for a separate use. This would have enabled two separate planning applications and ensured the future of Belle Vue House.

Unfortunately this opportunity and safeguard was missed and concerns raised will potentially be realised if the above planning application is approved.

As there is now no clear plan for the restoration and preservation of Belle Vue House, we can no longer support and be a part of the planning application. The best outcome for Sudbury and Belle Vue House is for the planning application to be REFUSED and for the sale of the site to be revisited.

Richard Abel
McCABE & ABEL

This page is intentionally left blank

Agenda Item 6c

From: [Elizabeth Flood](#)
To: [Alicia Norman](#)
Subject: DC/22/02948 - Tabled papers for 10th August committee 1/3 emails
Date: 04 August 2022 10:00:45

From: BMSDC Economic Development <BMSDCEconomicDevelopment@baberghmidsuffolk.gov.uk> Sent: 03 August 2022 15:24
To: BMSDC Planning Area Team Green <planninggreen@baberghmidsuffolk.gov.uk>
Cc: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Subject: RE: BDC Planning Consultation Request - DC/22/02948 - FUL

Good Afternoon,

Thank you for this consultation.

Economic Development broadly support the principal of this application and understand the requirement to utilise space to generate energy that can in turn support the businesses long term sustainability, protecting existing employment and to improve its environmental impact. However we are concerned that the use of this space for a solar array prevents any future expansion of employment use into this land, currently allocated for employment, either to enable business growth and expansion for the applicant themselves or to be occupied by a third party, so it may be helpful to understand whether any other options, for example utilising the current building roof space, have been considered and if so if and why they have been discounted.

Kind Regards

Clare

Sector and Skills – Economic Development and Regeneration team Babergh and Mid Suffolk District Councils
– Working Together



e: clare.free@baberghmidsuffolk.gov.uk

From: [Elizabeth Flood](#)
To: [Alicia Norman](#)
Subject: DC/22/02948 - Tabled papers for 10th August committee 1/2 emails
Date: 04 August 2022 10:01:12
Attachments: [image001.png](#)

From: Gillian Davidson <gillian@portlandplanning.co.uk>
Sent: 28 July 2022 13:30
To: Elizabeth Flood <Elizabeth.Flood@babberghmidsuffolk.gov.uk>
Subject: DC/22/02948 1 Northern Road, Chilton Industrial Estate

Dear Elizabeth

Further to my earlier email, in response to Parish Council comments regarding the additional land to the east, the applicant has commented as follows:

- The land was, until 1999, a farmer's field growing crops. The land was acquired by Jukes Coulson Stokes Ltd (trading as JCS Hi-Torque LTD) when it was added to the zoned industrial park, in anticipation of an expansion of the factory, and in order to provide for this expansion without requiring the business to move. The farmer was offered the opportunity to continue to use the land for a nominal rent until such time as it was needed for the factory expansion, but declined. It was therefore left to self-seed and became the grassland you see today. This land does not have a long history of being grassland. In the meantime the business actually contracted with the loss of a major customer in the early 2000s, and the decommissioning and sale of a number of very large machines. Thus the growth that has subsequently been seen in the other activities has been able to be housed within the existing building up to now. However, we are now at a point where space is becoming an issue for our operations.

At some point in the future as the business grows, we anticipate wanting to expand the factory into the field. In the first instance into the part of the field that has not been earmarked for the solar park, but latterly into the whole field, at which point we would mount the solar panels on the roof of the new buildings. So whilst we are very happy to use the land currently for added biodiversity, it must be remembered that this land was an open field zoned for industrial use, and will at some point be used for this.

Kind regards

Gill


Mrs G Davidson BA(Hons) MRTPI

From: [Elizabeth Flood](#)
To: [Alicia Norman](#)
Subject: DC/22/02948 - Tabled papers for 10th August committee 3/3 emails
Date: 04 August 2022 10:01:31
Attachments: [image001.png](#)
[image002.png](#)

Elizabeth Flood

Principal Planning Officer
Babergh and Mid Suffolk District Councils

From: Gillian Davidson <gillian@portlandplanning.co.uk>
Sent: 28 July 2022 13:19
To: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Subject: FW: DC/22/02948 1 Northern Road, Chilton Industrial Estate

 **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Elizabeth

On the Flood and Water comment, I would point out that the site is actually 0.98ha. This is confirmed on the application form and on the site layout plan. We had the FRA done for a very slightly larger site, which was just over 1ha, but it was reduced before finalisation of the application. According to the County Council Guidance:

It is generally accepted that PV panels and the associated auxiliary buildings/structures have a limited impact on flood risk due to their comparatively small footprint and lack of ground contacting surfaces. However, it does not mean that this does not need to be fully considered. The LLFA will still expect a site-specific flood risk assessment (FRA) to be submitted with every PV application that is more than 1 hectare in size or is in a flood risk area. If the site is within a area at risk of flooding, the flood risk sequential and exception test maybe applied by the local planning authority.

The site is under 1ha and is not in a flood risk area.

Therefore, please ask the County Council Flood and Water Officer to withdraw his objection.

In response to Parish Council comments:

- The land to the east of the solar site is owned by the applicant. It is being retained for possible future industrial development. The applicant would consider seeding grass/wild flower mix appropriately, to enhance biodiversity.
- The solar panel provider has experience of sheep on solar parks and advises that unless the facility has been specifically designed to accommodate sheep, they damage cables and can cause problems. The applicant does not want to consider sheep at the site. The applicant will be minimally mowing a strip in front of the panels, and the rest will be left alone to be wild grass and plants as now.
- The panels are at a height from the ground which avoids any shading from grass and weed growth, between mowings. Any shading from grass and weeds has an adverse effect on generation by the panels.
- The mounting system will use either a tent peg style fixing, where small 1" diameter pegs are driven in using a hand held Hilti gun, making localised noise, or a solar park piling machine, which is a small hydraulic rig. This bears no resemblance whatever to a large building site piling machine. There is some noise, but the small piles (about 3m long and 150mm x 50mm in section) would all be installed within a week or so, and in the industrial context of the site would be largely unnoticed. Impact on the local area will be minimal and there is no requirement for a CEMP.
- CCTV

- The CCTV posts are **3m tall**. There are to be 9 of them – the Parish Council appear to think they will be 9m tall. The existing lighting on Church Field Rd is at least 8m high and far more of a visual intrusion. We will have no light at night.
- The CCTV cameras will be set to capture images largely within the perimeter fencing of the park. They form an overlapping ring of protection and will pick up human movement within those zones only. The aim is to see when the fencing has been breached, and someone is in the park.
- It is deemed necessary to have this level of security due to the attractiveness of the copper cabling and solar panels within the site.
- Planting and biodiversity
 - The site has been bare industrial land for a long time, and we have made proposals to enhance the site as far as possible, within the necessary operational constraints of the site. It is not possible to screen completely, as the panels can not be shaded at any time. The existing northern fence and view of the factory buildings, and adjacent industrial buildings, form the site context.
 - The planned biodiversity improvements have been compiled following site surveys and a report from professionally trained ecologists.
 - A full reptile survey was carried out over a period of weeks and none was found.
- Decommissioning
 - This is often considered at planning stage when the land is to be leased, as other parties may become involved as the site is developed. In this instance, the solar park will be privately owned and any decision as to when decommissioning may be required will be taken by the owner, who will also bear all associated costs.

Please let me know if any further information is required.

Kind regards

Gill

Mrs G Davidson BA(Hons) MRTPI

t: [REDACTED] m: [REDACTED] e: gillian@portlandplanning.co.uk

www.portlandplanning.co.uk



Please note: I will be away on holiday from 29 July 2022, for 2 weeks.

From: Gillian Davidson <gillian@portlandplanning.co.uk>

Sent: 27 July 2022 16:13

To: 'Elizabeth Flood' <Elizabeth.Flood@baberghmidsuffolk.gov.uk>

Subject: RE: DC/22/02948 1 Northern Road, Chilton Industrial Estate

Thank you Elizabeth. I'll contact the applicant and get back to you soonest.

Kind regards

Gill

Mrs G Davidson BA(Hons) MRTPI

t: [REDACTED] m: [REDACTED] e: gillian@portlandplanning.co.uk

www.portlandplanning.co.uk



Please note: I will be away on holiday from 29 July 2022, for 2 weeks.

From: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Sent: 27 July 2022 15:26
To: Gillian Davidson <gillian@portlandplanning.co.uk>
Subject: RE: DC/22/02948 1 Northern Road, Chilton Industrial Estate

Dear Gillian

Thank you for your email, the application is currently on the schedule to go to Planning Committee on the 10 August. Any decision would be subject to resolving the holding objection from the Flood and Water Officer, it would be helpful if this could be progressed prior to Committee. There are also a number of concerns from Chilton Parish Council which you may wish to address.

Kind regards

Elizabeth Flood

Principal Planning Officer
Babergh and Mid Suffolk District Councils

From: Gillian Davidson <gillian@portlandplanning.co.uk>
Sent: 25 July 2022 09:46
To: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Subject: FW: DC/22/02948 1 Northern Road, Chilton Industrial Estate

 **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Elizabeth

Further to my email of 18 July, please see attached letter from JCS explaining the need for the proposal and how it will support the factory into the future.

In response to your query about use of the energy to be generated:

- **The design aim is to maximise on-site consumption by JCS, and thereby minimise any export. For this reason a substantial Battery Energy Storage System (BESS) is being installed alongside the solar array. This will capture as much unused generation as possible, and allow the factory to use it at times of high demand, or overnight when the sun is not shining. When the factory is not working, and the BESS is full to the required capacity, any surplus power will be exported, up to the DNO (UKPN) limit of 200kW. Estimates from the BESS supplier using JCS actual consumption profile and calculated solar half hourly generation profile for Sudbury are that 91% of the generated power will be used on site. This is an exceptionally high figure.**
- **It is not possible to sell surplus power to third parties at this scale.**

Do let me know if anything else is required.

Kind regards

Gill Davidson

Mrs G Davidson BA(Hons) MRTPI

t: [REDACTED] m: [REDACTED] e: gillian@portlandplanning.co.uk

www.portlandplanning.co.uk



Please note: I will be away on holiday from 29 July 2022, for 2 weeks.

From: Gillian Davidson <gillian@portlandplanning.co.uk>
Sent: 18 July 2022 14:42
To: 'Elizabeth Flood' <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Subject: RE: DC/22/02948 1 Northern Road, Chilton Industrial Estate

Dear Elizabeth

Thank you for your email.

I attach the location plan with blue outline added.

I have asked the client to provide answers your other 2 points and will come back to you asap.

Kind regards
Gill Davidson
Mrs G Davidson BA(Hons) MRTPI

t: [REDACTED] m: [REDACTED] e: gillian@portlandplanning.co.uk

www.portlandplanning.co.uk



Please note: I will be away on holiday from 29 July 2022, for 2 weeks.

From: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Sent: 18 July 2022 12:39
To: gillian@portlandplanning.co.uk
Subject: DC/22/02948 1 Northern Road, Chilton Industrial Estate

Dear Gillian

This application is location on land which is allocated for employment related purposes under Policy EM02 of the Babergh Local Plan. The proposed solar park will not directly create any jobs and therefore there is concern that the application will be contrary to Policy EM02 of the Babergh Local Plan.

I understand that the purpose of the application is to provide electricity to the adjacent factory J.C.S Hi Torque Ltd. This relationship is likely to make the application acceptable as it is protecting jobs for the long term, however I need some further information to understand this link:

- A site location plan showing J.C.S Hi Torque Ltd within a blue line and the site red lined.
- In the planning statement it states that electricity will be sold onto the grid, this is a concern as it doesn't indicate that the solar array is directly related to J.C.S Hi Torque Ltd. Please can you indicate if it has been agreed that the grid will take electricity from the site (the Council is aware that locally other sites have not been granted this) and in what circumstances will electricity to sold on e.g. is it just at weekends when the factory is closed? If it can't be sold on, would it be possible for it to be provided to other units locally?

- The application will need to go to Planning Committee so it will be really helpful if you could provide a letter directly from J.C.S Hi Torque Ltd explaining the need for the solar array and how this will support the factory in the future.

I am keen to support this application so these additional details will be really helpful.

Kind regards,

Elizabeth Flood

Principal Planning Officer
Babergh and Mid Suffolk District Councils

Tel: 0784 9078665

Email: elizabeth.flood@baberghmidsuffolk.gov.uk

I work Monday, Wednesday and Thursday.

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council. Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be kept safe, secure, processed and only shared for those purposes or where it is allowed by law. In some circumstances however we may need to disclose your personal details to a third party so that they can provide a service you have requested, or fulfil a request for information. Any information about you that we pass to a third party will be held securely by that party, in accordance with the Data Protection Act 2018 and used only to provide the services or information you have requested.

For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

From: GHI Floods Planning <floods.planning@suffolk.gov.uk>
Sent: 08 August 2022 11:10
To: BMSDC Planning Area Team Green <planninggreen@baberghmidsuffolk.gov.uk>
Cc: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>
Subject: 2022-08-08 JS Reply 1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk Ref DC/22/02948 - FUL

Dear Elizabeth Flood,

Subject: 1 Northern Road, Chilton Industrial Estate, Sudbury, Suffolk CO10 2YH DC/22/02948 - FUL

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/22/02948.

The following submitted documents have been reviewed and we recommend approval at this time.

- Flood Risk Assessment (FRA) Ref P4417.1.0
- Email from agent dated 28th July 2022

Note: the proposed development will not increase flood risk as the panel will run off to ground and drain naturally. The two ISO containers are less than 250sqm and would not be subject to a formal surface water drainage strategy, but may have to be drained in accordance with Building Regulation's part H.

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council
Growth, Highway & Infrastructure
Endeavour House, 8 Russell Rd, Ipswich , Suffolk IP1 2BX

Officers note: Given the removal of the holding objection from the Flood and Water Officer the resolution has been revised to state:

RECOMMENDATION

That the application is **GRANTED** planning permission and includes the following conditions:

- Standard time limit
- In accordance with the approved plans
- Construction Management Scheme
- Ecological appraisal recommendations
- Biodiversity enhancement strategy
- Landscaping scheme including details of boundaries landscaping and land between solar panels.

This page is intentionally left blank

Agenda Item 6d

UPDATED PAPERS

Babergh Planning Committee – 10th August 2022

Item 6d

DC/20/03083 – Erwarton Hall Farmyard, The Street, Erwarton, Suffolk

Correction to Page 1 of the Committee Report

Page 1 of the Committee Report should read:

“RECOMMENDATION – REFUSAL” (this tallies with the remainder of the report)

This page is intentionally left blank

Tabled Papers

DC/22/00754 - Former Chambers Bus Depot, Church Square, Bures St Mary, Suffolk, CO8 5AB

The wording of the paragraphs below has been amended as follows:

- 1.1. *The application site is located within the historic core of Bures St Mary, a small town situated by the River Stour on the border with Essex. The site is located to the east side of the B1508 at the junction of Bridge Street, Church Square, and the High Street.*

Amendment:

- 1.1. The application site is located within the historic core of Bures St Mary, a Core Village situated by the River Stour on the border with Essex. The site is located to the east side of the B1508 at the junction of Bridge Street, Church Square, and the High Street.

-
- 5.10. **Off-site improvements – Bridge Street:** *An informal pedestrian crossing point with tactile paving is proposed on Bridge Street around 7 metres east of the gate providing access to the footpath into the churchyard. It was originally proposed that this would be in the form of a central refuge outside the gate to the churchyard; however, this would have resulted in the loss of on-street car parking outside the houses on the north side of the street. Therefore, it is instead now proposed to provide a kerb build-out on the north side, so that only one parking space is lost, whilst allowing crossing movements at this location as close to the bend as possible whilst enabling sufficient visibility to the left/north east for pedestrians crossing from north to south.*

Amendment:

- 5.10. **Off-site improvements – Bridge Street:** An informal pedestrian crossing point with tactile paving is proposed on Bridge Street adjacent to the gate providing access to the footpath into the churchyard. It was originally proposed that this would be in the form of a central refuge outside the gate to the churchyard; however, this would have resulted in the loss of on-street car parking outside the houses on the north side of the street. Therefore, it is instead now proposed to provide a kerb build-out on the north side, so that only one parking space is lost, whilst allowing crossing movements at this location as close to the bend as possible whilst enabling sufficient visibility to the left/north east for pedestrians crossing from north to south.

-
- 5.12. *The westbound stop would be relocated to the west of the pedestrian gate into the church to allow the crossing to be provided. The existing single yellow line restrictions would remain in place here, allowing around five cars to park overnight Mondays and Saturdays and all day on Sundays.*

Amendment:

- 5.12. The westbound stop would be relocated adjacent to the pedestrian gate into the church to allow the crossing to be provided. The existing single yellow line restrictions would remain in place here, allowing around five cars to park overnight Mondays and Saturdays and all day on Sundays.
-

- 5.13. **Off-site improvements – Church Square:** *A crossing point is also to be provided on Church Square to the south of the access, outside Queen’s House, while allowing access to the vehicle driveway to that property to be maintained. Again this would feature kerb build-outs, here on both sides of the road, maintaining a 6-metre carriageway width, and resulting in the loss of 2 no. on-street car parking spaces on the western side of the road, with parking for one car retained to the north of the build-out on this side.*

Amendment:

- 5.13. **Off-site improvements – Church Square:** A crossing point is also to be provided on Church Square to the south of the access, outside Queen’s House, while allowing access to the vehicle driveway to that property to be maintained. Again this would feature kerb build-outs, ~~here on both sides of the road,~~ maintaining a 6-metre carriageway width, and resulting in the loss of 3 no. on-street car parking spaces on the western side of the road, with parking for one car retained to the north of the build-out on this side.
-

- 5.17. *The proposal also offers numerous works to the existing highway that would provide highway safety benefits, including improvements to access visibility and pedestrian crossing facilities as well as improvements to the bus stop. To facilitate these works, there would be a loss of one on-street parking space on Bridge Street and two spaces on Church Square.*

Amendment:

- 5.17. The proposal also offers numerous works to the existing highway that would provide highway safety benefits, including improvements to access visibility and pedestrian crossing facilities as well as improvements to the bus stop. To facilitate these works, there would be a loss of one on-street parking space on Bridge Street and three spaces on Church Square.
-

- 8.3. *The Lead Local Flood Authority (LLFA) originally raised a holding objection to the scheme due to a lack of information on surface water and foul drainage issues. The*

site sits on a hillside which runs down to the River Stour, with houses to the north and west being elevated from the site. Although there are large buildings on the site currently, there is also a large piece of open ground. Much of this area is to be covered with dwellings and hard surfaces for access routes and parking. Therefore, it is likely that surface water run-off will increase in the future.

Amendment:

- 8.3. The Lead Local Flood Authority (LLFA) originally raised a holding objection to the scheme due to a lack of information on surface water and foul drainage issues. The site sits on a hillside which runs down to the River Stour, with houses to the north and west being elevated from the site. Although there are large buildings on the site currently, there is also a large piece of open ground. Much of this area is to be covered with dwellings and hard surfaces for access routes and parking. Therefore, it is likely that the volume of surface water run-off will increase in the future. The proposals incorporate a surface water attenuation system, whereby the peak rate of surface water discharge from the site will be restricted to no greater than the existing annual peak rates. The peak rate of surface water run-off from greater than annual storm events will be significantly reduced, thereby providing betterment, in accordance with current national design practice.

-
- 9.22. *No free-standing traffic signage or similar appears to be proposed/required, which may otherwise have been of heritage concern, and the works include relatively modest additions to existing pavements, that are not of historic materials, rather than the introduction of pavements where none currently exist or additions to historic paving.*

Amendment:

- 9.22. No further free-standing traffic signage or similar is proposed, which may otherwise have been of heritage concern. The works include relatively modest additions to existing pavements, that are not of historic materials, rather than the introduction of pavements where none currently exist or additions to historic paving.

This page is intentionally left blank