

Briefing Document for Sudbury Town Councillors on the Belle Vue site

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History of Belle Vue Project

1. In 2014 a concept plan and 1. or Belle Vue was launched by Babergh District Council with STC alongside a 1. consultation process to seek views from the local community.
2. In 2016 Babergh and the Sudbury Steering Group asked for suggestions for the use of Belle Vue House and Belle Vue Park.
3. A number of proposals were forthcoming. The proposal it was decided to proceed with was to build a Hotel on the site and lease the Hotel to a Hotel Chain.
4. In 2018 this was proposed formally to Babergh District Council and passed.
5. In 2019 a vocal public opposition appeared to this proposal due to the loss of some of the park and possibly Belle Vue House. There were also objections based upon funding this work through PWLB (Publics Works Loan Board) funding and the incalculable risks associated with this.
6. In late 2018 the Sudbury Relief Road Project put to bed the notion of a Sudbury Western Bypass on the grounds that the BCR (Benefits to Cost Ratio) was found to be insufficient.
7. Instead it was decided to investigate a number of Junction Improvements in Sudbury, including Belle Vue Junction. The aim was to enable traffic approaching this junction to turn right up Newton Road to reach the A134 to Colchester without traversing the existing One Way System in Sudbury. This represented an opportunity to reduce Congestion and Air Pollution as well as eliminate potential roadblocks caused when any of the roads/streets on the One Way system is blocked.
8. In 2019 it was decided that the solution for Belle Vue Junction was to turn Ingrams Well Road into a one way street with a lights controlled junction at the top with Newton Road, allowing a right turn.

9. Proposals for use of Belle Vue House were sought and three were developed and presented for Consultation in January 2020 alongside a Hotel plan and proposals for Ingrams Well Road, Market Hill and North Street.
10. In Mid 2020 the economic effects of the pandemic on the Hotel and Hospitality industry meant the proposed Hotel Lessee pulled out. The Hotel plan was thus dropped.
11. In September 2020 a new set of three options for Belle Vue were put forward. Option 1 kept Belle Vue House while options 2 and 3 involved its demolition. All three options proposed new build retirement homes on the site of the old Swimming pool while options 2 and 3 also included building on the site of Belle Vue House. The preferred option on initial votes was Option 3.
12. All three options proposed new access to Belle Vue Park as envisioned in the original scope of the project.
13. In November 2020 it was announced by a Babergh officer in the meeting that only Option 1 was being pursued and steering group members were advised that the Belle Vue House and a significant area of the old swimming pool site was to be offered for sale in early 2021.
14. It was also announced that funding of £550k from the land release fund was being applied for to help with the costs of opening up the right side of the park and providing a cafe building.

The Legal Situation.

15. The Belle Vue site was purchased by Sudbury Borough Council in 1936. The land transferred through compulsory purchase on 1 April 1974 when the local government reorganisation took place. The Belle Vue site remained as open space when assets transferred from Sudbury Borough council (a corporation) to Babergh District Council.
16. Despite attempts including corresponding with legal services etc to make Babergh aware that the land was 'open space' it was only very recently determined that the Belle Vue site including the house and gardens are 'open space'.
Legal advice was sought by Babergh through Mark Leonard at Studley Capital Limited (sale agent) to confirm that this is open space and the requirements.
17. There is no specific definition of open space but if the land was used as recreation land and open space prior to the reorganisation then it has to remain as such until any disposal takes place.

There has been no digestion of this fact and the implications thereon and the open space has immediately been put on notice for sale.

18. The old swimming pool site was recreation land on the transfer and was a functioning pool which continued to be maintained from 1939 until 1988. It had some subsequent use as a Skate park and a BMX park until 2015. The Belle Vue gardens have had public access since the 1974 transfer. Babergh confirmed that they would always keep the public gardens out of a sale.

19. When land is designated open space there are requirements for how the land is supposed to be maintained. The regulations are set out at s.10 of the open space Act 1906.

S.10 Maintenance of open spaces and burial grounds by local authority.

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.*

and may inclose it or keep it inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, provide with seats, and otherwise improve it, and do all such works and things and employ such officers and servants as may be requisite for the purposes aforesaid or any of them.

This has obviously not been applied in the case of the Belle Vue site for many years.

20. The requirement at s.123 (2) Local Government Act 1972 states that the sale can not dispose of land for “*a consideration less than the best that can be reasonably obtained*”. This is interpreted as being the best price achievable in the open market. This is subject to much case law. The site is being proposed as prime town centre site with no mention of the open space and the potential objections and is only being given an informal offer period of 17 December 2020 - 21 January 2021. This is obviously over the Christmas period when a lot of businesses shut and during another pandemic peak with Covid 19.

We do not believe that Babergh is applying best practice to try to obtain the best price.

21. Additional rules apply to open space. Subject to the local policies in a local development plan, if land is held as open space it cannot be disposed of unless the process under section 123 of the Local Government Act 1972 (as amended) is used.

The disposal must be advertised and objections must be considered and we do not think that Babergh is following the correct process.

22. Planning considerations:

- a) The open space assessment carried out by Babergh in July 2019 and the updated findings that are included in BDC and Mid Suffolk joint infrastructure plan of Sept 2020 refer to the lack of open space while referencing Sudbury on this matter. Page 140

onwards highlights the issues and BDC's commitment to preserving and increasing open space.

"13.1.12. The above figures highlight where there are shortfalls in supply and therefore where new provision should be sought in light of the proposed growth of the Joint Local Plan.

13.1.13. In particular, there are significant deficits in supply against the access standards are seen in Barham, as well as in Sudbury and Great Cornard. Stowmarket shows a significant deficit in Amenity Green Space"

It goes on to look at the cost of providing this additional open space. Babergh have recently found that the land that they already own is public open space and are seeking to sell it when there is not only no surplus but a considerable deficit.

- b) Any proposals that come through will need to go through the usual planning channels and there will be serious obstacles when all Babergh's policies are taken into account, including the upcoming local plan, the core strategy policies and the infrastructure delivery as well as the guidance from the NPPF which all advocate preserving open space (when see above, there is an acknowledged deficit in Sudbury). So a sale may go through but the planning would likely fail if the policies are followed.

The current local plan 2006 provides the following on open space and recreation:

*"10.38 These areas are situated on the periphery of the town centre and **will** remain unchanged."*

The new local plan is still going through changes and has not been adopted and any planning would have to refer to existing adopted policies and not future unadopted policies but even if consideration were to be taken then policy LP14 states the following:

"To maintain vitality and viability of town centres, proposals that ensure new and existing open spaces, community facilities, including meeting places that are accessible to all will be supported in principle."

Babergh selling off the run down recreation land is in direct contradiction with their own planning policies as well as against guidance within the NPPF as there isn't a surplus of open space in Sudbury to sell off but instead a significant deficit.

Babergh had a legal duty to keep the site in a good and decent state. This has not happened but they now have a duty to ensure that this doesn't continue to sit as derelict space and should be looking to making the land usable and open to the public. If the old swimming pool site remains as part of the sale for a developer to build something on that isn't for regeneration or community benefit then we believe this could go through years of planning issues with no progress made.

Other Impediments to progress.

23. The Public clearly want to see the park retained and not built upon and access vastly improved, there is no safe pedestrian crossing into the park at present.
24. Many people wish to retain Belle Vue House and even though it is not listed it has historical importance.
25. Cornard Road has a substandard shared path which is not safely accessible from the direction of Belle Vue Junction and ends some way before the junction. The pavements approaching Belle Vue Junction are too narrow for use as a shared path. (Note cyclists ignore the limits of this shared path and cycle on the pavement only on to the shared path). Pedestrian footfall is too high for safe use of any of the pavement from Belle Vue to Kings Hill as a shared path (according to Manuals for Street v2 and LTN 1/20 Cycle infrastructure design)
26. After the Swimming Pool was closed the swimming pool was used as a communal rubbish tip, there are no records as to what was buried in this tip and it is unknown if any of this rubbish was hazardous (asbestos/chemicals/heavy metals) the staff then working for Babergh have told us there was little if any control over what was buried there. The consequence of this is that clean up before heavy landscaping may be extremely expensive. (Note that on Queen Elizabeth Park in East London clean up of an area on an unregulated rubbish tip cost £90m).
27. All Government funded works to improve junctions and road improvements must meet the standards of LTN 1/20) The Ingrams Well Road proposals fail to meet these standards due to lack of a segregated kerbed cycle path and there is likely insufficient room to amend the design. This would mean the work would not attract DfT funding.
28. There will be many objections to any use of Ingrams Well Road as proposed as it makes access to Belle Vue Park from Cornard Road very hazardous and the obtuse angle of the junction at the top would meet objections from adjacent residents.

Aims and Objectives in the Belle Vue Project.

1. Ensure as few trees are removed as possible to meet climate goals and increase further tree planting.
2. Try and ensure that all buildings including Belle Vue House or its replacement are carbon neutral.
3. The following are from the 2014 Document *Opportunities at BELLE VUE Community Engagement: Concepts To Regenerate and Enhance the Belle Vue Area*
 - Retain formal garden and improve park for public use.
 - Open up the Park and enhance links and accessibility with the town centre
 - Improve the pedestrian link to and from the town centre towards Great Cornard, by redesigning the narrowed route along Cornard Road to provide safer pedestrian and cycle access
 - Improve the main Gateway into the town centre
 - Enhance the potential / capacity for community provision within Sudbury
 - Maximise tourist and visitor economy and other economic benefits (job creation).
 - Enable use of the park for events to enhance the night time economy
 - Provide a long term solution in respect of Belle Vue House without the need for subsidy from Babergh District Council (Retain & reuse or redevelopment)
 - Provide additional facilities not currently available in the town centre to help boost its destination status
 - Ensure the existing community users of the house have long term security and enhanced / updated premises in Sudbury.
 - To ensure any new development establishes complementary uses to support the use and role of the park (existing and enhanced)
 - Develop a framework to indicate broad design principles and objectives for the site as a whole
 - If private investment is achieved the capital receipt should be reinvested in Sudbury including its heritage

Roadmap to a Solution.

1. Adjust the area for sale by Babergh District Council to just the house and immediate surrounding area.
2. Increase the funding options to include not only the land release fund of £550K but to apply for Community Investment Levy (CIL) which we understand totals at present around £20 million for Babergh and Mid Suffolk. The work to open up the whole front of the park would be infrastructure and is open space and meets the CIL requirements. Other smaller funding options are also available for the cafe building if built in a sustainable way. So this option can be funded and achieved.
3. Add conditions that if the house is refurbished or replaced with a new building this be done in a way that makes it carbon neutral i.e.the roof faces South East and needs replacement so should be replaced with solar panels or a solar roof.
4. Given this would create excess electricity in the summer a battery array with battery to grid capabilities should be installed.
5. This would be a feather in the cap for Babergh as it meets all requirements of the Suffolk Climate Partnership action plan.
6. The lawn in front of Belle Vue House requires relaying (according to a highly skilled ex staff member of BDC Parks Department who had a look around) so it would be ideal for a ground source heat pump for the House/Building use.
7. Prune all shrubs and trees (which has not been done for decades) and rework formal gardens to be a centrepiece. This would benefit the Belle Vue House developer if the house is to be used for residential purposes as it would clearly be a selling point.
8. Hire experienced designers to design the following using safe practice and their own vision and imagination.
9. Investigate all potential sources of revenue creation for the park.
10. Grass over the site of the swimming pool instead of doing intrusive and potentially expensive groundwork. The remaining undeveloped area could be landscaped into a civic space which links neatly to a new look Market Hill.
11. Open up the whole of the park to be a beautiful and accessible view from King Street and make it a destination.
12. Consider proposals for a Cafe/Pavilion on the right (where the pump house/toilet Block is currently) again with solar roof and a battery to grid array.
13. Lease cafe/pavilion to interested parties to generate revenue.
14. Consider the viability of additional recreation offerings including a splash pad somewhere towards the Belle Vue end of the park.
15. Build a new cycle path along the south of Belle Vue Park, either fenced off from the park or not (depending if use of the house is residential and requires park access 24/7) between Belle Vue Junction and Ingrams Well Road.
16. Build a Tiger or Parallel crossing at Ingrams Well end for safe crossing for pedestrians and cyclists and possibly at Belle Vue Junction end as well.
17. Add CCTV throughout the park to improve security.
18. Add a cycle path in front of the Swimming Pool area for linking the junction to the new cycle path.
19. Add a Tiger/Parallel crossing at Belle Vue Junction end to enable safe cycling/walking into the park.
20. Consider a rewilding project at Ingrams Well road End of the Park.
21. Ensure just one organisation has responsibility for delivery of the project.

Appendices and References

Sudbury Steering Group concept plans 2014

<https://www.babergh.gov.uk/assets/Economic-Development/Concept-Plans.pdf>

Sudbury Steering Group scoping and assessment working towards regeneration for Belle

<https://www.babergh.gov.uk/assets/Economic-Development/Belle-Vue-Pre-Concept-Plan-Scoping-Document.pdf>

Steering Group early concepts Hamilton Road and Belle Vue Sept 2020

<https://www.babergh.gov.uk/assets/Economic-Development/Sudbury-Steering-Group/FINAL-Belle-Vue-SSG-slides-28Sep20.pdf>

Minutes of Sudbury Steering Group meeting 28th Sept 2020

<https://www.babergh.gov.uk/assets/Economic-Development/Sudbury-Steering-Group/SUDBURY-VISION-STEERING-GROUP-meeting-notes-28092020.pdf>

Sudbury Vision - Marketing Documents - Belle Vue Site, Sudbury

<https://www.babergh.gov.uk/business/economic-development/sudbury-vision/>

Notice of Area for Disposal December 2020

<https://www.midsuffolk.gov.uk/assets/Economic-Development/VFP-Sudbury/S1232A-Notice-Area-for-Disposal.pdf>

Notice of Disposal December 2020

<https://www.midsuffolk.gov.uk/assets/Economic-Development/VFP-Sudbury/Public-Notice.pdf>

Marketing documents Belle Vue Site December 2020

<https://www.midsuffolk.gov.uk/business/economic-development/sudbury-vision/>

Legislation at s.123 Local Government Act 1972 - disposal of open space

<https://www.legislation.gov.uk/ukpga/1972/70/section/123>

Legislation at s.10 of Open Space Act 1906 setting out the maintenance responsibilities in respect of open space

<https://www.legislation.gov.uk/ukpga/Edw7/6/25/section/10>

Current adopted Babergh local plan 2006

<https://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/Chapter10.pdf>

Babergh and Mid Suffolk Infrastructure delivery plan September 2020

<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Current-Evidence-Base/Infrastructure2020/BMSDC-IDP-Sept-2020.pdf>

Babergh and Mid Suffolk open space assessment and strategy 2016-2036

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

Babergh core strategy 2011-2031 (dated 2014) to be replaced by joint local plan (JLP not currently passed)

<https://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Core-Strategy/CORE-STRATEGY-AND-POLICIES-FINAL-Feb-2014.pdf>

Pre submission joint local plan strategy 2020

<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/JLPReg19/Part-1-Objective-and-Strategic-Policies-Part-2-Local-Policies.pdf>

Suffolk Climate Partnership Action Plan

<http://www.greensuffolk.org/about/suffolk-climate-change-partnership/>

Local Transport Note 1/20 Cycle Infrastructure Design

<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>