

Committee Report

Item No: 6A

Reference: DC/22/00985
Case Officer: Bradly Heffer

Ward: Sudbury South West.

Ward Member/s: Cllr Sue Ayres.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - 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.

Location

Belle Vue Park, At The Roundabout Junction Of Cornard Road And Newton Road, Sudbury

Expiry Date: 31/07/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Babergh District Council

Agent: Hamson Barron Smith

Parish: Sudbury

Site Area: 0.13 hectares

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes – DC/21/6163.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The applicant is the District Council and in this case is also the land owner.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. Whether or not a finance consideration is material or not will depend upon the circumstances.

However, noting the advice within the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

CLASSIFICATION: Official

On that basis, officers afford no determinative weight to the consideration of any financial gain to be made by the Council in relation to this application noting its synergy with the related application for the conversion of Belle Vue House and erection of retirement apartments.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework 2021

Core Strategy – February 2014

CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CS21 - Infrastructure Provision

Babergh Local Plan saved policies – June 2006

EN22 - Light Pollution - Outdoor Lighting
CN01 - Design Standards
CN03 - Open Space within Settlements
CN04 - Design & Crime Prevention
CN06 – Listed Buildings – Alteration/Extension/Change of Use
CN08 - Development in/near conservation areas
RE07 - Large Scale Recreation
TP15 - Parking Standards - New Development
SD02 - Sudbury Town - MUAs - Business & Service
SD03 - Sudbury Town - MUAs -Shopping & Commerce
SD04 - Sudbury Town - Mixed Use Areas - Residential Development

SPD – Open space, Sport and Recreation Strategy (Sept 2010)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

Sudbury Town Council has commented as follows:

REFUSE on the following grounds:

- *Safety concerns over the location of the crossing based on the information available, without a detailed report from Suffolk County Council. The pathway is very narrow and even adding the extra bit congestion could easily still occur. Does the pathway meet the standards of the Local Transport Note 1/20 Cycling Infrastructure Design?*
- *The location of the crossing so near to the roundabout could cause additional traffic congestion.*
- *The position of the gate (proposed location of the entrance). The Town Council have continuously supported the entrance facing King Street.*
- *It is unclear from the plans whether the ramps going into the park are wide enough for two buggies to pass, disability scooters etc.*
- *An ecological survey needs to be carried out on this site.*
- *What happens if Churchill Developments do not get permission?*

County Council Responses

SCC Highway Authority advises it fully supports the proposal for the park entrance and pedestrian crossing facility. A number of conditions are recommended for inclusion on a grant of planning permission. Following submission of a stage 1 road safety audit (post submission of the application) the following comments are made:

'We are satisfied that the submitted stage 1 road safety audit does not highlight any issues that the Highway Authority had not previously considered associated with locating a pedestrian crossing facility close to the roundabout. The type of arrangement is commonplace around the county, along with other arrangements that require motorists to potentially stop and wait on a roundabout exit. The necessary visibility and advance signing of the crossing can be managed within the detailed design and approval process.

Subsequently, it should be noted that no planters or other potential obstacles to clear visibility will be permitted within the forward visibility envelope to the proposed crossing. This may involve slight amendments to the proposed locations of such street furniture.

With regard to permeable paving, this will not be permitted within the maintainable highway and an alternative solution will need to be provided. We are satisfied that this can be managed via planning condition.'

The following additional comment has been received from the Highway Authority:

'The submitted drainage drawing (110284-hbs-dr-c-060(p4)) does not illustrate an acceptable drainage arrangement. However, we are still satisfied that the details could be subject to a planning condition so this submission does not change our overall position on the proposal and subsequently, the previously recommended planning conditions still apply (from our response dated 01/07/22)...'

SCC Archaeology has no objection to the proposals and advise that, in its opinion, there would be no significant impact on known archaeological sites or areas with archaeological potential.

SCC Lead Local Flood Authority states that as the development has no impact on flood risk or surface water drainage, it has no comment.

Internal Consultee Responses

The **Heritage Team** has identified that the proposal would cause a very low level of less than substantial harm to a locally listed (non-designated in NPPF terms) heritage asset. This is on the basis that the demolition of the boundary/retaining wall would remove a feature that may have some historic connection to Belle Vue House, but the historic interest of which has likely already been fairly eroded. It is also recommended that the harm is taken into consideration in accordance with paragraph 203 of the NPPF.

Environmental Health (Noise/Odour/Light/Smoke) has advised that no objection is raised in principle, but conditions are recommended to control demolition and construction works, the submission of a Construction Method Statement and also the installation of lighting.

Environmental Health (Land Contamination) has advised that there is potential for any urban site to have contaminants present. There are no known sources of contamination in relation to this site and it is recommended that a watching brief is maintained during the construction phase of the development.

The **Arboricultural Officer** has confirmed no objection to the proposals, subject to the works being carried out in accordance with the submitted protection measures.

Place Services – Ecology initially lodged a holding objection to the proposals due to insufficient information being available. Following the submission of additional information an update is awaited and will be provided to Committee.

Place Services – Landscape has advised it has no objections to the proposals and include some recommendations and a condition for consideration.

B: Representations

As a result of publicity and public notification, at the time this report was produced at least 59 representations had been received that raise objections to the proposal. The comments received may be summarised as follows:

- The proposed entrance is in a dangerous position and the development will lead to accidents. Pollution will increase with standing traffic.
- The development should form part of the same development proposal with the site immediately adjacent. Both proposals should be considered together.
- Cycling and disabled access provision is unsatisfactory. The access ramps are of inadequate width and design, and steps are not useable for elderly, disabled or those with young children. There is no disabled parking provided.
- The design is not suitable for disabled persons' access.
- The entrance location is in the wrong position and should be centralised in order to be visible from the town centre.
- The application lacks detail. The submission should include 3D drawings to enable proper consideration.
- The space created would not be welcoming.
- The cost of the retaining wall should be met by the developer of the adjacent site.
- The crossing should be in the form of a Toucan or Tiger/Parallel crossing.
- The proposal should include a transport statement to enable the impacts on the highway to be assessed.
- The ecological impacts of the development have not been properly assessed and trees will be lost.
- The proposal removes public open space and Sudbury suffers a deficit.
- There is no access for emergency vehicles and access via Ingrams Well Road is inadequate.

- The existing entrance is adequate, and the site should be refurbished. The proposal is a waste of money.
- Ongoing maintenance of the park would be made more difficult by the proposals.

Babergh Green Party has advised it objects to the proposal on the basis of the position of the entrance, the design of the entrance and the proposed new crossing.

The Sudbury Society advises that the proposals have its general support, but concerns are expressed about the proposed crossing

One representation has been received which expressed support for the proposal.

The above represents a summary of comments received. The full text of representations may be viewed on the case website.

PLANNING HISTORY

REF: DC/21/06519	Planning Application - Construction of 42no. 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)	DECISION: PCO
REF: DC/22/00985	Planning Application - 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.	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site for this proposal is an arc-shaped area of land, with a given size of 0.13 hectares, which is located at the western end of Belle Vue Park in Sudbury. The land is bounded to the north, west and south by Newton Road, a roundabout junction and Cornard Road, respectively. To the east the site includes part of the former outdoor swimming pool which is currently used as a depot facility, and an area of parkland (outside the depot) at the site's eastern end.
- 1.2. In addition to the above, the site includes a boundary wall feature that faces towards the roundabout junction. To the front (west) of the wall feature is a grassed/landscaped area of land that abuts the footway. The application site also includes an area of the highway within Cornard Road, immediately southeast of the roundabout junction.
- 1.3. The Design and Access Statement submitted with the application advises that there is an approximate 3 metre difference in level between the park and the highway that bounds the site.

2. The Proposal

- 2.1. This planning application, submitted on behalf of Babergh District Council, seeks full planning permission for the creation of a new entrance to serve Belle Vue Park, together with the provision of new retaining walls. The proposal also includes the provision of a new pedestrian crossing within Cornard Road, close to the roundabout junction immediately to the west of the site.
- 2.2 The submitted plans show the new entrance as a hard and soft-landscaped space, of approximately 22 metres width, which would contain both stepped and ramped access, leading to a new gated entrance to the park. This space would also include hard landscaping, walling and railings, seating, lighting bollards and soft landscaped areas and tree planting. Proposed works also include the provision of new hard surfacing treatment to that part of the site that immediately abuts the highway, together with soft landscaping immediately adjacent to a new boundary wall feature. The submitted Design and Access Statement ('DAS' - available to view on the Council's planning website) includes the following information which is included here for Members' information:

'...The park entrance design is based on a new axis line which runs parallel to the frontage of Belle Vue House and connects to the road and town centre beyond. Wide central steps lead directly up to the park along the main axis. New ornamental gates at the top of the space mark the entrance into the park. Re-designed pedestrian crossings will allow for safer access across roads, including new controlled signal crossings. A key part of the concept is to make the ramp a central feature of the space using the full width available to take people on a slow route up to the top. Instead of hiding the ramp away, this becomes an important design element leading the eye from side to side across the space. The steps and planting beds are connected into the ramp design to create an integrated arrangement. New seating will be introduced throughout the scheme to encourage people to spend time in the space. The wider steps allow people to use them for sitting, with additional street furniture for those who need more comfort. Seating and planters will be added along the street frontage to make this area more attractive, whilst providing the flexibility to allow for a future cycle lane. A dynamic range of planting will attract people to stay in the space and attract wildlife to the area. The hard landscape structure of walls, steps and ramps will act to contain planting beds, together with raised beds to allow softening of the space over time. Retaining walls contain the space on either side defining a clear direction of travel and addressing the changes of level on site. Handrails provide help for climbing the steps and ramps...The proposed metal railings and gate to the park entrance will be a bespoke design incorporating the park name. An opportunity exists here to commission a local artist, encourage local input and/or hold a design competition. Metal railings will be co-ordinated to blend in with the conservation surroundings...There is also an opportunity to develop a Sudbury heritage and art mural along the wall to encourage community ownership of the space (Arts Council funding to be explored)...

- 2.3 The DAS also advises that the retaining wall along the northern boundary of the site would be constructed in brick, whilst the southern walling would incorporate flint – both of which are judged to be locally traditional materials and have been used in other Sudbury re-developments such as at Gainsborough House. The DAS states that an existing plaque commemorating the opening of the adjacent, former swimming pool site could be incorporated into the new wall, as could an art mural panel, heritage mural panel interpretation board etc. It is noted that the inclusion of these features is dependent on *'...funding and working with artists and local groups...'* In terms of hard

surfacing, this would consist of permeable block paving in three grey tones. Raised timber planters incorporating cycle stands would be located within the area of the development adjacent to the roadside.

3. The Principle Of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In this regard, the relevant development plan documents consist of the Core Strategy (2014) and the saved policies of the Local Plan (2006). A key material consideration is the National Planning Policy Framework (NPPF) 2021. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
- 3.2 It follows that the planning evaluation process should start with the development plan provisions for the site. In this regard, in the adopted development plan the majority of the site for this proposal falls within an allocated as a Mixed Use Area, with a smaller part being within an area allocated as open space. This Mixed Use and open space designation is shown on Inset map 1b of the Local Plan and an extract will be made available as part of the Committee presentation.
- 3.3 The policies of particular relevance to the Mixed Use Area allocation are identified as Local Plan policies SD02, SD03 and SD04. In the case of open space policy CN03 is engaged. Notwithstanding the age of the policies, they are not judged to be in conflict with the NPPF and therefore may be afforded full weight.
- 3.4 It is appropriate to refer to the supporting text in Chapter 10 (paragraph 10.14) which describes Mixed Use Areas thus: *'The principal shopping area is fringed with areas of mixed land uses, including shops, small businesses, housing and community facilities. It is intended that the very mixed nature of these areas, which is an essential and particular feature of the town centre, should continue. However, it will be important to ensure that different uses can exist side by side and remain. Development proposals will therefore be assessed against Policy SD02.'* This text does not carry "development plan" weight but sets the scene for such Mixed Use Areas. In relation to policy SD02, this states:

'In the Mixed Use Areas of Sudbury, uses in Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.'

In this regard, the proposal does not involve the introduction of a B2 use, and therefore there is no perceived conflict with this policy/it is of no relevance to this application.

- 3.5 Policy SD03 states:

'Change of use of premises to retailing and the introduction of small-scale retail developments in the Mixed Use Areas of Sudbury town centre will be permitted, provided there is no adverse effect on the environment, residential amenity and the highway network, and the scale is compatible with the surroundings.'

Again, the scheme submitted for consideration does not include a proposed change of use of premises to retailing, so no tension with this policy arises.

3.6 Lastly policy SD04 states:

'In the Mixed Use Areas of Sudbury town centre, residential development will be permitted, particularly where:

- use is made of vacant or under-used buildings, or*
- residential development would result in a more appropriate use of land, provided it has no adverse effect on the vitality and viability of the town centre.'*

Clearly there is no residential element to the proposal, so the requirements of this policy are not directly applicable to this proposal.

3.7 In relation to the relevant open space policy CN03, this states:

Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.

In consideration of this policy, the intention of the scheme is to create a new access to an existing recreational and amenity resource within the town, and therefore the proposal is not judged to result in the loss of part of this facility as such. In addition, the proposals would not result in the loss of a gap in the street scene but would create a new visually important space when perceived from the surrounding streets. This is judged to be an improvement to the street scene

3.8 In addition to the above identified policies, other key development plan policies relevant to the consideration of this proposal are identified to include CS1, CS14, CS15, CS16, CS21 and CN08.

3.9 In relation to policy CS1 this clearly establishes the Council's commitment to securing sustainable development in the District. The policy is reflective of the NPPF and has full weight in the determination of planning applications. In this regard, the scheme is considered to present a sustainable development proposal in that it seeks to improve access to the town's park and would encourage non-car mode movement as a result.

3.10 Policy CS14 specifically relates to green infrastructure and inter alia identifies that existing provision will be protected and enhanced. As this proposal seeks to improve accessibility to an existing facility and would not compromise its purpose as an amenity facility, there is no perceived conflict with the aims of this policy.

3.11 Policy CS15 is a lengthy and wide-ranging criteria-based policy, and it is inevitable that not every criterion will apply to a given development. The policy is concerned with the implementation of sustainable development in the district and sets out nineteen criteria which may be broadly summarised as relating to economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. In consideration of the proposal in the light of the policy requirements it is noted that the nature of the scheme means that some would not be directly applicable (for example those relating to job creation, provision of local services, demand for potable water, minimising waste etc.) Where there is a synergy between the nature of the scheme and the requirements of the policy, there is not considered to be a tension as such. For example, the proposal is considered to be designed to be respectful of its setting and would improve the townscape in this location, thereby making a positive contribution to local character. In addition, the proposal seeks to improve the main entrance access to an existing important green space within the town. The scheme also includes proposals to enhance overall biodiversity opportunities through the introduction of appropriate soft landscaping. As a planning judgment, in consideration of the

relevant criteria it is considered that the application accords with the policy when viewed in the round.

- 3.12 In relation to policy CS16 this identifies that, inter alia, leisure development will continue to be focussed on Sudbury and Hadleigh, and in village and local centres. The relevance of this policy to the current proposal is that it would seek to improve access to an established facility within the town and therefore the terms of the policy requirement are upheld.
- 3.13 Policy CS21 relates to infrastructure provision within the District and within the text of the policy it advises that ‘...*The Council will protect, safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities...*’ In this regard it is considered that the proposal would seek to enhance the park’s entrance, and this would accord with the identified elements of this policy.
- 3.14 Development plan policy CN08 is of particular reference to the consideration of this proposal, as it refers to proposals for development that impact on the District’s conservation areas, or on views into and out of conservation areas. The location of the site is outside of the conservation area for Sudbury; however, it is in close proximity to it and the Council must afford great weight to the Conservation Area’s consideration even if statutory duties are not actively engaged¹. Whilst more detail is provided elsewhere in this report, to summarise, the Council’s Heritage Team does not object to the proposals on the grounds of impacts on the character of the conservation area. Specifically, the following comment is made in this regard:

‘...Visual connections, likely historic, exist between Belle Vue Park and Sudbury Conservation Area, reflecting the likely historic relationship of dense town centre core and greener, less developed surroundings. Nonetheless, I consider that the proposed development would not erode any contribution these make to the character and appearance of Sudbury Conservation Area...’

The advice to officers is clearly that the proposal would not result in an adverse impact on the setting of the nearby conservation area and, on this basis, a conflict with the identified policy would not arise. A very low level of harm would result to the significance of Belle Vue House, a non-designated asset, and therefore a balanced judgement is required in weighing up that very low level of harm on the one hand, and what officers consider to be very significant public benefit in light of the nature of this scheme and the proposed park enhancement on the other.

- 3.15 In addition to the above identified policy base, the Council’s adopted SPD document titled Open Space, Sport and Recreation Strategy (Sept 2010) provides an overview of open space, sport and recreation provision in Babergh district. The document includes a section which refers to key issues, trends and recommended action in relation to Belle Vue Park (along with Toppesfield Gardens in Hadleigh) and identifies key priorities as follows:

‘Toppesfield Gardens and Belle View Park are important facilities for the market towns in the district. Improvements to the quality of these parks, particularly the entrance, toilets, bins, seating and information in Hadleigh and main entrance, information, toilets and cleanliness in Sudbury should be a priority, together with maintaining the overall quality of the facilities and ensuring improvements and updating of facilities is maintained in accordance with the requirements of the users.’

¹ In this sense the “great weight” advocated by the NPPF is considered to be on all fours with the “considerable importance and weight” that case law has directed applies to the preservation of designated assets as required under the listed buildings Act.

- 3.16 In seeking to improve the main entrance to Belle Vue Park, the current application is aiming to address one of the identified key priority issues that the Council had identified. Notwithstanding that the SPD was adopted in 2010, it is still retained as a public statement of Council planning policy as an SPD document on the Council's website and is considered to be a material consideration in relation to this application.
- 3.17 As Members are aware, the examination of the Council's emerging Joint Local Plan (JLP) is currently paused. Members will be aware from previous officer advice that limited weight may be attached to JLP policies as part of the consideration of development proposals and this advice remains the case. To advise, within the submission version of the emerging Joint Local Plan (JLP), the majority of the site for this proposal is on unallocated land i.e., there is no specific designation, with a smaller area to the east in an area allocated as designated open space. In this regard, policy LP30 – Designated Open Space is of relevance and identifies, inter alia, that *'The total or partial loss of designated open spaces (as defined on the Policies Maps) may be permitted where a. The development will support the enjoyment and functionality of the space, be sensitive to its character and function and would not result in detrimental impacts on local amenity or distinctiveness...'*
- 3.18 In regard to the above, it is considered that the nature of the development would mean that a loss of the space would not occur per se, bearing in mind that the proposal seeks to improve access to the park and also create useable public realm. Nevertheless, even if a contrary view were taken, the proposal clearly seeks to enhance the functionality and enjoyment of the park overall, through improvements to its access. In addition, the design of the proposals is judged by officers to be a significant improvement to visual amenity in this area which would be sensitive to local character. On this basis, and notwithstanding the limited weight attached to the draft policy LP30 there would not be an overwhelming tension with the requirements of that draft policy.
- 3.19 In the light of the above assessment of the relevant adopted development plan and related policy documents it is considered that these should attract material weight in the decision and that the emerging policy base, which may be afforded limited weight in the determination of this application, lead to a conclusion that the proposal accords with relevant policies and requirements of the Council.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The location of the site is close to the core of the town centre. The proposal seeks to improve the accessibility of the park and its overall connectivity with the town. It is also considered that the provision of a formalised entrance feature and access as proposed would assist in improving the role of the park as a leisure amenity destination for residents and visitors to the town.

5. Highway Safety Considerations

- 5.1. The NPPF identifies at paragraph 108 that in assessing specific applications for development, it should be ensured that, inter alia, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 recognises that development *'...should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...'*
- 5.2 In this regard the proposed new entrance to the park would clearly seek to attract greater visitor movements, primarily pedestrian, into the vicinity. As a consequence, the proposals include the

provision of a new 3m wide (approx) pedestrian crossing on Cornard Road. The crossing would be signal controlled. In regard of this feature the DAS advises as follows:

'...Proposals have been developed based on consultation with the highways department. Opportunities to locate the crossing further along Cornard Road were investigated, however deemed unfeasible due to the presence of an existing retaining wall on the northern side of the road. A fallback position was also investigated however deemed unsuitable due to the existing road layout and traffic flow which was deemed likely to become heavily congested with the implementation of a signal-controlled crossing...'

5.3 Post submission of the application a phase 1 road safety audit of the proposed works was provided, and this has also been considered by the Highway Authority. The audit has, in relation to the proposed crossing, recommended that *'...the location...and its proximity to the roundabout is reviewed and finalised in liaison with the Highway Authority, with reference to relevant guidance, such as the Traffic Signs Manual Chapter 6...'* In addition, the audit comments as follows in relation to the forward visibility of the proposed crossing as follows *'...It is noted that some planting is proposed in the vicinity of the crossing which could potentially interfere with forward visibility...It is recommended that adequate forward visibility of the crossing and signal heads is provided based on likely approach speeds. This should include ongoing planned maintenance of any planting as appropriate...'*

5.4 The Highway Authority, having considered the audit, has provided the following comments as part of its latest consultation response which are included for Members' information:

'We are satisfied that the submitted stage 1 road safety audit does not highlight any issues that the Highway Authority had not previously considered associated with locating a pedestrian crossing facility close to the roundabout. This type of arrangement is commonplace around the county, along with other arrangements that require motorists to potentially stop or wait on a roundabout exit. The necessary visibility and advance signing of the crossing can be managed within the detailed design and approval process. Subsequently, it should be noted that no planters or other potential obstacles to clear visibility will be permitted within the forward visibility envelope to the proposed crossing. This may involve slight amendments to the proposed locations of such street furniture. With regard to permeable paving, this will not be permitted within the maintainable highway and an alternative solution will need to be provided. We are satisfied that this can be managed via planning condition.'

5.5 On the basis of the above, in terms of highway impact, providing a pedestrian crossing in the proposed location is clearly deemed to be acceptable by the relevant authority, subject to the imposition of conditions that would require approval of final details of the crossing facility. Another condition recommended by the Highway Authority would require approval of details of other works within or abutting the highway, and this would include details of final location of the proposed planters as shown on the submitted drawings. Other details controlled by recommended condition would include the means of controlling surface water discharge, and agreement of a Construction Management Plan. Your officers support the inclusion of the Highway Authority's recommended conditions in the event that planning permission is granted for the proposed development.

5.6 It is noted from a number of representations received that concerns are raised with regard to emergency vehicle access to the park being available, as no provision is made within the proposed development, and if development proposals on the adjacent site to the north were to go ahead an existing access point would be lost. In this regard, the applicant's agent has advised that improvements to the existing access to Ingram's Well Road would be intended as part of wider improvements to the park and these would include a widening of the existing gate (if

necessary) and footpath to allow for emergency and also service vehicle access. In this regard, it is considered that a condition be imposed on a grant of planning permission that required details of the improvements to the Ingram's Well Road access to be approved, together with a timescale for the works.

- 5.7 It is also noted from representations received that cyclist access through the new entrance is raised as a concern. Members will be aware that Babergh and Mid Suffolk District Councils have recently published their Local Cycling and Walking Infrastructure Plan. Within this document it is noted that two short term ambitions are identified in the vicinity of Belle Vue Park: these being a desire for the extension of the current cycle path on Cornard Road to the junction, and provision of a safe access to the park and improvements to the junction. In this regard, this application does propose an improved access to the park, including a new crossing in the highway. In addition, the DAS inter alia advises that '*...The area fronting the highway has been designed to futureproof should the Highways authority pursue the installation of a cycle highway in the future. The proposed planting in this area is to be within raised planters, to mitigate the installation of tree pits, which if installed may cause additional issues for future works...Cycle parking provision has been included with the scheme, this is intended to reduce the likelihood of bicycles being locked / chained to the proposed fencing and or pedestrian guard rails...*'
- 5.8 In relation to pedestrian and cycling issues, the following further explanatory comments have been received from the applicant that are included below for Members' information for context:

GENERAL IMPROVEMENTS TO CYCLING AND PEDESTRIAN ROUTES FROM THE SCHEME

The plans presented bring significant improvement to pedestrian and cycle access to and round the site. As is characteristic of historic market towns and their infrastructure, there are some potential pinch points where the design is not be able to accommodate every aspect of LTN-1/20 compliancy. The LTN-1/20 guidance on cycle infrastructure design states (within the core design principles, section 1.5.4) that "reasonable" adjustments to the existing built environment should be made to ensure the design of infrastructure is accessible to all. In order for complete compliancy, the wider road network and surrounding infrastructure would need to be entirely re-engineered, and the complexities and costs associated with this would not be within reasonable possibility. LTN/1-20 guidance also states (point 22, section 1.6.1) that in cases where it is unavoidable, a short stretch of less good provision, rather than jettison an entire route which is otherwise good, is acceptable. Given other planned cycle infrastructure improvements within Sudbury, which aim to improve routes through the town in a wider context, this exception applies.

Exacerbating historic market town cycle-network constraints, for the Belle Vue site there are also local topographical challenges to contend with - in particular, the significant and sharp levels difference with the park being approximately 3m above road level. The principle of the new accessible entrance and associated public realm improvements is that it is a flexible and pleasant entry point into the park for all users and better connecting the park to the wider town. The new entrance is therefore broader than just an Active Travel enhancement. The new entrance is of course accessible for cyclists, envisaged as dismounting and wheeling into the park directly from the entrance, or else exiting the park if arriving via the Ingrams Well Road entrance and having traversed the proposed widened cycle-friendly pathway.

Neither the Highways Authority, nor other delivery partners, can reasonably address the wider road layouts, network and associated infrastructure limitations. Some of those same

constraints and medieval streetscape are also contributors towards Sudbury's uniqueness as a historic and heritage market town. This scheme proposed is itself only a small and incremental contribution towards wider improvements for the local community and visitors to the town.

WIDER PLANNED JUNCTION IMPROVEMENTS IN SUDBURY TOWN CENTRE – INCLUDING INGRAMS WELL ROAD PARK ENTRANCE POINT

The junction designs incorporate improvements to both pedestrian and cycling provision in accordance with LTN 1/20 design guidance and principles of Gear Change vision. The current level of service for cyclists in Sudbury is poor. Transformational investment is needed to bring the whole network up to standard. The discrete junction improvements proposed do not provide opportunity for linear route improvements. However, improvements to cycle provision supporting wider plans for routes set out in the Local Cycling and Walking Infrastructure Plans (LCWIP) of both local councils are included within the package.

Funding secured through Active Travel Fund for improvements on Melford Road provides a safe, direct, coherent low-traffic route to North Street. This connection links to the Girling Street bus stop proposals with cycle parking in the vicinity to improve connectivity between modes.

The bus scheme proposal on Ingram's Well Road provides an active travel link to Belle Vue Park access and a safer/more direct/comfortable/attractive cycling route through the park than the equivalent route on Cornard Road - whilst overcoming a significant constraint on the network. The route improves pedestrian provision by introducing signalised crossing points at the junction with Newton Road and a continuous footway to negate the current need for pedestrians to walk in the carriageway. A lightly segregated cycle lane is proposed on the approach to the signal junction with Advanced Stop Line and early release for cyclists. Pedestrian improvements are present for each scheme with improved crossing points, footway widening and other significant upgrades to the walking environment.

Ingrams Well Road improvements, through the bus route and junction improvement schemes, also include potential blue badge parking space provision to further support linkages and access into the park. This will align with the widened foot and cycle path amenity through the park and making this stretch of travel more pleasant and user-friendly as well as removing some journeys from the road network along Cornard Road. The proposal for a new Cornard Road crossing to the park supports pedestrians and wider future connectivity between the park site and developments down Station Road and across at Hamilton Road, including new on-street bus facilities.

CYCLE STORAGE & SECURITY AT THE PARK

There is already significant cycle parking provision within the park and more planned with the new café development proposal, which will be subject to a further planning application later in 2022. Cyclists can be further reassured from existing and proposed additional CCTV coverage within the park and surrounding Newton Road roundabout area. Further, the Levelling Up Fund bid also proposed a 40-cycle secure cycle storage, with lockers, in the vicinity of the nearby Kingfisher Leisure Centre – a short distance from Belle Vue and for those arriving into Sudbury by cycle, including the Cornard/Riverside Walk and then exploring the town on foot. There is no cycle storage requirement arising from pre-application planning discussions, including highways element. In the pre-app it is noted that the new entrance will not include a cycle access as is not currently a part of a cycle route. The proposed 8no. cycle parking spaces, which are attached planters, are not as a

result of requirements but to ensure some availability while using the entrance - which is the final destination in this context. There are additional cycle parking spaces within the park for this destination and more will be included with the park café application to be submitted later in the year.

TECHNICAL DESIGNER RESPONSE ON ENTRANCE AND PUBLIC REALM

Due to the site's size and levels difference restrictions, it is not feasible to incorporate a 3m width ramp. It would negatively impact on the lower steps area (with hazard warning paving) which would end up as close as 1.8m to the planter and create a too steep (as steep as 1:9) lower plaza section. Even if the footpath alters partially to become a one-way cycle lane in the future, the park entrance design will still encourage cyclists to dismount to use the steps/ramps for safety reason. A 2m wide ramp exceeds the 1.5m width requirements of BS 8300-1, and this is achievable within the constraints.

There are currently no specific mobility scooter size requirements included within BS 8300-1. Class 2 mobility scooters are accepted on some buses and have a turning circle of 1200mm which is easily accommodated within the ramp design of the new entrance.'

- 5.9 In conclusion, the proposals have given rise to a number of concerns locally with regard to impacts on the highway, access etc. However, Members will note that the Highway Authority has not raised an objection to the proposals and has confirmed that conditions can be attached to a grant of planning permission to agree details of individual elements of the proposals such as the crossing and works within or adjacent to the public highway. Importantly, the submitted scheme is cognisant of the Council's aim to achieve cycling infrastructure improvements in the future and is considered to provide safe and suitable access for all persons.

6. Design And Layout

- 6.1 Members are advised that, as part of the rationale underpinning the proposed entrance, the DAS notes that development is proposed on land adjacent (currently subject to application under reference DC/21/06519) and identifies elements of that development that could contribute to the value of this proposal. In addition, the DAS also references a masterplan for Belle Vue Park that includes features such as a new café/toilet facility (which is indicated on some of the submitted drawings). Whilst these elements are acknowledged, to clarify, Members are not being asked to consider other development proposals (either current or potentially submitted in the future) as part of this particular application. This proposal should be considered on its own planning merits and these other elements are not for evaluation or determination at this point.
- 6.2 As Members are fully aware, good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in adopted development plan policies CS15 and CN1, both of which identify that development will be of high-quality design that respects the local distinctiveness and built heritage of Babergh.
- 6.3 The Design and Access Statement (DAS) submitted as part of the application describes the vision of the proposal is :

'...to create an attractive and accessible route between the centre of Sudbury and Belle Vue Park. The aim of the new entrance is to give the park a stronger presence in the town and to attract new and existing users to enjoy the facilities in the park...The project aims to create a well-used public space to give locals and visitors an opportunity to sit down and enjoy clear views towards St Peter's Church and town centre. The design should be built from vandal-proof materials and be arranged to discourage anti-social behaviour...Local

heritage will be referenced throughout the design, and traditional materials will be used in combination with appropriate contemporary elements. Additional funding is to be sought from the Suffolk Inclusive Growth Investment Fund, the Heritage Fund, Changing Places funds and the Arts Council for arts elements within the design...

- 6.4 The DAS identifies relevant constraints presented by the site's location – not least the difference in levels between the park and the roundabout. Clearly the proposed entrance should enable access for all users and as a result the proposed design would incorporate a series of ramps in addition to steps. Another constraint is the need to retain land on adjacent sites and, in this regard, a new retaining wall is proposed to the boundary of the site with the land immediately adjacent, which is the site for a concurrent application for development. Other identified constraints include the local highway network which creates a barrier to convenient access to the park when approached from the town. A further important consideration is the local historic context, bearing in mind the location of the town's conservation area which includes a number of listed buildings in the vicinity of the site. Lastly the retention of trees is seen as an important issue for consideration.
- 6.5 Much as there are constraints there are opportunities. The DAS identifies that a major opportunity arises to improve connectivity between the town centre and the park, and hence to increase the park's overall public presence. The opportunity to improve views of St Peter's church from the park are also identified. Turning to more intangible considerations an opportunity to improve levels of social interaction is also noted, resulting from the increase in the attractiveness of the park as a local amenity and focus on pedestrian activity etc.
- 6.6 Clearly, a key requirement of provision of a new access to the park would be to increase the park's attractiveness as a facility and public asset in the town and in this regard the space would need to be welcoming and, importantly, accessible. In this regard, it is noted from representations received that the width and incline of the ramps proposed is not considered to be acceptable and would not enable easy access by disabled users etc. In this regard, the applicant's agent has advised that further liaison has taken place with the Council's Building Control department in relation to this issue and the following commentary is provided:

'We have liaised with Local Authority Building Control to seek advice regarding the points raised which has resulted in a revised drawing (110284-HBS-XX-00-DR-L-800-P03 Landscape Plan) being produced.

Following advice from Building Control and reviewing the requirements we note the following. During Stage 3 an alternative design to remove the set of central steps has been considered. This approach created segregated design by separating users one for well used quicker northern steps and the other for less popular longer zig zag sloped access and fails to create integrated well used entrance space where users would sit and spend time. Also just one narrower main access step route is unlikely to cope with the increased user volume. The agreed approach was to improve the existing design as much as possible within the site constraints to incorporate BS 8300- 1:2018 recommendations which was reviewed by a Building Control officer.

Following elements were improved;

(1) 9.1.2 Redesigned to avoid a tapered riser

(2) 9.1.6 Redesigned to have longer level landing which length to be minimum step width to be provided at the top and bottom of each flight of steps, along with corduroy hazard warning surface.

(3) Reduced central step width to meet landing length

(4) Reduced central step going from 450mm to minimum 300mm to give more landing space required

(5) Angle of ramp changed to provide slightly longer ramps and landings

(6) the bottom central steps partially being replaced with planting to avoid tapered steps

(7) additional central handrails to the central steps

(8) Ramp landing length widened from 2m to 2.5m to allow for easier turning for larger wheelchairs/ motorised wheelchairs

(9) 9.1.7 Lighting - bollard lighting is included.

The client has previously received comments from Mid Suffolk Disability Forum as part of the engagement event for the masterplan / entrance undertaken at the end of 2021. The attached revised design takes into account the feedback received.

Finally we note that the recommended ramp width according to British Standard is minimum 1.5m wide which is also consistent with Part M which we do not need to comply with. Our proposed ramp width is 2m and more than recommended.'

- 6.7 The design solution for the entrance proposes the creation of a wide stepped access to the park, with the entrance defined by new ornamental gates. The submitted DAS goes on to explain that an important part of the overall concept '*...is to make the ramp a central feature of the space using the full width available to take people on a slow route up to the top. Instead of hiding the ramp away, this becomes an important design element leading the eye from side to side across the space...*' Users of the space would be encouraged to spend time within it; the steps (served by handrails) would be wide enough for sitting, and seating would also be provided. The use of soft landscaping would further enhance the attractiveness of the space for users. In relation to the proposed materials for the feature, clearly the nature of the scheme would mean that a significant amount of hard landscaping would be necessary. This would consist of the use of brick and flint for walling, the provision of a new entrance gate of bespoke design (incorporating the name of the park) and associated railings.
- 6.8 Members are advised that during pre-application engagement, it was suggested that the final design of the new entrance gates to the park could be determined through a local design competition etc. Such an approach would ensure that a truly bespoke design was achieved in this respect, and this would add overall public amenity value to the development. In addition, the DAS advises that the detailing of the northern retaining wall could include various features such as the insertion of the commemorative plaque for the former swimming pool, and murals etc. This approach is endorsed by officers as such features would also add local value to this feature and ensure a bespoke feature was achieved. This view is reflected in the summarised list of conditions at the end of this report.
- 6.9 Surface treatments would include the use of permeable block paving in three different tones. As regards the proposed street furniture, the DAS advises that this '*...will be appropriate to the landscape setting and proximity to the Conservation area and listed buildings. Materials will be chosen to coordinate with the surrounding walls, railings and paving. All furniture will be robust and durable as appropriate for a public setting and will be designed to minimise damage from*

vandalism or skateboarding. Anti-skateboard measures such as studs or ridges to be considered for all furniture design...

- 6.10 As well as proposed hard landscaping solutions, the scheme would also include the provision of soft landscaping and, in this regard, the concept behind the planting would be to create three zones within the overall area: these comprising a lower plaza, upper plaza and the steps/ramp area connecting these two spaces. The lower plaza is that area of the overall site that is located to the front of the proposed northern retaining wall, between this feature and the highway. Within this space, a significant proportion would be finished with hard landscaping. However, an area to the front of the retaining wall would be soft landscaped. In addition, the space would include planters that would contain further planting. The upper plaza would contain the new entrance gates and associated railings, and to the front of this feature a soft landscaped area would be provided. The DAS advises that *'...planting will be chosen to blend with Belle Vue Park's formal garden, using a low evergreen hedge to frame the park entrance...'* Lastly, the 'linking' area between the upper and lower plaza would feature small specimen trees as well as ground cover planting.
- 6.11 Bearing the above in mind it is considered that the proposal would represent a significant improvement to the townscape in which it would be located. It is considered that the overall space would be visually attractive, particularly in comparison with the current situation. Furthermore, the design would enable and promote increased access to the park, as well as encouraging users to spend time in the new space itself, rather than serving purely as a transition space between the street and the park. Furthermore, officers encourage an approach whereby the final design of the entrance gates was the subject of further involvement by local groups, artists etc. This would ensure that the design of this particular feature was bespoke and therefore added further public worth to the overall design.

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1. Conservation and enhancement of the natural environment is a fundamental theme of the NPPF, and one reflected in relevant policies CS4, CS14, CS15, CS16 and CN03 of the development plan. The site identified for the development does contain natural features such as hedging and trees and the impact of the proposed development on these features is material to the consideration of this proposal.
- 7.2 In regard to impact on landscape, the proposed development would fundamentally alter the appearance of the site, as it is currently perceived from various public viewpoints within and outside of the park. Currently the appearance of the majority of the site is as a contained area, characterised by established boundary features including walling that were associated with its former outdoor swimming pool use, and areas of vegetation. The part of the site that is immediately viewable from the surrounding road network is that part which abuts the public highway and consists of highway verge and associated planting, with a boundary wall of the former swimming pool site as a 'backdrop'. In addition, the eastern end of the site is within the park itself and has a character and appearance associated with that established use.
- 7.3 Bearing in mind the above, it is your officers' view that the change to the local landscape (or more accurately, townscape) would be significant, but not harmful. The appearance of the site from the west is currently mainly as a contained space, and it would be difficult to immediately determine from a distance, without the benefit of local knowledge, that the land beyond comprises a public park. In contrast, the creation of a new entrance would enable a clear spatial relationship between the park and the surroundings to be established. This is considered to be a tangible benefit in landscape terms and one which weighs in favour of the proposals. In this regard Members will note that the Council's Landscape consultants do not object to the proposals. It is recommended

that specific details are addressed in relation to tree pits, street furniture, planting specification etc. Officers consider that these issues can be addressed through the imposition of a suitably worded condition. The inclusion of the consultant's recommended condition in relation to a Landscape Management Plan is also supported.

- 7.4 In relation to impact on trees the site does contain a number at present, and these have been assessed as part of the Arboricultural Impact Assessment (AIA). This assessment identifies that as part of the proposed development, it would be necessary to remove two sycamore trees and a birch from that part of the site that falls within the site of the former outdoor swimming pool. In the part of the site that is within the parkland, it is proposed to remove a holly and a sweet chestnut. The AIA advises that the removal of these trees is required due to level changes associated with the development proposals. The removal of the chestnut was specifically identified by the Council's Tree Officer as follows:

'...Although a small number of trees are proposed for removal they are generally of limited importance and their loss will have a negligible impact within the wider landscape. However, tree T8 [the sweet chestnut], as the largest and most valuable, should be retained if at all possible. If this is not feasible then significant replacement planting should be secured in mitigation.'

- 7.5 Members are advised that further liaison has taken place with the applicant's agent regarding this point and the following further comment has been received:

'T8 tree is proposed for removal to allow suitable access/gate arrangements to the new entrance and it is not feasible to retain this. To mitigate the loss of the B1 tree, we have included 12no new proposed trees in the scheme.'

The Tree Officer has subsequently advised that the proposed planting should be secured via condition. In your officers' view it is acknowledged that the loss of the identified tree is an adverse consequence of the development taking place. It is nevertheless considered that the benefits arising from the development would outweigh this loss. In addition, it is pertinent to note the extent of new tree planting that is proposed and the positive impact this will have in the street scene over time.

- 7.6 The issue of impacts arising from the development on ecology is an important material element to be considered. In this regard the application submission was supported by a Preliminary Ecological Appraisal.
- 7.7 Members are advised that the consideration of the initially-submitted material by the Council's ecological consultants resulted in a holding objection being raised to the proposal. This was on the basis that buildings were identified in the applicant's Appraisal as being potentially suitable for bat roosts (albeit outside of the red line application site). Further information was requested to provide *'...further clarification on whether these buildings will be impacted and provide updated recommendations and conclusions if this is not the case.'* Furthermore, clarification was requested on the impact on a native hedgerow that was identified in the Appraisal; this on the basis that such a hedgerow is not recorded as being on the identified site on the UK Habitats Classification Map.
- 7.8 This response was raised with the applicant's agent and the following comments have been received. Firstly, in relation to the presence of bats it is advised that:

- *Building one is required to be demolished as part of the development, whilst building two is outside of the application site boundary. We have been unable to source the*

recommended bat emergence survey due to lack of availability of specialist surveyor and time constraint within which the survey must be carried out, with August being the latest date for survey.

On the basis of the above, the applicant's agent has requested that a suitably-worded condition requiring further survey work prior to demolition works commencing be imposed on a grant of planning permission.

In relation to the query regarding hedgerows the following clarification has been provided:

- *We can confirm that the ≈50m of native hedgerow referred to within the Preliminary Ecological Assessment is not within the site boundary of the application and therefore not relevant to this application.*

The further views of the Council's ecological consultants have been sought in regard to the above and Members will be updated accordingly.

- 7.9 In summary the development will impact on the landscape/townscape, but this impact is judged to be positive in comparison with the impact of the site in its present condition, particularly when considering the nature of the public park facility that the new entrance is intended to serve, and the aim to establish an easily legible focal point in the townscape. In relation to impact on trees, some loss would result. However, the majority of tree loss relates to lower category examples following assessment. The loss of the higher value chestnut is considered to be positively compensated by the proposed replacement tree planting. Lastly, the impacts on ecology that would arise from the proposed development have been assessed appropriately. The proposal includes elements that would assist in promoting a biodiversity gain in this urban location and this is considered to be a benefit arising from the development.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. The NPPF at paragraph 183 identifies inter alia that planning decisions should ensure that a site is suitable for its proposed use. In addition, paragraph 184 makes clear that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition, development plan policy CS15 inter alia identifies the Council's intention to ensure that any risk of contamination is identified and adequately managed. In this regard, the proposal has not given rise to concerns from the Land Contamination officer. It is noted that the Local Planning Authority should be contacted in the event of unexpected ground conditions being encountered during construction. An informative would be added to a grant of planning permission to that effect.
- 8.2 In relation to flood risk and drainage the NPPF identifies at paragraph 159 that '...Inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future)...' Leading from this, development policy CS15 inter alia identifies that '...Proposals for development must...minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk...'
- 8.3 In this regard it is noted that the site for the proposed development is located within flood zone 1 i.e., an area having a less than 1 in 1000 annual probability of river (fluvial) flooding. In addition, available mapping indicates that the site is within an area of very low risk for surface water flooding. Therefore, the site is not considered to be liable to unusual flooding events, and in that

regard accords with the identified requirements of the NPPF and development plan policy in this regard. The DAS advises that, in relation to drainage, as follows:

'...The park entrance and amenity area will be drained via two separate infiltration blankets due to the proposed change in levels on the site. Infiltration testing was conducted and identified that infiltration was feasible. Therefore as per the SuDS hierarchy, proposals seek to implement permeable paving with a permeable geotextile to allow water to infiltrate into the ground. Combined, the infiltration blankets have an approximate area of 690m² and are sufficient to serve the proposed development. The step and ramp area is proposed as an impermeable paving which will be served by a series of ACO channels to collect and convey flows to the larger of the two infiltration blankets due to the change in levels. Calculations for both blankets have been carried out to ensure their capacity is sufficient...'

- 8.4 Members will note that SCC Lead Local Flood Authority has not raised an objection with regard to the proposals.
- 8.5 In relation to waste, the development does not give rise to specific waste disposal requirements, save during the construction period. This element of the proposals can be controlled through the imposition of a condition that requires the submission and agreement of a construction management plan. In addition, the scheme would incorporate waste bins as part of elements within the public realm.

9. Heritage Issues

- 9.1 The protection of heritage assets from inappropriate forms of development is an established tenet of planning control. Section 66(1) of the Planning (LBCA) Act 1990 requires local authorities to afford special attention to the desirability of preserving or enhancing the character or appearance of listed buildings, including setting. In addition, in the relation to conservation areas, section 72 of the Act identifies that *'...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area...'* The NPPF at paragraphs 194 – 198 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 199 makes clear that *'...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance...'* The NPPF also identifies at paragraph 202 that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'* Lastly, paragraph 203 states that *'...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset...'*
- 9.2 Core Strategy policy CS15, inter alia, identifies the Council's aim to ensure that proposals for development should *'...respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views... Proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation... In particular proposals should protect and where possible enhance the landscape and heritage areas...'*

- 9.3 Leading on from this, local plan policies CN06 and CN08 are specifically concerned with development proposals that would impact on the setting of the District's listed buildings and conservation areas. There are listed buildings within the vicinity of the application site. In addition, although the site for the proposal is not within Sudbury conservation area, it is located adjacent to it, and therefore the development is considered to impact on its setting and on views in and out of the conservation area. Regard is therefore had to those impacts as set out below.
- 9.4 In this regard, the views of the Council's Heritage Team were sought on the proposals; the full comments received may be viewed on the Council's website. Inter alia, the following comments have been made:

'I consider that the proposal would probably cause a very low level of less than substantial harm to a locally listed (non-designated in NPPF terms) heritage asset because the demolition of the boundary/retaining wall would remove a feature that may have some historic connection to Belle Vue House, but the historic interest of which has likely already been fairly eroded. I would recommend that the harm is taken into consideration as per para.203 of the NPPF...'

- 9.5 Further comment in relation to the boundary wall is made as follows:

'...The part of the park proposed for re-development already does not appear to be particularly reflective of its original form as part of the gardens of Belle Vue House. The only obvious potential remnant on the historic form of this particular area is the brick boundary/retaining walls. The oldest phases of brickwork may be C19 and correspond to the date of Belle Vue House, although they also appear to have been subsequently altered, not entirely sympathetically, with the addition of cement render in parts and added sections above the earlier phases. What remains may also not represent the full extent of the walls historically.

Consequently, I consider that the walls may make some contribution to the significance of Belle Vue House, but probably do not retain sufficient significance to be considered a non-designated heritage asset in their own right. The proposal would include the removal of the entirety of the boundary/retaining wall within the site, with the replacement of some sections. However, due to the subsequent alterations to the wall, I would therefore identify only a very low level of less than substantial harm to the significance of Belle Vue House through its loss...'

- 9.6 The impact of the proposed new crossing was also considered by your Heritage Officer, and it is concluded that the proposals would not detract from the significance of an identified group of locally-listed buildings in Cornard Road. Overall, the advice received is that the proposals *'...would therefore meet the requirements of Local Plan policies CN06 and CN08, subject to condition...'*
- 9.7 Bearing in mind the identified requirements of the NPPF, and in consideration of the comments received from the Heritage Team, Officers consider that there is significant tangible public benefit that would arise as a result of the proposed development taking place. This includes improvements to the public's access to an important facility within the town, and enhancements to the townscape in the locality. These are considered sufficient to materially outweigh the very low level of less than substantial to heritage assets which has been identified.

10. Impact On Residential Amenity

- 10.1 Paragraph 185 of the NPPF identifies that new development should be appropriate to its location, taking into account issues such as impacts on health, living conditions etc. This aim is reflected in development plan policies CS15, CN01 and CN04.
- 10.2 The location of the proposed site entrance is within proximity to residential development and therefore the likely impacts arising from the proposal on the amenity of the occupiers of these buildings is a material consideration in the determination of this planning application. There is residential development located along the southern side of Cornard Road, close to the roundabout junction, which would be within proximity to the proposed new park entrance. In addition, there is residential development above the commercial/retail development to the west of the site, and further residential development along Newton Road, to the north.
- 10.3 As a planning judgement it is considered that a new entrance, in itself, would not give rise to unacceptable adverse impacts on residential or local amenity per se. For example, it is not anticipated that unacceptable noise or odour nuisances would be generated by the completed development of itself. It is recognised that a public park such as this may be a focal point for members of the public of all ages and that some noise and general activity can be foreseen associated with people meeting or recreating in and about the park area. This potential would be little different to any other focal point in the park or the town centre at present. Impacts during the construction phase would nevertheless have to be properly controlled. In addition, potentially, proposed lighting could give rise to light spill etc. In this regard, the following comments have been made by the Council's Environmental Health officer:

'...Environmental Protection have no objection in principle but have some concerns over potential noise from demolition and construction works and impacts of proposed lighting. A lighting plan is included with the application, however the contours do not extend beyond the site boundary to allow assessment of impacts on existing or proposed neighbouring properties. The contours appear to show light levels up to 20Lux at the boundary with the proposed retirement living properties to the north. I therefore have no objection in principle subject to further lighting details lighting impacts and mitigation for demolition and construction works...'

Various conditions are recommended for inclusion on a grant of planning permission, including a restriction on hours of demolition and construction work, approval of a Construction Method Statement, provision of further lighting details and a ban on burning materials. The inclusion of these conditions is supported by officers.

- 10.4 In addition, the physical alterations to this part of the street would alter the outlook from some residential properties hereabouts (accepting that there is no right to a view over third party land). Nonetheless, it is judged that the proposals would result in a positive improvement in the overall appearance of the streetscene and character of the place, when compared with its appearance and character at the present time. In regard to the proposals, it is considered that these elements in themselves would not cause harm to residential amenity per se.
- 10.5 In addition to the issues mentioned above, the public use of the new entrance will clearly be a material consideration, bearing in mind that a key aim of the proposal is to make the park a destination that is easier to locate, and thereby increase its attractiveness as a leisure facility. As well as seeking to enable improved access to the park, the proposal would include elements such as seating which would mean that visitors would be encouraged to meet and spend time within the space itself.

10.6 Development Plan policy CN04 states that *'Development proposals will need to ensure that the design and layout of buildings, highways and the spaces around them provide for public safety and deter vandalism and crime.'* The location of the site is such that the new entrance space would be a prominent, open element in the street, which would benefit from passive overlooking from the surrounding locality and existing development. In addition, users of the space would be visible, and the nature of the space would mean that it would be an attractive amenity in its own right which would also increase passive surveillance by users and passers-by. In addition, the proposal would also include the provision of lighting as well as CCTV cameras. In this regard the following comments are made in the Design and Access statement:

'...CCTV cameras proposed are PTZ (pan, tilt, zoom) cameras which can be remotely controlled from the CCTV monitoring centre in Bury St Edmunds, but otherwise they run a 2-minute looping 'patrol' covering the areas of most interest. Cameras could be added to the existing CCTV scheme wirelessly (connecting to an existing CCTV site located on the roundabout nearby) so the proposed cameras will need only a mains supply. Two cameras are proposed, one at the bottom of the steps. The second camera will be located on top of the entrance ramps in a location away from trees. They will be mounted on 4m anti vandal pole...'

10.7 It is considered that the location of the cameras as part of the development proposals would act to further discourage anti-social behaviour and safeguard local amenity.

10.8 In summary, the construction phase of the facility would be controllable via conditions attached to the grant of a planning permission, and issues such as lighting impacts may be controlled in the same way. The proposal is clearly intended to increase the attractiveness of the park to visitors and, it is not expected that the use of the space would give rise to unacceptable impacts or disturbances that would justify planning permission being withheld on this basis. In this regard the comments of your Environmental Health officer are noted.

11. Town Council Comments

11.1 The comments received from Sudbury Town Council are fully acknowledged and appreciated. The following responses are made to the points raised:

- The Highway Authority has advised that it has no concerns regarding the proposed location of the crossing, and effects on traffic flows. Post submission of the application a safety audit has been produced which has been considered by that authority. In addition, the submission advises that a cycle lane could be accommodated in the future as sufficient space would be available adjacent to the carriageway.
- The location of the entrance in the position shown would, in your officers' view, create a new focal point for the entrance to the park, within the street. In addition, the new entrance would be visible when approached from the west along King Street, notwithstanding that its proposed location would not directly face the street.
- The width of the paths serving the entrance have not met with an objection from the Highway Authority and the applicant has undertaken further liaison with the Council's Building Control department regarding this issue which has led to adjustments to the design.
- The application submission included a preliminary ecological appraisal and further clarification was obtained, following a request from the Council's ecology consultants. It is

considered that the information has enabled appropriate consideration of potential impacts on ecology to take place.

- The submitted application, whilst having a clear synergy with the proposed redevelopment of the adjacent site, has to be determined on its own merits. If the current application proposal were to be approved, it would be for the applicant to determine whether to exercise the permission.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The recent case of Corbett has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.
- 12.2 There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point. Members will be aware that this places the provisions of the development plan as carrying significant statutory weight in a decision and that it is for the decision maker to reasonably attach weight to the material considerations in their totality. Within the adopted development plan, the majority of the identified site is located within a defined mixed-use area. In this regard, the development plan policies that are considered to be most relevant are policies SD02, SD03 and SD04, which relate specifically to the mixed-use area allocation within Sudbury. Officers have determined that the proposal does not contradict the requirements of these specific policies in this regard, as explained elsewhere in this report.
- 12.3 Other development plan policies that are identified as being key in the determination of the application are identified to include CS1, CS14, CS15, CS16, CS21, CN05 and CN08. Notwithstanding their age they should be afforded development plan weight in determination of this application. In relation to the development proposal, the aims of the various policies are considered to be met. In addition, in seeking to improve the main entrance to Belle Vue Park, the current application is aiming to address one of the identified key priority issues that the Council had identified in the Open Space, Sport and Recreation SPD.
- 12.4 The Council embraces its statutory duties in relation to the historic environment and considerable importance has been attached to the harm, albeit limited, that has been identified in relation to a non-designated heritage asset. Nevertheless, the benefits of the development are determined to outweigh that harm and the application satisfies the relevant policies of the development plan and the NPPF.
- 12.5 Overall and in the round the application is considered to accord with the development plan as a whole. The policies directly engaged by this proposal are up to date and it is considered that in the circumstances of this application the plan is up to date. The material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, your Officers advise that in accordance with policy CS1 and NPPF para 11.c) they recommend that *planning permission should be granted without delay*.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant full planning permission for the development as proposed, subject to the following conditions, subsequent to receiving written confirmation from the Council's Ecological consultant that there is sufficient information available to enable the Council to determine the impacts on ecology arising from the development, and these can be properly mitigated.

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Final details of all hard landscaping elements, including the design of entrance gates, to be agreed in writing with the LPA prior to the commencement of development.
- Agreement of external facing materials, murals, insertion of commemorative plaques etc. for new retaining walls prior to their erection.
- Controls over timing of demolition and construction works
- Agreement of a Construction Method Statement prior to the commencement of development
- No burning of demolition or construction waste
- Prior to installation, further details showing that lighting is compliant with Guidance Note 1 for the reduction of obtrusive light 2021 to be submitted and approved
- Development being carried out in accordance with the measures identified in the submitted Arboricultural Impact Assessment
- Details of the proposed pedestrian crossing facility to be submitted to and approved in writing by the LPA before the commencement of development.
- Details of works within or abutting the highway maintainable at public expense submitted to and approved in writing by the LPA before the commencement of development.
- Means to prevent the discharge of surface water from the development on to the highway submitted to and approved in writing by the LPA before commencement of development.
- Construction Management Plan submitted to and approved in writing by the LPA prior to the commencement of development.
- Approval of a detailed landscape plan inter alia addressing the issues raised in the Place Services – Landscape consultation response.
- Approval of a Landscape Management Plan.
- Approval of details of the improvements to the Ingram's Well Road access to the park, together with a timescale for the works.

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement
- SCC Highways notes
- Notes in relation to land contamination