

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Wherstead Park, The Street, Wherstead, Ipswich IP9 2BJ on Wednesday, 10 August 2022 at 09:30am

### **PRESENT:**

Councillor: Stephen Plumb (Chair)  
Leigh Jamieson (Vice-Chair)

Councillors: Peter Beer David Busby  
Derek Davis Siân Dawson  
Michael Holt Alastair McCraw  
Mary McLaren Adrian Osborne  
Alison Owen

### **In attendance:**

Officers: Monitoring Officer (EY)  
Chief Planning Officer (PI)  
Strategic Projects and Delivery Manager (SS)  
Planning Lawyer (IDP)  
Senior Transport Planning Engineer – Suffolk County Council (BC)  
Case Officers (GW/VP)  
Governance Officer (CP)

## **17 SUBSTITUTIONS AND APOLOGIES**

- 17.1 Apologies were received from Councillor Barrett and Councillor Hinton.
- 17.2 Councillor Dawson substituted for Councillor Barrett.
- 17.3 Councillor Davis substitutes for Councillor Hinton.
- 17.4 Councillor Beer expressed his objections to the choice of venue for the meeting and requested that this was recorded in the minutes.

## **18 DECLARATION OF INTERESTS**

- 18.1 Councillor Holt declared that, in respect of application numbers DC/22/00985 and DC/21/06519, he had previous involvement with the sites as a Member of Babergh District Council Cabinet and confirmed that he would approach the planning decision with an open mind and would make a decision based on the balance of facts presented.
- 18.2 Councillor Davis declared an Other Registerable Interest in respect of application number DC/20/03083 as the Babergh District Council representative for the Joint Advisory Committee and Partnership to Suffolk Coasts and Heaths (AONB). However, the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the

finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Davis was not prevented from participating in the debate and vote in respect of this application.

- 18.3 Councillor Osborne declared an Other Registerable Interest in respect of application numbers DC/22/00985 and DC/21/06519 as a Member of Sudbury Town Council. However, the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Osborne was not prevented from participating in the debate and vote in respect of this application.
- 18.4 Councillor Busby declared an Other Registerable Interest in respect of application numbers DC/22/00985 and DC/21/06519 as Chair of Babergh District Growth and confirmed that dispensation had been granted by the Monitoring Officer.
- 18.5 Councillor Owen declared an Other Registerable Interest in respect of application numbers DC/22/00985 and DC/21/06519 as a Member of Sudbury Town Council. However, the item under discussion did not directly relate to the finances or wellbeing of that interest or affect the finances or wellbeing of that interest to a greater extent than the majority of inhabitants. Therefore, Councillor Davis was not prevented from participating in the debate and vote in respect of this application.

**19 PL/22/5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 27 JULY 2022**

- 19.1 Councillor Busby queried paragraph 16.4 of the minutes and stated that he had requested assurance from Planning Officers regarding pedestrian access to the wider site.
- 19.2 The Chief Planning Officer advised that a response would be provided to Councillor Busby.

**It was RESOLVED:**

**That the minutes of the meeting held on 27 July 2022 were confirmed and signed as a true record.**

**20 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

- 20.1 The Governance Officer advised the Committee that a valid petition, with 23 verified signatures had been received in respect of application number DC/21/06519. A previous petition was received with a total of 249 names however this was rejected as there were no signatures included. The petition read as follows:

“We, the undersigned, wish to petition against the development of the former swimming pool site at Belle Vue Park in Sudbury into a multi-storey block of

42 living units by Churchill Retirement Living and to the development of Belle Vue House into two private dwellings by McCabe and Abel. Neither of these developments offers affordable housing which is in chronic short supply. Churchill's planning application removes existing pedestrian access to the park from the town centre.

The former swimming pool/skate-park site is Open Space as defined by the Open Space Act of 1906. The government's National Planning Policy Framework (NPPF) states that open space/recreation land should not be built on unless an assessment shows the space to be surplus to requirements. This is not the case at Belle Vue - Babergh's own 2019 open space assessment highlighted concerns over the substantial 24-acre deficit of park and recreational land in Sudbury. Sudbury needs more open space of this kind and cannot afford to lose more.

Belle Vue House is a much-loved part of Sudbury's history and was a community asset used by the public for a wide variety of purposes over many years. It is neither fitting nor respectful to sell it to just two families.

There are serious issues about the increased traffic flow resulting from further development at Sudbury's busiest junction, poor accessibility to these sites and the detrimental effect on the environment of the town centre."

## **21 SITE INSPECTIONS**

21.1 The Case Officer presented Members with a request for a site visit regarding application number DC/21/02671 – Wolsey Grange, providing Members with details of the proposals including: the location and layout of the site, and the reasons for a site visit.

21.2 Councillor Owen proposed that a site visit be undertaken.

21.2 Councillor Holt seconded the proposal.

By a unanimous vote

**It was RESOLVED:**

**To carry out a site inspection in respect of application number DC/21/02671.**

## **22 PL/22/6 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/22/8 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/22/00985	Tim Register (Sudbury Town Council)

	Polly Rodger Brown (Objector) Lee Carvell (Supporter)
DC/21/06519	Ellen Murphy (Sudbury Town Council) Laura Knight (Objector) Lisa Matthewson (Agent)
DC/22/02948	Item deferred
DC/20/03083	Item deferred
DC/22/00754	Item deferred

**It was RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/22/6 be made as follows:-**

**23 DC/22/00985 BELLE VUE PARK, AT THE ROUNDABOUT JUNCTION OF CORNARD ROAD AND NEWTON ROAD, SUDBURY**

23.1 Item 6A

Application	DC/22/00985
Proposal	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.
Site Location	Belle Vue Park, At the Roundabout Junction of Cornard Road and Newton Road, Sudbury
Applicant	Babergh District Council

23.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the ownership of the site, the site location and red line plan, the allocated uses of the land, the location of the proposed pedestrian crossing, the proposed landscaping plans, the location of the former swimming pool, alternative entrances to the site, emergency access plans, the existing entrance, and the officer recommendation of approval as detailed in the officer report.

23.3 The Case Officer and the Suffolk County Council (SCC) Senior Transport Planning Engineer responded to questions from Members on issues including: provision of parking spaces for disabled drivers, whether a traffic flow assessment had been undertaken, and the proposed plans for emergency access to the site.

23.4 The Chief Planning Officer and the Case Officer responded to questions from Members on issues including: the plans for the existing entrance, the safety of the proposed location of the pedestrian crossing, existing footpaths close to the entrance and any proposed plans for additional footpaths, whether wheelchair access had been considered, and the proposed access plans for delivery vehicles.

- 23.5 The SCC Senior Transport Planning Engineer responded to questions from Members regarding disabled vehicle access and proposed parking plans in the area.
- 23.6 The Case Officer responded to further questions from Members on issues including: the proposed landscaping plans, the design of the entrance and gates, and ecology conditions.
- 23.7 A break was taken from 11:25am until 11:37am.
- 23.8 The Chair confirmed to Members that although an email had been sent to the Governance Officer registering Ellen Murphy to speak on the application on behalf of Sudbury Town Council, Tim Register would instead be speaking at the meeting.
- 23.9 Ellen Murphy confirmed that she was transferring her right to speak to Tim Register.
- 23.9 Members considered the representation from Tim Register who spoke on behalf of Sudbury Town Council.
- 23.10 The Town Council Representative responded to questions from Members on issues including: the equality impact assessment, the traffic flow at entrance to the park and whether the proposed crossing would impact the traffic flow in the opinion of the Town Council, and whether cycling is currently permitted in the park.
- 23.11 The Town Council Representative and the Case Officer responded to questions from Members regarding the size specifications of the proposed access ramp.
- 23.12 Members considered the representation from Polly Rodger Brown who spoke as an Objector.
- 23.13 The Objector responded to questions from Members on issues including: the comments from the structural engineers report collapsing of a wall, and the preferred plans of the Belle Vue Action Group.
- 23.14 Members considered the representation from Lee Carvell who spoke as the Applicant.
- 23.15 The Applicant responded to questions from Members on issues including: the location of the footpath and whether consideration could be given to amending the layout, how long the site had been in its current condition, whether conditions regarding the retaining wall and suggested improvements to Ingrams Well Road would be accepted, the existing high voltage cables along the retaining wall, the amount of consultation undertaken with local residents, proposed plans for prevention of anti-social behaviour within the park, ecological considerations, accessibility issues, the ownership of the land outside of the park entrance, the proposed landscaping plans, potential traffic

issues, the feedback received from the consultation process, and confirmation that the improvements for the park were not dependant on the levelling up fund.

23.16 Members debated the application on issues including: the existing condition of the site and the former swimming pool, and the proposed conditions applying to the permission and how these address concerns raised by residents and objectors.

23.17 Councillor McCraw proposed that the application be approved as detailed in the Officer recommendation.

23.18 Councillor Osborne seconded the motion.

23.19 Members continued to debate the application on issues including: the safety and location of the proposed pedestrian crossing, the view of the Church from the park entrance, potential traffic issues, ecological issues, and the response received from SCC Highways regarding the proposed pedestrian crossing.

23.20 The Chief Planning Officer provided clarification to Members that the details of the proposed pedestrian crossing would be able to be discussed further with SCC Highways.

23.21 Members continued to debate the application on issues including: the response from the public consultations, and the fencing along the retaining wall.

23.22 The proposer and seconder agreed to the following inclusion to the hard landscaping condition:

Notwithstanding any detail within the planning application details of any structures / means of enclosures on any wall shall be submitted to LPA for agreement.

By a vote of 6 votes for and 5 against

**It was RESOLVED:**

**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.

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

And the following amendment to the hard landscaping condition as agreed at Committee:

Notwithstanding any detail within the planning application details of any structures / means of enclosures on any wall shall be submitted to LPA for agreement.

**24 DC/21/06519 BELLE VUE HOUSE & OLD SWIMMING POOL, NEWTON ROAD, SUDBURY, CO10 2RG**

24.1 Item 6B

Application DC/21/06519

Proposal	Planning Application – Construction of 41no. Retirement Living apartments for older persons including communal facilities, access, car parking and associated landscaping. Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)
Site Location	<b>SUDBURY</b> – Belle Vue House & Old Swimming Pool, Newton Road, Sudbury, CO10 2RG
Applicant	Churchill Retirement Living Ltd

- 24.2 A break was taken from 13:03pm until 13:42pm after application number DC/22/00985 and before the commencement of application number DC/21/06519.
- 24.3 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the recommendation of refusal by Sudbury Town Council, the location and layout of the site, the history of the site, proposed access to the site, the proposed parking plans, appearance, design and internal layout of the retirement apartments, the proposed drainage strategy and landscaping plans, amenity space, and the officer recommendation of approval as detailed in the report.
- 24.4 The Chief Planning Officer advised Members of a proposed amendment to the Section 106 agreement to include the requirement for the occupation of the 41no. retirement apartments to be occupied by persons over 55 years old, and their dependants.
- 24.5 The Case Officer and the Chief Planning Officer responded to questions from Members on issues including: emergency vehicle access, the lack of affordable housing units, any Community Infrastructure Levy (CIL) contribution, and the financial viability of the scheme.
- 24.6 The Chief Planning Officer and the Planning Lawyer provided clarification to Members regarding the definition of public open space, mixed use and brownfields sites, and how these classifications relate to the site.
- 24.7 Members considered the representation from Ellen Murphy who spoke on behalf of Sudbury Town Council.
- 24.8 The Town Council Representative responded to questions from Members on issues including: the length of time that the site has been in its current condition, the need for retirement properties in Sudbury, and whether the Town Council would be happy for Belle Vue House to be renovated.
- 24.9 Members considered the representation from Laura Knight who spoke as an Objector.
- 24.10 Following a question from Members the Governance Officer confirmed the details of the petition which had been received.



- 24.11 The Objector, the Chief Planning Officer and the Planning Lawyer responded to questions from Members on issues including: the definition of public open space and mixed use land and these applied to this application.
- 24.12 Members considered the representation from Lisa Matthewson who spoke as the Agent.
- 24.13 The Agent and the applicant, John McElholm, responded to questions from Members on issues including: the contributions paid by the developer at other development sites, the completion of a housing needs survey, whether the scheme would include on site support for residents, the timescales for delivery of the scheme and how this would coincide with the development of Belle Vue House, whether a new co-developer would become involved, the expected number of occupants, any consultation undertaken with local residents, ecological issues, the proposed design and size of the retirement units, and the timeline for completion of works on Belle Vue House.
- 24.14 A break was taken from 15:25pm until 15:39pm.
- 24.15 The Planning Lawyer advised that due to some information received by the Planning Lawyer and the Monitoring Officer during the break in proceedings, a resolution would need be passed to exclude the press and public in order that Members may receive legal advice in private.
- 24.16 Councillor Holt proposed the resolution and Councillor McCraw seconded.

By a vote of 10 votes for and 1 against

**It was RESOLVED:**

**That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972 the public be excluded from the meeting on the ground that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information.**

24.17 Following the readmittance of the press and public, the Planning Lawyer and the Monitoring Officer advised Members to adjourn the meeting to enable procedural irregularities to be investigated following a possible breach of the Planning Charter.

24.18 Councillor Holt proposed that the meeting be adjourned. Councillor Busby seconded the motion.

By a vote of 10 votes for and 1 against

**It was RESOLVED:**

**That the meeting be adjourned and the remaining business be deferred to another appropriate meeting of the Planning Committee.**

**25 DC/22/02948 1 NORTHERN ROAD, CHILTON INDUSTRIAL ESTATE, SUDBURY, SUFFOLK, CO10 2YH**

25.1 The application was not heard due to the adjournment of the meeting.

**26 DC/20/03083 ERWARTON HALL FARMYARD, THE STREET, ERWARTON, SUFFOLK**

26.1 The application was not heard due to the adjournment of the meeting.

**27 DC/22/00754 FORMER CHAMBERS BUS DEPOT, CHURCH SQUARE, BURES ST MARY, SUFFOLK, CO8 5AB**

27.1 The application was not heard due to the adjournment of the meeting.

The business of the meeting was concluded at 4.03 pm.

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Chair