

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **PLANNING COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 21 September 2022 at 09:30am.

### **PRESENT:**

Councillor: Stephen Plumb (Chair)

Councillors:	Simon Barrett	Peter Beer
	David Busby	John Hinton
	Michael Holt	Robert Lindsay
	Alastair McCraw	Mary McLaren
	Adrian Osborne	Alison Owen

### **Ward Member(s):**

Councillors: Jessie Carter (SCC)  
Sue Ayres

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Area Planning Manager (MR)  
Planning Lawyer (IDP)  
Senior Transport Planning Engineer (BC)  
Case Officer (VP)  
Governance Officer (CP)

## **37 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

37.1 Apologies for absence were received from Councillor Leigh Jamieson.

37.2 Councillor Robert Lindsay substituted for Councillor Jamieson.

## **38 DECLARATION OF INTERESTS**

38.1 Councillor Holt declared that in respect of application number 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.

38.2 Councillor Osborne declared an Other Registerable Interest in respect of application numbers DC/21/06519 as 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.

38.3 Councillor Owen declared an Other Registerable Interest in respect of application numbers DC/21/06519 as 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 Owen was not prevented from participating in the debate and vote in respect of this application.

**39 PL/22/9 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 AUGUST 2022**

39.1 Councillor Busby referred to paragraphs 19.1 and 19.2 of the minutes and commented that a response had not yet been received from the Planning Officer.

**It was RESOLVED:**

**That the minutes of the meeting held on 10 August 2022 were confirmed and signed as a true record.**

**40 PL/22/10 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 24 AUGUST 2022**

**It was RESOLVED:**

**That the minutes of the meeting held on 24 August 2022 were confirmed and signed as a true record.**

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

41.1 The Governance Officer advised the Committee that a validated petition had been received in respect of application number DC/21/06519. The petition had a total of 23 verified signatures. A previous petition was received with a total of 249 names however this was rejected as there were no signatures included. In addition to this a digital list of 813 representations was also received. The petition reads 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.'

## **42 SITE INSPECTIONS**

- 42.1 The Area Planning Manager presented Members with a request for a site visit in respect of application number DC/22/01674, Land South of Tamage Road, Acton, providing Members with details of the application including: the previously granted permission for the existing SUDS basin, the proposed alterations, the location and layout of the site, and the reason for the site visit request.
- 42.2 The Area Planning Manager responded to questions from Members on issues including: what they would be able to view on site,
- 42.3 Members debated the benefits of undertaking a site visit and discussed issues including: the safety of the adjacent play area, and the level of water in the basin.
- 42.4 Councillor Barrett proposed that a site visit should not be undertaken.
- 42.5 Councillor Holt seconded the motion.

**It was RESOLVED:**

**That a site visit should not be undertaken in respect of application number DC/22/01674.**

## **43 PL/22/11 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/22/11 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/21/06519	Ellen Murphy (Sudbury Town Council) Laura Knight (Objector) Lisa Matthewson (Agent) Councillor Jessie Carter (Suffolk County Council) Councillor Sue Ayres (Ward Member)

**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/22/11 be made as follows:-**

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

44.1 Item 7A

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

44.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: 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, heritage issues, the impact of the development on the existing townscape, highways issues, and the officer recommendation of approval as detailed in the report.

44.3 The Case Officer and the Chief Planning Officer responded to questions from Members on issues including: the loss of open space and the proposed plans to improve open space provision, the proposed demolition of the existing extension, the lack of affordable housing, the timeline for the completion of the works to the park entrance in relation to this development, the topography of the site, the impact of the proposed buildings on the existing and previous townscape, the height of the proposed buildings, the sustainability conditions applicable to the application, proposed parking plans, and the proposed surface water drainage scheme.

44.4 The Senior Transport Planning Engineer provided clarification to Members

regarding the proposed parking plan and the traffic assessment.

- 44.5 The Case Officer and the Chief Planning Officer responded to further questions from Members on issues including: heritage and conservation issues, whether Sudbury has a Neighbourhood Plan in place, parking and highways issues including any proposed improvements, arrangements for waste collection, and the assessment of planning policies relating to the application.
- 44.6 A break was taken from 12:17pm until 12:31pm.
- 44.7 Members considered the representation from Ellen Murphy who spoke on behalf of Sudbury Town Council.
- 44.8 The Town Council representative responded to question from Members on issues including: the number of signatures included on the petition and the number of online objections to the application.
- 44.9 Members considered the representation from Laura Knight who spoke as an Objector.
- 44.10 The Objector responded to questions from Members on issues including: what the residents would like to see at the site, and Belle Vue Action Group's concerns regarding the entrance to the site.
- 44.11 Members considered the representation from Lisa Matthewson who spoke as the Agent.
- 44.12 The Agent , and the applicant John McElholm, responded to questions from Members on issues including: the housing need assessment carried out, the lack of affordable housing, whether there would be warden support on site for residents, the potential number of employees, the proposed car parking provision, the viability of the development, the timescales for occupancy of the dwellings and completion of the conversion of Belle Vue House, the height of the building, loss of existing landscaping, the total number of bedrooms, whether a car share scheme and installation of defibrillators could be considered by the applicant, and the location of the storage area for mobility scooters.
- 44.13 Members considered the representation from Suffolk County Council Councillor Jessie Carter.
- 44.14 Members considered the representation from Councillor Sue Ayres who spoke as the Ward Member.
- 44.15 Members debated the application on issues including: parking, traffic and highways issues, the benefits of the development to Sudbury, the lack of support from local residents, the loss of landscaping and open space, the design of the building, heritage issues, and the safety of the adjacent road junction.

44.16 Councillor Lindsay proposed that the application be refused.

44.17 Councillor Beer seconded the motion.

44.18 Members continued to debate the application on issues including: the economic benefits of the development, car parking, the previously approved application in respect of the entrance to Belle Vue Park, the lack of affordable housing, the design of the development, and the impact of the development on the townscape.

44.19 The Chief Planning Officer and the Planning Lawyer reminded Members that an evidence-based reason for refusal was required.

44.20 A break was taken from 14:13am until 14:31pm to enable the proposer and seconder to discuss the reasons for refusal with the Chief Planning Officer.

44.21 The Chief Planning Officer read out the reasons for refusal as detailed below:

1. The proposed retirement living building would be unduly dominant and its massing, scale and location would unacceptably impact upon the heritage character and setting of Grade 2 listed buildings and undesignated heritage assets within King Street and the Grade 1 Church of St Peter causing less than substantial harm to those assets to the detriment of future generations. The proposed retirement living building would moreover cause less than substantial harm to the character and appearance of Sudbury Conservation Area by reason of its scale massing and location. On that basis contrary to NPPF 202, saved LP policies CN01 CN06 CN08 and Core Strategy policy CS15.
2. The application and accompanying evidence fails to demonstrate that the provision of a contribution towards affordable housing within the scheme proposal would render the development unviable. The absence of such case specific evidence and viability information precludes the Council from assessing whether policy CS19 of the BDC CS has been satisfied and it is not considered appropriate to rely upon the general evidence information relating to a development plan which is still being examined. On that basis the absence of contribution or inclusion of affordables is unacceptable and contrary to policy CS 19.

Delegate to the CPO to finalise the above mentioned reason for refusal and to prepare reason for refusal related to the loss of TPO preserved trees.

44.22 Councillor Lindsay and Councillor Beer accepted the reasons for refusal.

By a vote of 6 votes for and 5 against

**It was RESOLVED:**

**That the application be refused planning permission for the following reasons:**

- 1. The proposed retirement living building would be unduly dominant and its massing, scale and location would unacceptably impact upon the heritage character and setting of Grade 2 listed buildings and undesignated heritage assets within King Street and the Grade 1 Church of St Peter causing less than substantial harm to those assets to the detriment of future generations. The proposed retirement living building would moreover cause less than substantial harm to the character and appearance of Sudbury Conservation Area by reason of its scale massing and location. On that basis contrary to NPPF 202, saved LP policies CN01 CN06 CN08 and Core Strategy policy CS15.**
  
- 2. The application and accompanying evidence fails to demonstrate that the provision of a contribution towards affordable housing within the scheme proposal would render the development unviable. The absence of such case specific evidence and viability information precludes the Council from assessing whether policy CS19 of the BDC CS has been satisfied and it is not considered appropriate to rely upon the general evidence information relating to a development plan which is still being examined. On that basis the absence of contribution or inclusion of affordables is unacceptable and contrary to policy CS 19.**

**Delegate to the CPO to finalise the above mentioned reason for refusal and to prepare reason for refusal related to the loss of TPO preserved trees.**

The business of the meeting was concluded at 2.34 pm.

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Chair