

Committee Report

Item No: 8A

Reference: DC/23/05003
Case Officer: Bradly Heffer

Ward: Sudbury South West.

Ward Member/s: Cllr Laura Smith.

RECOMMENDATION – GRANT FULL PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Erection of cafe and toilet block including outdoor seating area (following demolition of existing toilet block)

Location

Belle Vue, Newton Road, Sudbury, Suffolk CO10 2RG

Expiry Date: 25/12/2023

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Babergh District Council

Agent: Mr Lee Carvell

Parish: Sudbury

Site Area: 0.08 hectares

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

Has a Committee Call In request been received from a Council Member : No

Has the application been subject to Pre-Application Advice: Yes – ref. DC/22/05446

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The proposal is submitted on behalf of the Council and relates to land and a building owned by the Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

Adopted Joint Local Plan 2023

SP03 - The sustainable location of new development
SP06 - Retail and Main Town Centre Uses
SP07 - Tourism
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change

LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP28 - Services and Facilities Within the Community
LP29 - Safe, Sustainable and Active Transport
LP32 - Developer Contributions and Planning Obligations

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 Council

Sudbury Town Council has commented as follows:

‘APPROVE – however it is important to ensure that the air source heat pump is secure to prevent vandalism.’

National Consultee

Anglian Water has identified the thresholds of development over which it would comment. The application proposal does not exceed these thresholds. It is also advised that the applicant should check for any Anglian Water assets which cross or are within close proximity to the site, and further advice in this regard is provided.

County Council Responses

The **Highway Authority** originally recommended a holding objection, identifying a number of queries that needed to be addressed. Following receipt of additional information the Authority has advised it has no objection to the proposals subject to the imposition of conditions on a grant of planning permission.

SCC Fire and Rescue has no comment.

Internal Consultee Responses

The **Heritage Officer** considered that the building would cause no harm to any designated or non-designated heritage asset. However, were amendments required as a result of changes wrought by the Highway Authority's comments, further details were requested.

Environmental Health (Noise etc) has no objections in principle and recommends the inclusion of conditions on a grant of planning permission.

Environmental Health Air Quality has no comment.

Environmental Health Land Contamination has no objection and has requested that the LPA is contacted in the event of unexpected ground conditions being encountered during construction. It is also noted that the responsibility for the safe development of the site lies with the developer.

The **Food and Safety Officer** did originally raise some queries in relation to the proposal, and following on from comments made by the applicant has confirmed that they are happy to accept the approach taken.

Place Services Landscape did originally identify that an Arboricultural Impact Assessment specific to the site should be submitted and queried other details. Conditions were recommended on a grant of planning permission.

Place Services Ecology raised no objection to the proposals subject to the imposition of conditions on a grant of planning permission.

The **Sustainability Consultant** originally identified some queries with the submission. Following the receipt of further details it has been confirmed that the proposal would meet energy and sustainability policy. It is also recommended that the provision of 5.6 kWp PV and water efficient sanitary fittings be conditioned.

The **Public Realm** team has advised that it strongly supports the planning application.

Communities has advised that it supports the application as an enhancement of the public amenity of Belle Vue Park, and aligns with the Council's Wellbeing Strategy. The provision and inclusion of a Changing Places facility will help to make the park and Sudbury Town Centre more accessible to people living with more acute disabilities.

The **Tree Officer** has advised that if the proposal is to be constructed on existing hardstanding, an Arboricultural Impact Assessment would not be required.

B: Representations

At the time of writing this report one letter of representation has been received that raised neither objection or supported the proposal. The comments made may be summarised as follows:

- No context is provided in relation to wider works that may be proposed in the park. Has a masterplan been agreed?
- A previous plan showed a café in a more prominent location, providing a focal point. Is this the best location?
- The design quality is basic and high-quality design and architecture would be required.

(Note: Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/21/06519	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)	DECISION: REF 27.09.2022
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: GTD 30.09.2022
REF: DC/23/03449	Full Planning Application - Conversion and restoration of Belle Vue House to form 2no. dwellings (following partial demolition)(amended scheme to that proposed under DC/21/06519)	DECISION: GTD 29.11.2023
REF: DC/23/05003	Full Planning Application - Erection of cafe and toilet block including outdoor seating area (following demolition of existing toilet block)	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site for this proposal is an area of hardstanding located within Belle Vue Park, in Sudbury. The site, which is relatively level and located towards the southern boundary of the wider park, has an

area of 0.08 hectares. Immediately adjacent to the west is an existing public convenience building. Another notable feature, located to the south of the site are established trees. Children's play equipment is located on land to the east. In the wider area, Belle Vue House is a notable feature to the north-east.

- 1.2. The defined Sudbury Conservation Area is located in the wider vicinity of the site. There are also a number of listed buildings in the wider vicinity and, to the north west, is Belle Vue House which is a locally-listed building.

2.0 The Proposal

- 2.1. The development proposed under this application seeks full permission for the erection of a new single storey building on the identified site that would be utilised as a café facility. It is also proposed to provide separately-accessible 4no. WC facilities in the building as well as a Changing Place Room/DDA WC facility. These new WC facilities would replace those in a building currently located adjacent to the application site, which is proposed to be demolished. The scheme is promoted on behalf of the District Council as the owner of the land, and it is understood that local engagement has already taken place.
- 2.2. Plans submitted with the application show the provision of a building having an overall width of 15.05 metres and a main volume depth of 7.4 metres, containing the café, ancillary spaces and the majority of the WC provision. A smaller projection off the front elevation of the main volume would contain 2no. WC facilities and would have dimensions of 3 x 2.8 metres. Public access to the café would be obtained via double doors located on the front elevation, which would lead to a seating area and access to the servery. The kitchen area would be accessed by staff from a separate access on the south (rear) of the building. Further double doors serving the café space would also be installed on this elevation. The WC facilities, separately accessed from the outside of the building, would be ranged on the western side. Information submitted with the application advises that fittings within the building would satisfy BREEAM requirements. In addition an Energy Performance Certificate has been provided showing that the building would achieve an A rating.
- 2.3. The application submission includes a Design and Access Statement and extracts from that document are included below in order to provide further context:

'...Whilst a standalone planning application for the café and toilets, the project will form an integral part of a wider area redevelopment and it will take into consideration the proposed developments, local context as well as the site constraints. The Council has originally been scoping a traditional construction café and toilet block for the park, but this was halted in late 2022 due to rising estimated costs and uncertainty on the wider site developments, including the withdrawal of a retirement living complex for the former pool site...The briefing for café and toilet facilities comprised the following key aspects:

- *The café should accommodate kitchen facilities as opposed to a full cook kitchen*
- *Overall café footprint should allow for 15-20 covers inside and 20-30 covers outside.*
- *Ability for view across the park, a restored Belle Vue House and play areas. Close proximity and views towards a new reconfigured under-5s play area is of high importance.*
- *Toilet facilities should comprise male/female/standard accessible and higher specification Changing Place format.*
- *WCs are to be accessed independently of the café.*

- *Of a contemporary and sensitive finish which works well in the park setting and given its prominence to the town, a restored Bell Vue House and being in the vicinity of the town centre conservation area.*
- *Simple and cost-effective design solution.*
- *Robust and secure design to reduce impact/occurrence of vandalism/fear of crime and anti-social behaviour.*
- *The proposal is to consider sustainable design and building orientation...'*

The Design and Access Statement, and other submitted documents can be viewed on the planning website.

3.0 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 document consists of the Joint Local Plan (2023).
- 3.2 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).
- 3.3 As Members will be aware, paragraph 11 of the NPPF describes the application of the presumption in favour of sustainable development. In summary, in the case of decision making this means approving applications in accordance with an up-to-date development plan without delay.
- 3.4 The promotion of healthy communities is an established aim of the NPPF and planning decisions should aim to achieve healthy, inclusive and safe spaces. Paragraphs 96 and 97 inter alia identify the importance of social interaction, high quality public space etc to support healthy lifestyles. In regard to the proposed development it is noted that the following comments are included within paragraph 97: *'...To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...'* Bearing the above in mind, it is considered that in aiming to improve facilities within the park the provision of the proposed development could be considered to accord with the identified aims.
- 3.5 NPPF paragraph 103 (b and c) is also relevant to the consideration of this proposal. The text is included below for Members' information:

'...Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use...'

- 3.6 In your officers' view the requirements of the NPPF in this regard would be met in that existing WC facilities in the park, which are advised as being prone to vandalism, would be replaced by new improved provision that would include a changing room facility/WC space that was DDA compliant. Furthermore the building would contain a café facility which is currently not available and would improve the overall attractiveness of the park as an important recreational facility in the town. Lastly, the site that the existing WC building stands on would be returned to park use following the demolition of this building.
- 3.7 Turning to the adopted Joint Local Plan (JLP) policy SP03 inter alia affirms that settlement boundaries established in earlier Local Plans and Core Strategies are carried forward without change at the present time. In this regard, the principle of development is established within settlement boundaries that is in accordance with the relevant policies of the JLP. The site for this proposal is in the settlement boundary for Sudbury and therefore the principle at least of development taking place is considered to be acceptable.
- 3.8 Policy SP06 relates to retail and main town centre uses. A footnote to the policy defines main town centre uses and these are listed to include, amongst others, leisure and recreation uses. These types of uses are identified as being supported in Sudbury. Given that the proposed development would include a café use, it is considered that there would be no tension with this policy.
- 3.9 The preamble to policy SP07, which is concerned with tourism, identifies the importance of the tourism sector to the local economy, and ensuring support for sustainable tourism development. In this regard, Belle Vue Park is an established visitor destination within Sudbury, and the proposals seek to improve and enhance facilities available for visitors. In this regard, the proposal is considered to accord with the policy's aims.
- 3.10 In summary it is considered that the principle of the proposed development taking place within Belle Vue Park is acceptable in planning terms when considered in the light of NPPF and the identified JLP policies.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1 The site for this proposal is located within Belle Vue Park, and would seek to improve the facilities within the park for the visiting public; hence increasing the park's attractiveness as a leisure destination. The location of the park in the town means that it forms part of the range of services and facilities that are available, and is conveniently located.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The NPPF identifies at paragraph 114 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 115 recognises that development '*...should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...*'

Within the adopted JLP, policy LP29 is concerned with all ensuring that all developments demonstrate safe and suitable access.

5.2 Following initial consultation, the Highway Authority identified that further information was required in relation to various points, and a holding objection was made. In this regard, further information provided by the applicant is listed below:

- *The existing accesses enable large vehicles including for maintenance to access the site, and these will remain. The café/toilets will be serviced by transit sized vans. The supplier of the modular units has checked the site access and these are satisfactory to low load into the site when installing the units.*
- *There is a wider plan to open-up the park frontage still at an early stage and to create a new entrance. An initial architect plan has been drawn up and a collaboration between town and district council underway to cost and create a plan going forward. This scheme will bring forward more holistic proposals for access to the park and incorporate further transport and travel strategy information. That level is not considered appropriate to the current small scheme proposal to upgrade toilets and add a small 'grab and go' format café.*
- *There is also a 5-year plan to improve activities and play at the park, including some reconfiguration. This includes moving under 5's play alongside the new café outdoor seating area.*
- *The modular build limits time on site. The contractor will put down suitable matting to enable delivery. The café will then be serviced once or twice daily by a regular sized vehicle or van. There are no extensive groundworks beyond demolition of existing toilet block. No invasive foundations and installation will sit on existing hardstanding plus pad and possibly strip foundations.*
- *2 weeks on site is estimate maximum and a site safety plan for construction and separation of public from site is being resolved between contractor and Public Realm Team who maintain the park.*
- *The supplier of the modular units has checked the site access and these are satisfactory to low load into the site when installing the units. The vehicle will be no larger than others used to access the site for Public Realm works or construction such as the skatepark.*

5.3 Following on from responses received from the applicant, it has been confirmed by the Highway Authority that no objection is raised to the proposals, subject to the imposition of conditions on a grant of planning permission. There would include approval of details for cycle parking, and also the agreement of a Demolition and Construction Management Strategy prior to the commencement of works on the site.

6.0 Design And Layout

6.1. Good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in JLP policy LP24 which requires all new development to be of high quality design, with a clear vision as the positive contribution the development will make to its context. The policy contains a number of criteria that explain how this is to be achieved.

6.2 There are a variety of buildings and structures within the wider park setting. These include the existing WC building to be replaced, which is advised as having been built in the 1930s, and a collection of established structures towards the northwestern corner which originally comprised the site of the open air swimming pool. Another key building is Belle Vue House, located immediately to the north of the park and which is a Victorian villa. Other structures include play equipment, tennis courts etc. and associated fencing and lighting.

6.3 The submission advises that while a building of more traditional appearance was originally considered, this approach proved to be prohibitively costly. In regard to design, the proposed building is of modular construction, in which case much of the build would be completed before

delivery of elements for final erection on the site. Appearance-wise the building would take a contemporary architectural approach.

- 6.4 It is the case that the proposed building would be a unique element within the park setting, due to the design approach taken. There are currently no other examples of this type of modular building; the nearest equivalent being a small kiosk structure located towards the east of the park (and which it is understood could be removed as a result of the proposed works taking place). However, the context of the park is such that the space would be able to accommodate the building without it appearing visually incongruous. It would appear as a new build within a landscaped setting. Furthermore it is considered the simple design and appearance of the building would be suitably respectful of its surroundings and would not harm the overall visual quality of the space in which it would be located.
- 6.5 It is also noted that as the building would be of modular construction, being re-fabricated offsite, this would enable a reduction in material and energy consumption during the construction stage. The Council's sustainability consultant advises that whole life carbon emissions for pre-fabricated structures are typically lower than conventional buildings, and on this basis the construction technique is welcomed. Other elements proposed include an Air Source Heat Pump, high performance windows and doors in terms of U-values, PV provision on the roof and water efficient sanitary fittings. In this regard, it is considered that the proposal satisfactorily addresses the requirements of the relevant parts of policy LP23. The consultant advises as follows, '*...Following review of the additional information provided as well as LP23 of the new Joint Local Plan, we note that the proposed scheme will meet energy and sustainability policy..*' Conditions are recommended to be added to a grant of planning permission.
- 6.6 Members will note that while supportive of the proposal, Sudbury Town Council queried how the proposed Air Source Heat Pump to serve the development would be protected from vandalism. The applicant has advised that the Pump would be enclosed within a protective cage.

7.0 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 JLP policies LP16 and LP17, which relate to biodiversity and geodiversity (LP16) and landscape (LP17).
- 7.2 In the case of the proposed development clearly the proposed building will have an impact on the appearance of the part of the park in which it would be located. In addition the building would be seen in some distance views across the park. That said, given the proposed functions of the building, it is considered that it wouldn't read as a visually incongruous new element in this setting. In addition, the design of the building would mean that its overall impact in the immediate landscape setting would be modest. The Council's Landscape consultant has recommended the imposition of conditions on a grant of planning permission, including the agreement of a hard and soft landscaping scheme and also a Landscape Management Plan. Officers support their inclusion.
- 7.3 In relation to trees, the park benefits from a significant amount of established specimens and their retention would be a key planning aim, bearing in mind the positive contribution they make to visual amenity as well as any potential ecological value. To this end, the proposal does not include tree removal per se. In addition, the applicant has confirmed that the proposed development would take place on top of the existing hardstanding that comprises the site's surface and excavation is not necessary. Therefore tree roots that may be in proximity of the development would be unaffected. Following on from this confirmation, the Arboricultural Officer has advised that an Arboricultural Impact Assessment would not be required.

7.4 As regards ecological considerations, the application submission included a Preliminary Ecological Appraisal (PEA) and Bat Emergence and Re-entry surveys. It is recommended by the Council's ecologist that the mitigation measures identified in both submissions should be secured by condition. Specifically, in relation to badger, the park does offer some potentially suitable habitats and the PEA recommends that a pre-commencement survey should take place within 30 days of the proposed start date. In addition, foraging and commuting bat habitat would require a condition securing a wildlife sensitive lighting design scheme. Further, in accordance with the requirements of the JLP and emerging national legislation in relation to Biodiversity Net Gain, a condition is recommended to secure a biodiversity enhancement strategy. Officers support the inclusion of the conditions recommended by the ecologist.

8.0 Land Contamination, Flood Risk, Drainage and Waste

8.1. The NPPF at paragraph 189 identifies, inter alia, that planning decisions should ensure that a site is suitable for its proposed use. In addition, paragraph 190 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, JLP policy LP15 identifies that development proposals must demonstrate appropriate consideration of efficient and effective use of resources/land, land contamination issues, pollution and water as a resource.

8.2 In relation to land contamination it is noted that the Environmental Health officer does not raise this as an issue to be considered, but does recommend an informative to describe requirements in the event that unexpected conditions are encountered. In this regard, it is pertinent to note that the construction would not include excavation as such, as advised by the applicant.

8.3 In consideration of flood risk, the application submission included a Preliminary Flood Risk Assessment, notwithstanding that the assessment was not required bearing in mind that the site area is 120 square metres. The application site is located within flood zone 1 and therefore is located in an area of least risk from fluvial flood events. In addition the site is not impacted by surface water flooding issues – the nearest affected location being within Cornard Road to the south. The area in question relates to the carriageway which is at significantly lower level than the application site. The submitted Assessment also advises that rainwater would be harvested on site for use in the wider park.

8.4 In regard to drainage, the following advice has been received from the applicant:

The park sits approximately 3 metres above the adjacent road level at Cornard Road/Belle Vue roundabout, and the café positioning should mean any stormwater run-off quickly dissipates via adjacent hedgerow, grassed area and lower ground. The café and toilet block are modular units placed upon the existing park hardstanding (already slightly built up from adjacent greensward in the central park area) and will be further raised from ground level, on pad (and possibly strip) foundations. Water butts will be used to harvest rainwater which can be used by the local groups for the planting/raised planters around the café and related gardening activities within the wider park. No significant surface water/standing water issues are prevalent within the park according to the Public Realm service who maintain it, nor standing pooling of run off experienced from the existing toilet block (to be demolished) pitched roofing during storm events.

A green roof option is not viable to further attenuate storm water flows given solar PV units will be installed as priority on the small roof area available.

8.5 It is proposed that foul water drainage would connect to the existing system, bearing in mind that there is an existing public WC facility in the vicinity of the site which is to be replaced as part of the proposals.

9.0 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 listed buildings, including through development within their settings. The NPPF at paragraphs 200 – 204 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 205 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...'* The NPPF also identifies at paragraph 208 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...'*

9.2 JLP policy LP 19 is concerned specifically with the historic environment, and identifies the approach that will be taken to safeguard and enhance the historic environment. Amongst other things, the policy identifies that the Council will have regard where appropriate *'...to the historic environment and take account of the contribution any designated or non-designated heritage assets make to the character of the area and its sense of place. All designated and non-designated heritage assets must be preserved, enhanced and conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting...'*

9.3 In this regard, Belle Vue Park is not located within the defined Sudbury Conservation Area, but it is adjacent to it. In addition, Belle Vue House is a non-designated heritage asset; included on the Local List for Sudbury. In the wider area there are also listed buildings. That said, the location of the application site within the park would mean that long distance views of the building outside of the setting of the park would be limited.

9.4 Bearing the above in mind, the Heritage Officer has made the following comments as part of the overall consultation response:

'...I consider that the proposed café/toilet block building itself would cause no harm to any designated or non-designated heritage asset because it would be in keeping with the significance of Belle Vue House and nearby listed buildings, and the character and appearance of Sudbury Conservation Area...'

9.5 The Officer also notes that any additional proposals, as a result of Highway Authority requirements, and which are not currently detailed, could in themselves create an impact, and further details are requested. In this regard, one of the conditions recommended by the Highway Authority relates to the provision of secure cycle storage. Having referred this matter to the Heritage Officer the following further response has been received:

'...I consider this wouldn't change my response in principle, but perhaps if and when the details for this condition come in you could consult me too, just on [sic] case. However, the risk that it would cause harm is probably very low, and most likely something to meet Highways requirements would be fine, even if I thought it might need amending slightly in heritage terms.'

9.6 In summary, in terms of the assessment of heritage impacts it is the view of officers that the proposal would not conflict with the aims of the NPPF or the identified policy of the JLP.

10.0 Impact On Residential Amenity

10.1. The consideration of residential amenity impacts is a key planning consideration. The issue of residential amenity impacts arising from development proposals is an integral part of policy LP24 of the JLP, stating inter alia that '*...development proposals shall... Protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust, including any other amenity issues;...*'

10.2 There is no residential development in the immediate vicinity of the application site. Scaled from the submitted drawings, the nearest dwellings are located approximately 28 metres distant (a straight-line measurement from the westernmost corner of the site to the corner of the nearest dwelling). Within this space is located part of Cornard Road, which is a main route serving the town. In addition there are established trees that provide screening, and are not proposed for removal. On this basis, it is considered that the development would not create an overbearing or overshadowing impact on the identified dwellings.

10.3 In terms of other impacts, it is considered that the uses in themselves would not cause a detrimental impact on amenity. Clearly the café use will create a local attraction but this would generally be expected to be as part of an overall visit to the park. In addition, were the café to become a destination in its own right for some visitors, this would not cause harm to amenity in the view of officers. The overall use of the café and the WC facilities would be subject to the hours of use of the park.

11.0 Planning Obligations / CIL

11.1 This proposal does not give rise to issues that would require mitigation through a s.106 agreement. In relation to CIL, under the current charging schedule this would not be payable, on the basis that there would be no new residential nor convenience retail development involved.

12.0 Town Council Comments

12.1 The matter raised by Sudbury Town Council have been addressed in the above report.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

13.1. 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.

13.2 The policies directly engaged by this proposal are up to date and the proposed new café and WC building is considered to be in accordance with the plan as a whole. On this basis, officers recommend that a conditional planning permission is granted for the development as submitted.

RECOMMENDATION

That the application is GRANTED planning permission and includes the following conditions and any deemed necessary by the Chief Planning Officer:

- **Standard time limit (3yrs for implementation of scheme)**
- **Approved Plans (Plans submitted that form this application)**
- **Construction Plan to be agreed.**
- **Demolition and Construction Management Strategy to be approved.**
- **Details of cycle storage to be approved**
- **Construction hours to be approved**
- **Prohibition on burning on site**
- **Details of air handling plant to be agreed prior to installation.**
- **Details of kitchen odour control to be agreed**
- **Provision of grease traps**
- **Level of illumination of lighting to be agreed**
- **Development to be carried out on accordance with the ecological appraisal recommendations**
- **Supplementary survey for protected species prior to commencement**
- **Approval of a biodiversity enhancement strategy**
- **Wildlife sensitive lighting design scheme to be approved**
- **Approval of hard and soft landscaping scheme**
- **Approval of a Landscape Management Plan**
- **Details of 5.6 kWp PV to be installed on the roof of the building and water efficient sanitary fittings**

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

- **Proactive working statement**
- **SCC Highways notes**
- **Support for sustainable development principles**
- **Land contamination informative**