



## Committee Report

**Planning Committee** - 19 December 2019

**Application no** DC/18/0789/FUL

**Location**

Car Park and Adjacent Land At  
Links Road  
North Denes  
Lowestoft  
Suffolk  
NR32 4PQ

**Expiry date** 16 April 2018

**Application type** Full Application

**Applicant** Peter Colby Commercials Ltd

**Parish** Lowestoft

**Proposal** Construction of a restaurant/cafe with public toilets and play area

**Case Officer** Melanie Pieterman  
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### 1. Summary

- 1.1. The submitted application has been subject to significant discussions between a number of parties including the Environmental Protection Officer, SCC Highways and Lowestoft Town Council as landowner.
- 1.2. The application seeks planning permission for a single storey café, with play area and toilet facilities to be located adjacent to the car park on Links Road. Links Road is a popular area within the town serving dog walkers and nature enthusiasts who visit the adjacent nature reserve. Links Road is accessed via Gunton Cliff, the southern portion of which is partially within the North Lowestoft Conservation Area, however this does not include the Denes area subject to this application although the land is designated as public open space within the adopted East Suffolk (Waveney) Local Plan 2019.

- 1.3. There are a number of issues surrounding this site including the civil covenant, which although not a material planning consideration, but a civil matter, remains an area of concern particularly given the 'Note of Implementation' (NOI) that was instigated by the then Waveney District Council in 2012. This 'NOI' followed issues arising from the extension of the North Denes Caravan Park to the south of this site and associated problems therein. The 'NOI' confirms the use of the land as public open space, and the Denes area was transferred fully into the ownership of Lowestoft Town Council, from the Waveney District Council, upon the creation of the Town Council in 2017. As landowners they have the final agreement as to consents to use the land, however they have, and continue to object to the proposed café for a number of reasons and have stated that if planning permission is granted it does not necessarily follow that landowner consent will be granted; however this is not a planning matter. Nevertheless, this information has been included to help outline the current situation and some of the issues therein. All other issues will be addressed further in the report.
- 1.4. Whilst the broad principles of a café of in this area are not without merit, as the area is lacking any such facilities, and the proposal is supported by officers, there have been concerns raised by consultees around how it would impact on the successful implementation of the East of England Park which is located a kilometre to the south of this site (to the immediate north of the Birds Eye factory). Whilst this park does not have a café facility itself there is a café within the Sparrows Nest Gardens and the Lighthouse Café is approximately 500 metres to the south of the new park along Whapload Road. However, consent cannot be withheld on the grounds of competition and the potential impact on the new park is unlikely to be significant.
- 1.5. Construction on the park is due to be completed by the end of 2019 or early 2020 and will include improved access to the sea wall; renovated net drying racks; and a performance area, and it is intended to increase visitors to the area as a whole in conjunction with improved access along the sea wall from Ness Point along the coastal path which will also potentially increase visitors to the North Denes and adjacent County Wildlife Site. As such, a café style facility, with publicly accessible toilets in this location is seen as a potential gain to the wider area.
- 1.6. It is clear that there are significant economic benefits to the construction of a café in this area and there will be local employment opportunities. Although the impact will be modest there will be a meaningful benefit to the local economy through three full time equivalent staff and five part time, with the potential for increased use of seasonal staff.
- 1.7. The application was presented to the referral panel who requested it be presented to committee members given the level of interest the application has generated and the sensitive nature of the site, however the café/restaurant facility is being supported at officer level and the application is recommended for approval in recognition of the economic and tourism benefits that would accrue therein.

## **2. Site description**

- 2.1. The site is located to the west of the Links Road car park, which is accessed via Links Road, which in turn is accessed off Gunton Cliff to the west. The North Denes is a predominantly undeveloped, un-landscaped parcel of land which stretches some 1.2km in length from the Birds Eye factory in the south to Links Road and it is popular location for local people

accessing the adjacent County wildlife site/local nature site or beach for dog walking and other leisure purposes. The East of England park is to the south, adjacent to the factory and there is a caravan park on the eastern side of the Denes. Alongside this there is currently a fenced off area adjacent to the caravan park that is subject to an ongoing enforcement appeal. The last part of the built environment which characterises this area is the Denes Oval cricket ground and tennis courts.

- 2.2. The land to the south of the site which forms the current open area has been used for camping and caravanning (touring) in the past, along with leisure purposes generally associated with open space, with the land to the north of Links Road forming the Gunton Denes and a County Wildlife Site/local nature site as defined on the adopted proposals map.
- 2.3. Gunton Cliff, which is the residential area, runs from north to south along the western side of the Denes in an elevated position with views over the Denes and beach with direct views out to sea. The dwellings vary in scale, age and design from very grand and imposing Victorian Villas to mid to late 20th century properties, many of which have been previously altered and extended.
- 2.4. The whole Denes area measures approximately 33 acres (13.3 hectares) with the site area of this application measuring a little over 1.5ha including the car park which represents an area of just under 0.2% of the whole site.
- 2.5. Finally, the site is adjacent to but is outside the physical limits boundaries of the town as defined in the adopted local plan and is therefore classed as open countryside despite its relationship to the town.

### **3. Proposal**

- 3.1. The submitted application seeks approval for the construction of a single storey octagonally shaped restaurant/café with spurs or arms to either side which accommodate the service areas and toilets and there is a play area also proposed. The building would be constructed from wooden (possibly cedar) shingles which would be tarred/charred or painted black to give it a 'boat shed' type of appearance. The café would have ramps and steps from the car park and a decking area facing east to the sea. The play area would be sited on open land between Gunton Cliff to the west and the café.
- 3.2. The applicant's intention is to create an iconic and attractive building in the area to reflect the seaside nature and setting of the building and the Denes. The building would give 215m<sup>2</sup> of internal floor space and would include public toilets that would be accessible without going into the café. It is also suggested that there would be employment for three full-time and five part-time staff. The proposed opening hours are 08:00 to 21:15 Monday to Saturday and 08:00 to 17:00 on Sundays and Bank Holidays.

### **4. Consultations/comments**

- 4.1. Twenty letters of objection have been received in relation to this application. Comments have been précised below with the key concerns identified:

- The application site is in/next to a former landfill site;
- Granting consent will be in breach of the Note of Implementation which states that the area shall be used exclusively for public open space;
- No assessment has been carried out showing the open space is surplus to requirements;
- No equivalent or replacement space has been provided in a suitable location;
- Unsustainable location due to isolated position, no streetlights and double yellow lines on Links Road;
- Café would block access to the Denes from Links Road;
- Inappropriate design;
- Inadequate reinstatement of landscaping;
- Lack of public consultation;
- In contradiction to the local authorities own adopted local plan;
- the current application fails to minimise its impact on the landscape which it seeks to serve, it interrupts an existing green wildlife/landscape corridor and fails to address the problems of the existing carpark;
- If the people of Lowestoft want a cafe on the Denes, then let's have something exciting;
- Inappropriate in a Conservation Area;
- Landscape impact;
- Wildlife and proximity to wildlife site;
- Over development;
- Contrary to covenants of 1891 and 1875 covering the land in question and which passed it to the citizens of the Lowestoft town with the following stipulation "the purchased land should be forever kept and used as and for a public recreation or pleasure ground".
- Mains gas pipe runs under the proposed site;
- Two sewer pipes are also near this site which affects air quality;
- The site itself on the northern edge of Links Road is a piecemeal proposal, as the North Denes needs to have an overall strategy re its future use and plonking a restaurant and toilets on this site could affect future plans for amenities and block off access from Links Road;
- Potential for anti-social behaviour;
- Loss of outlook;
- Loss of open space;
- Noise and smells generated by the café;
- Poorly laid out development and the proposal does not meet the standards of design excellence that one would expect for such a significant building in a public open space;
- The provision of public toilets is minimal and appears to be a token gesture; and
- Proposed café wouldn't fit into this neighbourhood.

## Consultees

### Lowestoft Town Council

Consultee	Date consulted	Date reply received
Town Council	22 February 2018	8 March 2018
Summary of comments: The Planning Committee of Lowestoft Town Council considered this application at a meeting on 6		

March 2018. It was unanimously agreed to recommend refusal of the application. The Council noted that the application was not in line with the development of the East of England Park and had not been considered as part of the wider plans for the area (WDC Policy WLP2.5). The Council felt that the generic design and style of building were not appropriate for the unique area and had many concerns regarding the environmental impact of the development; building on previous landfill site, contamination, noise pollution, smells and increased traffic. (WDC Policies WLP8.22 and 8.164 refer).

It was also to be noted that the Town Council were the owners of the site proposed for development and no consultation had been undertaken with them by the developer and no permissions had been granted for use of land.

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 February 2018	5 March 2018
Summary of comments: Suffolk County Highways: Holding refusal, further information required regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	22 February 2018	No response
Summary of comments: Object to the granting of permission (conditional or otherwise) until such time as it can be demonstrated that the site is or can be made suitable for the proposed development.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	9 March 2018
Summary of comments: No objection, standard comments received.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	N/A	31 October 2018
Summary of comments: The idea of a café is not without merit and will bring economic benefits to the area however it appears premature and lacking in detail as to how it will fit in with the wider vision for the area.		

However, officers are keen to see this underutilised area brought back into use as a priority for the both community and visitors.

## **5. Site notices**

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 February 2018

Expiry date: 15 March 2018

## **6. Planning policy**

WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.23 - Protection of Open Space (East Suffolk Council - Waveney Local Plan (March 2019))

WLP2.5 - East of England Park (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

## **7. Planning considerations**

### Policy and Principle

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.2. All submitted planning applications will be determined in accordance with the planning policies set out by East Suffolk District Council. A list of all planning policies can be found in full on the council's website at <http://www.eastsuffolk.gov.uk/planning/local-plans/suffolkcoastal-local-plan>
- 7.3. The site is situated within the East Suffolk (Waveney) Local Plan area, which was adopted in March 2019, and submitted applications will be considered against the policies noted below.
- 7.4. Policy WLP8.22 relates to the built community services and facilities which states that proposals for new community services will be supported if the proposal meets the needs of the local community, it is of a proportionate scale, is well related to the settlement which it will serve and will not adversely affect the existing facilities that are easily accessible and available to the local community. However, policy WLP8.22 also

states that proposals to use or redevelop (for non-community use) a facility registered as an asset of community value will not be permitted.

- 7.5. There are some finely balanced considerations required in relation to this policy insofar as the café is a private venture, although there are appreciable community benefits insofar as increasing footfall and visitors to an area where there are currently no facilities. The Denes are already popular with dog walkers with the area heavily used by this section of the community, however the café would have the potential to attract other visitors to the area, to walk to the coastal path or visit the adjacent wildlife site. The proposed play area would be open to public use and the toilets would also be available to non-patrons and would be compliant with DDA regulations.
- 7.6. Furthermore, whilst the North Denes have not been registered as an asset of community value there can be no doubt that this is valuable and cherished open space within the local community and it also has the benefit of being designated as public open space in the adopted East Suffolk (Waveney) Local Plan 2019. Nevertheless, whilst the café would be located on this designated space, it would be representative of a small portion of land with the remainder of the Denes remaining available for public use and officers are of the opinion that the proposed café would not have a significant or detrimental impact on the existing facilities of the larger area and it would create an attraction that would be widely available for the local community and visitors alike thereby increasing the public accessibility and appreciation of the Denes.
- 7.7. Notwithstanding the constraints surrounding policy WLP8.22, officers consider that policy WLP8.23 is perhaps more pertinent in relation to this application as it relates to the protection of open space and the presumption against any development that involves the loss of open space and that proposals for development of open spaces will only be permitted in exceptional circumstances where:
- The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;
  - An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or
  - The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.
- 7.8. However, given the number of objections received from the Town Council and local residents, the issues surrounding the covenant and the 'Notice of Implementation' along with ongoing concerns and issues surrounding the Denes, this application requires very careful consideration. However, as noted above, officers are of the opinion that the proposed café and associated play area represent a very small portion of the Denes as a whole and although there are local concerns about the gradual enclosure of the Denes, the café would not have a significant impact on the available space overall, and the use of the land as a whole can be controlled via the need for a planning application for any form of future development either of the café, outside seating areas and the play area; thereby retaining the general openness and space available whilst providing a public facility thereby increasing the amenity value of the land.

- 7.9. Nevertheless, whilst the open space cannot, and should not, be considered surplus to requirements the potential loss of land would be minimal and with the exception of the café (which would of course have permitted opening times) the area would remain open to members of the public at all times thereby retaining the open space aspect of the Denes and therefore the proposed development is considered to comply with policy WLP8.23 in this particular instance.
- 7.10. Policy WLP2.5, which relates to the East of England Park, does mention the creation/use of a café within the park however at the time of writing this report there do not appear to be any intentions for the creation of a café on the park area, although this may or may not change in the future. However, planning permission cannot be reasonably withheld on the possible future development of the park. Additionally, it is a significant distance away from this site and any such applications would be assessed on its own merits and therefore officers do not consider that this application would prejudice the implementation of policy WLP2.5 either now or in the future.
- 7.11. Policy WLP8.29 also requires consideration in respect of design, and development proposals will be expected to demonstrate a high quality design which reflects local distinctiveness, demonstrates a clear understanding of the form and character of the area, the historic and natural environment and finally the development should complement local character and distinctiveness.
- 7.12. The café building has been designed in an octagonal form with two wings accommodating toilets and kitchen and service areas respectively, and it is to be clad in charred/tarred timbers to reflect a boat house or beach hut appearance to embrace its seaside location and the use of the area for fishing purposes historically when it formed part of the larger North Denes area and associated beach village. There are to be large glazed openings facing the sea to make the most use of the views along with a decking seating area and access ramps from the car park.
- 7.13. The overall design is unusual in form; however this unusual design does not make it unacceptable, with the design intended to reflect, and take inspiration, from the history of the area by using 'traditional' beachside materials, but with modern glazed elements along with the form of the building. The café would represent a new feature in an area where people are, perhaps, used to seeing open spaces but nevertheless it is of an interesting form that would add to, and not detract from, the overall appearance and visual amenities of the North Denes and surrounding areas as a whole and therefore it is considered that the café would be compliant with policy WLP8.29.
- 7.14. Policy 8.34 relates to biodiversity and geodiversity where developments will be supported where it can be demonstrated that it maintains, restores or enhances existing green infrastructure, however consideration needs to be given to developments that directly or indirectly impact on County wildlife Sites need to demonstrate that new opportunities to enhance the area will be provided. As already noted, this site is close to a County Wildlife Site which is on the opposite side of Links Road however whilst the structure itself is unlikely to have any significant or detrimental impact on the designated site, there is the issue of potential importation of soil to resolve the contaminated land concerns.



- 7.15. The councils Ecologist has commented on the scheme and has confirmed that ecology needs to be a consideration given the location of the site and the potential habitats therein. Importing soil to cover the site is effectively going to have the same impact on the habitats and species present as stripping the site back to bare ground and so the impacts need to be assessed and mitigation identified prior to the determination of the application. However, precise ground construction details are currently unknown, and the applicants have agreed that they will submit the requisite assessments once the application has been determined by committee and prior to issuing of a decision. Whilst this is not ideal, and it would be preferable to have these details submitted prior to committee to allow for full consideration, this route would still allow the council to fully consider ecological implications on the County Wildlife Site prior to the issuing of a decision and mitigation measures can be conditioned should members be amenable to this suggested route. If, however such harms are found to be present terms of in ecological impact then the application would be re-presented to members for further determination.
- 7.16. Policy 8.35 relates to landscape character and this policy requires development proposals to consider the special qualities and distinctiveness of the area and the visual and historical relationship between settlements and their landscape settings. In this instance the proposed café building would not have an unacceptable or demonstrably negative impact on the landscape. It would be sited in a location and is of a form designed to give reference to the use of the land in the past, although it is appreciated that this portion of the Denes is unlikely to have had permanent structures on it and would have been used for more temporary fishing uses and later leisure use and the harms to the landscape would be less than substantial. As such the proposed development is considered to accord with policy WLP8.35.
- 7.17. Finally, consideration must be given to the Historic Environment and policy 8.37. It has been raised within representations that the development is inappropriate in a Conservation Area; however, the North Denes is not located within a Conservation Area as this stops on Gunton Cliff at Heather Avenue. Nevertheless, whilst the land does not have a historic designation it is clear that there is historic importance associated with the area, first via the fishing industry on which the town was built and then as pleasure grounds for local residents. Nevertheless, the café would not have such a significant and detrimental impact on the area to warrant refusal on historic impact and is therefore compliant with policy WLP8.37.

#### Flooding and Coastal Change

- 7.18. Although the site is in close proximity to the North Sea it is located within Flood Zone 1 as shown on EA flood Map for Planning and is outside the defined Coastal Change Management Area. Furthermore, it is outside of the flood zone identified in the 2018 Strategic Flood Risk Assessment and therefore there are no issues or concerns surrounding flooding or coastal change arising from this proposed development.

#### Contaminated Land

- 7.19. With regards to the issue of contaminated land, this has been subject to considerable discussions and the most suitable way to deal with it. The land is known as a former landfill site, amongst its previous uses, and therefore contamination is an overriding issue, however despite ongoing discussions no agreement has been reached.

- 7.20. The Council's Environmental Protection Officer maintains his objection until such time as it has been proven that the land can be made safe, however the applicants are unwilling to finance this until they have a consent as it will be expensive to carry out the tests required. However, without evidence that the land can be made safe, the Environmental Protection officer will not suggest conditions as he feels that this needs to be addressed up-front. However, in order to find a way forwards it is suggested that a similar method to the ecological issues are considered and that should members be minded to approve the application, then it is with a caveat that contaminated land is addressed prior to the decision being issued and to allow for conditions to be attached if appropriate.
- 7.21. The applicants have suggested that it is possible to import soil to counteract the need to disturb the existing soil levels, however there are implications to the wildlife and flora of the area which is adjacent to a county wildlife site and is in close proximity to the Gunton Cliffs SSSI as noted above. However, the Environmental Protection Officer has stated that he cannot recommend conditional approval in this instance. The land in question is part of a former landfill site and there are obvious contamination questions from this application, however a way forwards and sensible, balanced solution to these issues does need to be found.

#### Highways

- 7.22. Suffolk County Highways have lodged a holding objection to the proposed development and have requested further information regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity. Whilst this view is understood, it remains that the café would be located adjacent to a very large public car park where there is existing access for cars and pedestrians and is an area used by dog walkers and other local residents as well as visitors to the area and there would be a limited increase above and beyond the existing levels of use and there remains sufficient parking in the existing parking area and it is unlikely to have a significant impact on the highways network. The remainder of the issues can be dealt with via highways conditions.

#### Economy

- 7.23. As an A3 café/restaurant use the proposal will introduce public activity and groups of people socialising. The proposal will add substantially to the regeneration of this part Lowestoft Denes and associated access to the coastal path and Ness Point which requires public investment for economic growth. It will help to make Lowestoft a more attractive destination for visitors and will add to the resort's visitor economy. The proposal will also generate jobs (as listed earlier in the report) with a direct economic benefit and it will also provide indirect benefits to the area through greater footfall along the Denes by acting as a destination complementing the Gunton Wildlife Site and Coastal Path.
- 7.24. The proposal will provide a substantial social benefit through job creation and its ability to deliver a space which can be used for community events and groups. This will support the community's health, social and cultural well-being. In addition, this facility will include a small play area and will be adjacent to significant open space will enhance the use of that area by families, encouraging healthy activities and access to open space, including the sea wall and wider beach.

### Third party Representations

- 7.25. With regards to the letters of objection received these have been addressed in the main body of the report, however it is important to reiterate that should planning permission be granted, subject to the satisfactory resolution of land contamination and ecology, the consent of Lowestoft Town Council as the landlords will be required. The covenant is a civil issue and is not a material planning consideration, although officers are fully aware of this and the associated Note of Implementation. Conditions can be attached to ensure that details of extraction equipment are submitted for agreement and that all extraction equipment is turned off when not in use to ensure the noise levels are not intrusive particularly overnight. Anti-Social behaviour has also been raised and whilst furniture can be taken indoors overnight, there will be access to the proposed play area and outside seating, which could encourage out of hours use, however the Denes is quite isolated and is not, historically, a popular spot for gatherings of this type. Nevertheless, the fears of local residents are understood and if anti-social behaviour arises then this can be addressed via the council's Community Team and Suffolk Constabulary. Ecology, highways and contaminated land can all be dealt with as noted above and if consent is granted and reports submitted as suggested, appropriate conditions will be attached.

## **8. Conclusion**

- 8.1. Whilst officers appreciate that the decision is balanced, and there remain some concerns with certain aspects of the scheme such as ecology and contaminated land, these issues can be properly dealt with via conditions. Officers are of the opinion that the proposed café would offer an attraction to this part of the town where facilities are limited but is popular with locals and visitors alike, and the café would offer an enhancement of the Denes area. Furthermore, there are considerable public benefits associated with a café/restaurant building in terms of local economy and employment opportunities, and the creation of an attraction in this otherwise under-provided for location. The proposal is considered to represent sustainable development and officers are seeking authority to approve.

## **9. Recommendation**

- 9.1. Authority to approve with conditions, subject to submission of further ecological and contaminated land assessments to officer agreement with relevant internal consultees.

## **10. Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with plans numbered 1610.138.02A received 20 February 2018,, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation,

unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. The application site is within 250m of a former landfill site and the development could be at risk from ground gas ingress. Prior to the commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the Local Planning Authority. Either of:

(A) An appropriate study assessing the risk posed from landfill gas migration to be conducted in accordance with BS 8485 and CIRIA 665. The findings and proposed mitigation methods shall be agreed in writing prior to the commencement of development.

or (B) Details showing a high level of gas protection by way of mitigation. The minimum standard of gas protection required (should no study be submitted) shall accord with the Amber level of the NHBC standard or CS level from BS 8485 and plans of intended measures should be submitted for approval. Installation should be conducted in accordance with BRE 212 and 414 and a post development validation report should be submitted verifying this.

With each option, the development shall be carried out in accordance with the approved details.

Reason: In accordance with PPS23 and because of the unknown characteristics of local former landfill sites.

7. The use hereby permitted shall only take place between the hours of 08:00 and 21:15 Mondays to Saturdays and between 08:30 and 17:00 on Sundays or bank holidays.

Reason: To protect the amenities of the surrounding area by minimising disturbance from the use of the cafe

8. No sound amplifying equipment which is audible outside the premises shall be installed without the written consent of the Local Planning Authority.

Reason: to protect the amenities of the occupiers of nearby premises.

9. Precise details of any equipment to be installed must be submitted to, and approved by, the Local Planning Authority prior to installation. The equipment must be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the

commencement of use. The equipment must be effectively operated for so long as the use continues; unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that unsatisfactory cooking odours and noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

10. No deliveries shall be taken at or despatched from the site outside the hours of 09:00 to 17:00 Monday to Friday 09:00 to 13:00 Saturday; nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance from delivery vehicles

11. The materials to be used in the construction of the external surfaces of the cafe hereby permitted shall be as annotated on the drawing hereby approved.

Reason: To ensure the satisfactory external appearance of the development.

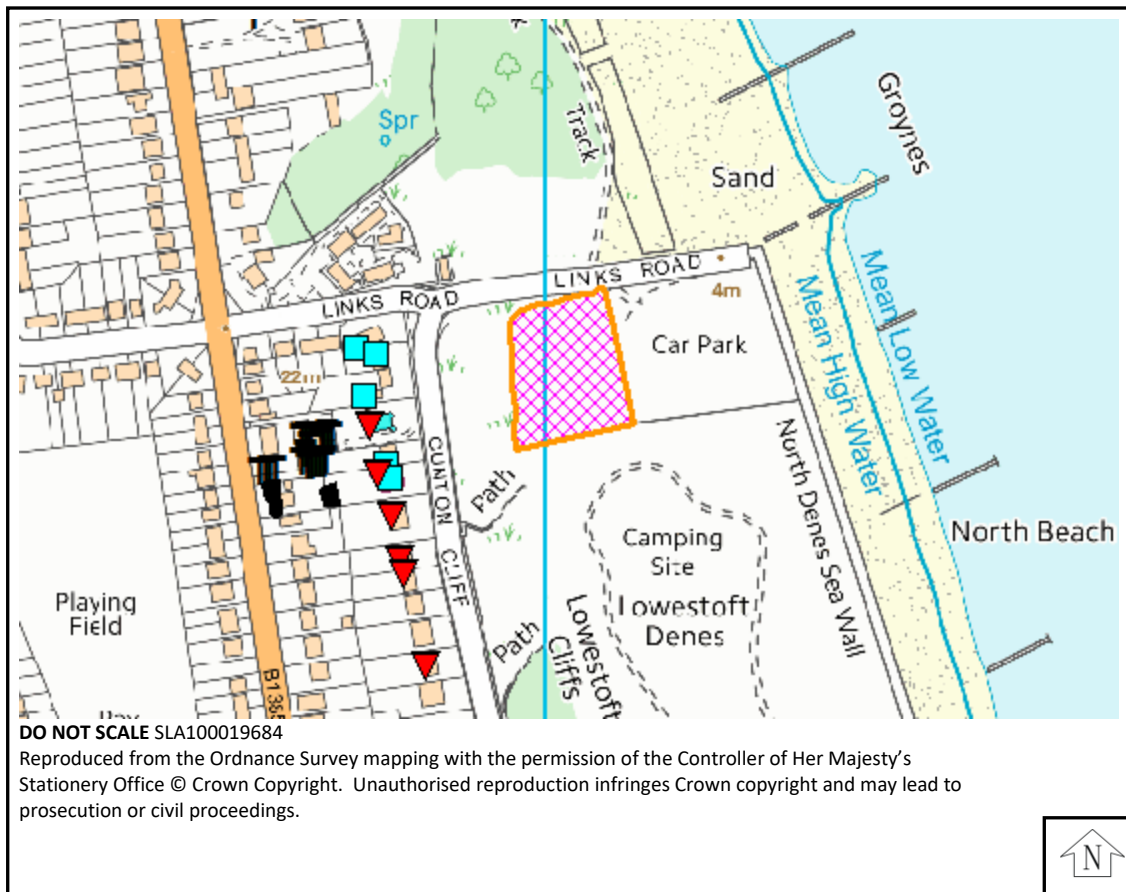
#### **Informatives:**

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

#### **Background information**

See application reference DC/18/0789/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4HQA6QX06O00>

## Map



## Key

- Notified, no comments received
- Objection
- Representation
- Support