



## Committee Report

Planning Committee - 26 November 2019

Application no DC/19/2666/FUL

**Location**

Kesgrave Quarry  
Sinks Pit  
Kesgrave  
Suffolk  
IP5 2PE

**Expiry date** 1 October 2019

**Application type** Full Application

**Applicant** TRU7 Group

**Parish** Little Bealings

**Proposal** Construction of two No. new buildings and use of land for vehicle and plant hire operator(s) comprising offices, workshops, associated parking, drainage infrastructure etc to allow for the hire, storage, sale, maintenance and servicing of vehicles, plant, machinery and equipment

**Case Officer** Katherine Scott  
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### 1. Summary

- 1.1. Planning Permission is sought for the erection of a new headquarters building for a vehicular hire business. The building is proposed to contain offices, a workshop for the vehicles and storage. The site lies towards the western end of the former gravel extraction pit, on an area of land to the west of building and associated land operated by Tru7group (granted under DC/15/4908/FUL).
- 1.2. The current application site was approved for the 'Fork Rent' Headquarters Building in February 2014 (DC/13/3408/FUL). That consent was not implemented and has now lapsed.
- 1.3. This application has come before members because it has been advertised as a Departure, due to its proposed non-rural related employment and its location outside

any physical limits boundary in the countryside and outside any designated employment site.

- 1.4. Little Bealings Parish Council raise no objections subject to the building of an acoustic barrier on the northern edge of the site, limitation on noise levels, prohibition of reversing beepers, air and light surveys being undertaken and hours remaining as currently permitted. Playford Parish Council endorse the views of Little Bealings Parish Council. Kesgrave Town Council support the proposal subject to hours and activity conditions being as per the previous consent.
- 1.5. The design of the building is appropriate for its location, and subject to appropriate conditions, there is no significant or demonstrable harm to the amenities of nearby residents or wider environment, and there is no objection on highway grounds. The proposal would also create new employment and economic investment on an area of 'previously developed land'.
- 1.6. The proposal is recommended for Authority to Approve subject to the removal of an objection from Natural England, the consideration of any material planning considerations during the current reconsultation period and subject to suitable controlling conditions.

## **2. Site description**

- 2.1. The application site is part of the western end of the former Sinks Gravel Pit and also includes the access road, which provides vehicular access on to the A1214 at a roundabout.
- 2.2. The current application site is located predominately within the Parish of Little Bealings, but is accessed via an existing access road, which runs northwards from the eastern roundabout on the A1214, in Kesgrave. There is no direct vehicular access to the site from the parishes of Playford or Little Bealings.
- 2.3. The Parish boundary between Little Bealings and Kesgrave runs east-west across the access road, close to the southern boundary of the gravel pit. There is also a Parish boundary with Playford to the west of the application site.
- 2.4. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. The site also lies outside but adjacent to the boundary of a Special Landscape Area. The area to the east of the access road and south of the eastern part of the gravel pit is covered by this designation.
- 2.5. A Public Right of Way (public footpath, no 2) runs in a northerly direction up the western side of the access road. Close to the entrance to the pit, the Right of Way turns in a north-easterly direction, changes Right of Way number to no 13 and runs along the northern edge of the woodland area, away from the application site.
- 2.6. To the east of the access road there is an area of woodland. This area of woodland, to the south-east of the pit and to the east of the access road, is covered by Tree Preservation Order (SCDC/50/00020).

- 2.7. The application site lies within a Minerals Consultation Area. Therefore, the Local Waste and Minerals Authority have been consulted.
- 2.8. The northern section of the wooded area and the area containing the lakes either side of the northern end of the access road is designated as Sinks Pit Site of Special Scientific Interest (SSSI).
- 2.9. The nearest residential dwelling is 230 Main Road, Kesgrave, which lies to the west of the access road. At the closest point, the dwelling is approximately 40m from the access road. Directly to the west of this dwelling lies Kesgrave High School.
- 2.10. At the closest point the red line of the main part of the application site (the area in the pit) is more than 200m from the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be more than 200m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).

#### Relevant Planning History

- 2.11. Various Minerals and Waste Consents for mineral extraction, concrete plant and similar operations from 1950's onwards have been granted across the wider quarry site. The most relevant is C/97/1501, which was granted for  
  
*"Extraction & importation of aggregates, restoration of land; retention of processing, asphaltting, concreting & recycling facilities; formation of a 5m high amenity bund between permanent operations"*
- 2.12. This consent included a 10m high (above pit floor) bund and vegetated area to the north and north west of the current application site, along the edge of the former quarry.
- 2.13. Following the granting of the above consent, a variation of condition was permitted in February 2000, to allow an extended period for mineral extraction and completion of Phase A until June 2000 (reference C/00/0176).
- 2.14. The mineral extraction has now ceased on the application site. The restoration scheme has been implemented and related to the land to the north and north-west of the application site. It includes the area of the existing bund and associated vegetation. There were no restoration works for the area within the current application site.
- 2.15. Planning Permission has previously been granted on the area of the current application site, towards the western end of the former extraction pit for:  
  
*"Erection of new headquarters building for vehicle and plant hire operator, comprising workshop, offices, associated vehicle parking, drainage infrastructure and landscaping to allow for the hire, storage and sale of vehicle, plant and machinery."*
- 2.16. That consent was granted in February 2014 (reference DC/13/3408/FUL). It was never implemented and has now lapsed.

- 2.17. Subsequent to the granting of the above planning permission, the land at the western end of the pit forming the current application site was granted planning permission by Suffolk County Council (SCC) as Local Minerals and Waste Authority for:
- "Laying of block paved hard standing (retrospective) increase in height of the screen bund, erection of flood lighting, and temporary stockpiling of aggregate material to assist in reorganisation of stockpiling. (Re submission of DC/16/0404/CCC Withdrawn)"*
- 2.18. This case was logged our reference DC/16/2365/CCC, (SCC reference SCC\0086\16C). This consent was implemented. Since that that consent was granted the time in which the stockpiles needed to be removed and land levels restored was extended until 13 December 2019 (our reference DC/18/0111/CCC, SCC Reference SCC\0235\17c) .
- 2.19. Directly to the east of the current application site, there is a large building with associated external areas used for parking and turning etc. It comprises a headquarters building for a vehicle hire operator comprising workshop and offices, for the hire, storage, workshop and sales of vehicles and machinery. It is currently operated by the Tru7group.
- 2.20. The use of that part of the former gravel extraction pit, for the erection of a building and for this use was initially granted in planning permission in March 2015 under reference DC/14/4251/FUL, with revised schemes consented in July 2015 (reference DC/15/2107/FUL) and March 2016 (reference DC/15/4908/FUL). Additional associated parking and turning areas for that use were granted Planning Permission in February 2016 (reference DC/15/5055/FUL).
- 2.21. To the east of the tru7group building, the remaining area of the former gravel pit, SCC, as the Local Minerals and Waste Authority granted planning permission for *"Retrospective application for the retention of soil bund constructed along southern edge and boundary of Sinks Pit and screening of recycled washing plant."* (our reference DC/18/2187/CCC, SCC reference SCC0058). That consent is still live.
- 2.22. Since the current application was submitted, a separate planning application has been submitted to Suffolk County Council for "Erection of a noise attenuation fence with associated recontouring along northern boundary bund." (SCC reference SCC/0071/19SC, ESC reference DC/19/4371/CCC). This was submitted to and will be determined by SCC as the Local Minerals and Waste Authority.
- 2.23. This proposal involves the erection of a 3m high acoustic along the top of the bund on the northern side of the former quarry. The district council raised no objections to this proposal, but recommended that taller growing native shrubs are planted alongside the fence in order to reduce its visual impact. At the time of drafting this report, the application was pending a decision.

### **3. Proposal**

- 3.1. This application seeks full planning permission for the construction of two buildings, and the use of land around them, for the purposes of vehicle and plant hire business(es), which would seek to allow for the hire, storage, scale, maintenance and serving of

vehicles, plant, machinery and equipment. The site is proposed to be enclosed by a 2.4m high palisade galvanised steel fence.

3.2. The buildings are proposed to include offices and workshops, with the land around totalling 2.1 hectares, being used for parking, and associated features including drainage. They would have a combined floorspace of 2994sqm, and be supported by:

- 104 car parking spaces,
- 10 spaces for light goods/public carrier vehicles,
- 4 spaces for motorcycles  
And
- 28 spaces for bicycles.

3.3. The proposed development would provide employment for 40 full time and 10 part-time employees.

3.4. The proposed development would be similar in character to the building and land to the east of the application site, which is operated by the tru7group (Granted Planning Permission under DC/15/4908/FUL).

3.5. The proposed finished ground and roof levels are proposed to approximately match the established Tru7 building at 20.65m and 28.95m above Ordnance Datum (AOD). The bund to the north is approximately 31-33m AOD.

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

4.1. Three letters of objection (from two addresses) have been received raising the following material planning considerations:

- Hours of operation and Noise Nuisance:
  - There is no noise assessment of the likely impact from construction and operation of this proposed development, which was advised as being required by Environmental Protection in response to DC/19/2389/SCO and has been requested by consultees on this application.
  - There have been noise issues generated within the industrial area of sinks pit for decades and needs thorough consideration with the proposed additional activity which will generate more noise adding to the existing problem. The current operations continue to generate intrusive intermittent noise.
  - Concerned that the hours of operation stated in the application 05:30 to 19:00 Monday to Friday, 06:00 to 13:00 on Saturdays, would be longer than those previously consented, resulting in noise nuisance. Believe they should be application 07:00 to 17:30 Monday to Friday, 07:00 to 13:00 on Saturdays.
  - Starting at 05:30 is unreasonable. The site has permission to start at 7am and this should continue to be the case. Also concerned that these are longer than British Standard BS5228 which sets daytime as no earlier than 7am. Noise is currently generated at or shortly before 7am which disturbs local residents sleeping.
  - DC/13/3108/FUL applied restrictions upon specific activities that could be undertaken within the working hours and the number and type of vehicular

movements permitted within certain operation times of the day (1. No more 12 HGV movements shall be permitted between the hours of 05:30 and 07:00 unless otherwise agreed in writing with the Local Planning Authority and 2. There shall be no outside working between the hours of 05:30 and 07:00 unless otherwise agreed in writing with the Local Planning Authority.) . The same limitations should be applied here.

- Reasonable measures are required to limit noise created on this site from spreading out beyond the site boundary, in order to protect local residents, which are:
  - Maintenance and servicing of vehicles/equipment to be undertaken within the buildings with the doors shut.
  - Washing down areas, where power washers are used to be screened.
  - Reversing alarms on all vehicles based in Sink’s Pit to be fitted with white noise mechanisms rather than shrill reversing beepers.
  - Piling during construction needs to be undertaken with measures to help limit the noise level generated, and it would help if this is not done early in the morning.
  
- Light Pollution
  - Since security lighting was installed there has been a problem of light pollution. Strict measures need to be specified and monitored to avoid extra light pollution
  
- Impact upon Water Course and flooding:
  - Believe the site is within 20m of a water course, and within a flood zone. Highlight that in connect with DC/13/2408/FUL the SCC Floods team highlighted that the site is subject to pluvial flooding risk, the eastern pond adjacent to the site is within EA Flood Zone 3 and the ground is deep and well drained. Question the statement on the current application form that the site is not at risk of flooding.

4.2. The third-party comments make reference to and quote consultation responses which were received in connection with DC/13/2408/FUL on this site. Those comments submitted on the previous application would have been based upon the application submitted and legislative framework that existed at that time, rather than the current proposals and current legislative framework and planning policies.

4.3. Therefore, it is the comments received in connect with the current application that must be considered in the determination of the current application, as those comments will be based upon the current submission and the current legislative and policy framework.

**Consultees**

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	11 July 2019	29 July 2019

*"The PC considered the application at a recent meeting and resolved that there was no objection to the application subject to:*

- o the building of the acoustic barrier on the northern boundary of the site before any other development was commenced,*
- o noise levels at the site being limited by the standard set by BS4142:2014,*
- o the use of reversing beepers, including by visiting vehicles, not being permitted,*
- o surveys regarding air and light pollution being undertaken and satisfactory to ESC Environmental Health Officers*
- o the operating hours remaining as at present, i.e. 7am to 7.30pm Monday to Friday and 7am to 1pm on Saturdays only"*

Consultee	Date consulted	Date reply received
Playford Parish Council	11 July 2019	1 August 2019

*"It was resolved to endorse the view of Little Bealings PC on this application and to support their recommendations of imposed conditions".*

Consultee	Date consulted	Date reply received
Kesgrave Town Council	11 July 2019	1 August 2019

*"Approve. However, the Committee would like to see the same conditions as stated in previous applications;*

*The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 7am and 7pm Monday to Friday and between 9am and 1pm on Saturdays; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed in writing by the local planning authority.*

*Reason: In the interests of amenity and the protection of the local environment.*

*6. All machinery and vehicle repairs shall only take place within the hereby approved building(s). There shall be no outside working relating to vehicle and machinery repairs (except for vehicle washing in designated areas, in accordance with condition 11).*

*Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.*

*All cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul sewer (with the approval of the sewerage undertaker). The area should be clearly marked and kerb surround is recommended. Full details of the drainage and disposal from these areas should form part of the surface water strategy in condition 8.*

*Reason: To protect and prevent the pollution of controlled waters (particularly groundwater associated with the Principle Aquifer underlying the site and adjacent surface water from potential pollutants associated with current and previous land uses), in line with National Planning Policy Framework (NPPF; Paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection; Principles and practice (GP3) 2013 position statements."*

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 July 2019	31 July 2019
<p>Summary of comments:            Recommend conditions relating to:            - the provision of space for loading, unloading, manoeuvring and parking of vehicles,            - submission and implementation of details for secure covered cycle storage.</p> <p>(Comments from Rights of Way Team included within same letter.)</p>		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	11 July 2019	No response
<p>Summary of comments:            No response received</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	11 July 2019	1 August 2019
<p>Summary of comments:            Raise No Objections.</p> <p>Highlight requirements of circular 1/09 in the consideration of public rights of way in planning applications.</p> <p>Highlight that Kesgrave Footpath 002 and Little Bealilngs Footpath 014 are recorded through/adjacent to the/along the access to the application site, and their routes can be viewed on the Definitive Map.</p> <p>Include a series of informative notes highlighting the obligations to the applicants and any future owners in relation to the Public Rights of Way.</p> <p>(On same letter as SCC Highways Comments)</p>		

Consultee	Date consulted	Date reply received
Natural England	11 July 2019	13 August 2019



Summary of comments:

Responded stating insufficient information has been provided to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Additional information required:

- No assessment has been provided of the potential impacts the proposal make have upon the Sinks Valley SSSI, which supports features associated with groundwater flows into the valley from a series of springs.
- A survey of the groundwater and surface water flows reaching the SSSI from the development site, including the quantity and quality of the water inputs to the SSSI and an assessment of likely changes resulting from the proposals.
- A strategy for mitigating any identified impacts from the development of the site is also required.

A full 21 reconsultation will be required once the above information is submitted.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	11 July 2019	29 July 2019
Summary of comments: Initial Response - Holding Objection, seeking additional information in relation to infiltration, surface water drainage design to meet set criteria, surface materials throughout the site, treatment of surface water pollution, maintenance of SUDs, details of rainwater surfacing.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 July 2019	31 July 2019
Summary of comments: No Objections raised. Recommend conditions relating to: - Groundwater and Contaminated Land (including remediation strategy, site investigation scheme, risk assessment and verification), and - Surface water Infiltration (SuDs, including risks to controlled waters) Also highlight the potential needs for permits from the EA.		

Consultee	Date consulted	Date reply received
Network Rail	11 July 2019	30 July 2019
Summary of comments: No observations to make		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 July 2019	24 July 2019
Summary of comments: No Objections. Comments relating to Building Regulation requirements, need for suitable hardstanding for fire appliances, water supplies and recommendation to install sprinkler system.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 July 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ipswich Borough Council	11 July 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	11 July 2019	31 August 2019
Summary of comments: No Objection, highlighting: <ul style="list-style-type: none"> <li>- the site lies immediately south of a closed landfill site which currently has ongoing landfill gas and leachate management systems.</li> <li>- the eastern part quarry contains an aggregate recycling/processing operation</li> <li>- the south-east part of the quarry contains an operational concrete batching plant</li> <li>- land to the west has recently had an application refused by Suffolk County Council</li> <li>- consideration should be given by the applicant to the laying of hardstanding and construction of buildings next to closed landfill (and associated gases).</li> <li>- appropriate noise conditions should be imposed,</li> <li>- hours should be restricted to those permitted for the building in the middle of the quarry.</li> <li>- the affects of noise &amp; air quality should be addressed to protect the residents to the north of the site.</li> </ul>		

Consultee	Date consulted	Date reply received
Waste Management Services	11 July 2019	No response

Summary of comments:  
No response received

Consultee	Date consulted	Date reply received
Economic Services (SCDC)	11 July 2019	30 July 2019

Summary of comments:  
The Economic Development Team Support

They seek to support proposals that clearly support the economic growth and regeneration of the economy within the district.

They recognise the economic value of the proposal in terms of providing additional employment space.

Consultee	Date consulted	Date reply received
Mr Nick Newton	11 July 2019	7 August 2019

Summary of comments:  
Internal Planning Services Consultee, comments included within planning considerations section

Consultee	Date consulted	Date reply received
Disability Forum	11 July 2019	22 July 2019

Summary of comments:  
No Objections/Comments - State it is good that the application states disabled parking will be provided and that the new buildings will have an accessible toilet and platform lift access to the upper floor.

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	11 July 2019	No response

Summary of comments:  
No response received

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	11 July 2019	No response

Summary of comments:  
Internal Planning Services Consultee, comments included within planning considerations section

Consultee	Date consulted	Date reply received
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SCC Ecology	11 July 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCDC Enforcement Team	11 July 2019	No response
Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	11 July 2019	31 July 2019
Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 July 2019	5 September 2019
Summary of comments: Raise no objections, recommending conditions relating to: <ul style="list-style-type: none"> <li>- submission of noise assessment prior to installation of fixed plant and other machinery (e.g. heat pumps, power tools, compressors, extractor systems, fans, pumps, air conditioning or refrigeration plant)</li> <li>- working hours should be limited to 07:00 until 18:00 Monday to Saturday, with no working on Sundays and Bank Holidays</li> <li>- submission and agreement of a construction management plan.</li> <li>- phase 2 contaminated land study,</li> <li>- contamination remediation method statement to be agreed,</li> <li>- implementation of contamination remediation,</li> <li>- validation report to confirm contamination remediation has been undertaken,</li> <li>- requirements if unexpected contamination is found on site.</li> </ul>		

### First Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period 14 October 2019 to 28 October 2019.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	14 October 2019	28 October 2019

Summary of comments:

Advice that they have reviewed the new and revised documentation, which relate to their recommended condition 4, which stated that no drainage systems for the infiltration of surface water to the ground are permitted, unless supported by an assessment of the risks to controlled waters. They advise that the purpose is to ensure water infiltration does not leach contaminants into the aquifer, and due to the soil investigation report being 6 years old, the possibility that the area proposed for soakaways has been contaminated since then can not be discounted. No investigation was carried out into potential contamination during the soakage tests. The proposed soakaway proposal only allows for 1m of unsaturated soils to attenuate any contamination. The EA preference is for 2m to perform this function.

They highlight that "Section 1.3 of the Flood Risk and SUDS Assessment specifically states that, "the revised drainage strategy responds to the LLFA's objection point 1..." as such it does not address the Environment Agencies' concerns."

They also advise that they maintain their position regarding conditions 1-3 that they previously recommended.

Consultee	Date consulted	Date reply received
Natural England	14 October 2019	No response

Summary of comments:

No response

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	14 October 2019	No response

Summary of comments:

No response

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 October 2019	23 October 2019

Summary of comments:

Holding Objection, an acceptable drainage strategy has not been presented. No the Environment Agencies previous consultation response restricting the use of infiltration. These two approaches are conflicting and currently leave the site without a feasible drainage strategy. See two possible solutions, either the site would require remediation to ensure infiltration is acceptable or an alternative drainage strategy will need to be provided. Seeking a strategy of both forms to ensure if the Environment Agency do not agree to infiltration in the future or if remediation is not acceptable/feasible that the site will still have a feasible drainage strategy.

## Second Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period of 4 November to 18 November 2019.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 November 2019	22 November 2019
Summary of comments: Request an extension of time until 6 December 2019		

Consultee	Date consulted	Date reply received
Natural England	4 November 2019	18 November 2019
Summary of comments: Requesting an extension of time, of a week as been advised that new papers are available.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	4 November 2019	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	4 November 2019	12 November 2019
Summary of comments: Holding objection is because the calculations indicate an increase in off site flood risk.		

## Third Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period of **(25 November to 10 December 2019)**

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	26 November 2019	No response at time of report drafting
Summary of comments: No response at time of report drafting		

Consultee	Date consulted	Date reply received
Natural England	25 November 2019	No response at time of report drafting
Summary of comments: No response at time of report drafting		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 November 2019	25 November 2019
Summary of comments: Recommend Approval subject to conditions, relating to: <ul style="list-style-type: none"> <li>• The submission and approval of the strategy for the disposal of surface water,</li> <li>• The submission and approval of details on the implementation, maintenance and management of the strategy for the disposal of surface water</li> <li>• Submission of details of all sustainable drainage components and piped networks have been submitted and approved.</li> <li>• The submission and approval of a construction surface water management plan</li> </ul>		

Any additional comments received prior to 2pm on Monday 16 December 2019 (24 hours prior to the meeting) will be included on the members update sheet.

## 5. Publicity

5.1. The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
May Affect Archaeological Site, Major Application, In the Vicinity of Public Right of Way, Tree Preservation Order, Contrary to Development Plan	25 July 2019	15 August 2019	East Anglian Daily Times

### Site notices

General Site Notice

Reason for site notice:

- May Affect Archaeological Site,
- Major Application,
- In the Vicinity of Public Right of Way,
- Tree Preservation Order,
- Contrary to Development Plan

Date posted: 15 July 2019

Expiry date: 5 August 2019

## 6. Planning policy

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- The Suffolk Minerals Core Strategy (Adopted September 2008),
  - The Suffolk Minerals Specific Site Allocation Development Plan Document (Adopted September 2009)
  - East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
  - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 6.4. The Suffolk Minerals Core Strategy document was adopted in September 2008 and forms part of the Local Development Plan. Section 9.9 and Policy DC7 relate to reclamation, restoration and after-use. The policy states:
- "An outline strategy should be submitted for aftercare of the land to a condition suitable for an appropriate after-use. Preference will be given to after-uses that promote the creation and management of priority habitats listed in the Suffolk BAP and/or that conserve geological and geomorphological resources."*
- 6.5. However, this section of the document and the policy primarily relates to new sites for mineral extraction, rather than new applications for alternative uses, following the end of mineral extraction on pre-existing sites.
- 6.6. The Suffolk Minerals Specific Allocations document was adopted in September 2009. It forms part of the Local Development Plan and allocates site across Suffolk for Mineral Extraction. The current application site is not included within this document. It has not been allocated for further mineral extraction.



6.7. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP5 - Employment Land (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP7 - Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP11 - Accessibility (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP12 - Climate Change (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP21 - Felixstowe with Walton and the Trimley Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- DM11 - Warehousing and Storage (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM20 - Travel Plans (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM24 - Sustainable Construction (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM26 - Lighting (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

6.8. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document are:

- SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

- SSP38 - Special Landscape Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))
- 6.9. The following 'Saved' Policies of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations, as saved upon adoption of the 2013 document) are relevant to the consideration of this application:
- AP212 - Ipswich Fringe: Open Character of Land between Settlements ('Saved' Policy of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations))
- 6.10. The following East Suffolk Council Suffolk Coastal District Local Plan - Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:
- SPG 5 - Nature conservation (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)
- 6.11. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link:  
[www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) .
- 6.12. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:
- 6.13. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined under paragraph 48 of the NPPF. The policies below are relevant to this proposal and are considered to now have some weight in determining applications:
- Appendix F – Criteria for identification of Non-Designated Heritage Assets
  - Appendix H – Landscape Character Area Maps
- 6.14. Other policies of the emerging Local Plan, which are relevant to this proposal, that were the subject of objections, and thus can only be given very limited weight are:
- Policy SCLP2.1: Growth in the Ipswich Strategic Planning Area
  - Policy SCLP3.1: Strategy for Growth in Suffolk Coastal District
  - Policy SCLP3.3: Settlement Boundaries
  - Policy SCLP4.2: New Employment Development
  - Policy SCLP4.3: Expansion and Intensification of Employment Sites
  - Policy SCLP4.5: Economic Development in Rural Areas
  - Policy SCLP7.1: Sustainable Transport
  - Policy SCLP7.2: Parking Proposals and Standards
  - Policy SCLP9.2: Sustainable Construction

- Policy SCLP9.5: Flood Risk
- Policy SCLP9.6: Sustainable Drainage Systems
- Policy SCLP9.7: Holistic Water Management
- Policy SCLP10.1: Biodiversity and Geodiversity
- Policy SCLP10.3: Environmental Quality
- Policy SCLP10.4: Landscape Character
- Policy SCLP10.5: Settlement Coalescence
- Policy SCLP11.1: Design Quality
- Policy SCLP11.2: Residential Amenity
- Policy SCLP11.3: Historic Environment
- Policy SCLP11.6: Non-Designated Heritage Assets
- Policy SCLP11.7: Archaeology
- Policy SCLP12.18: Strategy for Communities surrounding Ipswich

6.15. The access road to the proposed development lies within the Parish of Kesgrave, where a neighbourhood plan is currently under production. The Neighbourhood Plan Area follows the parish boundary. Consultation on the emerging Kesgrave Neighbourhood Plan was undertaken 4 July 2019 to 2 September 2016. It is yet to undergo Independent Examination and Referendum, so can be given very limited status at this time. Therefore, whilst the following policies are of some relevance, they can only be given very limited material weight in the determination of the current application:

- Policy KE3: Maintaining Kesgrave's Identity

## **7. Planning considerations**

7.1. This section of the report is structured in the following order:

- Principle and Sustainable Development,
- Employment and Economic Considerations,
- Transport, Highway Safety and Parking Provision,
- Potential for Noise and Disturbance,
- External Appearance and Visual Impact upon Landscape,
- External Lighting,
- Impact upon trees,
- Ecology, Biodiversity and Geodiversity,
- Heritage,
- Land Contamination, drainage and preventing pollution to the water environment,
- Community Infrastructure Levy (CIL),  
and
- The Planning Balance.

### Principle and Sustainable Development

7.2. The principle of this type of use on this site was previously considered acceptable through the granting of DC/13/3408/FUL. However, that consent has now lapsed, and therefore limited weight can be afforded to it in the determination of the current application.

7.3. The site is also adjacent to an operational business which has a similar use to the current proposal (the Tru7group building and service yard). Therefore, the principle of this type of use in this location has been established.

7.4. The application site lies outside of the defined physical limits of any settlement and therefore is countryside for the purposes of planning policy. However, it is well related to Kesgrave, which is defined as part of a Major Centre. The site also meets the definition of "Previously Developed Land", and the scheme would enable means to prevent contamination from the site entering the wider environment. It therefore whilst it is outside the physical limits boundary of Kesgrave, the reuse of this site with the associated works, is broadly supported by the aims of Paragraph 118 of the NPPF, which states:

*"118. Planning policies and decisions should:*

*.....c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

*....."*

7.5. This site meets the definition of 'Previously Developed Land' Annex 2 of the NPPF, as this area of the former quarry site did not form part of the land that had provision for the restoration through the planning permissions granted for the mineral extraction. The definition of 'Previously Developed Land' states:

***"Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. "*

7.6. The application site lies outside the areas of restoration defined in C97/1501 and C00/0176, is therefore classed as Previous Developed Land. Therefore, its reuse should be encouraged in accordance with the above elements of the NPPF, subject to the environmental considerations, which are explored later in this report.

7.7. Although this site lies outside the defined physical limits, the site is in a sustainable location. The application site is well related to Kesgrave, which is defined in the Core Strategy and Development Management DPD as part of the 'Area East of Ipswich Major Centre' (Policies SP19 and SP20, Table 4.1). The junction between the access road and the A1214 is on the opposite site of the road to the physical limits of Kesgrave. It is therefore well related to a large area of residential development, in which potential employees could potentially reside.

- 7.8. Although the main part of the site (the area within the pit) lies within the parish of Little Bealings, the vehicular access is via the parish of Kesgrave. There is no direct vehicular access from the site to the village of Little Bealings.
- 7.9. The site is also well related to public transport. This issue is explored further in the Transport, Traffic and Highway Safety section later in this report.
- 7.10. As explained above the site is well related to Kesgrave, which is part of the wider 'Area East of Ipswich Major Centre'. The 'Area East of Ipswich Major Centre' is classed as the most sustainable type within the Settlement Hierarchy (Policy SP19), a 'sub-regional centre for commercial and social facilities' and an area where major housing development is expected to be allocated in accordance with Policy SP20.
- 7.11. These aims and objectives are being taken forward within the emerging Local Plan Policies, including Policy SCLP12.18 (Strategy for Communities surrounding Ipswich). Although this policy has limited weight at present because it was the subject of objections and the Inspectors decision on the examination is yet to be received, it demonstrates the intended direction of travel in terms of seeking to secure economic development such as the current proposal within this part of the district.
- 7.12. However, as set out in paragraph 8 of the NPPF, sustainable development is more than just location. In order to be classed as sustainable, it is expected to meet three dimensions of sustainable development:
- An economic role,
  - A social role,
- and
- An environmental role.
- 7.13. The economic role is explored in the Economic and Employment Considerations section below.
- 7.14. In terms of the social role, although this proposal does not seek to provide health, social or cultural facilities, it would be support the wellbeing of the local community by providing locally accessible employment. The design aspects and accessibility are explored in greater detail in the 'Transport, Traffic and Highway Safety' and 'External Appearance and Visual Impact upon Landscape' sections of this report.
- 7.15. The environmental role is also explored in various later sections of this report.

#### Employment and Economic Considerations

- 7.16. This proposal would reuse previously developed (i.e. brownfield) land and provide significant employment. The application form indicates the proposal is intended to result in 40 full time employees and 10 part time employees.
- 7.17. As explained in the consultation section of this report, this proposal is supported by the Economic Development Team. They recognise the economic value of the development in terms of the additional employment opportunity for the area.

7.18. Sections 1 and 3 and the Core Principles of NPPF, and Policies SP5 (Employment Land), SP7 (Economic Development in Rural Areas), DM11 (Warehousing and Storage) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) seek to support and encourage economic growth, and job creation.

7.19. Paragraph 80 of the NPPF is also relevant. It states that

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

7.20. Technically this proposal is contrary to Policy SP7 (Economic Development in Rural Areas) because the proposed use is not related to agriculture or a similar rural enterprise. However, despite its countryside location, the application site is undoubtedly in a sustainable location and extremely well related to the Major Centre and a number of services and facilities and a residential area. It is accessed directly from A1214, rather than being along a country lane, meaning it has a closer relationship to the Major Centre than the wider rural countryside in terms of accessibility. The proposal would provide a significant number of jobs and re-use a brownfield site. Therefore, it is considered appropriate to permit an exception to Policy SP7 in this particular case.

7.21. This approach would accord with paragraphs 83 and 84 of the NPPF which state:

*"Supporting a prosperous rural economy*

*83. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

*84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

- 7.22. Although not adopted as a Planning Policy Document, the East Suffolk Economic Growth Plan, 2018-2023 is relevant to the consideration of this proposal. This document is aligned with the Norfolk and Suffolk Economic Strategy (published by the New Anglia LEP in October 2017) and the BEIS 'Industrial Strategy White Paper'. This document seeks to support and encourage growth in the local economy in a number of ways, including the providing scope for business to expand and provide additional jobs.
- 7.23. The current proposal would accord with this aim because it seeks to provide expansion for an existing Suffolk based business, which will enable it to expand and provide a greater number of jobs. This would be beneficial to the local economy.
- 7.24. Therefore, this proposal would result in additional job creation, benefit the local economy and accord with general Economic Policy. The principle should therefore be supported.
- 7.25. Policy SCLP4.2 (New Employment Development) was a policy which received objections during the pre-submission consultation and therefore can only be given very limited weight in the determination of this application. However, the general aims and objectives of this policy reflect those of the adopted Local Plan and the East Suffolk Economic Growth Plan. It seeks to allow for new employment development (use classes B1, B2 and B8) outside of existing employment areas and physical limits, but only where a need for additional employment development has been demonstrated or where there is no sequentially preferable location adjacent to existing employment areas or within settlement boundaries.
- 7.26. Given the nature of the proposed use, which utilises large construction related vehicles, and is related to the existing use of the adjacent land, and that the proposal would be on previously developed land, it is considered that there are unlikely to be sequentially preferable sites elsewhere within the area surrounding Ipswich, and given that the area east of Ipswich is proposed for significant housing growth it is logical to locate this construction related use within this part of the district.
- 7.27. Policy SCLP12.18 (Strategy for Communities surrounding Ipswich) of the emerging East Suffolk Council – Suffolk Coastal Local Plan, was also a policy which received objections during the pre-submission consultation and therefore can only be given very limited weight in the determination of this application. However, it also has similar aims and objectives as policies of the existing adopted Local Plan and the East Suffolk Economic Growth Plan, in that it seeks to maintain and support economic growth in this area.
- 7.28. Therefore, whilst this site is located outside a designated employment area, within the countryside, and not for a rural related employment use (e.g. agricultural, forestry etc) and as such contrary to adopted planning policy, it would accord with the Council's Economic Growth Plan and the general aims of the emerging planning policy in terms of supporting economic growth.

#### Transport, Highway Safety and Parking Provision

- 7.29. The site is located in a sustainable location, close to bus routes and bus stops. There are bus stops on the northern side of the A1214 to the east of the roundabout (450m from



the pit entrance) and on the southern side of the A1214 to the west of the roundabout. The site is therefore easily accessible via bus.

- 7.30. The site is also readily accessible by bicycle and on foot. There are traffic-free cycle paths on the southern side of the A1214, and within the Grange Farm development to the south. These paths connect up to the National Cycle Route, which runs westwards to Ipswich and eastwards to Martlesham. The section in Penzance Road is on-road, but the remainder of this route within Kesgrave is traffic free.
- 7.31. As explained in the site description section of this report there is a public footpath running along the access road to the site. This path connects with the pavement alongside the northern side of the A1214. There is a pedestrian crossing a short distance westward along the A1214, in front of Kesgrave High School. This crossing connects to the pavement on the southern side of the A1214, which in turn connects to the wider pedestrian road network within Kesgrave and the adjacent parishes.
- 7.32. The other end of this public footpath connects to other public rights of way, which lead to Hall Road, Playford Road and the wider Public Right of Way Network.
- 7.33. Therefore, the proposal is accessible to pedestrians, cyclists and those using public transport, which in turn makes it a sustainable location.
- 7.34. The proposal therefore accords with Policy SP11 (Accessibility) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013), which seeks to maximise the opportunities for local journeys to be made by means other than the private motor car. The proposal also accords with Section 4 (Sustainable Transport) of the NPPF, which seeks to support the use of sustainable modes of transport and encourage people to minimise journey lengths.
- 7.35. Policy DM20 (Travel Plans) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) states that proposals for new employment sites employing over 10 people or more should be accompanied by a 'green travel plan' and a condition or legal agreement will be imposed to ensure implementation of the travel plan.
- 7.36. However, in this instance the County Council, as Local Highway Authority has not recommended the creation of a travel plan, as a requirement to make the scheme acceptable. On that basis and the fact that the previously consented schemes on this and the adjacent sites have not included travel plans, and the close proximity of this site to public transport, footways and cycle paths which provide connectivity with the residential area to the south of Main Road and those further afield, it is considered that a travel plan cannot be reasonably be required in this instance.
- 7.37. The scheme looks to provide:
- 104 car parking spaces,
  - 10 spaces for light goods/public carrier vehicles,
  - 4 spaces for motorcycles,
  - 4 disability spaces,
- And

- 28 spaces for bicycles.

- 7.38. As set out in the consultation section of this report, the Local Highway Authority has raised no objections to the proposed parking provision, simply recommending conditions relating to the provision of these parking spaces, and the submission of details of secure cycle storage with their subsequent implementation. Therefore, subject to appropriately worded conditions, the proposed parking provision on this site is considered appropriate. The condition relating to cycle storage recommended by the Local Highway Authority is drafted as a pre-commencement condition, but in the view of planning officers, it is not necessary pre-commencement, but would be necessary pre-occupation. Therefore, the relevant condition listed in the recommendation at the end of this report has been amended to require submission and implementation pre-occupation.
- 7.39. Policy DM22 (Design: Function) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) requires new development to include:
- safe and convenient access for people with disabilities,
  - make adequate provision for access to public transport, cars, cycling, parking areas, access ways, footways,
  - include turning areas for emergency vehicles and the collection of waste,
  - take account of the need for crime prevention, by incorporating features such as natural surveillance, adequate lighting and visibility.
- 7.40. As set out above this site would have access to public transport, footpaths and cycle paths. It is also proposed to include sufficient parking and turning areas within the site, for both employees and customers arriving by private vehicle and these would also be suitable for emergency vehicles. In terms of natural surveillance, the buildings would have openings on multiple sides and the parking/turning areas surround them, providing surveillance. External lighting could be provided, but it would need to be appropriately designed in order to safeguard ecological considerations (see external lighting section of this report).
- 7.41. The proposal would meet these requirements and accords with Policy DM22. The site layout and parking provision has considered disabled access and includes the provision of disabled parking bays. The site is located in close proximity to public transport routes, the classified road network, cycle ways and footpaths. It would incorporate significant areas for parking and manoeuvring large vehicles, including emergency and waste collection vehicles. The buildings are proposed to be located in the middle of the site, meaning there would be good levels of natural surveillance within the site, although due to the existing bunding, trees and vegetation, natural surveillance from outside the site would be limited.

#### Potential for Noise and Disturbance

- 7.42. The key policy for considering the impacts of potential noise and disturbance is Policy DM23 (Residential Amenity) of the Suffolk Coastal Core Strategy. This policy seeks to safeguard the amenity of adjoining or future occupiers of the development.

- 7.43. There are no residential properties immediately abutting the redline of the application site, except for 230 Main Road, Kesgrave, which lies approximately 40m to the west of the access road. This property was sent a consultation letter, but to date no response has been received. However, irrespective of the lack of response the potential impacts upon the amenity to this property should still be appropriately considered.
- 7.44. The objections relating to noise and disturbance and impacts upon residential amenity have been received from residents of two properties fronting Playford Road. As explained previously the nearest residential property with a postal address of Playford Road is Pine Hills which more than 200m metres from the application site, and the nearest residential property with a postal address of Hall Road is Bealings Hoo, which is also more than 200 metres from the application site. Both of those properties were consulted by letter on this application and neither has responded. The area between both properties and the application site contains vegetation and bunded land.
- 7.45. Therefore, the potential noise and disturbance to the residents of dwelling to the north and east of the application site, is likely to be significantly less than it would be if the dwellings shared a direct boundary with the application site. Their concerns regarding the potential noise and disturbance from vehicle movements to, from and within the site and the associated reversing beepers are understandable because in many situations the volume and pitch of such noises can be heard over normal background noise.
- 7.46. A number of the Objectors, and Little Bealings Parish Council have stated that a noise assessment should be required before the determination of the application, and noise level limits should be set and regularly monitored. The Planning Application is valid without such a statement and the Head of Environmental Health has not requested a noise impact assessment prior to determination. Therefore, the Local Planning Authority cannot reasonably insist upon such an assessment prior to determining the application.
- 7.47. The previous proposal on the adjacent site to the east was also considered valid and subsequently approved without a noise assessment or any such conditions. There is no significant material change in circumstances between the proposed uses/applications which would justify insisting on a noise assessment for the current application.
- 7.48. It is also important to note that there is also already an industrial use in the eastern side of the pit, outside the current application site, which has an extant Planning Permission for on-going industrial processing activities in the open air, such as asphalt and concrete production. Therefore, existing noise levels would not be as low as normally expected within the 'countryside'.
- 7.49. The maintenance of vehicles should be conditioned to take place within the proposed building rather than in the open air. This will mean that the noise generated by such activities will be more contained and controlled than that which can be generated by the existing authorised industrial processes.
- 7.50. Due to the nature of the use of the workshop for vehicle repairs the proposed building is likely to require some means of mechanical ventilation to remove vehicle fumes from the enclosed space. A means of air conditioning within the office space may also be required in the warmer summer months. There are no details of such features within the application, and such plant/equipment can be potentially noisy, especially if left on

overnight. Although the nearest residential properties would be a significant distance from the proposed building, it may be beneficial to include a condition requiring the submission of details of any such equipment and hours of use, to minimise any potential future impacts.

- 7.51. Whilst acknowledging the concerns of some local residents, with appropriate conditions, any harm is not significant or demonstrate enough to withhold Planning Permission.
- 7.52. Therefore, provided the conditions referred to by the Head of Environmental Health and those relating to mechanical ventilation are included on any consent, the proposal would be acceptable in terms of residential amenity and accord with policy DM23 (Residential Amenity).
- 7.53. Appropriate conditions would include controlling the type of uses that can take place within and outside the buildings, and the hours of operation.
- 7.54. The proposed use would be similar in nature to that which operates on the site to the east (the Tru7group building and associated vehicular areas), in that it would relate to the hiring out of large vehicles and machinery (primarily related to the construction industry).
- 7.55. On the application form, the applicants requested opening hours of:
- Monday to Friday 05:30 until 19:00,
  - Saturdays 06:00 until 13:00,
  - No opening on Sundays and Bank holidays.
- 7.56. As set out earlier in this report, the initial response from Environmental Protection on this current application, included a recommendation for shorter terms of working hours for the proposed development of:
- Monday to Friday 07:00 until 18:00 hours
  - Saturdays 07:00 until 18:00 hours (midday)
  - Sundays & Bank Holidays none
- 7.57. Clarification was sought from Environmental Protection regarding the 18:00 (midday) reference on Saturdays. They responded explaining that 18:00 would be acceptable but they would prefer 13:00.
- 7.58. The unit to the east, which operates a very similar use to the current proposal (operated by the applicants, the tru7group) is also permitted to wider hours than those suggested by Environmental Protection, but shorter than those the applicant is seeking. It was permitted under DC/15/4908/FUL, which includes a condition that limits the hours to:
- Monday to Friday 07:00 and 19:30,
  - Saturdays between 07:00 and 13:00
  - No work shall be carried out on Sundays, or Bank Holidays

7.59. Here is a summary of the hours currently proposed and permitted:

	<b>Monday to Friday</b>	<b>Saturdays</b>	<b>Sundays and Bank Holidays</b>
<b>Requested by applicants on this application</b>	05:30 to 19:00	06:00 to 13:00	No working on Sundays and Bank holidays.
<b>Recommended by Environmental Health</b>	07:00 to 18:00	07:00 to 18:00 (preferring until 13:00)	No working on Sundays and Bank holidays.
<b>Granted previously on this site under DC/13/3408/FUL</b>	07:00 to 19:30 for outside working  05:30 to 19:30 for HGV movements (with a restriction on HGV numbers early morning, see below)	07:00 to 13:00 for outside working  06:00 to 13:00 for HGV movements (with a restriction on HGV numbers early morning, see below)	No working on Sundays and Bank holidays.
<b>Hours permitted on building to the east (under DC/15/4908/FUL)</b>	07:00 to 19:30	07:00 to 13:00	No opening on Sundays and Bank holidays.
<b>Hours for aggregate use granted by SCC on current application site DC/16/2365/CCC (SCC reference SCC\0086\16C)</b>	No restriction on working hours, but flood lighting hours limited to 07:00 to 18:00	No restriction on working hours, but flood lighting hours limited to 07:00 to 13:00	No lighting on Sundays, Bank Holidays or National Holidays

7.60. As set out in the Site Description section of this report, the currently proposed unit would be further from the nearest residential properties than the existing Tru7group operation. Therefore, the Local Planning Authority cannot reasonably seek to impose shorter working hours than the existing unit, as they cannot be justified on the grounds of safeguarding residential amenity.

7.61. The application does not include an appropriate noise assessment to justify or demonstrate that an earlier outside working time than 7am would not adversely affect residential amenity. Therefore, it is recommended the outside working hours are limited by condition to match those on the existing unit, so they would be:

Monday to Friday: 07:00 to 18:00  
 Saturdays 07:00 to 13:00  
 Sundays and Bank Holidays – No working

- 7.62. The previous consent for this site included a condition relating to HGV movements including hours (conditions 5 and 6 on DC/13/3408/FUL). These conditions stated:
5. *“No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 7:00am or between 6:00am to 7:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed in writing with the Local Planning Authority. Between 7am and the close of the HGV working hours set out condition 6, there is no restriction on the maximum number of HGV movements that can take place.  
Reason: In the interests of residential amenity. “*
  6. *“Heavy Good Vehicle (HGV) movements shall only take place between the hours of 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 5), unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of residential amenity”*
- 7.63. Since that decision there have been some key material changes, comprising of the granting of planning permission for and construction of the commercial site to the east, the use of the current application site for aggregate storage, changes to national planning policy in terms of revisions to the NPPF, and changes to local planning policy through the adoption of the site allocations document in 2017.
- 7.64. The commercial use to the east establishes the principle of a use of this nature, with the above outside working hours, and that unit is located closer to the residential units to the north, than currently proposed. The aggregate use has been operating on this site will large machinery, with its hours controlled through the hours of floodlighting rather a specific restriction on the hours of use. The changes to national and local planning policy do not alter the way in which noise and residential amenity are to be considered.
- 7.65. Given the limited material planning change since the 2013 consent, in the view of officers it is considered appropriate to include conditions restricting the timing of HGV movements, for the same hours as that consent. There is insufficient material planning justification to support a change in permitted hours from that previously granted.
- 7.66. It would also be reasonable for the Local Planning Authority to seek to control the use of plant and equipment in a similar manner to the existing Tru7group site.
- 7.67. The consent for that building included the following conditions limiting the use of plant and equipment:
21. *“Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.  
Reason: In the interests of residential amenity and protection of the local environment.”*

22. *"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. They shall be switched off at all other times including overnight, and on Sundays and Bank Holidays, when the site is not operational, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of residential amenity and protection of the local environment."*

- 7.68. Similar conditions were also included on the previous consent for the current site (DC/13/3408/FUL, conditions 26 and 27).
- 7.69. In the view of officers, it appears the intention of these conditions was to ensure that the potential noise from equipment could be controlled and that the air conditioning etc would not be left on all night. It would be appropriate to impose similar conditions on the current scheme in order to safeguard residential amenity and protect the local environment.
- 7.70. It is noted that objectors to the application have suggested that vehicles should be fitted with white noise sounds rather than conventional reversing beepers. It is accepted that this was a requirement on the consent for the aggregate storage consented by SCC on this site. However, it was not a requirement on the 2013 consent for the site, or a requirement on the 2015 for the adjacent site, which operates a similar use to the current proposal.
- 7.71. Given that the vehicles are to be hired from the application site to go elsewhere, where such restrictions will not generally exist, and that there is no such requirement on the adjacent site which is closer to the objectors in the residential units to the north, a condition of this nature would be unreasonable and therefore fail the condition tests defined in paragraph 55 of the NPPF.
- 7.72. It is accepted that there will be noise generated during the construction of the buildings and associated features. However, the site is a considerable distance from the nearest residential properties, the site has been used for aggregate storage, so involved tipping of large volumes of aggregate material which can be noisy, and in terms of time scale the construction period will be a relatively short period in terms of the lifetime of the development. There was also no requirement for a construction management plan on either the 2013 or 2015 consents. Therefore, in the view of officers it would not be appropriate to require the submission of a construction management plan relating to hours of works.
- 7.73. The potential for noise from the site to reach the residential properties to the north may also be reduced if the fence currently proposed under planning application SCC/0071/19SC is permitted and erected. However, limited weight can be given to that proposal at present, as the application is yet to be determined, and East Suffolk Council as the Local Planning Authority for this application is not the determining authority for the bund and fence works, so it cannot require that application to be determined prior to the determination of this application for the commercial buildings.

- 7.74. The current application has to be determined on the basis of the existing situation and scheme proposed. Subject to appropriate conditions such as those relating to the type of activities taking place and hours of operation, the scheme is acceptable in terms of potential impacts in terms of noise and disturbance.

#### External Appearance and Visual Impact upon Landscape

- 7.75. The application submission includes a Landscape and Visual Impact Assessment (LVIA), which identifies the application site has being well contained within the wider landscape. Officers agree with this assessment. The woodland to the south and the changes in ground level around the quarry including the existing bunding shield the site from views in the wider landscape.
- 7.76. The proposed finished ground and roof levels are proposed to approximately match the established Tru7 building at 20.65m and 28.95m above Ordnance Datum (AOD). The bund to the north is approximately 31-33m AOD.
- 7.77. Therefore, the highest parts of the buildings would be lower than the bund to the north, and thus not have a significant impact outside the former quarry site.
- 7.78. 'Saved' Local Plan Policy AP212 (Ipswich Fringe - open character of land between settlements) are relevant to the consideration of this proposal. It seeks to retain gaps between settlements, prevent coalescence and safeguard the character of the Area. Policy SP15 (Landscape and Townscape) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) and Section 15 of the NPPF are also relevant to the consideration of the proposal upon the wider landscape. They seek to ensure proposals are of good design, well related to their context and protect important landscape character areas.
- 7.79. The proposal would be visible from the public vantage points along the public footpath but due to the existing bunding to the north and northwest, and the trees to the south and south-east, the proposal would be well screened and have very limited visual impact upon the wider landscape, including that of the nearby Special Landscape Area . It would therefore accord with Policies AP212, SP15, SSP38 and Section 15 of the NPPF.
- 7.80. The existing Tru7Plant Building has the following external materials:
- trapezoidal profiled panel roofing in Goosewing Grey (RAL 080 70 05),
  - Jet black roof flashings, rainwater goods, external doors, windows and vehicle access doors (RAL 9005),
  - pedestrian/fire exit doors in Anthracite (RAL 7016),
  - Escape spiral staircase with a galvanised finish,
- and
- microrib profiled insulated walls with the office sections finished in Anthracite (RAL 7016), and the workshop sections finished in Goosewing Grey (RAL 080 70 05).
- 7.81. The new buildings are proposed to have:
- trapezoidal profiled panel roofing in Goosewing Grey (RAL 080 70 05),
  - Jet black roof flashings, rainwater goods, external doors, windows and vehicle access doors (RAL 9005),



- pedestrian/fire exit doors in Anthracite (RAL 7016),
- Escape spiral staircase with a galvanised finish,  
and
- microrib profiled insulated walls with the office sections finished in Anthracite (RAL 7016), and the workshop sections finished in Goosewing Grey (RAL 080 70 05).

- 7.82. Therefore, the proposed external materials on the new buildings would be identical to those on the existing building which lies to the east. The new buildings are also proposed to be similar in scale and form to the existing building. They would therefore be in character with the locality.
- 7.83. For the reasons outlined above, the scheme is considered acceptable in terms of external appearance and visual impact upon the landscape, and compliant with adopted planning policies SP15 (landscape and Townscape) and DM21: Design: Aesthetics.
- 7.84. As explained in the policies section of this report, the policies of the emerging Kesgrave Neighbourhood Plan can be given little weight in the determination of this application, as the document is yet to go through the referendum and examination stages, and therefore not close to adoption. This document also only relates to the area with the Kesgrave Parish Boundary, and therefore only the access road lies within the relevant area. However, the aims of those policies can be acknowledged and are explored below.
- 7.85. Emerging Neighbourhood Plan Policy KE3 (Maintaining Kesgrave's Identity) seeks to ensure that development would not compromise the appreciation of the key landscape that give Kesgrave its identity, increase coalescence with adjoining settlement or have a detrimental impact on the key views specified on Policy Map No 1. The views identified on that map do not include the current application site. As explained above this site is well contained and therefore it is considered that the proposed development would not compromise the appreciation of the key landscape that gives Kesgrave its identity or lead to coalescence with adjacent settlements.
- 7.86. Emerging Neighbourhood Plan Policy KE5 (Local Green Spaces) identifies areas designed as Local Green Spaces. These designations do not include the current site (including the access road).
- 7.87. The plans submitted with the application include an indication of how difference areas could be surfaced with permeable and impermeable surfaces, and where additional planting is proposed beyond the site boundary on land under the applicant's control. The additional planting plan indicates additional grass/ heathland scrub and woodland planting.
- 7.88. These appear to be visually acceptable in principle. However, their precise location, layout and materials/plants is likely to be dependent upon the design of the surface water drainage system. Within the 'Landscape Framework Plan' there is also limited detail on some aspects of the proposed landscaping including the hard surfacing. Therefore, in the interests of visual amenity it would be appropriate to condition the submission and implementation of a landscaping scheme.

### External Lighting

- 7.89. The application proposal includes vehicle parking areas and pedestrian routes which it is likely will be used after dusk, particularly during the winter months, when the sunsets before the end of a normal working day. Therefore, some means of external lighting going to be required for safety and security purposes.
- 7.90. Policies DM26 (Lighting) and DM23 (Residential Amenity) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) seek to minimise light pollution.
- 7.91. There are also potential implications for ecology (see section below). Therefore, the submission and implementation of an external lighting strategy is proposed to be secured by condition.

### Impact upon Trees

- 7.92. The area of trees to the east of the access road, known as 'Kesgrave Wood' are protected by Tree Preservation Order SCDC/50/00020. This is a Woodland Order and therefore protects/covers the woodland area from cutting down, topping, lopping and wilful damage.
- 7.93. A number of the trees within SCDC/50/00020 overhang the access road, but not the area within the pit, where the building and associate features are proposed. There are no works proposed to these trees, and HGVs already use the access road in connection with the other authorised uses within the pit, so there should be sufficient clearance beneath their canopies to allow for large vehicles during both the construction and operational phases of this development.

### Ecology Biodiversity and Geodiversity

- 7.94. The site is within 13km of European Designated Sites, including the Deben Special Protection Area. However, this scheme is not for residential development, and therefore it does not need to accord within the Recreation Avoidance Mitigation Strategy (RAMS).
- 7.95. To the south of the application site, the northern section of the wooded area and the area containing the lakes either side of the northern end of the access road is designated as Sinks Pit Site of Special Scientific Interest (SSSI). There is a gap between the northern boundary of the SSSI and the current application site, which is not proposed to be altered as part of this application, but is under the applicants ownership.
- 7.96. There is a bund and vegetated area to the north and north west of the application site, and the site on which Fork Rent was permitted, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 and is not proposed to be altered as part of the current application.

7.97. POLICY KE6: WILDLIFE CONSERVATION of the emerging Kesgrave Neighbourhood Plan, states:

*“Development proposals are required to contribute positively towards the biodiversity of Kesgrave by providing wildlife-friendly features as part of the design of new buildings and open spaces.”*

7.98. This reflects the aims of East Suffolk Council – Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policies SP14 and DM27, and section 15 of the NPPF, which seek to protect and enhance biodiversity, by ensuring that were development proposals could cause an adverse effect (alone or in combination with other proposals) to matters of ecological importance, prevention, mitigation and where appropriate mitigation measures will be required.

7.99. The Council’s Ecologist has advised that they are satisfied with the conclusions of the submitted ‘Preliminary Ecological Appraisal’, advising that the implementation of the recommendations of that report should be secured by condition, in particular the submission and implementation of an external lighting strategy (for both construction and operation), to prevent light spill outside the boundaries of the site. Appropriately worded conditions to cover these aspects are included within the recommendation.

7.100. As explained earlier in this report, Natural England have been consulted on the latest drainage strategy details. The concerns raised in their holding objection related to a requirement to ensure that the drainage scheme would not result in adverse impacts upon the SSSI. In the view of officers, it is potentially possible to overcome their holding objection, subject to the drainage scheme being appropriate, and appropriate conditions being included on any consent.

7.101. Therefore, subject to the requirements of Natural England being satisfied and subject to appropriate conditions, this scheme will accord with planning policy and be acceptable in terms of ecological considerations in relation ecological considerations on and within the immediate vicinity of the site.

#### Heritage

7.102. The NPPF and The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990, both require heritage assets to be considered in the determination of applications.

7.103. Due to the scale of development, the Local Archaeological Service were consulted on the application. As set out earlier in this report, they did not respond to the consultation. However, on previous applications within this area, they advised that as the site is a former sand and gravel extraction pit, it is considered likely that any archaeological deposits will have been damaged or destroyed by the previous quarrying operations.

7.104. The emerging Kesgrave Neighbourhood Plan has identified 'The Pump House', to the south-east of the application site, between the pond to the south and the access road, as a Non-Designated Heritage Asset, through emerging policy KE7 (Non-Designated Heritage Assets (NDHA)). This policy whilst of limited weight at present, refers to the requirements

within the NPPF in terms of the conservation and enhancement of such features including their setting.

7.105. The draft Neighbourhood Plan describes 'The Pump House' as:

*"This mural is painted on the wall of a pump house next to a fishing pond down Sinks Pit, a lane North from the A1214 in Kesgrave built by the Jolly family. During the war their home, Bracken Hall, was used as a recovery home for US Army Air Force airmen. Mr Jolly's great aunt, Mrs Lucy Rope, originally thought of the mural in memory of her husband, Squadron Leader Michael Rope, who was tragically killed in the R101 Airship Disaster in October 1930. She asked an American serviceman from the 356th Fighter Group at Martlesham, Sergeant Irving Smith, recovering from injuries, to paint St Francis – as an Apostle for peace. Smith was a keen Catholic and former Commercial artist from Washington. It was a far cry from the work that Irving usually did – painting roundels and sharks teeth on American aircraft.*

*Reason for listing:*

- *Artistic interest – Aesthetic value*
- *Historic interest – Association"*

7.106. 'The Pump House' is located adjacent to the access road which serves the former quarry site, including the existing Tru7group building, the Cemex Concrete Batching Plant and other uses to the east. There would be no direct physical impacts arising from the proposal directly on this NDHA. There would also be a significant separation distance between the new buildings and this structure, and the proposal would not be dissimilar to the existing uses on the wider site. Therefore, in the view of officers there would be no significant impact upon the NDHA or its setting.

7.107. The next nearest heritage asset is Kesgrave Hall, which is a Grade II Listed Building. It is located approximately 480m from the eastern boundary of the current application site. Views between the Listed Building and the current proposal would be prevented due to the woodland that exists between the edge of the former quarry and the western elevation of the Listed Building. This visual separation in combination with the existing nature of the application site, leads officers to conclude that there would be limited impact upon the setting of the Listed Building, and any potential impacts would either preserve or enhance the setting of the Listed Building. Therefore, the requirements of The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990 would be met.

#### Land Contamination, Drainage and potential pollution to the water environment.

7.108. Since the 1950's, the application site and the adjacent area within the pit and the area beyond have been used for various activities including gravel and sand extraction, waste disposal and the production of asphalt and concrete. Therefore, it appears there is the high potential for contaminants within the vicinity, and this is a material planning consideration in the determination of this application.

7.109. Contrary to some of the third-party comments, the application site is entirely within Flood Zone 1, and therefore not at risk from fluvial or tidal flooding. However, land

adjacent to the wider former mineral extraction site does lie within an area at risk of flooding (around the ponds to the south-east).

- 7.110. However, due to the scale of development (more than 1 hectare) a Flood Risk Assessment was required and submitted with the application. This assessment and the associated proposed drainage strategy aim to ensure that there is no increase in site run-off and that contaminants from the site do not enter the ground water or the adjacent SSSI.
- 7.111. There is a mixture of permeable and impermeable surfaces on the application site and surrounding land. Due to the nature of the physical development and the proposed use including a significant number of vehicles and their maintenance and the overall size of the site an appropriate surface water drainage strategy is required. This needs to include a scheme to manage flow rates and prevent pollutants from entering the wider environment, including the adjacent SSSI.
- 7.112. When the 2013 scheme was considered on this site, following consultation with the relevant statutory consultees (the Environment Agency and Natural England) it was considered appropriate to condition the submission of a surface water drainage scheme and its subsequent implementation. However, considerations relating to surface water flooding have altered since that application was determined. The statutory surface water flooding function has moved from the Environment Agency to the Local Flood Authority (part of Suffolk County Council). Therefore, as set out in the consultation section of this report, all three consultees have been consulted in relation to surface water flooding and contamination.
- 7.113. Whilst the Environment Agency raised no objections, recommending conditions in relation to drainage and contamination, Holding Objections were received from the Local Flood Authority and Natural England. Therefore, during the course of this current application discussion has taken place between the applicants engineer and the Local Flood Authority, with the submission of further details to the Local Planning Authority in relation to surface water drainage, with the aim of achieving a suitable drainage strategy.
- 7.114. The latest documentation relating to surface water drainage is currently out to consultation with the relevant statutory consultees (Natural England, Environment Agency and SCC as Local Flood Authority). Due to the revisions being undertaken following discussions, and the withdrawal of the objection from SCC as Flood Authority, it is expected that the latest version of the surface water strategy will overcome the holding objection from Natural England.
- 7.115. If/when the holding objection is withdrawn, the surface water drainage strategy will be acceptable, subject to appropriate conditions relating to implementation of the strategy.

#### Environmental Impact Assessment (EIA)

- 7.116. Prior to the submission of this planning application, a EIA Scoping Assessment was sought by the applicants from the Local Planning Authority (DC/19/1289/EIA). The scoping assessment provided by the Local Planning Authority advised that the development did not require an Environmental Impact Assessment.

- 7.117. As part of the current planning application, the scheme has been reassessed under the EIA Regulations. It was concluded that this proposal does not constitute EIA development, and therefore an Environmental Impact Assessment is not required.

#### Community Infrastructure Levy (CIL)

- 7.118. The proposal is not for residential development or A1: convenience retail. Therefore, it is not CIL Liable.

#### Planning Balance

- 7.119. The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material planning considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- 7.120. Due to the location of this site within the countryside, the principle of this non-countryside related employment use is contrary to Local Plan Policies SP7 (Economic Development in the Rural Areas) and SP29 (Countryside), and thus contrary to the Development Plan. However, there are material planning considerations which indicate that an exception to the Development Plan should be made in this instance.
- 7.121. This proposal would use previously developed land, in a location that is physically well related to existing settlements, which is advocated by the NPPF (paragraph 84). It would be accessible via public transport, cycle and pedestrian links.
- 7.122. It would also enable the expansion of an existing group of businesses providing employment close to Kesgrave, which is defined as part of a Major Centre, within the Settlement Hierarchy, thus providing employment close to an existing significant area of homes, and wider economic benefits.
- 7.123. It would have limited visual impact upon the surrounding countryside and landscape, due to the changes in ground level surrounding the site to the east, north and west, and the location of a significant area of trees to the south.
- 7.124. The potential harm to residential amenity can also be prevented, through the control of appropriate conditions relating to the use, hours of operation and ventilation equipment.
- 7.125. External lighting to safeguard amenity and ecology can be controlled by condition.
- 7.126. Subject to appropriate conditions, the ecological harm would be appropriately mitigated, with some enhancement.
- 7.127. There would be no significant adverse harm upon matters of heritage.
- 7.128. Provided the surface water management and related land contamination issues are resolved, the remain potential harm arising from this development would be that to the application of planning policy in the future.

7.129. The adverse impacts of permitting this scheme would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Therefore this scheme should be approved subject the resolution of the surface water issues and the imposition of appropriate controlling conditions.

7.130. There are a limited number of pre-commencement conditions. Appropriate notice has been given to the agent in accordance with the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Any response to this notice will be provided on the update sheet.

## **8. Conclusion**

8.1. As explored in the Planning Considerations section, this proposal meets all the relevant material and planning policy considerations, with the exception of Policies SP7 and SP29, due its location within the countryside.

8.2. This proposal would be a sustainable form of development, on a brownfield site, well related to a 'Major Centre', public transport, cycle routes and pedestrian paths.

8.3. It would also provide additional employment within the locality, and subject to a suitable drainage strategy and suitable controlling conditions, the proposal would be acceptable in terms of its potential impacts upon the local ecological and hydrological environment and residential amenity.

8.4. The benefits are not outweighed by the harm. Therefore, authority for approval is sought, subject to the consideration of the withdrawal of the objection from Natural England, the consideration of any additional material planning considerations raised by Natural England, Suffolk County Council as the Local Flood Authority and the Environment Agency and the inclusion of appropriate conditions.

## **9. Recommendation**

- 9.1. Delegate to the Head of Planning Services, with Authority to Approve subject to:
- the withdrawal of the holding objection from Natural England,
  - the consideration of any additional material planning considerations raised by Natural England, Suffolk County Council as the Local Flood Authority and the Environment Agency and
  - the inclusion of the following conditions on the planning permission:

### **Conditions:**

#### Time limit

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

### Plans/drawings

2. The development hereby permitted shall not be carried out other than in complete accordance with:

Documents received 3 July 2019:

- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan – Project no 4780
- Transport Statement – Project no 49809
- Preliminary Ecological Appraisal
- Planning Statement Ref: 4578-PS1 Rev P1
- Phase One Desk Study Report & Data Review – Project no 49809
- Materials Schedule Ref: 4578-PS1 Rev P1
- Landscape & Visual Assessment for Proposed Commercial Development
- Existing & Proposed Site Plan – Drawing No 7480-D-AIA,
- Block Plan – Drawing No 4578-PL1 Rev P3
- Unit 1 Floor Plans – Drawing No 4578-PL2 Rev P2
- Unit 2 Floor Plans – Drawing No 4578-PL3 Rev P2
- Unit 1 Elevations – Drawing No 4578-PL4 Rev P2
- Unit 2 Elevations – Drawing No 4578-PL5 Rev P2
- Typical Coloured Elevations – Drawing No 4578-PL6 Rev P2
- Unit 1 Roof Plan – Drawing No 4578-PL7 Rev P2
- Unit 2 Roof Plan – Drawing No 4578-PL8 Rev P2
- Design and Access Statement

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

***Note – the above condition will need to be amended to also refer to the approved drainage documents (dependant upon the drainage conditions and consultation responses, see section relating to surface water drainage conditions below.***

### External Materials

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

### Use

4. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply and hire or plant and equipment, heavy machinery, diggers and vans etc as a single planning unit and for no other purpose (including any other purposes in Class B1 (Offices), B2 (General Industry) or B8 (Warehousing and Distribution)



of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended), or any order revoking or re-enacting the said Order.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

5. All machinery and vehicle repairs shall only take place within the hereby approved building(s). There shall be no outside working relating to vehicle and machinery repairs, apart from the washing of vehicles.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

***Note - If specific washing down areas are required as part of the drainage conditions, the wording of this condition is to be amended to include an exception for vehicle washing in designated areas, in accordance with condition XX, (Number to be inserted once drainage conditions drafted).***

#### Working Hours & Plant/equipment

6. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed by the local planning authority.

Reason: In the interests of amenity and the protection of the local environment.

7. No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 7:00am or between 6:00am to 7:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 7am and the close of the HGV working hours set out condition 6, there is no restriction on the maximum number of HGV movements that can take place.

Reason: In the interests of residential amenity.

8. Heavy Good Vehicle (HGV) movements shall only take place between the hours of 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 5), unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity

9. Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.

Reason: In the interests of residential amenity and protection of the local environment.

10. Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. They

shall be switched off at all other times including overnight, and on Sundays and Bank Holidays, when the site is not operational, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity and protection of the local environment.

#### Highways related conditions

11. The use shall not commence until the area(s) within the site on Drawing Number 4578-PL1 Rev P3 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that there are adequate parking facilities to serve the development. To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

12. Prior to either of the hereby approved buildings being first occupied, full and precise details of the areas/structures to be provided for secure covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in its entirety before either of the hereby approved buildings are brought into use. The secure cycle storage shall be retained thereafter and used for no other purpose.

Reason: To enable employees and visitors to have access to safe and secure storage for cycles in the interest of assisting in the use of this sustainable form of transport.

#### Landscaping

13. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

14. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

#### Ecology

15. The mitigation measures outlined in the hereby approved "Preliminary Ecological Appraisal (Applied Ecology, June 2019)" shall be implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

#### External lighting

16. Prior to the commencement of development details of an external lighting scheme for the construction phase (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels, and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed, apart from that agreed under condition 17.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

17. Prior to the use commencing, details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

#### Surface water drainage

***In addition to the conditions listed above, appropriate conditions are to be included in relation to the provision and implementation of a suitable surface water strategy. The precise wording of these conditions is to be determined once additional comments are received from Natural England and the Environment Agency as there is expected to be some cross over with those recommended by Suffolk County Council at Local Flood Authority.***

#### **Informatives:**

1. 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.
2. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before

development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

3. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
4. The applicant is advised that a public right of way crosses the application site or adjoins the application site (Footpaths 2 and 14) and nothing in this permission shall authorise the stopping up, diversion or obstruction of that right of way. The applicants should apply to Suffolk Coastal District Council if they want the public right of way to be diverted or stopped up. It is an offence under the Highways Act 1980 to obstruct the route or damage/alter the surface of the right of way without the prior written consent of the Highway Authority, either during the construction of the development or beyond. If any development work conflicts with the safe passage of pedestrians or other users of the right of way, the applicants will need to apply to the Highway Authority for a temporary closure of the right of way. In that event you are advised to contact the East Area Rights of Way Officer, Environment & Transport, County Buildings, Street Farm Road, Saxmundham, Suffolk, IP17 1AL. Tel: 01728 403079
5. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

6. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
7. The trees adjacent to and overhanging the access road are protected by Tree Preservation Order ESCC No 20 (1950). It is an offence to undertake works to the trees without prior written consent from the Local Planning Authority. Consent is required prior to the trees

being lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed, damaged or removed.

8. It is recommended that the operators of the site, seek to direct all drivers eastwards from the site along the A1214 to join the main road network, and only direct west along the A1214 if they are travelling to sites in East Ipswich, Kesgrave or Rushmere St Andrew.
9. It is requested that the operators of the site encourage staff to car share, use public transport, cycling and walking to get to the site, wherever possible in order to improve the sustainability of the site and its impact upon greenhouse gas production.
10. The applicant's attention is drawn to the comments in Fire and Rescue Service Letter regarding Fire Hydrant Provision, sprinkler systems, hardstanding for appliances, and requirements of building Regulations, and these features are incorporated where possible.
11. The applicant is advised that the application site lies in close proximity to the Sinks Pit Site of Special Scientific Interest (SSSI). Care should be taken during construction to ensure that machinery and materials do not enter that area.
12. The applicant is advised that fascia advertisements fixed to the building and any other advertisements on and/or around the premises may require advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) (as amended). Informal guidance on the possible need for consent can be sought via the 'Interactive Terrace' at [https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission](https://www.planningportal.co.uk/info/200125/do_you_need_permission) or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via <http://www.eastsuffolk.gov.uk/planning/planning-applications/pre-application-planning-advice/>
13. The applicant is advised that the bunding and vegetation which lie to the north and northwest of the application were required as part of the restoration works on a previous planning permission relating to Sinks Pit and were controlled by conditions on that consent (C97/1501). These areas lie beyond the boundaries of the current application site and therefore this consent does not authorise any works to those areas.
14. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
15. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
16. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

### **Background information**

See current application reference DC/19/2666/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PU2MVFQXL2L00>

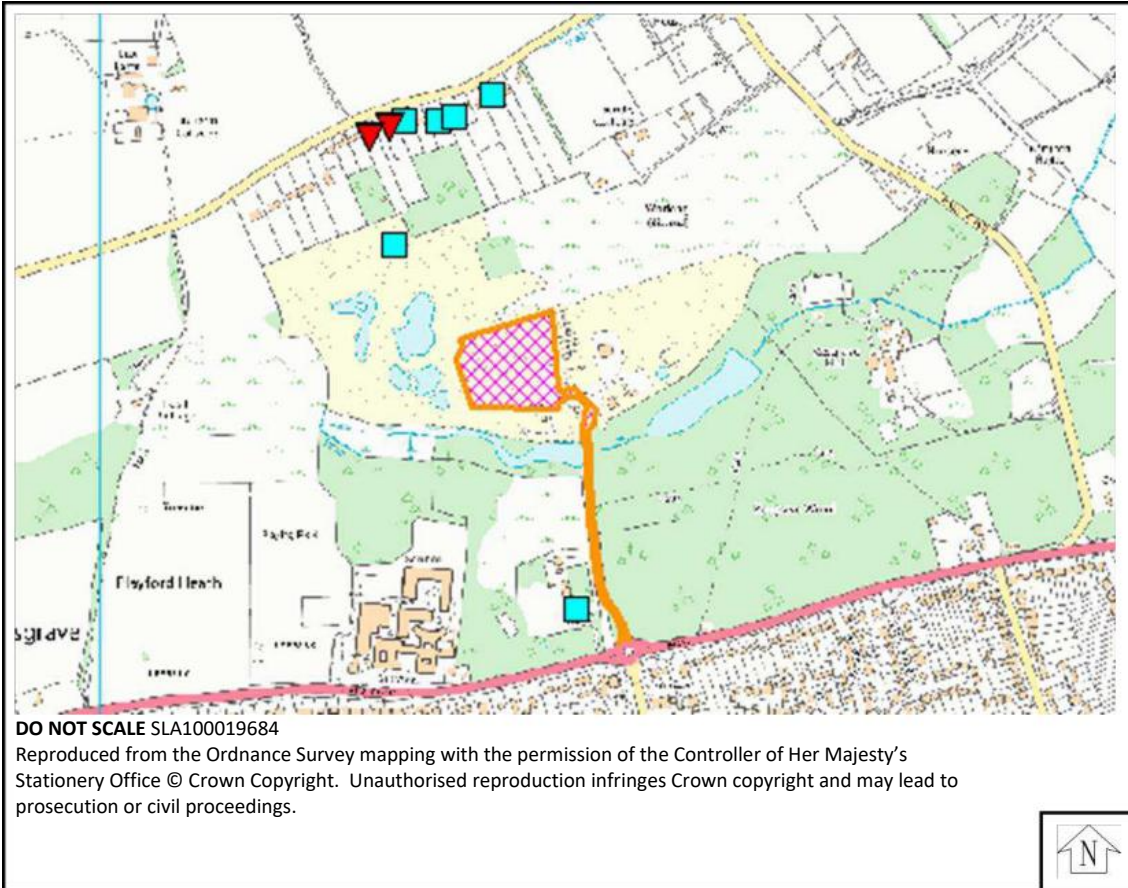
See previous application reference DC/13/3408/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MWB0ZCQX06000>





See previous application reference DC/15/4908/FUL at

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NYVKP1QXG7500>

# Map



## Key

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