



Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/1471/VOC

Location

Sinks Gravel Pit
Main Road
Kesgrave
IP5 2PE

Expiry date 23 June 2021
Application type Variation of Conditions
Applicant Nicholls Ltd T/A Tippers R Us

Parish Little Bealings

Proposal Variation of Conditions 4 and 22 of DC/15/4908/FUL- Erection of new headquarters building for vehicle hire operator comprising workshop, offices, associated parking, drainage infrastructure and landscaping to allow for the hire, storage, workshop and sales of vehicles and machinery (revised scheme to DC/15/2107/FUL and DC/14/4251/FUL) - Variation to operating hours.

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1. Summary

- 1.1. This application is the third of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on this Planning Committee Agenda for determination.
- 1.2. This application relates to the existing Headquarters Building and associate land, which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry, also known as Sinks Pit. The plant hire building and associated land was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.
- 1.3. This variation of condition application seeks to vary conditions 4 and 22 of Planning Permission DC/15/4908/FUL, which are:

- Condition 4 relates to the permitted working hours, which are limited to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays
- Condition 22 relates to the permitted hours of operation of air conditioning and similar plant, which are limited to 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays,

1.4. The conditions are proposed to be altered to:

- Condition 4 relates to the permitted working hours, which are proposed to be 6am and 7:30pm Monday to Saturday,
- Condition 22 relates to the permitted hours of operation of air conditioning and similar plant, which are proposed to be 6am to 7:30pm Monday to Saturday.

1.5. The proposed variations outlined above would align with the hours sought through the other current variation of condition applications for the other areas of the wider site.

1.6. The site itself is within the parish of Little Bealings and the access is via an access driveway from Main Road, Kesgrave. At the time of drafting this report neither Little Bealings Parish Council or Kesgrave Town Council had commented on the application. However, they have both commented on the two other variation of condition applications on this committee agenda. Little Bealings Parish Council object to both DC/21/1010/VOC and DC/1079/VOC, and Kesgrave Town Council support both applications.

1.7. The Local Ward member (Cllr Hedgely) has commented on this application raising concerns regarding the impacts upon the health and wellbeing of his constituents and advising he intends to speak at the meeting. His comments are included in full within the report below.

1.8. The consultation process on this application ran from 29 March 2021 and will extend until 26 April 2021, expiring the day prior to the Planning Committee on 27 April 2021. Any additional comments received after this report was drafted will be included on the Committee update sheet.

Reason for Planning Committee

1.9. The application has been referred to Planning Committee by the Head of Planning Services due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in this application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC

Recommendation

1.10. The application is recommended for Authority to Approve subject to no additional material planning considerations being raised during the consultation period, and subject to appropriate conditions.

2. Site description

2.1. This application relates to the existing Headquarters Building and associate land, which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry, also known as Sinks Pit. The plant hire building and associated land was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.

- 2.2. This site was formerly a minerals extraction quarry, which appears to have commenced following the granting of Planning Permission for "Use of land for the extraction and working of sand and ballast (South of Laundry Cottage)" in 1951 (case reference E1660).
- 2.3. Over the following decades various applications were submitted and planning permissions were granted for various mineral extraction, waste deposits, concrete and tarmac production, and associated activities including:
- Asphalt plants/production in 1958, 1963, 1968, 1970, 1974, 1977, 1982, 1987, 1992 and 1997 (references E1660/7, E1660/7a, , E1660/7c, E1660/7d, C141, C141/1, C141/2, C141, C/92/0996 and C/97/1501),
 - concrete plants/production in 1966, 1986 , 1986, 1992 and 1997 (E1660/10, C1400/11, C/89/1949, C/92/1237 and C/97/1501),
 - a vehicular workshop in 1966 (E1660/11) with an extension in 1972 (E1660/17),
 - tipping of domestic and trade refuse, and associated works in 1969, 1970, 1975, 1978, 1985, 1986, 1988, 1991 (E1660/12, E1660/15, C1400, C1400/3, C1400/7, C1400/13, C88/0015 and C/91/1578),
- and
- extensions to the mineral workings in 1955, 1960, 1961, 1963, 1970, 1971, 1975, 1976, 1978, 1979, 1981, 1986, 1987, 1988, and 1997 (references E1660/2, E1660/3, E1660/8A, E1660/8B, E1660/9, E1660/13, E1660/13A, C1400/1, C1400/2, C1400/4, C1400/5, C1400/6, C1400/8, C1400/10, C1400/12, C1400/13, C/88/1549 and C/97/1501.
- 2.4. In addition to the above there are various applications to Suffolk County Council (SCC) as the Local Minerals and Waste Planning Authority from 1992 onwards for a variety of proposals relating to minerals extraction, the manufacture of ready mixed concrete and asphalt, and the deposition of waste material. Unfortunately, SCC as determining authority hold the decision notices and copies of the decisions are not all currently available to East Suffolk Council (ESC). Therefore, ESC is currently unable to confirm if planning permission was granted or refused for many of those application proposals, so they are not included in the list above. However, these consents do not have a direct bearing on the current variation of condition application, this application relates to a Planning Permission granted by ESC, not SCC, and the consents granted by SCC predominantly relate to areas of land beyond the current application site boundary.
- 2.5. In 2014, Planning Permission was granted towards the western end of the quarry/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."* (reference DC/13/3408/FUL).

- 2.6. That consent was never implemented and has since expired, but included conditions permitting hours akin to those currently proposed on weekdays (limited HGV movements 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with outside working hours and hours of use of ventilation equipment between 7:00am and 7:30pm Monday to Friday, and between the hours of 7:00am and 1:00pm on Saturdays. The Head of Environmental Services and Port Health did not object to that application. Accordingly, ESC considered that those hours of operation were acceptable in this location.
- 2.7. Vehicular access to the site is via an access road, which provides vehicular access on to the A1214 at a roundabout. The 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.
- 2.8. 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 former gravel extraction pit. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. Therefore all three Parish Councils have been consulted on this application.
- 2.9. 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.
- 2.10. 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).
- 2.11. 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).
- 2.12. The nearest residential dwelling to the access drive 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.
- 2.13. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 184m from the outside wall of the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 2.14. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.15. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.

- 2.16. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.17. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by SCC as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.18. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc granted have been requested from SCC as the Local Minerals and Waste Planning Authority. These are still awaited.
- 2.19. 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).
- 2.20. 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. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 184m from the outside wall of the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 2.21. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.22. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.
- 2.23. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.24. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by Suffolk County Council as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.25. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc

granted have been requested from Suffolk County Council as the Local Minerals and Waste Planning Authority. These are still awaited.

- 2.26. However, the enforcement investigation process in relation to the other uses/structures on the wider site and the determine of the current variation of condition applications are not dependent upon on another. Therefore, the three current applications are bought before Planning Committee for determination.

3. Proposal

- 3.1. This variation of condition application seeks to vary conditions 4 and 22 of Planning Permission DC/15/4908/FUL, which granted planning permission for the existing building and associated parking and turning areas for large vehicle and plant hire business.

- 3.2. Condition 4 relates to the permitted working hours. It currently states:

"The working hours in connection with the use/building[s] 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 in writing by the local planning authority.

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

- 3.3. Condition 4 is proposed to be altered to read:

"The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; 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."

- 3.4. Condition 22 relates to the hours of use of ventilation, air conditioning and similar equipment. It current states:

"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."

- 3.5. Condition 22 is proposed to be altered to read:

"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6am to 7:30pm Monday to Saturday. 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."

- 3.6. There are also two other Variation of Condition application currently under consideration and on this Planning Committee Agenda. They seek to vary the permitted hours on the wider site to align with those sought through the application which is the subject of this report.
- 3.7. Variation of Condition application DC/21/1079/VOC seeks to increase the hours set in conditions 6, 7, 8 & 10 of DC/19/2666/FUL, so that they line up with those currently proposed on this variation of condition application (6am - 7:30pm Monday to Saturday) with restrictions on the number of HGVs between (5:30am and 6:00am or between 5:30am to 6:00 am on Saturdays).
- 3.8. Variation of Condition application DC/21/1010/VOC seeks to increase the main working hours to 6am - 7:30pm Monday to Saturday, and to add an additional condition to allow for the limited HGV movements referred to in condition 8 of DC/21/1079/VOC, to also take place in this area of the site during the hours currently proposed through this variation of condition application.
- 3.9. The proposed variations outlined above align with one another so the hours sought through all three of the current variation of condition applications, if permitted would result in the same working hours and hours relating to ventilation and similar plant, across the wider site.

4. Consultations/comments

- 4.1. The consultation process on this application ran from commenced on 29 March 2021, and will expire at midnight on 26 April 2021.
- 4.2. At the time of drafting this report, there had been 23 letters of Objection (from 16 different properties, plus 4 representations without postal addresses) to this application from residents to the north of the site, raising the following material planning considerations:
 - Noise and Disturbance:
 - Increased hours will add to the existing problems of noise pollution and disturbance to local residents.
 - The noise and rumblings of the lorries during increased hours will create increased nuisance, to residents using their gardens.
 - The increased hours in the mornings to 5:30am for HGV movements, and site operation from 6am will be 'night time' hours and detrimental to the sleep quality, health and quality of live of those who live nearby.
 - The increased hours would allow vehicles to be hired from 6am with additional noise from the arrival of cars and trucks of drivers who wish to hire vehicles and the associate car banging etc, which will be out of the control of Tru7 or the council and the neighbours would have to put up with it.
 - A loud machinery crash is typically followed by further repeated crashes. There also appears to be no to attempt to reduce the impact on the

community of the reversing beeps, which can be heard more than a mile away.

- Noise can be heard in the village of Little Bealings, as since working from home residents have become aware of the noise that generates across the Finn valley from Sinks Pit when lorries empty their contents and reversing beeps.
 - Saturday afternoons and evenings are currently a release from the annoyance.
- Dust Pollution:
 - Increased hours will add to the existing problems of dust pollution to local residents.
 - The dust is already a problem, meaning windows can not be opened and children walking to school breathing the dust in.
 - Light pollution:
 - Light pollution has increase since the presence of the business.
 - Traffic on Main Road
 - The situation has not improved with the volume of traffic and the increased size of the trucks now being used. It's bad enough with the trucks flying up and down Main Road let alone more of them and longer hours.
 - There would be increasing amount of pollution, dirt and noise on Main Road due to the increased traffic
 - Other/general:
 - The present hours of operation of all of the operations in this Industrial Site cause considerable noise, dust and light pollution.
 - The increase in the hours will lead to an increase in noise, vibration, dust and exhaust fumes, which would have a detrimental environmental impact and road safety.
 - The noise and light from the site can be very disruptive and does compromise Human Rights Act, Article 8: Respect for your private and family life.
 - Believe the use is inappropriate for this residential environment, and rural area/countryside. Such activities should be undertaken away from residential areas.
 - The extension of hours should not be permitted whilst there are ongoing enforcement investigations by Environment Agency, Suffolk County Council and East Suffolk Council into noise, pollution and out of hours working at Sinks Pit. The extension to the hours would add to the problem rather than mitigate it. Lack of effort to mitigate the impact of noise on the community amounts to anti-social behaviour of an insidious kind and an extension to such activities should be not considered until effective noise mitigating measures have been seen to be made.
 - The additional traffic on the A1214 at very early hours should be of concern to those using, living or working along that road, with increased horn usage of drivers to one another and higher than restricted speed of 30mph.

- Concerned that the new conditions will not be enforceable due to activities taking place beyond the currently permitted hours including during the Easter Bank Holiday weekend.
- Noise, dust and light pollution reports are under investigation and no extension should be considered until effective action has been taken to eradicate these.

4.3. A number of the objections received also raised matters which are not material planning considerations, and therefore can not be considered in the determination of this application. The matters which are not material planning considerations to this application include:

- Personal health issues/conditions of residents.
- Believe the constant applications and changes are gears to completely run-down and sap the energy of residents in the vain hope that they who have enjoyed relative peace for years will simply sit back and let TRU ever expand their horizons.
- The number of complaints against the activities of the applicant across the Sinks Pit site over the past five years.
- The existing state of the road surface on Main Road, near the Ropes Drive East roundabout. Drainage on the A1214 from the roundabout to Hall Lane is not fit for purpose. When it rains the road is flooded.
- Concerns that the proposed conditions will be breached in the future i.e. other machinery and equipment will be used as well as lorry movements during the earlier hours.

4.4. The objections also raise comments regarding other activities on the wider site, which do not fall under the scope of the current applications:

- Consider that little has been done to ameliorate the problem by altering current working practices, e.g. placing an enclosure over the aggregate crushing activity to limit noise and dust.
- Still awaiting a decision for an acoustic bund to limit noise.

4.5. The crushing/recycling activities and the acoustic bund/fencing are not part of the current applications. They are location on areas of the wider Sinks Pit/Kesgrave Quarry site, outside the current application site boundaries.

4.6. There is a current application with Suffolk County Council for "Erection of a noise attenuation fence with associated recontouring along northern boundary bund." (SCC reference SCC/0071/19SC). East Suffolk Council were consulted on this proposal. We responded 14 November 2019, raising no objections but recommending native planting on the bund adjacent to the acoustic fence. (logged as our reference DC/19/4371/CCC).

4.7. The full text of the representations can be viewed online via the public access system.

4.8. Some of the representations suggested other residents should have been consulted via letter. The consultation process on this application exceeded the requirements of our Statement of Community Involvement, which itself goes beyond the requirements of the Town and Country Planning General Development Procedure Order. A site notice was posted, and the application was advertised in the press. Letters were sent to local

residents who are close to the site and/or who commented on the previous application relating to this part of the site, rather than just those who physically share a boundary with the site. Officers are therefore confident that the level of public consultation is appropriate in this instance.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Playford Parish Council (neighbouring parish)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Foxhall Parish Council (commented on a previous application)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Natural England	29 March 2021	6 April 2021
Summary of comments: Has no comment to make on the variation of condition 4 and 22		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 March 2021	No response
Summary of comments:		

No comments received when report was drafted

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	29 March 2021	29 March 2021
Summary of comments: Have no comments to make		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Ipswich Borough Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 March 2021	No response
Summary of comments: Internal Planning Services consultee		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	29 March 2021	30 March 2021
<p>Summary of comments:</p> <p>Advise that they have received a number of complaints about noise, dust and light nuisance from the operations at Sinks Pit.</p> <p>Investigations are ongoing with SCC and the EA into the various sources of noise across the wider site, to determine whether these allegations constitute a statutory nuisance.</p> <p>Due to COVID-19, they have not been entering properties to assess noise nuisance, so they cannot say with certainty if the noise is audible inside properties/to what level, but they would expect it to be.</p> <p>Much of the noise is associated with operations at the east of the site and therefore outside the scope of these applications, but there is noise from the middle and west of the site including reversing alarms, loud bangs, metal on metal noise from loading machinery on to vehicles, other alarm noise, tracked vehicle noise etc, which are audible outside the yard and at residential properties in the vicinity.</p> <p>Under noise control British Standards, the current hours are 'daytime', those proposed i.e. 6-7am would be 'night time'. Background levels are likely to be lower 6-7am than from 7am onwards which may adversely affect the judgement of statutory nuisance. To be a nuisance in law, a noise has to unreasonably and significantly interfere with the use and enjoyment of property.</p> <p>The current hours give residents respite from the noise during closed times. Consider the noise at Sinks Pit to be similar to construction so recommend the same hours (7.30-18.00 Monday to Friday; and 8.00-13.00 on Saturdays). In their view activities have taken place outside permitted hours and therefore consider extended hours would be difficult to enforce.</p> <p>Consider that the use of the office block for the extended hours is unlikely to cause nuisance.</p>		

Quote policy SCLP4.3.

Recommend refusal until their investigations into potential statutory nuisance have been completed.

Consultee	Date consulted	Date reply received
Ward Councillor (Cllr Hedgley)	N/A	8 April 2021

*"I am aware that the Sinks Pit Applications will come before the full committee in due course and I shall have the opportunity to speak then.
However in the mean time I would like it recorded that my overriding concern is for the health and wellbeing of my constituents in Playford Road and Laundry Lane, plus others, though fewer, further afield.
The noise and dust pollution has been recorded and well established and it is beholden on the person or persons causing any pollution to justify any non-compliance and it is not their right to increase such activities although it is their right to ask if they can. It is for the responsible agencies to enforce the law and I will be calling for them to do so at the full Planning Committee meeting when it takes place. It is not my argument to prevent anyone from carrying out their lawful business. The chance of continuing and indeed increasing employment does not give anyone the right to bypass the basic laws of health and care towards others. Surely the lessons of the past in other parts of the world, albeit of a greater magnitude, have taught us something. "*

Publicity

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

Category	Published	Expiry	Publication
Major Application	1 April 2021	22 April 2021	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Major Application
In the Vicinity of
Public Right of Way
Date posted: 1 April 2021
Expiry date: 26 April 2021

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

- 5.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP4.3 - Expansion and Intensification of Employment Sites

SCLP11.2 - Residential Amenity

6. Planning considerations

Principle

- 6.1. The principle of the use of this land and building for a plant hire business and associated activities has already been established through the granting of Planning Permission DC/15/4908/FUL, which has been implemented and is operational on site.
- 6.2. Therefore, the determination of this application cannot reconsider the principle of the use and activities permitted on this part of the Sinks Pit/ Kesgrave Quarry site. The only matters which can be considered are the material planning considerations arising from the proposed restriction on early morning HGV movements and the proposed additional operating hours.
- 6.3. The application proposes to add an additional restriction to the existing planning permission in the form of a restriction on the number of early morning HGV movements to be no more than 12 between the hours of 5:30am and 6am Monday to Saturday.
- 6.4. The application also proposes to extend the overall operational hours and the use of the ventilation and similar equipment from
- 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays,
- to
- 6am - 7:30pm Monday to Saturday.
- 6.5. Both the existing and proposed conditions require no activities to take place outside these hours and/or on Sundays and Bank Holidays.

Residential Amenity and relationship with Environmental Protection Legislation

- 6.6. This application does not relate to any other part of the wider Sinks Pit site or any other activities taking place in those areas. Therefore, if permitted the extended hours on this application would only relate to the building and site granted under DC/15/4908/VOC This variation of condition application would not alter the permitted use or hours of any of the other activities taking place on the wider site.
- 6.7. This is the third of three current variation of condition applications scheduled for determination at this planning committee meeting (DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1407/VOC). The three applications seek to vary the hours of activity in relation to the existing plant hire business, its extended parking/turning area and the yet to be constructed additional buildings for plant hire towards the western end of the pit.

- 6.8. The hours are proposed to be varied across the three applications, to align the existing planning permissions with one another, so all of the areas within the pit used for/in association with a plant hire business use would be permitted for the same activities during the same hours.
- 6.9. The buildings permitted at the western end of the pit, have already been granted planning permission to operate HGV movements from 5:30am Monday to Friday, and from 6am on Saturdays, where as the building and areas of land permitted for parking and turning, which are the subject of this current application are currently only permitted to operate HGVs from 7am Monday - Saturday. The Head of Environmental Services and Port Health did not object to that application.
- 6.10. If a revised application came forward, it would be unreasonable for the Local Planning Authority to restrict the hours to less than those already granted, as they have been deemed appropriate, and the adoption of the Local Plan in September 2020, did not materially alter the policy approach or local circumstances affecting such proposals on this site. This application seeks to tie up the hours across the areas of the site controlled by East Suffolk Council as the Local Planning Authority.
- 6.11. Given that the nature of the use of the building and land as parking/turning areas associated with a plant hire business, which is the subject of this variation of condition application is the same as the activities permitted at the western end of the site with the earlier start time for limited HGV movements of 5:30am Monday to Friday, and that the current application areas are no closer to residential properties than the area already permitted with these hours, the principle of these additional hours for limited HGV movements Monday to Friday could not be reasonably resisted.
- 6.12. There are a number of other potentially noisy activities taking place across the wider sinks pit site including the concrete batching plant, or the storage and sorting of aggregates and similar materials. As acknowledged in the comments from the Head of Environmental Services and Port Health "Much of the noise audible at the complainants' dwellings is associated with operations at the east of the site and therefore outside the scope of these applications."
- 6.13. The noise generating activities on the wider site, including those towards the eastern end of the pit cannot be controlled or prevented through the determination of this application.
- 6.14. Whether or not any of the various the activities across the wider site either in isolation or cumulatively may following the ongoing investigations be considered to be a 'statutory nuisance' is a matter for Environmental Protection through their legislation.
- 6.15. The role of the planning system is also not to duplicate matters that are controlled by other regulations, and as such the Local Planning Authority cannot seek to refuse this application on the basis of what the Environmental Services may or may not conclude in the future following their investigations as to whether a 'statutory nuisance' is being created.
- 6.16. In determining this variation of condition application, the Local Planning Authority simply has to consider if the extended hours to the building and associate parking and turning areas would result in sufficient harm to residential amenity to warrant refusal of planning

consent and/or if there are any material planning benefits which would outweigh any such harm.

6.17. Policy SCLP11.2 relates to Residential Amenity. It states:

"When considering the impact of development on residential amenity, the Council will have regard to the following:

a) Privacy/overlooking;

b) Outlook;

c) Access to daylight and sunlight;

d) Noise and disturbance;

e) The resulting physical relationship with other properties;

f) Light spillage;

g) Air quality and other forms of pollution; and

h) Safety and security.

Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity."

6.18. There are no physical changes proposed as part of this application. Therefore, there are no concerns regarding privacy/overlooking, outlook, access to daylight and sunlight, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, or safety and security. These were all matters considered during the determination of the original planning application for the use of these areas of the Sinks pit site for parking and turning associated with the plant hire business operations.

6.19. The remaining residential amenity considerations within Policy SCLP11.2 relevant to the determination of the current application are noise and disturbance.

6.20. The nearest property to the northern parking and turning area is Bealings Hoo, which is located to the north beyond the bund, and its nearest external wall is more than 170m from the northern edge of the parking and turning area. The northern part of the parking and turning area is also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).

6.21. Given the distanced from the nearest residential properties, the changes in ground levels and the ability to control the hours of vehicular activity, there would not be a sufficient impact upon residential amenity to Bealings Hoo, Pine Hills and the other dwellings to the north to sustain a refusal of planning consent.

6.22. The nearest residential dwelling to the access road is Bracken Hall, 230 Main Road, Kesgrave, which lies approximately 40m from the access road. This property is significantly closer to the access road which would be used by HGVs during the increased hours, than the dwellings to the north. That property was notified of the application via letter, but no response has been received. If the current application were to be permitted, there would be HGV traffic past this property associated with the parking and turning areas during more hours than those currently permitted. However, background noise levels at this property are already likely to be higher than those at the properties to the north, even during early morning and on Saturday afternoons, because it is closer to the A1214, Main Road, Kesgrave which is one of the main access routes into and out of Ipswich, and as a

public highway can be used by HGVs and other vehicles 24 hours a day 365 days a year. Therefore it is considered that the potential impacts of noise and disturbance upon 'Bracken Hall' would be insufficient to sustain a refusal of planning consent.

- 6.23. Whilst the impacts of noise and disturbance arising from the increased hours would be insufficient to sustain a refusal of planning consent in this case, the granting of the proposed variation of condition, would not prevent the Environmental Protection Team taking formal action under their legislation in relation to noise and disturbance they may deem to be a 'statutory nuisance' in the future.

Expansion and Intensification of Employment Sites and Economic Considerations

- 6.24. The NPPF recognises the importance of building and supporting a strong competitive economy. In Paragraph 80 it states:

"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....."

- 6.25. The proposed increase to the hours would enable the existing business to operate for longer hours, potentially enabling it to undertake a greater amount of business, increasing its contribution to the local economy. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 6.26. Policy SCLP4.3 relates to the 'Expansion and Intensification of Employment Sites'. It allows for proposals to expand, alter or make productivity enhancements to existing employment premises, unless:

*"a) The scale of development would cause a severe impact on the highway network; or
b) There will be an unacceptable adverse effect on the environmental sustainability of the area; or
c) The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or
d) There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and
e) Potential adverse impacts can not be successfully mitigated..."*

- 6.27. The proposed expansion of the hours would result in additional traffic movements along Main Road, Kesgrave before 7am and on Saturday afternoons, but this would be outside normal 'rush hour' times, and the HGVs etc are already using this road and the wider road network. Therefore, there would not be a severe impact upon the highway network.
- 6.28. The increase in the working hours would not be altering the business activities taking place on site or the ground area permitted for these uses. Therefore, there are no significant concerns regarding the environmental sustainability of the area.

- 6.29. This application relates to the times at which the parking and turning areas can be used, rather than a change in the type of use of the land. The other employment uses within the pit are also related to construction, such as the aggregates storage, the cement batching and the permitted but yet to be constructed additional buildings for plant hire at the western end of the pit. There are no concerns regarding compatibility with the surrounding employment uses in terms of parking, access, noise, odour or other amenity concerns.
- 6.30. As explained in the residential amenity section of this report this proposal is deemed acceptable in terms of material planning considerations in relation to residential amenity impacts.
- 6.31. Therefore, the scheme accords with Policy SCLP4.3 and the economic objectives of the NPPF.

7. Conclusion

- 7.1. It is accepted that the additional main working hours and associated use of the ventilation and similar equipment (6am start instead of 7am start Monday to Saturday, and 7:30pm finish instead of 1pm on Saturdays) would increase the hours of activity on this parking and turning areas of the site. However, given the distances from the nearest residential properties, the other industrial type uses that operate elsewhere within the wider Sinks Pit site, and that the Sinks Pit site has been permitted and operational for activities associated with aggregates since the 1950s, it would be extremely difficult for the Local Planning Authority to seek to resist the proposed variation in the permitted hours for these parking and turning areas.
- 7.2. The Local Planning Authority cannot seek to refuse planning permission on the basis of non-planning legislation and the yet unknown conclusions of an ongoing investigation by Environmental Protection, Suffolk County Council and the Environment Agency. If that investigation subsequently concludes a 'Statutory Nuisance' from any part of the whole Sinks Pit site, action would still be possible under the Environmental Protection Legislation.
- 7.3. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 7.4. Therefore, this application is recommended for authority to approve, subject to the consideration of any additional material planning considerations raised during the consultation period and subject to conditions.
- 7.5. As this is a variation of condition application, all applicable conditions from the original Planning Permission (DC/15/4908/FUL) have to be reimposed with appropriate modifications to the wording to reflect the implementation of that consent, the discharge of conditions 13, 20 and 21 via DC/16/3578/DRC, and the variations to the wording of conditions 4 and 22 sought through this current application. The proposed wording of the conditions with these modifications are set out below.

8. Recommendation

- 8.1. Delegate to the Head of Planning Services and Coastal Management for Approval subject to no additional material planning considerations being raised during the consultation period, and subject to the conditions set out below.

Conditions:

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

Drawing Nos received 5 December 2015:

- TR2 JTA EX AL 001 P1 (Site Development Boundary Plan),
- TR2 JTA EX AL 010 P1 (Existing Location Plan),
- TR2 JTA PR AL 050 P2 (Proposed Site Plan)
- TR2 JTA PR AL 060 P1 (Proposed Site Finishes Plan),
- TR2 JTA PR AL 100 P1 (Proposed Ground Floor Plan),
- TR2 JTA PR AL 110 P1 (Proposed First Floor Plan),
- TR2 JTA PR AL 200 P1 (Proposed Short Sections A-A and B-B),
- TR2 JTA PR AL 210 P1 (Proposed Sections CC, DD and EE),
- TR2 JTA PR AL 300 P1 (Proposed Long Elevations),
- TR2 JTA PR AL 310 P1 (Proposed Long Elevations 3 and 4),
- DPL-E28394-M08 (Heating and Ventilation Schematic)
- DPL-E28394-ME01 Rev D3 (External Services Layout),
- DPL-E28394-ME02 Rev D2 (Ground Floor Plant Room Incoming Services Layout),
- DPL-E28394-ME03 Rev D1 (Ground Floor Office Area Incoming Services Layout),
- DPL-E28394-PV01 (PV System Layout),
- DPL-E28394-E01 (Ground Floor Lighting & Emergency Lighting Layout),
- DPL-E28394-E02 (First Floor Lighting & Emergency Lighting Layout)
- DPL-E28394-E03 Rev D1 (Ground Floor Small Power & Miscellaneous Services Layout)
- DPL-E28394-E04 Rev D1 (First Floor Small Power & Miscellaneous Services Layout)
- DPL-E28394-E05 Rev D1 (Ground Floor Fire Alarm & Security Layout)
- DPL-E28394-E06 Rev D1 (First Floor Fire Alarm & Security Layout)
- DPL-E28394-E07 Rev D1 (Ground Floor Containment Layout)
- DPL-E28394-E08 Rev D1 (First Floor Containment Layout)
- DPL-E28394-M01 (Ground Floor Heating & Ventilation Layout)
- DPL-E28394-M02 (First Floor Heating & Ventilation Layout)
- DPL-E28394-M03 (Ground Floor Hot & Cold Water Services)
- DPL-E28394-M04 (First Floor Hot & Cold Water Services)
- DPL-E28394-M05 (Ground Floor Compressed Air Layout)
- DPL-E28394-M06 (Ground Floor Drainage Services)
- DPL-E28394-M07 (First Floor Drainage Services)
- DPL-E28394-M08 (Heating & Ventilation Schematic)
- 0510.1.3 (Landscape Framework Plan),
- 4440-D-B Rev B (Hayden's Tree Survey and assessment drawing)
- DR1 - 16122014 Ver 2 (Fuel Pumps)
- Tank details drawing produced by Cookson _ Zinn,
- 47022/C/10 Rev A

- 4722/C/11 Rev A,

Documents received 5 December 2015:

- Landscape & Visual Assessment for Proposed Commercial and Office HQ Development,
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Statement & Tree Protection Plan,
- Planning Statement,
- Flood Risk Assessment - Revision A
- Ground Investigation Report,
- Remediation Method Statement,
- Drainage Design Statement Revision A,
- Applied Ecology Letter,

Documents received 18 December 2015:

- Marshalling Yard and Storage
- Transport Statement

Documents received 7 March 2016:

- Letter from Carters
- Appraisal Note relating to fuel tanks

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

2. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

3. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply and hire of vans and trucks 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.

4. The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; 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.

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 (except for vehicle washing in designated areas, in accordance with condition X).

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.

6. The use shall not commence until the area(s) within the site shown on Drawing TR2 JTA PR AL 050 P2 (Proposed Site Plan) for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
7. Prior to the building being occupied, the hereby approved surface water strategy scheme shall thereafter be implemented in its entirety.

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
8. All surface water from the roofs shall be either piped direct to the surface water system (approved under condition 7) using sealed downpipes and/or be directed to a grey water system, details of which shall be submitted and approved, prior to implementation. Open gullies shall not be used in connection with the collection of surface water from the roofs.

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
9. Vehicle loading/unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected directly to the surface water drainage system.

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.
10. 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.
11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site area being drained. Roof water shall not pass through the interceptor.

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.

12. The hereby approved drainage scheme serving the fuel refueling area shall be implemented in its entirety prior to the fuel/refuelling areas being used.
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.

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
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.

14. The hereby approved building shall not be occupied until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
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.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect and prevent the pollution of controlled waters (particularly Principal aquifer, shallow groundwater and EU Water Framework Directive Drinking Water Protected Area) 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 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.
16. Prior to the commencement of the use, a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. This Waste Management Plan shall include details of areas for the storage of hazardous and potentially polluting materials and of areas for the storage of non-hazardous waste and recycling (i.e. the normal office/business type waste). This Waste Management Plan shall be implemented in its entirety and be retained thereafter.

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.
17. The hereby approved landscaping scheme shall be implemented not later than the first planting season following the date of this consent (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.
18. The mitigation measures outlined in the hereby approved letter from Applied Ecology shall be implemented in their entirety, within 1 year of the building being occupied.

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).
19. The approved lighting scheme shall thereafter be implemented in its entirety and no additional external lighting shall be installed, unless otherwise agreed by the Local Planning Authority

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.
20. Only the air conditioning, extract ventilation, refrigeration or any other fixed plant approved under DC/16/3578/DRC shall be installed and retained in the approved from thereafter.

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

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

21. Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6am to 7:30pm Monday to Saturday. 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.

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. 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 obtain all the necessary consents/permits.
3. 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
4. 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/

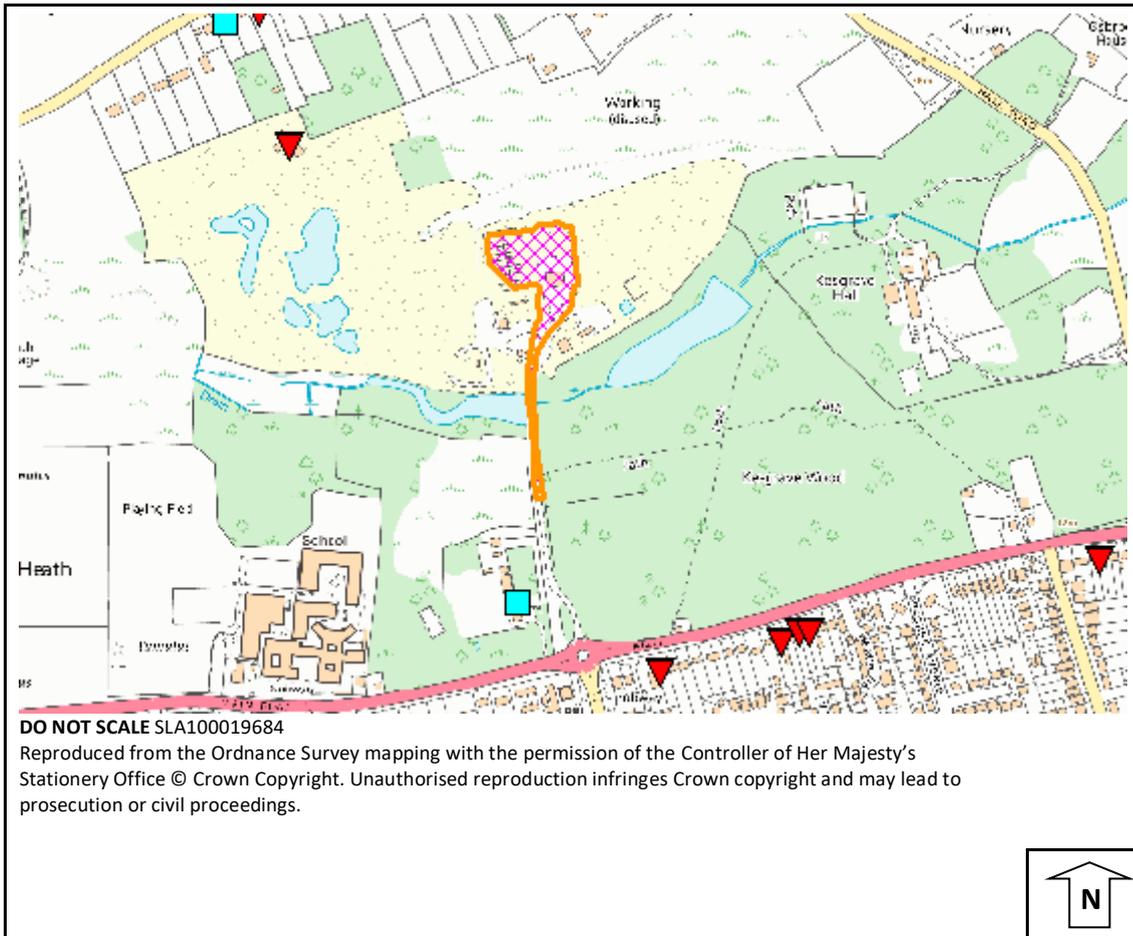
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

5. 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.
6. 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.
7. 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.

Background information

See application reference DC/21/1471/VOC on [Public Access](#)

Map



Key

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