



Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/1079/VOC

Location

Kesgrave Quarry
Sinks Pit
Kesgrave
Suffolk
IP5 2PE

Expiry date 3 June 2021

Application type Variation of Conditions

Applicant Prentice Aircraft and Cars Ltd T/A Trucks R Us

Parish Little Bealings

Proposal Variation of Conditions 6, 7, 8 & 10 of DC/19/2666/FUL - Construction of 2 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. - Variation to operating hours.

Case Officer Katherine Scott
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1. Summary

- 1.1. This application is the second 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 variation of condition application seeks to vary the conditions relating to hours of activity of Planning Permission DC/19/2666/FUL (copy included as Appendix A), which is yet to be implemented but relates to land towards the western end of the pit and was granted for:

"Construction of 2 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."

1.3. The conditions sought to be varied through this current variation application are:

- Condition 6 - working hours, currently 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays,
- Condition 7 - Number of HGV movements before general hours, currently 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),
- Condition 8 - general HGV movement hours, currently between 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturday),
- Condition 10 - hours of use of air conditioning and similar plant, currently can only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays.

1.4. The conditions are proposed to be varied to:

- Condition 6 - working hours, proposed to be 6am and 7:30pm Monday to Saturday,
- Condition 7 - Number of HGV movements before general hours, proposed to be Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day),
- Condition 8 - general HGV movement hours, proposed to be 5:30 am and 7:30 pm Monday to Saturday,
- Condition 10 - hours of use of air conditioning and similar plant, proposed to be between 6 am and 7:30 pm 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. Little Bealings Parish Council has objected to the application. Kesgrave Town Council are in support.

1.7. The consultation process on this application ran from 15 March 2021 and expired on 8 April 2021.

Reason for Planning Committee

1.8. 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

1.9. The application is recommended for Approval subject to conditions

2. Site description

2.1. This application relates to the area of land to the west and north-east of the large building used for large scale vehicle and plant hire located towards the centre of the former Kesgrave Quarry, also known as Sinks Pit.

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 were 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 ESC. Therefore, East Suffolk Council (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 (the site of the current application) 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. Subsequent to the 2014 consent, planning permission was granted on 23 December 2019 and remains extant for a revised scheme under case reference DC/19/2666/FUL for

"Construction of 2 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"

- 2.8. The current plant hire building and associated land, which lies to the east of the land referred to in the paragraph above was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.

- 2.9. The land which is the subject of the previous application on this committee agenda was granted planning permission to be used for parking under reference DC/15/5055/FUL.

- 2.10. 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.

- 2.11. 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.

- 2.12. 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.

- 2.13. 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).
- 2.14. 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).
- 2.15. 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.
- 2.16. 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).
- 2.17. 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).
- 2.18. 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.
- 2.19. 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.
- 2.20. 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.
- 2.21. 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.
- 2.22. 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 the conditions relating to hours of operation/activities etc on the Planning Permission relating to the consent for two buildings and their associated land, which are yet to be constructed on the land to the west of the existing Headquarters Building and associated parking areas. It is described as:

"Variation of Conditions 6, 7, 8 & 10 of DC/19/2666/FUL - Construction of 2 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. - Variation to operating hours."

- 3.2. Condition 6 of DC/19/2666/FUL currently limits the working hours connected with the use/buildings. It states:

"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."

- 3.3. The application seeks to vary the condition to increase the hours so they match those also proposed on the other current variation of condition applications:

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

- 3.4. Condition 7 of DC/19/2666/FUL states:

"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 8, there is no restriction on the maximum number of HGV movements that can take place."

- 3.5. The application seeks to vary the condition to read:

"No more than 12 Heavy Goods Vehicle (HGV) movements shall take place on Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 6am and the close of the HGV working hours set out on condition 8, there is no restriction on the maximum number of HGV movements that can take place."

- 3.6. Condition 8 of DC/19/2666/FUL states:

*"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 7), unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of residential amenity"*

3.7. The application seeks to change condition 8 to read:

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

3.8. Condition 10 of DC/19/2666/FUL relates to Ventilation and similar equipment. It currently 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 by the Local Planning Authority.
Reason: In the interests of residential amenity and protection of the local environment."*

3.9. The application seeks to vary the wording of condition 10 to read:

"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6 am and 7:30 pm 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 by the Local Planning Authority."

3.10. 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.

3.11. The previous application on this committee agenda, application DC/21/1010/VOC seeks:

"Variation of Condition No(s) 3 on application DC/15/5055/FUL - Change of use in Kesgrave Quarry from mineral use to associated parking and access routes for adjacent Trucks R Us Headquarters."

3.12. This relates to the area of land to the west of existing the Headquarters building, and to the east of the buildings which are the subject of the above variation of condition application. The area of land between the existing and yet to be constructed buildings was granted planning permission for an extension to the parking and vehicular movement area associated with the existing headquarters building.

- 3.13. Condition 3 of DC/15/5055/FUL currently limits the hours of activity and Heavy Goods Vehicles (HGVs) to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays.
- 3.14. 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 the application which is the subject of this report (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.
- 3.15. The third variation of condition application DC/21/1471/VOC, which is the next item on this committee agenda, relates to the existing Headquarters building and associated land which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry. That variation of condition application seeks:
- "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."*
- 3.16. 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. It is proposed to be varied to extend the permitted working hours to 6am and 7:30pm Monday to Saturday
- 3.17. Condition 10 relates to the hours during which ventilation, air conditioning and similar plant can be operated. The condition currently limits the hours to 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. The hours are proposed to be extended to be 6am to 7:30pm Monday to Saturday.
- 3.18. 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 15 March 2021 and expired on 8 April 2021.
- 4.2. There has been one letter of support from a resident of Main Road, raising the following material planning considerations:
- believe that the changes will benefit the local economy and therefore contribute to the greater economic growth of the UK.
- 4.3. There have been 28 letters of Objection (from 18 different properties, plus 3 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 life 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 associated 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 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. The Saturday working should be prevented completely.
 - Policy SCLP11.2 states that the Council shall have regard to the impact of noise pollution on residential amenity.
 - NPPF paragraph 180a states that development should "mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life."
 - The Noise Policy Statement for England requires that development mitigate and minimise the adverse effect of noise.
 - The systems for air conditioning and ventilation are noisy and must not be permitted. Washing down of vehicles during these extended hours must be avoided at all costs.
 - The noise from reverser beepers and squawkers are particularly troublesome. Understand they are H@S devices. Nevertheless I consider it unreasonable to be pummelled by this noise early in the morning in particular, as happens at present. This goes on and on throughout the day.
- Dust Pollution:
 - Increased hours will add to the existing problems of dust pollution to local residents.
 - 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 some 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.
- Question why an extension to the hours is being sought on part of the site on which the buildings are yet to be constructed, so there is nothing to operate from yet. This site is being used as an overspill from the neighbouring site where there are numerous breaches. The cumulative impact of extending the hours across the sites needs to be considered.
- 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.
- Noise, dust and light pollution reports are under investigation and no extension should be considered until effective action has been taken to eradicate these.
- This scheme should be subject of an EIA.

4.4. 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
- The overuse of the Main Road when the Orwell Bridge is closed, which will result in the road being over used by heavy lorries, low loaders etc, even though a wonder solution to the bridge problem maybe on the horizon, but like the yet to appear By-Pass.
- Reduction in property values

- 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.
- Question what pre-application advice was given to the applicant.
- State that planning permission DC/19/2666/FUL should be revoked as this proposal would further exacerbate the situation, contrary to Policy SCLP4.3(d)

4.5. 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.
- Suggest that the recycling area to the eastern end of the site should be acoustically enclosed to capture both noise and dust at source before they escape into the environment.
- Still awaiting a decision for an acoustic bund to limit noise.

4.6. 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.

4.7. 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).

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

4.9. 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
Playford Parish Council (neighbouring parish)	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Kesgrave Town Council	15 March 2021	30 March 2021

Summary of comments:
"Support"

Consultee	Date consulted	Date reply received
Foxhall Parish Council (commented on a previous application)	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	15 March 2021	29 March 2021

"After discussion at its meeting on 23 March 2021 the Council resolved:

o that the Council objected to the application on the grounds that it breached Local Plan Policy SCLP 4.3 by proposing the intensification of an employment site, as productivity enhancement of the site would result in an unacceptable adverse effect on the living conditions of local residents in relation to noise, vibration and dust and, as proven by the existence of over 6,000 residents' complaints to the existing operations in the preceding five years, these adverse impacts have yet to be successfully mitigated.

o that an EIA should be required by ESC before the application was determined"

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	15 March 2021	31 March 2021

Summary of comments:
The Highways Authority does not wish to restrict the grant of permission. The proposed variation of condition is unlikely to result in an unacceptable impact on highway safety nor result in severe highway congestion.

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	15 March 2021	No response

Summary of comments:

No response received

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Natural England	15 March 2021	6 April 2021

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 March 2021	1 April 2021

Summary of comments:
Advise that they have no comments to make. The proposed variation of conditions has no impact upon the approved surface water drainage strategy.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	15 March 2021	16 March 2021

Summary of comments:
No Objections

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 March 2021	6 April 2021
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ipswich Borough Council	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Disability Forum	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCDC Enforcement Team	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	15 March 2021	24 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</p>		

properties in the vicinity.

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.

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.

Consider that the use of the office block for the extended hours is unlikely to cause nuisance. Quote policy SCLP4.3.

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

Publicity

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

Category	Published	Expiry	Publication
Major Application	18 March 2021	8 April 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application May Affect Archaeological Site In the Vicinity of Public Right of Way Date posted: 17 March 2021 Expiry date: 7 April 2021
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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 the application site area for a large vehicle/plant hire business has already been established through the granting of Planning Permission DC/19/2666/FUL, which remains a live Planning Permission.
- 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, the proposed additional operating hours and the proposed additional hours of use of the ventilation and similar equipment.
- 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 hours of 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 area granted planning permission under DC/19/2666/FUL. 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 one 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 the plant hire business(es) would be permitted for the same activities during the same hours.
- 6.9. The buildings permitted at the western end of the pit, have been granted planning permission to operate HGV movements from 5:30am Monday to Friday, and from 6am on Saturdays, where as the areas of land permitted for parking and turning, which are the subject of the other current applications 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 this area of the site already has approval for a start time for limited HGV movements of 5:30am Monday to Friday, that element of the current proposal 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, and 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 lie outside the scope of the current applications and 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 Services through their legislation.
- 6.15. The role of the planning system is 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 Protection Team 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 plant hire business granted planning permission under DC/19/2666/FUL, 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:

Privacy/overlooking;

Outlook;

Access to daylight and sunlight;

Noise and disturbance;

The resulting physical relationship with other properties;

Light spillage;

Air quality and other forms of pollution; and

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 this area 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 200m from the northern edge of the current application site. The northern edge of the application site is also more than 200m 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 limited HGV 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, by traffic from elsewhere. 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 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 business permitted by DC/19/2666/FUL means that it would enable and support the construction industry across the district and beyond, and other aspects of the wider economy. This benefit to the economy is recognised in the third party representation of support. 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

There will be an unacceptable adverse effect on the environmental sustainability of the area; or

The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or

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

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 HGVs etc are already using this road and the wider road network. As it is a public highway without limitations on size/scale of vehicles, HGVs from both Sinks Pit and elsewhere can use the road 24 hours a day 365 days a year. The Local Highway Authority has also raised no objections. Therefore it would be unreasonable to seek to refuse the current proposals on the basis of matters of highway safety and/or the other potential impacts of HGVs using Main Road.

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 proposed buildings and associate 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 existing plant hire business, the aggregates storage, the cement batching. 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.

Other matters raised with Consultation responses.

- 6.32. Little Bealings Parish Council and a third party representation has suggested that an Environmental Impact Assessment (EIA) should be required before the application is determined. However, this application is not seeking to establish a new use or operational development, it is simply seeking to vary the hours of operation. Therefore, it falls outside the scope of the Environmental Impact Assessment Regulations.
- 6.33. The third party consultation responses have raised concerns regarding other uses taking place on the wider sinks pit site, such as the aggregate crushing. These uses are outside the areas and scope of the current applications, and therefore in accordance with planning regulations the Local Planning Authority can not seek to control those activities through the determination of this application or the other two current variation of condition applications.
- 6.34. Similarly, East Suffolk Council as Local Planning Authority for the determination of these applications can not determine the application for the acoustic bund that was submitted to Suffolk County Council as Local Planning Authority for Minerals and Waste in 2019.
- 6.35. A third party representation has also suggested that the planning permission to which this current variation of condition application relates (DC/19/2666/FUL) should be revoked. The Local Planning Authority can not seek to revoke an existing planning permission without just cause related to procedural matters. There are no such justifiable circumstances in this case. Contrary to the suggestion by the third party, the Local Planning Authority can not seek to revoke a planning permission on the basis of what may be occurring elsewhere on the wider Sinks Pit site.

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 to vary conditions 6, 7, 8 and 10 of DC/19/2666/FUL is recommended for approval subject to conditions.
- 7.5. As this is a variation of condition application, all applicable conditions from the original Planning Permission (DC/19/2666/FUL) have to be reimposed with appropriate modifications to the wording to reflect the implementation of that consent, including the wording of condition 1 to reflect the timeframe for implementation as three years from the date on which DC/19/2666/FUL was issued, the variations to the wording of conditions 6, 7, 8 and 10 sought through this current application. The proposed wording of the conditions with these modifications are set out below.

8. Recommendation

- 8.1. Approve subject to the conditions set out below.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this parent planning permission DC/19/2666/FUL, which was issued on 23 December 2019 (i.e. the consent will expire 23 December 2022 if not lawfully implemented by that date).

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

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

Documents received 3 July 2019:

- o Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan - Project no 4780
- o Transport Statement - Project no 49809
- o Preliminary Ecological Appraisal
- o Planning Statement Ref: 4578-PS1 Rev P1
- o Phase One Desk Study Report & Data Review - Project no 49809
- o Materials Schedule Ref: 4578-PS1 Rev P1
- o Landscape & Visual Assessment for Proposed Commercial Development
- o Existing & Proposed Site Plan - Drawing No 7480-D-AIA,
- o Block Plan - Drawing No 4578-PL1 Rev P3

- o Unit 1 Floor Plans - Drawing No 4578-PL2 Rev P2
- o Unit 2 Floor Plans - Drawing No 4578-PL3 Rev P2
- o Unit 1 Elevations - Drawing No 4578-PL4 Rev P2
- o Unit 2 Elevations - Drawing No 4578-PL5 Rev P2
- o Typical Coloured Elevations - Drawing No 4578-PL6 Rev P2
- o Unit 1 Roof Plan - Drawing No 4578-PL7 Rev P2
- o Unit 2 Roof Plan - Drawing No 4578-PL8 Rev P2
- o Design and Access Statement

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

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

4. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply, hire and sale of 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, within designated areas in accordance with details to be approved as part of the drainage strategy.

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 working hours in connection with the use/buildings hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; and no work shall be carried out on Sundays, 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 Goods Vehicle (HGV) movements shall take place on Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 6am and the close of the HGV working hours set out on condition 8, there is no restriction on the maximum number of HGV movements that can take place.

Reason: In the interests of residential amenity.

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

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

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.

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.

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).

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.

18. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, without adversely affecting the Sinks Pit SSSI.

19. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

20. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk (<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>)

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater, or adversely affect the Sinks Pit SSSI.

22. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment. An options appraisal and remediation strategy, based on these results, must give full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying

any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

24. Prior to any part of the development scheme being brought into use a verification report demonstrating the 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

25. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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 condition(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/

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 or email llpg@eastsuffolk.gov.uk

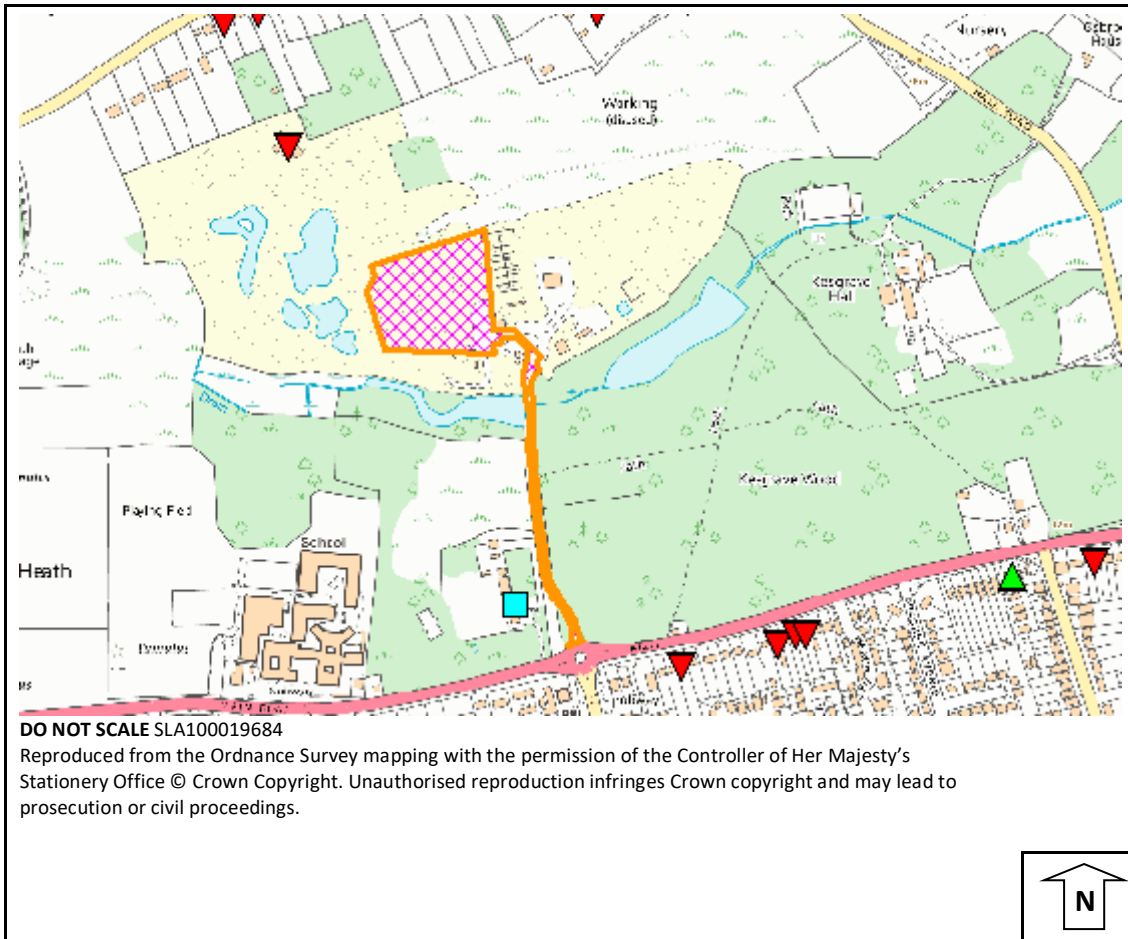
7. The trees adjacent to and overhanging the access road are protected by Tree Preservation Order ESCC No 20 (1950). It is an offence to undertake works to the trees without prior written consent from the Local Planning Authority. Consent is required prior to the trees being lopped, topped, pruned, uprooted, 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 applicants attention is drawn to the comments in Fire and Rescue Service Letter on DC/19/2666/FUL 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 replacement 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). 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 or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via <https://www.eastsuffolk.gov.uk/planning/planning-applications-and-enforcement/find-out-if-you-need-planning-permission/pre-application-advice-service/>
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
17. The applicant is advised that the drainage details required under conditions 18 to 22 are expected to be in line with the indicative drainage details submitted and considered within application DC/19/2666/FUL.





Background information

See application reference DC/21/1079/VOC on [Public Access](#)

Map



Key

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