



## Appeal Decision

Site Visit made on 23 November 2020

**by G Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> November 2020**

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**Appeal Ref: APP/X3540/W/20/3259697**

**Part Land South West of Aldringham House, Aldeburgh Road, Aldringham  
Cum Thorpe, Leiston IP16 4FN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal of an application under section 74B of the Act to modify an approved document which specifies the times during which construction activities may be carried out.
  - The appeal is made by Hopkins Homes Ltd against the decision of East Suffolk Council.
  - The application Ref DC/20/3285/CWH, dated 25 August 2020, was refused by notice dated 7 September 2020.
  - The application sought approval to modify Condition 22 of planning permission DC/18/2325/FUL for construction of 40 residential dwellings for a temporary period.
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### Decision

1. The appeal is allowed and approval is given to modify the times during which internal construction activities may be carried out in respect of planning permission Ref DC/18/2325/FUL for the construction of 40 dwellings until 1<sup>st</sup> April 2021. The Construction Management Plan approved under Condition 22 is therefore modified by the conditions below until that date but will have effect thereafter. The other conditions attached to planning permission Ref DC/18/2325/FUL continue to have effect.
  - 1) Until 1<sup>st</sup> April 2021 internal works related to the fit out of the approved dwellings shall take place only between the hours of 06:30 -21:00 Monday to Friday; 07:30am-17:00 Saturdays and no working on Sundays or Bank Holidays.
  - 2) All other demolition or construction works and the use of heavy plant and machinery shall take place only between the hours of 07:30-17:30 Monday to Friday; 07:30-13:00 Saturdays and no working on Sundays or Bank Holidays.

### Preliminary Matters

2. The appeal relates to section 74B of the Town and Country Planning Act which enables conditions limiting construction working hours to be modified for a temporary period. In this case the original working hours were agreed as part of an approved Construction Management Plan (CMP) which limited activities to 07:30-17:30 Monday to Friday; 07:30-13:00 Saturdays and no working on Sundays or Bank Holidays. The appellant wishes to extend this to 06:30 -21:00 Monday to Friday (External working during daylight hours);

07:30am-17:00 Saturdays and no working on Sundays or Bank Holidays until 31<sup>st</sup> March 2021.

3. Since the Council issued its decision it has adopted the East Suffolk Council – Suffolk Coastal Local Plan (LP). The policies in the LP supersede those referred to in the Council’s delegated report. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through their appeal submissions.

### **Main Issue**

4. The main issue is the effect of the increased construction hours on the living conditions of nearby residents, including those within Aldringham House, with particular regard to noise and disturbance.

### **Reasons**

5. The appeal site is located off of the B1122 Aldeburgh Road, and runs parallel to the driveway to Aldringham House, which comprises 9 flats. Planning permission has been granted for the construction of 40 dwellings and the construction works on site are quite advanced with the majority of the development appearing externally complete at the time of my visit.
6. However, the majority of those dwellings which are externally complete are located along the internal spine road. There are several dwellings still under construction on the edge of the site and these are close to existing homes outside the appeal site at Aldringham House and Aldringham Park. This relationship means the occupants of these existing neighbouring properties will be sensitive to construction noise and this has been demonstrated by the representations submitted by interested parties.
7. During my visit I was able to hear from the drive leading up to Aldringham House the general workings of the construction site, including some music from radios and the voices of the workers. However, neither were at a volume which would be likely to be harmfully apparent from within the properties adjacent to the site given the intervening distance.
8. The builders parking and welfare area is at the front of the site and therefore furthest from the majority of the noise sensitive properties. As such, any comings and goings of employees later into the evening or earlier in the day would be unlikely to result in disturbance, over and above that experienced from the traffic travelling along the B1122.
9. However, I was also able to observe and hear the movement of heavy plant and machinery which was taking place during my visit. For the period of the time that I was at the site there was an almost constant sound of the reversing alarms from the diggers and telehandlers which were reversing and manoeuvring around the site, as well as the revving of the engines. Although my visit is a snapshot in time, there is nothing of substance before me to indicate what I experienced was untypical.

10. The impact of the noise from this heavy machinery upon the living conditions of the occupiers of nearby properties is borne out from the representations received. I share the views expressed that the reversing alarms are particularly intrusive over some distance from the site. Thus, the effect of modifying the construction hours, to permit a longer period of activity, is likely to have a greater impact on the living conditions of the nearby residents, as the additional movements of heavy plant and machinery would occur close to the edge of the site, where most of the external works remain ongoing.
11. The appellant has indicated that the proposed additional hours would be to enable contractors to arrive earlier in the day, possibly on a staggered basis to promote safe working distances. They have also confirmed that any working in the evenings or out of daylight would be for internal fit out works to enable the completion of the dwellings and would not involve the use of heavy external plant or machinery.
12. Given the proximity of the site to properties, and the likely adverse impact the extended use of heavy plant and machinery would have on their living conditions over a longer time period, it would be inappropriate to allow an extension to the construction hours for external works as these may require the use of heavy machinery. However, the internal fit out works could be carried out, without significant detrimental impact on the noise sensitive properties because these works would be within the constructed dwellings which are located furthest away from the boundary of the site and would not require the use of heavy plant and machinery.
13. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance if the CMP was amended to enable internal works only to be carried out between the hours of 06:30-21:00 Monday to Friday; 07:30-17:00 Saturdays and no working on Sundays or Bank Holidays. The development would comply with policy SCLP11.2 of the LP which requires consideration to be given to the impact of development on residential amenity, with regard to noise and disturbance.

### **Other matters**

14. I note the concerns raised with regard to the use of site lighting, however this is already permitted by the approved CMP for the purposes of health and safety legislation. The CMP indicates that any lighting will be configured such as to ensure that it is directed to light the area required without illuminating the surrounding area. Therefore I consider that adequate controls are in place to ensure that any site lighting required as a result of additional working hours would be suitably controlled in order to minimise any impact on the surrounding area.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed on the terms set out within my decision.

*G Pannell* INSPECTOR