

28th July 2020



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BY EMAIL ONLY

Dear Mrs Potts

Town and Country Planning Act 1990 (as amended)
Section 74B Request for Modification of condition 6 relating to construction working hours pursuant to full planning permission ref. BE/37/19/PL
Land at North Bersted

I am writing to formally request a modification of condition 6 relating to construction hours as enacted by the recent changes to the Town and Country Planning Act under new Section 74B.

Legislative Framework

As you will be aware, via the Planning and Business Act of 2020, Section 74B was inserted in to the Town and Country Planning Act to allow for temporary modifications to conditions controlling construction hours in response to the implications of COVID 19 on the construction industry.

The legislation states at S74B(c) that a person with an interest in the land, or a person acting on behalf of such a person, may make an application to a local planning authority in whose area the land is situated for the condition or approved document to be modified to (a) allow construction activities to be carried out for a longer period on a particular day (which may be the whole of that day); or (b) to allow construction activities to be carried out for the whole or part of a day on which they would not otherwise be allowed to be carried out.

The legislation prescribes that an application must be made in writing and sent to the local planning authority using electronic communications and it must provide sufficient information to identify the permission and the specific condition. Section 74B (6) sets out the information required to accompany such a request;

S74B

(6) The application must specify—

(a) the date on which the application is sent,

(b) the proposed modifications to the condition or approved document,

(c) the date from which it is proposed the modifications should take effect,

(d) the date at the end of which it is proposed the modifications should cease to have effect, and

(e)the times which are specified in the condition or approved document as it has effect when the application is made as times during which construction activities may be carried out

Formal Request for Modification to Condition 6

S74B (6a)

The purpose of this letter is to formally request a modification to the condition 6 which prescribes the construction hours as set out in Section 74B. The date of this formal request is 28th July 2020 which is the date that this letter was emailed to the Local Planning Authority.

S74B (6b)

The request is made in relation to Condition 6 which states;

No operational or construction vehicles shall be operated on the site except between the hours of: 8.00 and 19.00 on Mondays to Fridays inclusive. 8.00 and 13.00 on Saturday. Not at any time on Sundays or Public Holidays

S74B (6c & d)

As required under S74B (6) it is proposed that the temporary change would come into effect 11th August 2020 which is at least 14 days after the date of this formal submission, as prescribed.

The extended construction hours will cease by 1st April 2021 as set out in the legislation.

S74B (6e)

Due to current restrictions, and in order to protect the safety of our workforce, we have introduced very strict regulations on areas of construction which mean we will be working at less than normal capacity. These measures include significantly limiting the number of contractors inside a property under construction at any one time; limiting the number of persons on a working scaffold at any one time; groundworks being undertaken in isolated zones only; very limited canteen use, and one-way access/egress routes around the sites or routes which have to make special allowances for passing places.

By permitting longer hours of work, it will provide us with flexibility to introduce work shift patterns meaning that we will be able to facilitate a greater number of our workforce on site during split shifts whilst maintaining social distancing. This will in turn allow for an increase in production to meet demand for housing which indicatively currently remains strong. By doing so we will collectively be assisting in the Government's desire to see the U.K. economy begin its recovery from the recent lock-down.

We would therefore request that we be permitted to undertake construction activity between the hours of 730am and 9pm Monday to Friday inclusive (excluding Bank Holidays) and from 730am to 630pm on Saturdays. No work will be undertaken on Sundays. This proposal is in line with the Government guidance on this matter.

We are very mindful of the possible impact on adjoining residents and we therefore propose to ensure that all groundwork/heavy plant movement ceases at 6.30pm each evening.

I trust that the enclosed provides you with sufficient information to approve the modification to condition 6 relating to construction hours. S74B sets out the prescribed timescales for this application to which a decision should be made within 14 days of the date of this submission i.e. 11th August 2020 or the decision will be deemed to be approved. Should you have any queries please contact me at the above address.

Yours faithfully,



Laura Humphries

Senior Planning Manager

