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Mrs L Driver
Linden Homes, Vistry Southern
1A Guildford Business Park
Guildford, Surrey, GU2 8XG

11th August 2020

Your Ref:

Please ask for:
Claire Potts
Planning

Our Ref: PE/00664/20 and BE/37/19/PL

Direct Line: 01903 737698

Dear Mrs Driver,

Temporary fast track deemed consent under section 74B of the Town and Country Planning Act 1990

S74B request for the modification of condition 6 relating to construction working hours following the grant of BE/37/19/PL on Land at New Barn Lane, Bersted

DESCRIPTION OF APPLICATION:

Condition 6 of BE/37/19/PL currently reads:

No operational of 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

Reason: In the interests of amenity in accordance with Arun District Local Plan policies D DM1 of the Arun Local Plan.

Proposed modification of Condition 6 of BE/37/19/PL as set out in request under Section 74B made on the 28th July 2020:

No operational or construction vehicles shall be operated on the site except between the hours of:

07:30 and 21:00 on Mondays to Fridays inclusive

07:30 and 18:30 on Saturday

Not at any time on Sundays or Public Holidays

All groundwork/heavy plant movement shall cease at 6.30pm

Reason: In the interests of amenity in accordance with Arun District Local Plan policies D DM1 of the Arun Local Plan.

The justification given for the need for the proposed extended working hours includes:

- working at less than normal capacity due to the limited number of contractors inside properties and working on scaffolding.
- groundworks are being undertaken in isolated zones only
- limited canteen use and one-way access/egress routes around the site.

Longer working hours are sought to provide flexibility to introduce work shift patterns to facilitate a greater number of the workforce on the site whilst maintaining social distancing.

REPRESENTATIONS:

BERSTED PARISH COUNCIL – Object. Due to the close proximity of residential properties (54 – 76 New Barn Lane) the extra hours would have a significant effect on the health of these residents; they are already suffering from the lack of dust screening and extended working hours would exacerbate the problem.

Local Ward Member: Cllr G Yeates – raised concerns about the length of hours and disruption to children sleeping and the impact of greater illumination on the site in winter.

CONSULTATION RESPONSES:

ENVIRONMENTAL HEALTH: Currently no investigations relating to the site. Applicant should have regard to details stipulated in the approved Construction Method Statement and Environmental Plan. Periods of respite from building works should be incorporated into the application.

LOCAL HIGHWAY AUTHORITY: No information has been provided about the activities expected to take place within the extended working hours, however, if it is under 30 vehicle movements in any hour then this would not be considered a problem. As the number of construction workers is lower, due to working restrictions because of the Covid 19 pandemic, the trips associated with the site will also be lower and spread out over a longer time period. In theory this will reduce the overall number of construction related vehicles on the highway in any given hour. Provided relevant safety measures are still undertaken there would not be a significant impact on the highway due to this recent change.

The request for an extension of working hours is accepted in principle by WSCC as the County Highway Authority, however details of the plant and equipment to be used should be provided at the applicant's earliest opportunity.

CONCLUSIONS:

This will allow you to continue to meet the demand for housing. The Council accept the reasons you have provided and that they would support safe construction working in line with social distancing.

The Council need to consider whether the mitigation measures to be put in place will avoid significant impacts on businesses and the health and quality of life of those people near the vicinity of the site. The mitigation proposed includes ensuring all groundwork/ heavy plant movement ceases at 6.30pm each evening.

The Local Planning Authority wrote to the applicant on 4th August 2020 requesting the submission of additional information to help to determine the request i.e. additional mitigation measures. The following information was requested:

- 1) A list of the primary construction activities, expected to take place during the extended working hours, including plant and equipment to be used and confirmation of the number of vehicle movements in any hour.
- 2) A proportionate assessment of the likely impact of noise upon sensitive uses near to the site (e.g. dwellings – new residents within the site and existing residents).
- 3) Details of the mitigation plan as set out in section 5 of the Guidance to ensure that mitigation will be in place to satisfy us that there will not be a significant impact on residents.
- 4) The working hours are also set out in the approved Construction Management Plan; the application needs to include an amendment to this document as well. Periods of respite from building works should be incorporated into the application.

The following additional information was submitted by the applicant on 6th August 2020:

- 1) Up to 6.30pm site works will be as per the approved Construction Management Plan in terms of the operations. Post 6.30pm there will be no groundworks, excavations, soil movements or HGV movements or deliveries from the site. The works post 6.30pm will be contained within the constructed plots comprising of first and second fix such as plastering, electrical, painting, plumbing etc. There will be no increase in traffic movements due to these temporary hours.
- 2) Any noise generating work will be contained within the standard working hours within the Construction Management Plan, the extension until 6.30pm will allow for a minor extension of this period. All activities which have a significant noise generation will be ceased by no later than 6.30pm with works after that point being low noise impact without the use of heavy machinery or contained within a constructed property. The Construction Management Plan, as revised, contains measures to protect the amenity of the residents including engagement.
- 3) The site manager will be responsible for managing all construction works within the procedures set out in the Construction Management Plan including parking, deliveries. This will include briefing the construction on the temporary construction hours proposed and ensure that all workers understand the extent of the hours and the works that can be done within those hours. The Site manager will continue to be the point of contact for the Council and any residents and any issues raised will be discussed and resolved. The focus indoor work post 6.30pm will minimise the potential impact on local residents given the scale and nature of the internal works.
- 4) The Construction Management Plan has been revised to reflect the amended working hours.

The original reasons for the limits on construction working hours were to protect the amenity of residents. The additional working would result in work commencing 30 minutes earlier than currently allowed in the morning and allowing work to continue for an additional 2 hours Monday to Friday and an additional 5 hrs 30 minutes on Saturdays.

The extended working hours would have a significant effect on the health and quality of life of the neighbouring residents at numbers 54 – 76 New Barn Lane, who are already suffering from the lack of dust screening at the site and would arguably exacerbate the problem.

DECISION:

Arun District Council have decided to **REFUSE** the amended condition wording.

“Refusal is made in relation to sites in close proximity to residential areas where the request for changing hours is likely to have a significant impact on health, taking into account the Noise Policy Statement for England, the requirements of Section 79 of Environmental Protection Act 1990 and the duty on local authorities to protect persons in the locality from the effects of noise under Section 60(4)(d) Control of Pollution Act 1974”.

You have the right to re-apply, having regard to the reason for refusal. We recommend that you discuss what amended hours may be suitable prior to re-submission. There is a right to appeal this refusal under new section 78(1)(ab) of the TCPA 1990.

Please note that other regulatory regimes that may affect construction working remain in force and are not affected. Legislation covering the control of noise is to be found in the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Please be advised that the refusal of this amendment does not in any way indemnify against statutory nuisance action being taken by the Council should substantiated complaints within the remit of the Environmental Protection Act, 1990 be received.

In the usual way, communities may contact their local authority and register concerns over excessive noise, vibration, odour, light or dust.

Please do not hesitate to contact the above officer if you require any further assistance.

Yours sincerely

Neil Crowther
Group Head of Planning

Arun District Council