

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25th October 2016
 Planning Application Report of the Planning and Development Manager**

Application address: Bitterne Park School, 1 Copsewood Road, Southampton			
Proposed development: Application for variation of condition of planning permission ref 15/01349/FUL relating to the hours of construction to allow extended working hours from 0800 to midnight for up to 5 days over the construction period.			
Application number	16/01495/NMA	Application type	NMA
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	30/09/2016	Ward	Bitterne Park Ward
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr White Cllr Fuller Cllr Inglis

Applicant: Kier Construction Limited	Agent: Terence O'rourke Ltd
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Recommendation Summary	No objection
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Community Infrastructure Levy Liable	Not applicable
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Recommendation in Full – No objection subject to an additional planning condition.

1 The site and its context

- 1.1 The existing site is located in Bitterne Park Ward, which is a residential area of Southampton two miles to the North East of the city centre. The site is occupied by the existing Bitterne Park School. The school currently provides education for 1,500 pupils between the ages of 11 and 18. The configuration of the existing school buildings is broadly rectangular and is situated in the centre of the site.
- 1.2 The approved development of a new 3-4 storey school building and single-storey activities hall, is under construction and is programmed for completion in 2017 (Local Planning Authority reference 15/01349/FUL).

2 Proposal

- 2.1 A non-material amendment is sought to permission 15/01349/FUL. This is an application to amend a condition of the previous planning permission to extend the hours of construction to enable the use of power floats on recently poured concrete in order to create a level and smooth finish, for an anticipated duration of four days. Whilst it is anticipated that the power floating will only take place on four occasions permission is sought for five separate occasions in the event that there are potential delays. The required works are dependent on the pouring of concrete which is likely to necessitate the need for evening working as once the pour starts it needs to be completed within the same day.
- 2.2 The power floating machinery which the contractor intends to use includes a motor which spins a tool on its underside which when applied to the surface of recently poured concrete slab removes any imperfections to create a smooth finish. It is a very common construction method and is essential to the construction process.
- 2.3 It is anticipated that the works would likely take place until around 10pm however there is the possibility, dependant on a variety of factors that the power floating may need to extend until midnight (weather depending). Some flexibility is, therefore, needed and recommended.
- 2.4 As the works will need to be undertaken outside of daylight hours lighting will also be needed. The specification of the machinery and lighting has been submitted to support the application.
- 2.5 An additional condition is recommended to amend the existing planning permission so that power floating can be carried out on the site for the five separate occasions:

APPROVAL CONDITION - Hours of work for use of power floats and associated lighting (Performance Condition)

Notwithstanding the provisions set out within condition 5 of planning permission 15/01349/FUL, the use of power floats and associated lighting, in accordance with the specification submitted as part of the approved non-material amendment (16/01495/NMA) shall be limited to between 08:00 hours and 00:00 hours from Monday to Friday for up to five days over the construction period, unless otherwise agreed in writing by the local planning authority.

Reason: To limit the impact of the construction of the development on the occupiers of nearby residential properties.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to this proposal are Policies SDP 1 (Quality of Development) and SDP 16 (Noise) of the Local Plan.

4 Relevant Planning History

4.1 On the 15th September 2015 the Planning and Rights of Way Panel resolved to grant planning permission for the partial redevelopment of the school site, including demolition of some existing buildings, erection of a new 3-4 storey teaching building and single-storey activities hall, and laying out of reconfigured playing field space together with landscape and access works (new main school entrance to be from Dimond Road).

4.2 Condition 5 of this permission reads as follows:

APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

5 Consultation Responses and Notification Representations

5.1 Following the receipt of the request for a non-material amendment a publicity exercise in line with department procedures was undertaken which included notifying adjoining landowners and erecting site notices (10/09/2016 [approximately] and 11/10/2016). At the time of writing the report 17 representations have been received from 11 surrounding addresses and 2 ward Councillors. The following is a summary of the points raised:

- 5.2
- The impact on the area if this proposal is approved will be great. Local residents will have to endure late night disturbance from the construction site and an increase in heavy traffic around the area. Residents with children will find this particularly difficult. The development has been very disruptive and local residents have experienced months of noise disturbance, dust and highways disruption. It is unacceptable to extend the construction hours which will cause late night disturbance and will disrupt sleep.

RESPONSE: The proposal is for a total of 5 potential occasions when the approved construction hours would be exceeded. Whilst it is unfortunate that there is likely to be an impact on local residents the Council must consider whether or not the harm caused is material to the overall acceptability of the development.

- 5.3
- Insufficient information.

RESPONSE: The submitted information has been updated in order to provide residents with further details of the proposed power floating operations. Residents who objected to this non material amendment application as a result of the original consultation exercise have been informed of the updated

information and site notices have also been erected around the site to notify the wider community.

- 5.4 • Impact on traffic and road safety.

RESPONSE: It is anticipated that the traffic relating to this non material amendment application will not be significantly disruptive to local residents. The hours when contractors carrying out the construction would be leaving the site would be at non peak traffic times of the day and therefore impact on local traffic movement/congestion/road safety would be negligible. The proposal is to extend construction hours for the power floating only. The power floating will involve up to 5 operatives and a site manager will also be in attendance. Accordingly the total number of vehicles leaving could be 6 although the developer anticipates that it is unlikely to be more than 3.

- 5.5 • The hours of construction needed for the power floating should have been considered at the initial planning stages.

RESPONSE: The impact of the construction of the school, in general, was considered when the planning application was first assessed and approved. As a consequence condition 5 relating to construction hours was added. It is however not always possible for developers to strictly accord with imposed restricted construction hours, especially when large scale construction projects are under way. It is therefore not unreasonable to consider limited time extensions for the construction of certain elements of those developments. The proposed hours seek to give the developer some flexibility and the application seeks to keep local residents informed of this, whilst acknowledging the disruption that will be caused.

- 5.6 • Concern is raised that in agreeing to the non-material amendment application a precedent would be set and the contractors would then apply for further extended hours.

RESPONSE: Each application has to be judged on its own merits.

- 5.7 • There is also no detailed noise output from the power float except those given in the outline plan drawing figures i.e. no substantiating evidence from the manufacturer of the float as to noise output.

RESPONSE: The Council's Environmental Health Officer responsible for noise impact assessment within the Bitterne Park area does not object to the non-material amendment application on noise grounds. The Environmental Health Officer has experience in determining likely harm caused by construction related noise and has reviewed the submitted information.

- 5.8 • Impact of vibration.

RESPONSE: The Council's Environmental Health Team were notified of the vibration caused by the development early in the summer of 2016. The Environmental Health Team followed up the enquiry by requiring vibration monitoring to take place. The monitoring has confirmed that the levels of vibration caused by the construction methods employed on site do not exceed

British Standards. As such with continued monitoring it is anticipated that vibration caused is acceptable and mechanisms are in place for further enforcement should this become necessary.

Consultation Responses

- 5.9 **SCC Environmental Health (Pollution & Safety)** - After carefully reviewing the submitted information it is considered that the proposal is acceptable. The power floating will not occur for a long period of time which will limit its impact on local residents. Vibration is monitored on the site following a complaint received by the department. The results of the monitoring have shown that the current level of vibration caused by the development is not exceeding the relevant British Standard.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are the importance of this school project for the city weighed against the impact on the amenities of local residents.
- 6.2 The school development seeks to modernise and improve teaching facilities within the City for the benefit of pupils and teaching staff. The new building will provide improved facilities for a growing number of children from within the local community. The development will also enable the Council to control the use of the building so that it can be accessed by community groups outside of school hours. The existing main school building dates from the 1960s and would require significant and costly remodelling to bring it up to modern standards and to facilitate its extended purpose.
- 6.3 There is a significant need for the additional school places in this catchment. Failure to deliver by the intake for 2017 will result in more pupils than places. This is a significant material consideration in this case. The proposed phasing allows for continuous education to take place on site during the construction phase.
- 6.4 It is also noted that of the 156 residential properties that were sent letters of consultation in associated with this non material amendment application responses were received from 11. In addition it is also noted that two ward members have also responded to the consultation exercise that has been carried out. The problem with the perception of harm caused by construction noise is that each person's interpretation of noise is different. This is evident, partly, from the consultation response received which shows that only a relatively small proportion of local residents consulted oppose the non-material amendment application on noise grounds. Officers recognise that allowing construction to continue in respect of the concrete pour, until midnight on 5 occasions will cause disruption and nuisance. In considering this recommendation weight has been given to the wider benefits of securing the development for the 2017 intake. The Environmental Health Officer is also not opposed to the non-material amendment because the power floating will still be time limited to a potential maximum of 5 occasions only.
- 6.5 With regard to light spill from the flood lights needed to carry out the power floating a planning condition is recommended to ensure that the lights do not point towards residential properties fronting Dimond Road, Oaktree Road and Copsewood Road and these will only be used for those five exceptional

occasions.

- 6.6 Failure to deliver the project would represent the loss of an important opportunity for the City Council, the school and most importantly its pupils. This is a significant material consideration in this case. The compromised hours of construction, which will be restricted to the power floating operation only, is judged to be acceptable when considered against the overall benefit that the development brings to the local community in terms of additional school places, modern teaching facilities and the potential community 'dual use' potential. When making this recommendation Officers have taken account of the objections raised and also the consultation response received by the Councils noise expert within the Environmental Health Team.

7 Summary

- 7.1 Extending the working hours on five separate occasions to potentially midnight is considered to be reasonable in the circumstances of this case.

8 Conclusion

- 8.1 The proposal is considered to be non-material when judged against the overall development.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

MP3 for 25/10/2016 PROW Panel

PLANNING CONDITIONS

APPROVAL CONDITION - Hours of work for use of power floats and associated lighting (Performance Condition)

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- 163 & 165 Newton Road
- 113A, 119 – 159 (odd numbers only) & 173 Oaktree Road.
- Castle Heights, 43 – 85 (odd numbers only) Castle Road.
- 56, 71 – 77 (odd numbers only) Dell Road.
- 2 – 126 (even numbers only) Copsewood Road.
- 94 – 160 (even numbers only) Dimond Road.
- 151 - 169, Dimond Road

Reason: To limit the impact of the construction of the development on the occupiers of nearby residential properties.

16/01495/NMA



Scale: 1:2,500

