

PLANNING APPLICATION REPORT

REF NO: P/46/20/PL

LOCATION: Land To North And South Of  
Summer Lane  
Pagham  
PO21 4NG

PROPOSAL: Variation of condition 13 imposed under P/70/19/RES relating to temporary relaxation of planning hours from approved Monday to Friday 8AM-6PM & Saturday 8AM-1PM to Monday to Thursday 8AM-9PM, Friday 8AM-6PM (no change) & Saturday 8AM-4PM until 13th May 2021.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The application seeks permission to temporarily vary the existing hours of working condition. The existing condition states:</p> <p>No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays. Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.</p> <p>The applicant proposes to change this to allow work to take place between 08:00 and 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays. This will be a temporary change until the 13th May 2021.</p> <p>It should be noted that it was originally proposed to extend the hours to allow work between 8am and 9pm Monday to Saturday but the applicant has made concessions to finish earlier on a Friday and Saturday in order to give residents a period of respite.</p>
BOUNDARY TREATMENT	<p>The northern boundary is defined by a ditch with a circa 1.8m high timber fence on the other side and there is a hedgerow/low fencing bordering a small paddock to the north west/the Mill Farm Residential Park Home estate. To the east the site is bordered by broken hedgerow and timber fencing to rear gardens of Brooks End/Sylvia Close. The southern boundary is similar with fencing and hedgerows. divided hedgerows and post and rail fencing. The remainder of this boundary abuts Summer Lane. The site is split in two by third party land stretching north from Summer Lane and this is also</p>

bordered by fencing and hedgerows. The part of the site to the west of this is currently open to Summer Lane and to the adjoining land to the west. The parcel of land to the south of Summer Lane is open on its north, west and southern boundaries. The east is bounded by a village hall, open space and garden boundary fences associated with existing properties.

#### SITE CHARACTERISTICS

The site covers two separate parcels of land both to the north of Summer Lane, with a separate parcel of land to the south and the latter is to be Public Open Space (POS).

The site is split in two by third party owned land projecting north from Summer Lane. The western parcel is mainly agricultural land whilst the eastern parcel is informal scrub land. To the west of the site the land is bordered by arable land which continues in a westerly direction. To the east of the housing site are the rears of dwellings associated with Brooks End and Sylvia Close, and there are a number of residential properties and Pagham United Reformed Church which face the proposed POS area. Land to the north is dominated by the newly built Crayfern development and by Mill Farm Park Home estate.

Summer Lane comprises a road and a public footpath (FP100) providing access to a small number of large, detached properties arranged in a linear formation on the north side. Summer Lane continues in a westerly direction where it provides access to a small number of isolated properties, but it is more regularly used as a footpath.

The eastern parcel is overlooked by houses along Summer Lane, at the ends of Brooks and Sylvia Closes and situated within the Crayfern site to the north. The western parcel shares a boundary with the dwelling known as Meadow Sweet and a further dwelling located behind (itself associated with a builders workshop unit). The mobile homes to the north west are all single storey but do have a view out into the existing fields.

#### CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a rural feel owing to the nature of the site and the large expanse of open countryside to the west. It sits on the very western edge of the settlement, the extent of which generally follows the line of Pagham Road. The only exception to this is the Mill Farm Estate which lies to the north of the site which comprises a large residential park homes estate; this encroaches into an area of former countryside. Dwellings to the south along Summer Lane are detached properties of individual appearance. Properties to the east within Brooks End and Sylvia Close comprise a mix of detached and semi-detached dwellings.

<b>RELEVANT SITE HISTORY</b>
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P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).	ApproveConditionally 28-02-20
P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16

This site has a valid planning permission for development with 90 new dwellings with associated parking, road/footway provision, open space, landscaping, drainage features and ancillary works.

<b>REPRESENTATIONS</b>
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Pagham Parish Council object for the following reasons:

- (1) The proposed hours are anti-social when the profile of residents is properly considered;
- (2) Residents right to quiet enjoyment of their gardens would be severely compromise;
- (3) Unacceptable levels of noise and dust would be generated despite the measures suggested by the developer;
- (4) Their health and mental wellbeing must be a priority when considering this application;
- (5) The Council lacks confidence that the site contractors would abide by the extended rules, leading to further misery for residents.

In addition, 12 letters of objection raising the following material planning considerations:

- (a) Site is next door to 271 homes at least 50% of which are occupied by over the 60's;
- (b) Increased noise & dust pollution to residents;
- (c) This extension could increase health risks to persons vulnerable to Covid-19;
- (d) The Government have said that the temp extension of working hours will be reviewed when the need for social distancing on building sites diminishes therefore this extension is no longer needed; and
- (e) Instead, the contract completion date should be extended.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments and the concerns of the Parish Council and residents are noted and the report conclusions considers the harm to the amenities of existing residential properties.

The Government may have said that measures will be reviewed however Part 3 of the Business and Planning Bill which was released on 30/06/20 proposes the formalisation of advice on temporarily extending the hours of work on construction sites and proposes that Local Planning Authorities will only

have 14 days to consider such requests. This Bill is not yet law but clearly sets out the Government's current intentions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - No objection. Confirm that there are no current noise investigations relating to the site. Recommends that the applicant has regard to the relevant details stipulated in the approved Construction Environmental Management Plan and the Extended Hours Management Plan. Also recommend that periods of respite from the building works for the occupants of neighbouring dwellings are incorporated into this application.

### COMMENTS ON CONSULTATION RESPONSES:

In response, the applicant suggested that work finish at the approved time of 6pm on Fridays. Environmental Health officers stated that this proposal seems reasonable and again noted that there were no noise complaints relating to the site.

### DEVELOPMENT PLAN POLICIES

#### [Arun Local Plan 2011 - 2031:](#)

QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

On the 24th June 2020, the "Pagham Development Management Plan 2019-2026" was published under regulation 14. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to this draft Neighbourhood Plan as a material planning consideration. However, the weight to be attached to the Plan is a matter of judgement for the decision maker. The plan contains 11 policies but none are relevant to the impacts of additional working hours on the amenities of local residents.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the impact on residential amenity due to the increase in the working hours will only be temporary and is mitigated by the requirements of the Extended Hours Management Plan and the proposed respite periods.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **CONCLUSIONS**

##### **PROPOSAL & PRINCIPLE:**

This application is in response to the Written Statement of the Secretary of State for the MHCLG dated 13/05/20 which stated that:

- Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan;
- Applicants should consider potential impacts and put forward mitigation measures;
- Local Planning Authorities should respond speedily and sympathetically and engage positively with applicants to find solutions;
- The Government recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses therefore requests should be proportionate and should not involve working on Sundays or bank holidays;
- Local Planning Authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection;
- Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

In addition, as noted above, the Government has recently released the Business and Planning Bill which proposes the formalisation of advice on temporarily extending the hours of work on construction sites. This proposes that Local Planning Authorities will only have 14 days to consider such requests. This Bill is not yet law but clearly sets out the Government's current intentions in respect of assisting the construction industry.

It is proposed to temporarily increase the construction working hours at the site until the 13th May 2021. Construction work would thus occur between 08:00 and 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays.

The applicant has provided an Extended Hours Management Plan which is viewed as an addendum to the Construction Phase Environmental Management Plan (CPEMP) approved by ADC on the 29th May 2020 against condition 16 of P/58/15/OUT. The new Plan sets out that in addition to the requirements of the CPEMP, the following measures will be adhered to:

- No heavy plant or noisy tools / machinery to be operated beyond the hours of 6pm;
- Material deliveries to and from the site will be limited to the hours of 8am and 5pm;

- Advanced notice of planned works during the extended hours will be provided in advance and on a weekly basis via site notice board, group email and to the Parish Council;
- All power tools will have dust bags;
- Works on Saturdays or evenings will be low impact, low risk, low noise, no dust and will be away from the site boundaries;
- All works until Autumn/Winter will be external after which it will be internal works;
- Deliveries would be avoided on a Saturday or evenings where possible;
- Lighting will be low level and a silent generator used if required

#### **IMPACTS ON RESIDENTIAL AMENITY:**

Arun Local Plan (ALP) policy QE SP1 states that the Council will ensure that development does not have a significantly negative impact upon residential amenity. ALP policy QE DM1 is not relevant as it only relates to either new residential development close to existing noise sources or new noise generating development and the current proposal is not development. Policy QE DM2 sets out that outdoor lighting should use light levels that are the minimum required for security and working purposes. Policy QE DM3 is also not relevant as it refers only to the air pollution impacts of new major developments or industrial development.

It is acknowledged that local residents are deeply concerned about the impact of these additional working hours on their amenities. However, it is considered that the proposed mitigation measures in the "Extended Hours Management Plan" are such that the extended hours will not give rise to significant impacts during these extended periods. It is also considered positive that the applicant has agreed to changes to their original proposal to finish at 4pm on Saturday and 6pm on Friday. In respect of lighting, the mitigation measures make it clear that lighting will be the minimum required and that no floodlighting will be used.

The Councils Environmental Health Officers are its technical advisers on matters of pollution and they have assessed the application and found it to be acceptable. It should also be noted that even with these extended hours, Environmental Health will retain their powers to investigate any pollution based complaints and take their own action if necessary.

It is therefore considered that the proposal is in accordance with policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan on a temporary basis until 13/05/21.

<b>HUMAN RIGHTS ACT</b>
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The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**RECOMMENDATION**

APPROVE CONDITIONALLY

- 1 This permission will expire on the 13th May 2021 after which the new conditions imposed by this planning permission shall cease to apply and instead the working hours specified by condition 13 imposed under P/70/19/RES will again apply.

Reason: The Local Planning Authority would not normally grant permission for such working hours and is only doing so due to the current circumstances (the impact of Covid-19 on the construction industry) and in accordance with the Written Statement of the Secretary of State for the MHCLG dated 13/05/20.

- 2 The extended hours of working set in condition 3 below shall only be carried out in accordance with the "Extended Hours Management Plan" (30/06/20) and there shall be no deviation from this plan.

Reason: For the avoidance of doubt and in the interests of the amenity of local residents in accordance with policy policies QE SP1, QE DM1, QE DM2 & QE DM3 of the Arun Local Plan.

- 3 No construction/demolition activities shall take place, other than between 08:00 to 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policy policies QE SP1, QE DM1, QE DM2 & QE DM3 of the Arun Local Plan

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

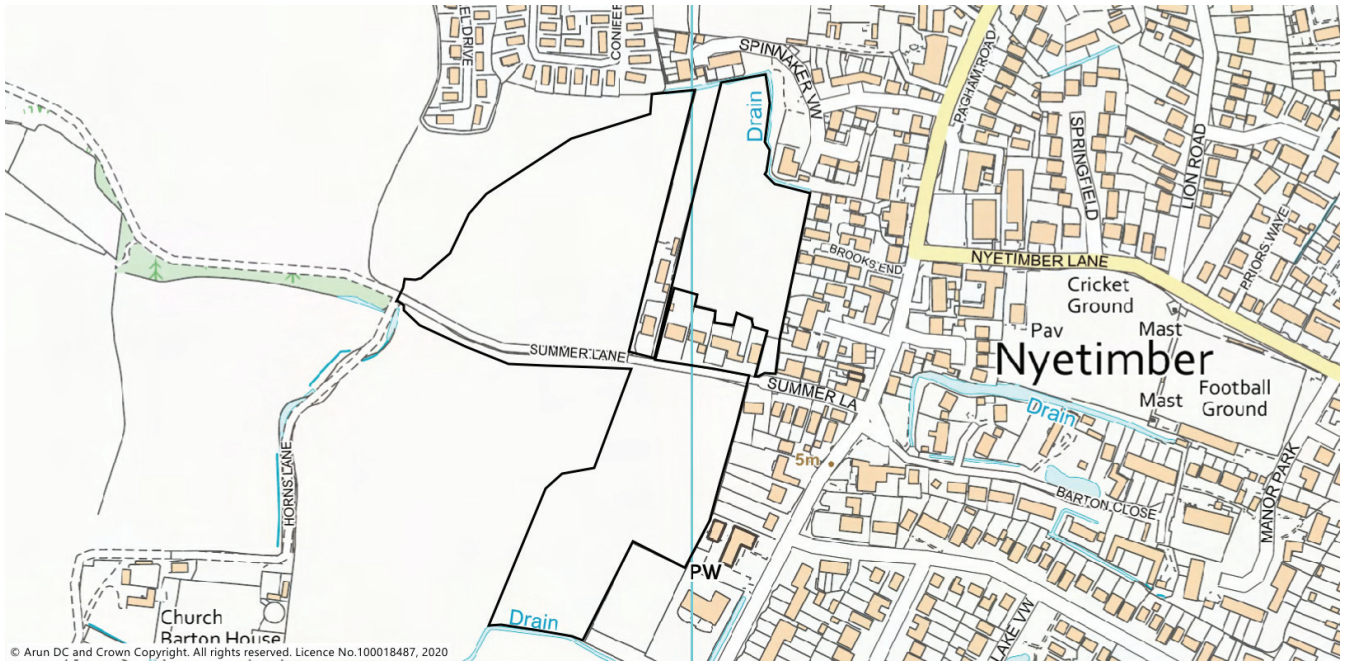
- 5 **INFORMATIVE:** All of the conditions imposed on P/58/15/OUT and P/70/19/RES shall remain in force (unless already discharged) except for condition 13 imposed under P/70/19/RES which is temporarily replaced by condition 3 above. Conditions 1 and 2 are new and relate solely to this temporary change to the working hours.

**BACKGROUND PAPERS**

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).



**P/46/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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