

APPLICATION NO	PA/2015/0640
APPLICANT	Galliford Try
DEVELOPMENT	Planning permission to vary condition 8 of planning permission PA/2015/0090 to amend the permitted hours of work to allow construction to take place with minimal disruption to the operation of the school
LOCATION	Burton Stather Primary School, Flixborough Road, Burton-upon-Stather
PARISH	BURTON-UPON-STATHER
WARD	Burton Stather and Winterton
CASE OFFICER	Mark Beevers
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Marper – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 17 Core Planning Principle 4 – ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.

North Lincolnshire Local Plan: Policy DS1 – General Requirements

North Lincolnshire Core Strategy: Policy CS2 – Delivering More Sustainable Development

CONSULTATIONS

Highways: No comments received at the time of writing this report.

Environmental Health: No objection to the proposed amended construction hours.

PARISH COUNCIL

Comments anticipated on 30 June 2015. Members will be verbally updated at the Planning Committee.

PUBLICITY

Neighbouring properties have been notified. Three letters of objection have been received raising the following concerns:

- object to any weekend working and outside the hours 8am to 6pm
- disruption from vibration and noise will cause health issues and loss of earnings for a neighbouring night-shift worker
- loss of privacy and overlooking from drivers of heavy good vehicles
- pets will be disturbed
- current disturbance occurs from refuse vehicles once a week and it is not acceptable that this disturbance will be hourly six days a week
- concern over children's safety as only a thin barrier exists between a rear garden and HGVs using the access road
- what if a vehicle loses control or sheds its load
- toxic products associated with the demolition of the existing school building will pass a neighbouring residential property
- although aware of the school entrance and comings and goings when purchasing the property, did not expect to have to put up with a construction site
- could have been avoided if a separate entrance had been made.

At the time of writing this report the consultation period has not expired. The consultation period expires on 29 June 2015 and members will be verbally updated at the Planning Committee of any further comments received.

SITE ASSESSMENT

The site is located to the south of Burton-upon-Stather and is accessed from Flixborough Road close to the junction with the B1430 (The Avenue). The B1430 is a main access road into Burton-upon-Stather from Scunthorpe. Burton-upon-Stather is a large village located close to the banks of the River Trent.

The site is accessed between two existing properties, one facing Flixborough Road and the other facing The Avenue. This is a narrow access road which is only capable of accommodating two passing cars. There is a pedestrian route which is segregated from the vehicular element of the access by metal railings. Properties are located adjacent to the site access, projecting a side elevation towards the entry road from a distance of approximately 3 metres.

PROPOSED DEVELOPMENT

Planning permission was granted by Planning Committee on 29 April 2015 for the demolition of the existing primary school following the construction of a new school on the site. This necessitated the use of the existing school access for construction vehicles, which was a matter deliberated at length at the Planning Committee. The recommendation of officers was to approve the application subject to condition 8 stated below:

Construction, demolition and site clearance operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Members resolved to change this condition due to the proximity of the site access to residential properties, placing greater restrictions on the movement of vehicles and construction works:

Construction, demolition and site clearance operations shall be limited to the following hours:

- 9am to 5pm Monday to Friday

- 9am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

This application seeks to amend condition 8 to extend the hours of construction:

Construction, demolition and site clearance operations shall be limited to the following hours:

- 7am to 6pm Monday to Friday

- 9am to 1 pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

HGV movements and deliveries to the site shall not be permitted outside the hours of:

- 9am to 6pm Monday to Friday;

- 9am to 1 pm on Saturdays;

or at any time on Sundays or public/bank holidays;

during the construction or demolition phases without prior written approval from the local planning authority.

To clarify, the application does not seek to make any changes to weekend or bank holiday working and it will not result in any earlier HGV movements (still restricted to 9am). It does allow work to begin on the site two hours earlier (7am) but access to the site will be for workers in cars and vans only. It also allows work to be undertaken on the site and HGV movements until 6pm in the evening, increasing the midweek working day by one hour.

The proposed amendment is less restrictive than the one imposed by members but it is more restrictive than the condition originally proposed by officers.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

It is a standard requirement of planning policy at a local and national level to protect the amenity of residents from short-term disruption and longer-term loss of amenity. In this instance the adverse impact identified is from short-term construction activities.

The planning condition being considered as part of this application aims to protect the amenity of residents during unsocial hours, both in the early mornings and later into the evening. The most acutely felt disturbance is at the site entrance where existing properties will be as little as 3 metres from the school access road. The construction of the new school building will take place further from properties, with the nearest property being 80 metres from construction works and 55 metres from the site boundary. This separation is provided by long rear gardens and separation between the new school buildings and the existing school boundary.

Construction of the new school building is proposed to take place from 7am until 6pm Monday to Friday; this adds three hours onto the working day. Given the separation from properties these working hours are considered to be acceptable and within the usual construction hours restrictions recommended by the council's Environmental Health Officers. This will result in some disturbance at the site entrance from cars and vans entering the site in preparation for work beginning but these movements are not considered to cause any significant disruption.

HGV movements will cause greater vibration and noise and it is these movements which will cause greater disturbance to residents adjacent to the site entrance. It is recommended that these movements will still begin at 9am. This is the same as approved, but such movements will be allowed until 6pm in the evening. This is an additional one hour per day of HGV movements Monday to Friday. It is considered that this level of disruption is acceptable.

There will be no change at weekends or during Bank Holidays.

There has been no objection to this application from the council's Environmental Health team.

Officers must be consistent in the advice they are providing to members and it was previously the recommendation of officers to allow longer working days. Therefore the application is recommended for approval.

It is considered that the applicants' recommended wording of this condition maximises the efficiency of operations on the site, resulting in the quickest possible build time whilst restricting construction to acceptable hours. The applicants have outlined that the greater restrictions on the current planning permission will result in a longer and more expensive build process. The current condition is not considered to make any difference to the overall impact of the construction process: daily disruption will be increased slightly but the construction process will be extended by seven weeks with the current restrictions in place.

It is considered that the recommended wording of the replacement condition strikes the correct balance between protecting residential amenity whilst maximising the efficiency of the construction process to ensure the swiftest possible conclusion to construction activities. This complies with policy DS1 of the NLLP and Core Planning Principle 4 at Paragraph 17 of the NPPF.

RECOMMENDATION

Grant permission subject to the following conditions which includes the proposed amendment to condition 8:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: GA(00)000 - Location Plan; GA(00)002 - Site Boundary; GA(00)001 - Proposed Site Plan; GA(10)001 - Floor Plans; GA(10)002 - Roof Plan; GA(11)001 - Elevations; GA(12)001 - Sections; D/001 Rev P5 - Site Wide Below Ground Drainage General Arrangement; and LP1994-WS-L-90-01 Revision F - Landscape Proposals.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken;
- limit the discharge rate generated by all rainfall events up to and including the 100-year plus 30% (allowance for climate change) critical rain storm to ideally the greenfield run-off rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site;
- demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';
- be supported by relevant plans, network details and calculations, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long-term operation at the designed parameters.

Reason

To prevent the increased risk of flooding; to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures.

4.

The development hereby permitted shall not be occupied until a scheme which includes the following measures has been submitted to and approved by the local planning authority. The scheme shall be submitted in full unless the local planning authority dispenses with any such requirement specifically and in writing:

- A comprehensive site survey by a competent person shall determine the existence, extent and concentrations of any landfill gas with the potential to reach the application site. The requirements of the local planning authority shall be fully established before the site survey is commenced. Two full copies of the survey, findings and conclusions shall be submitted to the local planning authority without delay upon completion.
- A written scheme to be implemented and completed by a competent person detailing measures to contain, manage and/or monitor any landfill gas with the potential to reach the application site shall be submitted to the local planning authority. The scheme shall be agreed in writing with the local planning authority prior to the commencement of development and implemented prior to occupation of the development. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

Reason

In the interests of public safety in accordance with policy CS18 of the North Lincolnshire Core Strategy.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To comply with the provisions of policy DS7 of the North Lincolnshire Local Plan and policy CS18 of the North Lincolnshire Core Strategy in relation to contaminated land.

6.

No plant for refrigeration, ventilation, extraction or air conditioning shall be installed until the details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. Details for the control of odour must be included with the details for any cooking extraction plant. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

No development shall commence until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance;
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors;
- days and hours of use of external lighting.

Once approved the agreed lighting scheme shall be installed, maintained and operated in accordance with the approved details and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

Construction, demolition and site clearance operations shall be limited to the following hours:

- 7am to 6pm Monday to Friday

- 9am to 1 pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

HGV movements and deliveries to the site shall not be permitted outside the hours of:

- 9am to 6pm Monday to Friday;

- 9am to 1 pm on Saturdays;

- or at any time on Sundays or public/bank holidays;

during the construction or demolition phases without prior written approval from the local planning authority.

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

No authorised development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution, including noise, vibration, dust and light. All demolition, construction and site clearance work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason

For the protection of amenity for local residents and adjacent school use in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of measures to be taken to avoid harm to hedgehogs, bats and nesting birds during demolition and construction;
- details of nesting and roosting features to be installed in buildings to support swift (*Apus apus*) and pipistrelle bat (*Pipistrellus* spp.);
- details of bat boxes and bird nest boxes to be installed in the grounds;
- proposed timings for the installation of the above features in relation to the completion of works on each building;

- restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats;
- prescriptions for the creation and management of wildflower areas, including details of soil properties and local origin plugs and seed mixes;
- prescriptions for a wildlife garden, trees, shrubs and mixed native hedges of high biodiversity value.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

11.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

12.

Prior to the commencement of development, a scheme setting out the provision of replacement playing field across other site(s) in North Lincolnshire (of at least the equivalent quantity and quality to that lost to the development) shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. The scheme shall include the processes and methodologies set out in the Sport England publication 'Natural Turf for Sport' (March, 2011). The approved scheme shall include a timetable for the provision of the replacement playing field.

Reason

To ensure that the development does not result in a net loss of playing field with regard to policy R1 of the North Lincolnshire Local Plan.

13.

Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the local planning authority, after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

Reason

To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy R1 of the North Lincolnshire Local Plan.

14.

No development shall take place until proposals for landscaping (including planting plans of locations and sizes of trees/shrubs etc, used together with a maintenance plan for at least the first three years) have been submitted to and approved in writing by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

In order to enhance the visual appearance and deliver biodiversity enhancements in accordance with policies CS16 and CS17 of the North Lincolnshire Core Strategy.

15.

No demolition shall take place until the applicant, or their agents or successors in title, has produced an historic building record of the school buildings in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the school buildings are of communal value and the site is of archaeological interest.

16.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record, of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the school buildings are of communal value and the site is of archaeological interest.

17.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the school buildings are of communal value and the site is of archaeological interest.

18.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the school buildings are of communal value and the site is of archaeological interest.

19.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

20.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

21.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority.

Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

22.

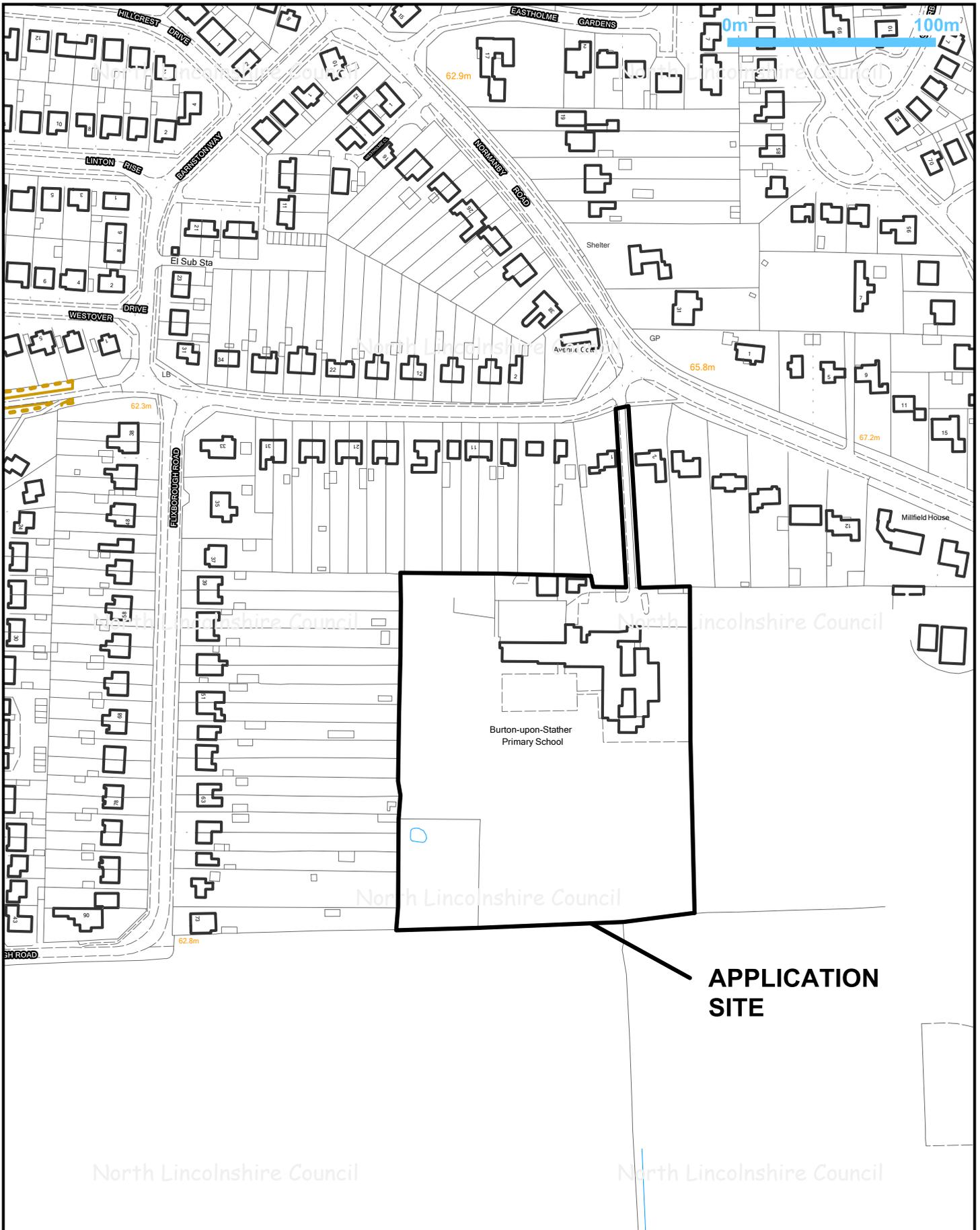
Before the new school is brought into use, details of the proposed perimeter fencing of the site shall be submitted to and agreed in writing by the local planning authority. Such details shall include a condition survey and proposals for reinforcing the fencing as necessary. The scheme as agreed shall be fully implemented before the new school is occupied.

Reason

To ensure adequate secure fencing to the perimeter of the site and to safeguard the amenities of adjacent residential property.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



APPLICATION SITE

Title: PA/2015/0640			
Drawn by: Sue Barden	Date: 16/06/2015	Scale : 1:2500	
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PA/2015/0640 Proposed Layout - Not to scale

