

SECTION '2' – Applications meriting special consideration

Application No : 16/02117/COND12

Ward:
Crystal Palace

Address : Orchard Lodge 107 William Booth Road
Penge London SE20 8BG

OS Grid Ref: E: 534224 N: 169888

Applicant : Mr Harry Halpin

Objections : NO

Description of Development:

Details of conditions submitted in relation to planning permission ref: 16/02117/FULL1
Condition 4 - Construction Management Plan

Key designations:

Smoke Control SCA 6

Proposal

Planning permission was granted under ref. 16/02117/FULL1 for the comprehensive redevelopment of the site to provide a total of 252 new residential units in three blocks.

Planning permission was granted subject to a legal agreement and a number of conditions, including Condition 4, which required the submission and approval of a Construction Management Plan (CMP) prior to commencement of development. The CMP was approved pursuant to Condition 4 on 5th December 2016.

The working hours approved within the CMP are as follows:

0800 – 1800 hours Monday – Friday
0800 – 1300 hours Saturdays

No works are permitted outside of the above hours, on Sundays or Public Holidays.

Following an Enforcement investigation relating to a breach of these hours, the current application has been submitted to seek approval for an amended CMP containing extended working hours for a limited period (until 22.12.17). The activity that is proposed to take place outside of the already approved hours would be limited to levelling of the concrete pour (power floating) only.

The amended hours proposed are as follows:

“In addition to the above, the hours of operation will temporarily be extended Monday-Friday until 20:30 hours from 04.07.17 to 22.12.17. Construction work will be limited to levelling of the concrete pour (power floating) only in this period and between the hours of 18:00 and 20:30.”

The applicant has provided the following justification for the proposed amendment within the covering letter:

“As a result of the delivery access restrictions that apply to the site, the poured concrete is unable to reach a suitable consistency for levelling works to be completed within the current hours of operation. Waiting until the next day creates a situation where levelling is

not possible because the concrete has fully set. Split slabs are not recommended for a build of this nature.

Levelling of the concrete pour (power floating) involves only up to five construction workers and a supervisor, with machinery that generates a limited noise disturbance.”

A Breach of Condition Notice in relation to Condition 4 and working outside of the permitted hours was issued on 5th July 2017 and became effective on 4th August 2017.

Location

The application site is 1.8 hectares and is accessed from the western end of William Booth Road, the main access road from the western edge of Anerley Road, to a series of cul-de-sac developments that are predominantly two storey terraced dwellings. Two storey dwellings and their private gardens adjoin the north eastern boundary of the site. To the southeast of the site is James Dixon Primary School and the north western boundary is the former Anerley Boys School site which has now been redeveloped by two four storey residential buildings, Darwin House and Radcliffe House on Worcester Close and further blocks of flats comprising Scholars Court off Madeline Road. All of the land to the north-west, south-east and south of the site is within Metropolitan Open Land (MOL).

The site slopes in a north to south direction with a drop of approximately 5m in ground level. The site was previously used as a remand centre and most recently as a residential institution caring for people with Autism. The site is currently being redeveloped.

Consultations

Highways raised no objection to the application.

Environmental Health (pollution) raised no objection to the application.

Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

Unitary Development Plan:

T18 Road Safety

London Plan:

7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The following draft policies are considered to be relevant to this application:

Draft Policy 32 Road Safety

Draft Policy 119 Noise Pollution

History

16/02117/FULL1 - Planning permission granted (subject to legal agreement) for demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (80 x 1 bed, 129 x 2 bed and 43 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open

space, play space, associated access roads, private and communal landscaping, cycle parking, recycling and refuse stores and associated works including widening of existing vehicular access onto William Booth Road.

Conclusion

The proposed amended hours seek to regularise the breach of the working hours specified within the approved CMP, and would only allow for the proposed levelling of the concrete pour (power floating) to take place up to 20:30 hours, Monday to Friday, until 22nd December 2017.

The principal reason for controlling working hours through the CMP is to safeguard the amenities of neighbouring residents with particular regard to noise and disturbance, although this must be balanced against the need for construction works to be completed in a timely manner once commenced and the temporary nature of any impacts arising. In this instance, works have already taken place outside of the permitted hours, giving rise to an Enforcement complaint and investigation, resulting in the serving of a Breach of Condition Notice.

The development site is adjoined by existing residential development and it is acknowledged that the levelling of the concrete pour could give rise to additional noise and disturbance outside of the normal working hours. The applicant has confirmed that this activity involves up to five construction workers and a supervisor with a limited noise disturbance generated, and the amended hours would be for a temporary period until 22nd December 2017. The applicant submits that the poured concrete is unable to reach a suitable consistency for levelling works to be completed within the current hours of operation, and that waiting until the next day creates a situation where levelling is not possible because the concrete has fully set. The applicant further submits that split slabs are not recommended for a build of this nature.

Comments have been received from the Council's Environmental Health (pollution) Officer, confirming no objection to the proposed amendment to the CMP, as the only exception sanctioned for late working is a concrete pour with power floating.

Members may wish to note that the Council has also served a notice under Section 60 of the Control of Pollution Act 1974 restricting the hours at which 'noisy building works' may take place to between 8am – 6pm Monday to Friday, 8am to 1pm Saturday and no noisy works at any time on Sundays or Bank Holidays, which accord with those specified in the approved CMP. The restriction on 'noisy building works' could apply to the proposed concrete pour (power floating). Therefore, whilst any approval of a revised CMP given pursuant to this application would resolve the outstanding breach of planning control in relation to the concrete pour (power floating), the developer would still need to apply for an exemption from the Section 60 notice should any noisy activity need to take place outside of the hours specified within it.

It is considered that any additional noise and disturbance arising from the concrete pour (power floating) taking place up to 20:30 hours Monday to Friday and for a limited period until 22nd December 2017 would be acceptable when balanced against the practical difficulties in completing this activity within the approved hours of working as outlined by the applicant, and the need for the development to be completed within a timely manner. Accordingly it is recommended that the revised CMP is approved.

RECOMMENDATION: APPROVAL

