

Item no.

Report to: **Development Control and Regulatory Panel**
Date: **18 December 2007**
Report of: **Head of Planning and Building Control Services**
Subject: **Variation of Hours of Working Condition – East Durham College
Development, Peterlee – PLAN/2007/0063**
Ward:

Purpose of Report

This report is produced in response to a request by the developers of the college site on Burnhope Way to relax the hours of operation of the on site development on an occasional basis.

Planning permission was granted to redevelop the college site with a new college building and sports facilities in May 2007, with a number of conditions attached, one of which related to the hours of the day when construction on the site could take place.

This condition restricted working hours to 08.00 – 18.00 Mondays to Fridays and 08.00 – 12.00 Saturdays. No working was permitted Sundays or Bank Holidays.

Part of the construction process involves laying concrete floors and then “power floating” the surface to make it perfectly smooth. This last process involves the use of a small motorised machine and has to be carried out at a certain point in the cement’s setting process and cannot be delayed until the following day. Weather conditions also affect the speed that this process can take place.

There have been a few occasions recently when the process has overrun the authorised working hours, resulting in complaints being made to this Authority from local residents.

The developers have explained the reasons for the overrunning of construction work and suggested that it may occur on approximately 12 occasions during the next three months, depending on weather conditions.

Consultation Responses

A local resident has objected to the out of hours working raising the following issues :

- Work was being carried out during a recent bank holiday resulting in disturbance during a holiday period to local residents.
- Work has been carried out at night on three occasions, once right through the night.
- Associated lighting is causing a nuisance late at night.

A petition from objecting local residents has been submitted to local Council Members.

The Environmental Health Officer has been consulted and confirms that the process is a perfectly normal part of building construction. If the floor areas are large, the process could take all night. The Officer concludes that in the circumstances, it is

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reasonable to allow the developers to exceed their permitted hours for the limited number of occasions proposed.

Planning Considerations

The main planning issue relating to this proposal is whether the impact of the proposed out of hours working on the amenities of local residents is sufficiently great as to warrant refusing to permit a relaxation of the hours of operation on a limited basis.

The site of the new college building is some 160 metres from the homes of the objectors in Stainton Way, and from information supplied by the applicant, the nature of the “power floating” machine noise is similar to that of a car engine.

Site lighting was not the subject of a planning condition, although if it is deemed to be excessive and causing a nuisance, there are statutory nuisance measures that can be taken by Environmental Health Officers.

The Environmental Health Officer has advised that the operations associated with the proposed extension of working hours, whilst noticeable to local residents, is not of a sufficient level of nuisance as to warrant refusing permission in this instance.

The circumstances surrounding the particular process involved are recognised as being specific to this site and to a certain extent, unavoidable if the construction work is to be carried out in a reasonable manner.

Recommendation

The Panel is recommended to grant permission for the proposed extension of working hours as requested by the developers, that is on up to twelve occasions during a period of three months from the date of this decision, for the purposes of laying and “power floating” concrete floors within the new college and other buildings on the site. All other construction operations would remain subject to the stated time limits.



Graeme Reed
Head of Planning and Building Control