



Geraint John Planning

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FAO Planning Department
Royal Borough of Kingston upon Thames
Guildhall 2
High Street
Kingston upon Thames
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Dear Sir / Madam

KINGSTONS HOUSE, 15 COOMBE ROAD, KINGSTON UPON THAMES, KT2 7AB

PROPOSED NON-MATERIAL AMENDMENT TO 19/01813/FUL

SUMMARY

We are instructed by our client Cityheart Ltd, to apply for a Non Material Amendment (NMA) at the above site. The amendment to the approved development proposed through this Non-Material Amendment (NMA) application are sought as a result of the need to temporarily work outside of the approved construction hours as imposed by condition 5 of planning permission ref. 19/01813/FUL to allow for extended construction hours on the weekend of the 3rd-4th July 2021.

In short, this NMA application seeks:

- **To extend construction hours on the 3rd – 4th July 2021** - Proposed extension of construction working hours for the weekend of the 3rd-4th July 2021 to Saturday (extension 1300hrs to 1800hrs) and Sunday (0800hrs-1800hrs) relating to Planning Permission ref: 19/01813/FUL. The extended hours on this one occasion are to allow for the erection of a Tower Crane.

MATERIAL CONSIDERATIONS

Section 96(a) of the Town and Country Planning Act 1990 provides the Local Planning Authority (LPA) with the power to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. For completeness, the relevant extract from s. 96(a) has been included in italics below:

96A-Power to make non-material changes to planning permission

(1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

- (3) The power conferred by subsection (1) includes power—
(a) To impose new conditions;
(b) To remove or alter existing condition

As detailed within s 96(a) above, when considering what constitutes a non-material an LPA must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. When considering the 'effect' of the change the National Planning Practice Guidance (NPPG) advises that applications for NMA's should be considered in the context of the overall approved scheme.

PROPOSED AMENDMENTS

To extend construction hours on the 3rd – 4th July 2021

Condition 5 of planning permission ref. 19/01813/FUL states:

"The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays".

This application seeks to extend construction working hours for the weekend of the 3rd-4th July 2021 to allow construction to take place during the following time periods:

- Saturday 3rd July 2021: extension 1300hrs to 1800hrs; and
- Sunday 4th July 2021: 0800hrs-1800hrs.

The extended hours on this one occasion are to allow for the erection of the Tower Crane.

Following initial dialogue with Highways Officer's on site, it has been recommended by the Highways Dept. that the Tower Crane should be erected and operated across weekend days in order to reduce disruption to the traffic when Station Road is closed. Notwithstanding, it was also advised weekend days would be more appropriate given the sites proximity to a nearby school and the regular use of Station Road by children/parents as a through road.

In terms of the primary construction activities expected to take place during the extended working hours, including plant and equipment to be used – the application seeks the erection of a Tower Crane only, comprising a 110T crane being set up on Station Road to erect the Tower Crane. There will be articulated lorries (approx. 40ft) that will arrive periodically to the site with the sections of Tower Crane to be erected.

In terms of perceived noise impact, this impact is considered to be negligible given that source of noise outbreak will be the engine of the crane and the operatives tightening the bolts on the TC sections albeit, all operation will cease by 1800hrs on both days.

CONCLUSION

Accordingly, it is considered that the proposal fully complies with the requirements of section 96(a) of the Town and Country Planning Act 1990, and we look forward to receiving confirmation of this from the LPA.

Yours sincerely,



Geraint John
Geraint John Planning Ltd

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