

SITE PLAN ATTACHED

FAIRFIELD HOUSE, FAIRFIELD ROAD, BRENTWOOD, ESSEX, CM14 4SD

PARTLY RETROSPECTIVE APPLICATION FOR INTERNAL AND EXTERNAL ALTERATIONS TO INCLUDE REORIENTATION OF CONSENTED HALLWAY, COMMUNAL AREAS AND RESIDENTIAL DWELLINGS, PROVISION OF GARDENS TO 3NO DWELLINGS, RELOCATION OF BIN AND CYCLE STORES TO THE NORTH-WEST OF THE SITE, LAYOUT AND DESIGN ALTERATIONS TO FLAT 1 (THIRD FLOOR) INCLUDING PROVISION OF AN ADDITIONAL WINDOW AND CHANGE TO A 2-BED 3-PERSON FLAT, PLUS LAYOUT AND DESIGN ALTERATIONS TO FLAT 1 (FOURTH FLOOR) TO INCLUDE ADDITIONAL WINDOW.

APPLICATION NO: 22/00485/FUL

WARD	Brentwood West	8/13 WEEK DATE	4 July 2022
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Extension of time:	TBC
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CASE OFFICER Mr Daryl Cook

Drawing no(s) relevant to this decision: P201/C; P202; P203; P204/B; P205;

The application has been referred to the Planning and Licensing Committee at the request of Cllr Sarah Cloke for the following reasons:

In the planning statement associated with this application the developer cites (policy) BE14 in our new LDP and reminds us that developments should safeguard the living conditions of future occupants. However, they fail to cite the full statement which is item J of BE14: *safeguard the living conditions of future occupants of the development and adjacent residents.*

The alterations to the development disregard the living conditions of adjacent residents as follows:

- 1. Relocation of bin store and bike shed now mean these elements of the development will abut directly onto the rear of 2 Fairfield Road. Planned tree planting to form a barrier seems to have been removed from between the store and 2 Fairfield Road from what I can discern of the plans. We believe the adjustments should retain a planted barrier and in LDP 8.45 it states Trees, woodlands, hedges and hedgerows, wherever*

appropriate, should be incorporated within a landscape scheme. Since this was incorporated before it is unacceptable this has now been removed/downscaled. Furthermore, the noise and disruption of residents from 20 apartments entering the bin store regularly should not be underestimated. An alternative location should be sought and if not available measures to prevent door noise and transmission of smells into adjacent neighbours should be taken.

2. *The reduction of car parking spaces from 14 to 12 is also unacceptable. The plan was originally approved for 12 apartments with 14 spaces, now 20 apartments with 12 spaces. Despite proximity to the train station, it is likely more than 50% of residents (even assuming only 1 adult per apartment which seems unlikely will want to park cars, not to mention visitors etc. Fairfield road is a narrow cul-de-sac that already suffers from antisocial parking issues that will only be worsened by this step. Recently a fire engine was not able to access the street to attend to an emergency. The LDP part 5.111 states "b. the type of development (fringe site, infill site, etc.) - infill sites are much more likely to be located in areas with existing travel patterns, behaviours and existing controls, and may be less flexible" This small street has already seen huge over development around it with no consideration to the ever-worsening access issues that existing residents are suffering.*

1. Proposals

Part retrospective planning permission is sought for internal and external alterations to include reorientation of consented hallway, communal areas and residential dwellings, provision of gardens to 3no dwellings, relocation of bin and cycle stores to the north-west of the site, layout and design alterations to Flat 1 (third floor) including provision of an additional window and change to a 2-bed 3-person flat, plus layout and design alterations to Flat 1 (fourth floor) to include additional window at Fairfield House, Fairfield Road, Brentwood.

Revised drawings have been received during the lifetime of the application which can be summarised (below). No re-consultation of neighbours was considered necessary given the nature of the changes, but clarification on some matters has been sought from consultees given the reasons for referral.

- Amendment to parking provision onsite from 12 spaces to 14 spaces
- Indicative landscaping

The committee should note that, at the time of writing this report, the elevations drawing reference number: P203 incorrectly labels the flank (side) elevations, the 'east' elevation should be labelled 'west', and the 'west' elevation should be labelled 'east'. A revised drawing has been requested and will be circulated for committee. The report has been written factoring in this error.

2. Policy Context

Development Plan, Policies and Supplementary Planning Documents (where applicable)

- The Brentwood Local Plan (2016-2033) (BLP)
 - Policy BE12 Mitigating the Transport Impacts of Development
 - Policy BE13 Parking Standards
 - Policy BE14 Creating Successful Places
 - Policy HP01 Housing Mix
 - Policy HP06 Standards for New Housing
 - Policy NE01 Protecting and Enhancing the Natural Environment
 - Policy MG03 Settlement Hierarchy

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Brentwood Town Centre Design Guide SPD (BTCDG)

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

3. Relevant History

- 17/00663/PNCOU: Prior Approval Notification Class O - Change use of existing offices (Class B1a) on ground, first and second floors to 12 No. flats (Class C3) - 6 No X 1 bed and 6 No. X 2 bed - Prior Approval is required/Given
- 17/01936/FUL: Proposed two storey extension on the roof of the existing building. Seven flats are proposed across the two floors. The existing elevations remain unchanged. - Application Refused
- 19/01300/FUL: Add 3rd floor to existing office block to create 4 x 1 bed flats, remove staircase and re-clad whole building, alterations to fenestration, add new entrance canopy and bin storage - Application Permitted

- 19/01728/PNCOU: Prior Approval Notification Class O - Proposed change of use of office space at ground, first and second floors to 6 no 1 bed flats and 6 no 2 bed flats (Class C3) and associated basement storage - Prior Approval is Not Required
- 21/00250/PADCOD: Prior Notification for the construction of two additional storeys to provide 8 dwellinghouses on the existing detached mixed use building. - Prior Approval is required/Refused
- 21/00389/FUL: Re-cladding of and minor works to the facade of the existing building. - Application Withdrawn
- 21/01016/FUL: Re-cladding of and minor works to the facade of the existing building. - Application Permitted
- 21/01044/PADCOD: Prior Notification for the construction of two additional storeys to provide 8 flats on the existing detached mixed use building. - Prior Approval is required/Given
- 21/01016/COND/1: Discharge of Condition 3 (Details of Materials) of application number 21/01016/FUL (Re-cladding of and minor works to the facade of the existing building). - Application Permitted
- 21/01044/COND/1: Discharge of conditions 1 (Details of materials) of application 21/01044/PADCOD (Prior Notification for the construction of two additional storeys to provide 8 flats on the existing detached mixed use building). - Application Permitted
- 21/01016/NON/1: Non material amendment to application 21/01016/FUL (Re-cladding of and minor works to the facade of the existing building) for the addition of wheelchair ramp to the east at ground floor level fronting the existing building; Replacement of east most window, at ground floor level on the front elevation of the existing building, with main door directly leading to residential unit; Addition of windows along east end of front elevation; and Reorientation of ground floor portal to point east. - Application Permitted
- 21/02038/PADCOD: Prior Approval seeking a two storey residential upward extension of the existing building to deliver 8no. self contained dwellings under Schedule 2, Part 20, Class AA of the Town and Country (General Permitted Development) (England) (Amendment) (No2) Order 2020 - Application Withdrawn

4. Neighbour Responses

This application has been advertised by way of neighbour notification letters and public site notice. At the time of writing this report, two neighbour representations have been

received for this application both objecting to the proposed development as summarised below:

- Reduction of parking spaces onsite detrimental to highway safety and may result in a loss of parking spaces for existing residents of Fairfield Road.
- Cycle stores are idealistic
- Cumulative works has led to overdevelopment within this street
- Parking constraints within the street have led to issues with fire access epitomised by recent events
- Re-siting of the bin area will be to the detriment of nearby residents' health and amenity by virtue of its foul smell, positioning and sound.
- Impact upon property value
- Overlooking concerns
- Drawing 9074/92 rev B does not show the bin store in its actual proposed position
- No.9 Fairfield Road omitted from the plans

5. Consultation Responses

- **Basildon Fire Station:**

N.B. Comments received prior to revised drawings referenced above.

The submission has been considered and the following observations are made:

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13(1)(a)(b) and The Building Regulations 2010.

The additional proposal does not affect Fire Service vehicular access to the development thereby maintaining the recently agreed requirements of the Building Regulations with the appointed Building Control body by way of compliance with BS:9991-2015, (and so address Section 13 (1)(a) of The Act).

The proposal itself does not affect Fire Service access to any existing premises in the vicinity and therefore maintains compliance with Section 13 (1)(b) of The Act. However, whilst not necessary in direct contravention of The Essex Act the opportunity is taken to express concern that the removal of parking spaces within the development may contribute to Fire / Emergency Service vehicular access issues due to the number of parked vehicles that are already being experienced by attending fire crews not only to the development in question, but other properties located in Fairfield Road and Railway Square.

Other than requesting that this concern is given due consideration when assessing the application. the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application.

- **Highway Authority:**

Initial comment:

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

A reduced car parking standard has been applied. Brentwood Borough Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development."

The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions:

1. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

2. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

An informative is also recommended.

Additional comment (on latest drawings):

The additional parking spaces are welcomed. All vehicles will utilise an existing and established access and the surrounding highways network is protected by parking restrictions, therefore, to confirm, the Highway Authority recommendation remains as before.

- **Environmental Health & Enforcement Manager:**

Initial comment:

I refer to your memo in connection with the above mentioned application and would note the design alterations would cause no further risk in terms of noise impact or contamination. I therefore have no further comments to make.

Additional comment (following referral):

Noise: It is unlikely a statutory nuisance will occur from noise caused by the bin shed door. The noise of a door shutting even 20 times a day is unlikely to cause a statutory nuisance and the bins are enclosed by a flat roof, which will further mitigate noise from the bins themselves.

Odour: Providing bins are used responsibly by residents (lids kept closed and bin shed door closed after use) I do not foresee the bins causing a sufficient level of odour to disturb nearby residents. The bins being stored inside the brick shed building will also mitigate odours further than bins stored in the open air.

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application include the NPPF and NPPG. Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Site context

The application site is located within an area comprising a mix of residential dwellinghouses and commercial buildings including retail uses located on the periphery of the Town Centre and within (very) close walking distance to Brentwood train station.

The site comprises of a detached building currently undergoing refurbishment and alterations to provide for residential flats (20). This application seeks to gain consent for partly retrospective works which go beyond the scope of the prior approval applications and to alter elements of previously approved schemes. The principle of these alterations is considered to be acceptable.

Recent Planning History

There is an extensive planning history for this site aforementioned.

Design, Living Conditions, Landscaping and Neighbour Amenity considerations

Policy BE14 seeks to create successful places ensuring new development meets high design standards (including materials) and delivers safe, inclusive, attractive and accessible places. Buildings should be sustainable, including the surrounding places and spaces and capable of adapting to changing conditions. Proposals should respond positively and sympathetically to their context building upon existing strengths and characteristics and, where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area (including natural and heritage assets). The integration of the natural environment to enhance biodiversity should be incorporated into designs and proposals should seek to incorporate trees into development. Proposals should also protect the amenities of future occupiers and neighbours living conditions, provide suitable parking provision and refuse/recycling points whilst mitigating the impact of air, noise, and other pollution.

The preamble text for policy BE14 identifies that the Essex Design Guide (EDG) is a useful starting point for a development.

The Brentwood Town Centre Design Guide Supplementary Planning Document (BTCDG) seeks to ensure new schemes are sympathetic and reflective in design terms to the local character and appearance of the surrounding townscape.

In terms of design, the alterations to the internal corridors and reorientation of the units within are considered to be acceptable. The number of units (20) total has already been established, but the conversion of a previously 1 bed-2 person flat to a 2 bed-3 person flat is supported in line with policy HP01 of the BLP with the Strategic Housing Market Assessment requiring more two-bedroom units (see Figure 6.1 of the BLP, pg.107). The living conditions of future occupants would not be adversely impacted by these arrangements as the accommodation would still remain compliant with the nationally described space standards in accordance with policy HP06 of the BLP.

In terms of the additional windows for flat 1 (third floor) and flat 1 (fourth floor), these are considered to be acceptable in respect of design and not give rise to a material overlooking/loss of privacy effect as they are both located on the eastern flank at third and fourth floor (toward Essex House and 101 to 135 Kings Road) where there is already a degree of mutual overlooking within this urban context. The amenities of neighbouring dwellings within the surrounding area, including Fairfield Road, are not considered to be adversely affected by these fenestration alterations.

The ground floor units would also be provided with access to further amenity areas to the rear which, whilst small, is considered to be acceptable given the physical constraints of the site and not having previously been proposed.

The relocation of the bin store from the ground floor element of the, now demolished, west projection (previous stairwell) is considered to be a very minor change and an

improvement to the overall design of the principal building. The bin store would still be enclosed within a purpose-built structure for the bins with a maximum height of 2.85m and will also incorporate the cycle store. The location is considered to be discreet and would provide ease of access for future occupants of the building and, for the cycles, is considered to encourage their use in comparison to the previous basement location. This is considered to be acceptable.

The Environmental Health officer considers the proposal would not give rise to an adverse impact from noise and odour. However, in the interests of neighbours living conditions and for the avoidance of doubt, conditions can be sought to mitigate odour impacts ensuring adequate ventilation to this building is provided as well as shading from foliage depicted within the drawings or the white washing of roofs to reflect heat. In order to mitigate noise, the proposal illustrates a soft closing door and seal around the bin store door, but not for the cycle store and therefore this is also recommended by way of condition. Adequate screening by way of foliage around the bin store is also illustrated and this is considered to be acceptable in accordance with policy NE01 of the BLP and controlled by way of a landscaping condition for the site.

The proximity from the neighbour's rear boundary (No.2 Fairfield Road) is depicted within supplementary drawing 9074-P205. There is a boundary to wall distance (at their closest points) of 8m with an existing garage in between as well as raised hard standing. This proximity is considered to be acceptable to ensure no adverse effects.

The proposed development is considered to be compliant with policies BE14, HP06 and NE01 of the BLP, the BTCDG and the aims and objectives of the NPPF and NDG.

Parking and Highway considerations

The Highway Authority has reviewed the proposed development which is accompanied by a transport assessment. The site falls within settlement category 1 of policy MG03 which means it falls within a highly sustainable location with frequent train and bus services as well as being within walking distance of services and shops. The Highway Authority recommends conditions in respect of ensuring cycle parking accords with the adopted EPOA Parking standards and a residential travel pack is distributed to each dwelling free of charge. This is consistent with previous applications and a condition to this effect is recommended.

The BLP outlines that Brentwood has a very high level of car ownership in comparison to the national average and that the delivery and encouragement of sustainable transport alternatives is essential. Its sustainable location would be supportive of a reduced level of car parking spaces. The encouragement of sustainable transport is a key component of sustainable development by encouraging an active lifestyle, contributing towards improving air and noise quality, improving public health, provides safer environments for children, increases social interaction in the neighbourhoods and can save travel time by reducing congestion (para 5.64 BLP). The applicant's agent also highlights that there is a climate crisis, and we need to reduce reliance upon the private car.

Policy BE11 requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. This is a key requirement for a large-scale transition to electromobility envisioned within the plan. A condition to this effect is recommended.

The Highway Authority indicates that it is appropriate therefore to apply a reduced car parking standard within an area where there are existing parking restrictions. Committee members will recall previous suggestions at other committees for a parking permit restriction condition. However, whilst there are mechanisms for its use within London, caselaw outlines that section 106 agreements are to control the use of land and the land which provides on street parking falls outside the ownership of the applicant. It is therefore not possible to impose such restrictions by condition or S106 agreement, were these proposed, would not be enforceable.

Notwithstanding, and during the lifetime of the application, the applicant has amended the car parking provision from the initially proposed 12 spaces to now provide 14 (as previously proposed under the prior approval applications) including 1 disabled parking space. Cycle storage is provided alongside. The number of parking spaces is considered to be appropriate within the site albeit two spaces (numbered 2 and 3) fall short of the minimum standard (2.5m x 5m).

Notwithstanding, this is considered to be acceptable, and the proposal would accord with the aims of policies BE11, BE12 and BE13 of the BLP and those within the NPPF.

Other Matters

In terms of fire safety, which has been raised as a concern, Essex County Fire & Rescue Service has provided a formal consultee response. In summary, it indicates that the proposal does not affect Fire Service vehicular access to the development, nor would it affect Fire Service access to any existing premises in the vicinity. It advises that the removal of parking spaces (no longer proposed) was a concern given parked vehicles along Fairfield Road and how this may have affected Fire/Emergency Service vehicular access. However, it advises that this is not in itself contrary to the requirements of the Essex Act 1987 (which encompasses a number of powers affecting aspects of issues relating to land and open space including parking, highways and streets, public health and amenities, public order and safety and so on). With the proposal retaining 14 parking spaces consistent with previous applications and existing parking restrictions on the surrounding roads, the proposed development is not considered to give rise to an adverse impact. In any event, inappropriate parking on the Highway is beyond the scope of planning and controlled by separate legislation.

There are a number of supporting documents (noise assessment, contamination assessment, flood risk, transport statement, daylight/sunlight reports etc.) accompanying the application which relate to the prior approval applications. These elements remain substantially the same from the consented development and it is not considered any further controls are required for these matters. The remaining material considerations are considered within this report.

Several neighbour representations have been received relating to this development. The following comments resolve outstanding concerns which have not been commented (and considered) above:

- The principle of an upward extension has been established. These works seek minor alterations from the approved scheme to incorporate ancillary features associated with the residential occupation of the building. Officers do not consider these works to amount to overdevelopment.
- Impacts upon property values are not a material planning consideration.
- The drawings which accompany the application are considered to be accurate and whilst No.9 Fairfield Road is omitted from the site location plan, this does not materially affect the determination of the application.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be compliant with policies BE11, BE12, BE13, BE14, HP01, HP06, NE01 and MG03 of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval subject to conditions.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall 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, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved documents listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reasons: In order to safeguard the character, appearance and visual amenity of this area and for the avoidance of doubt.

4 Prior to first residential occupation of the building, each parking space proposed shall be provided with the space and infrastructure required to provide electric vehicle charging/plug-in points for the future occupants (and visitors) of the building. The infrastructure can be shared between spaces where appropriate and details shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: in order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

5 Prior to first residential occupation of the building, a landscaping scheme showing details of any new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reasons: in order to safeguard and enhance the character and appearance of the area and in the interests of visual and neighbour amenity.

6 Prior to first residential occupation of the building, measures to mitigate noise and odour from the bin and cycle store shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Note: this can include, but is not limited to, soft-closing doors, ventilation measures to allow for the dispersal of odours (such as hit and miss brickwork) as well as appropriate shading to cool the space (from planting and/or white washed roofs).

Reasons: in the interests of neighbours living conditions and for the avoidance of doubt.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE11, BE12, BE13, BE14, HP01, HP06, NE01, MG03, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 INF15

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The Development Management Team can be contacted by the applicant and their team by email: development.management@essexhighways.org

The developer is reminded that under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

5 INF22

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.

6 INF29

The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at

<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

7 INF32

When carrying out building work, you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction which shall be complied with. Notwithstanding, the developer is reminded to ensure compliance with the requirements of the Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required, the Authority may serve a notice on the site/works setting out conditions of permitted work under section 60 of the Act. British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

The developer is also reminded that, where applicable, during the construction phase on the building site, no bonfires should be undertaken. The Environmental Protection Act 1990 outlines that smoke arising from bonfires can be considered a statutory nuisance. The Highways Act also outlines smoke drifting onto a public highway is an offence.

The developer is also reminded, where applicable, to ensure that any asbestos containing materials within existing buildings is removed by an appropriately licensed contractor before undertaking any development on site in the interests of health and safety.

BACKGROUND DOCUMENTS

DECIDED: