

SITE PLAN ATTACHED

24 PINE DRIVE INGATESTONE ESSEX CM4 9EF

**DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 4 NO. BED
DETACHED PROPERTY, NEW VEHICULAR CROSSOVER**

APPLICATION NO: 23/01180/FUL

WARD	Ingatestone, Fryerning & Mountnessing	8/13 WEEK DATE	29 February 2024
PARISH	Ingatestone & Fryerning		
CASE OFFICER	Mr Daryl Cook		
Drawing no(s) relevant to this decision:	004/D; 009/A; 010/A; 011/A;		

**This application has been referred to Planning committee at the request of Cllr
Darryl Sankey for the following reasons:**

- The original building is a bungalow, the 1st in a series of bungalows on that side of the street.
- The proposed property is a 2 storied property which will alter, compromise the street scene.
- The proposed development will be out of character with the existing street scene and set a precedent for potential development of similar bungalows and is over-development.
- There is a detrimental affect on no.22 as moves closer to that property's boundary than presently rather than central on the existing plot and should not extend past the boundary of no.22 which will restrict light and view.
- The height and size of the proposed property will have an adverse impact on properties opposite both in terms of outlook and light.
- The size of the proposed property is larger than the existing bungalow and dwarfs the adjacent bungalow.

1. Proposals

Planning permission is sought for the demolition of existing bungalow and construction of 4 no. bed detached property plus a new vehicular crossover at 24 Pine Drive, Ingatestone.

Pre-application advice has been sought prior to the submission of this application. The principle of a replacement dwellinghouse is accepted.

2. Policy Context

Brentwood Local Plan (2016-2033) (BLP):

- Policy BE02 Water Efficiency and Management
- Policy BE05 Sustainable Drainage
- Policy BE07 Connecting New Developments to Digital Infrastructure
- Policy BE11 Electric and Low Emission Vehicle
- Policy BE12 Mitigating the Transport Impacts of Development
- Policy BE13 Parking Standards
- Policy BE14 Creating Successful Places
- Policy HP06 Standards for New Housing
- Policy NE01 Protecting and Enhancing the Natural Environment
- Policy NE03 Trees, Woodlands, Hedgerows
- Policy NE07 Protecting Land for Gardens
- Policy MG03 Settlement Hierarchy

Ingatestone and Fryerning Neighbourhood Plan (2020-2033) (IFNP)

National Policy and Guidance:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

- 22/00871/HHA: Construction of full first floor extension over existing bungalow. Single and two storey rear extension. Single storey garage extension to side. Front entrance canopy. First floor side windows with obscured glass. New ground floor windows to side elevation. Widening of existing entrance crossover. - Application Refused
- 22/01234/HHA: Single storey rear extension. Single storey side extension to provide garage/storage space. Existing pitched roof extended up to form rooms in the roof with two pitched roof dormer windows to front and dormer to rear. New ground floor windows to side elevations. Widening of existing entrance crossover and parking spaces to frontage. - Application Withdrawn
- 23/01338/FUL: Construction of two 2 bedroom bungalows along with associated accessway. - Application Refused

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of neighbour notification letters. At the time of writing this report, 14 neighbour representations have been received (some on multiple occasions) for this application with 13 objecting. 1 representation (Bowling Club) neither supports or objects to the development. The objecting representations are summarised below:

- Concerns regarding impact of the development in terms of its scale, siting, design and materiality upon the character, appearance and visual amenity of the area
- Concerns regarding the impact of the development upon the amenities of neighbouring properties amenities/living conditions i.e., overbearing, overlooking, loss of privacy, overshadowing
- Concerns regarding future development (two bungalows to rear), a precedent being set and overdevelopment of the land parcel as a whole
- Concerns regarding the accuracy of the documents and drawings
- Concerns regarding publication (advertising) of the planning application
- Concerns regarding the impact of the development upon local facilities and services
- Concerns regarding the impacts upon the highway network in terms of parking provision, demand, safety and loss of existing apparatus (telegraph pole)
- Concerns regarding the loss of existing landscaping
- Planning permission has previously been refused for a similar development

- Concerns regarding a loss of outlook / view

For the committee's benefit, the below bullet points are examples of matters which are NOT material planning considerations:

- Preference for another business operator
- The applicant's motives, conduct or history
- Moral judgements
- Matters controlled under non-planning legislation (such as Building Regulations or Licensing)
- Loss of value to an individual property
- Loss of a private view
- Private rights to light
- The existence of private agreements, covenants or rights of way
- Boundary disputes

5. Consultation Responses

- **Highway Authority-**

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

The proposal includes the subdivision of the site and demolition of the existing dwelling. A replacement dwelling with a new vehicle crossover and off-street parking for a minimum of two vehicles is proposed, therefore:

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

- **Parish Council (1st representation) -**

Having taken due regard to the adopted Ingatestone & Fryerning Parish Council Neighbourhood Plan 2020-2033, Ingatestone & Fryerning Parish Council raise **NO OBJECTION** to planning application 23/01180/FUL - 24 Pine Drive, Ingatestone, Essex, CM4 9EF.

- **Parish Council (2nd representation) -**

Having taken due regard to the adopted Ingatestone & Fryerning Parish Council Neighbourhood Plan 2020-2033, Ingatestone & Fryerning Parish Council raise **OBJECTION to Revised plans** 23/01180/FUL - 24 Pine Drive, Ingatestone, Essex, CM4 9EF.

There is an error in revised drawing No.004, the proposed property was too close to no.22 Pine Drive and should be sited more centrally on the plot.

Officer note: Subsequent email correspondence between the LPA and Parish Council Assistant Clerk (dated 14/12/23) confirmed that the objection is in relation to “the proximity to No.22” and concerns that “it is too close ... and the effect that this would have on the neighbours at No.22 Pine Drive”, rather than an error within the drawings.

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.

Planning permission is sought for the demolition of the existing bungalow and construction of 4 no. bed detached property plus a new vehicular crossover at 24 Pine Drive, Ingatestone.

Pre-application advice has been sought prior to the submission of this application. The principle of a replacement dwellinghouse is accepted.

Site context

The application site is in Pine Drive, a residential road within Ingatestone (Settlement Hierarchy 2, policy MG03). The area comprises a mix of building typologies, but there is a clear hierarchy of building heights within the street as the site slopes downwards from west to east. The topography of the site, openness and buildings height are key characteristics of the street scene.

Recent Planning History

The application is preceded by applications 22/00871/HHA (refused) and 22/01234/HHA (withdrawn) which both sought to extend the existing bungalow, rather than replace it. A planning application for 2 bungalows to the rear of the site has been refused (23/01338/FUL).

During the lifetime of this application, amendments to the red outline were sought to ensure a suitable access could be provided for these bungalows, in the event the principle of development were accepted. For the avoidance of doubt, the extent of the development area is defined by the red outline within the site location plan.

Design 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 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.

Policy NE07 seeks to protect land for gardens. Developments will only be permitted where sufficient garden space and trees and space around existing dwellings are retained; where the form, height and layout of developments is appropriate to the surrounding pattern of development and character of the area; where amenities and privacy for new and existing residents are protected; and where adequate amenity space, vehicular access and parking spaces can be provided for new and existing properties.

The principle of a replacement building is considered to be acceptable. The proposed building would occupy a similar position to the existing bungalow. Having regard to the earlier refusal, reference 22/00871/HHA, the scheme is notably smaller in terms of its width and overall height as denoted within the proposed street scene. It is considered to retain a one and a half storey appearance to the front with dormer windows within the roofscape and predominantly two storey in appearance to the rear. The rear elevation would not be clearly visible from the public realm.

Whilst the form of the building differs to those immediately adjacent, the building would respect the building height hierarchy. Furthermore, it is considered there is some variation in building form within this street, with examples of bungalows and two-storey

buildings which differ in style and size. On that basis, it is not considered to appear out of character within Pine Drive.

In terms of scale, the building has a maximum height of ~7.3 metres, a width of ~12.6 metres and a depth (excluding bay window) of ~11.6 metres. The building would retain a 1m separation from the common boundary shared with No.22 at its closest point, which tapers to 1.2m toward the rear. The ridge line of the proposed building is illustrated within dwg 010 rev A. The building would have a ridge line siting marginally forward of No.22 (706mm) and behind No.26 (2.195m). There are examples of buildings having reduced spatial gaps between built form within this street. Consequently, the scale and location of the building as proposed is not considered to detract from the street scene and characteristics of the area.

In terms of materials, the form states that the proposal would utilise face brickwork and hanging plain tiles to dormers, plain tiles for the roof, white UPVC windows and a combination of composite and aluminium doors. Whilst these are considered to be acceptable in principle, in the absence of detailed information, a condition regarding materials is recommended.

In terms of policy NE07, the proposal would have a garden depth of circa 14.4m with a total amenity space of 204sqm, exceeding the requirements of policy HP06 and the EDG for a dwellinghouse of this size. It is considered that the space around the existing building is acceptable and that the form, height and layout would not detract from the surrounding pattern of development and character of the area. The impact upon neighbour amenity and parking is considered separately below.

In terms of neighbour amenity (living conditions), the representations received have been fully considered.

Drawing 011 rev A illustrates the proposed street scene and the spatial gap between buildings. The roof form would hip away from both neighbouring properties reducing the visual bulk between buildings. The proposed site is set a lower ground level than No.22 and a condition regarding site levels is recommended. The proposed building is to retain a minimum 1m separation from the common boundary shared with No.22. A greater separation is proposed from No.26. The building would not intercept a 45-degree angle measured from the nearest habitable windows of either neighbouring property and the rear gardens are south facing. It is not considered that the overall scale and proximity of the building to neighbouring properties would lead to a material overshadowing effect given the orientation of the site and suns path.

Whilst the garden depth is only 14.4m, the distance beyond to the boundary at the very rear of the existing bungalow is sufficient to avoid any detrimental impacts upon the

neighbouring property to the rear. The garden depth exceeds that of the neighbouring No.22.

Concerns have been raised regarding the impact of the proposed development upon the amenities of properties on the northern side of Pine Drive, opposite the application site. The neighbouring properties Nos.23 and 25 are directly opposite and separated by the existing highway. Officers calculate from the submitted plans that the proximity between the proposed building (excluding bay window) and No.25 is circa 22m.

Given the orientation of the sites, the sun's path and proximity between the built form, it is not considered there would be any material overshadowing of these properties. Furthermore, the proximity between the buildings aforementioned are not considered to materially impact upon the outlook of the neighbouring properties.

In terms of the fenestration, there are no first floor flank window openings with several rooflights providing oblique outlook. Fenestration is concentrated either to the front looking to the public realm or to the rear looking to the garden, with a degree of mutual overlooking to be expected within a residential area. A condition relating to boundary treatment details is recommended.

Consequently, it is not considered the proposal would give rise to a material overbearing effect, nor lead to a material loss of privacy to the detriment of either neighbouring property.

The proposal is considered to be compliant with policies BE14 and NE07 of the BLP, the policies of the IFNP and aims of NPPF and NDG as a result.

Housing Standards considerations

In accordance with local policy HP06, the Technical housing standards – nationally described space standard (2015) outlines the minimum standards for sufficient 'living conditions' for all new dwellinghouses. The proposed building(s) would be compliant with the minimum space standards. In addition, each bedroom would be provided with adequate floor space, ventilation, light and outlook to provide acceptable living conditions to future occupiers.

In terms of amenity areas, the EDG outlines that suitable space are required to be private for the purposes of domestic activities. Here, the proposal would provide an amenity area in excess of 100sqm which is the minimum size outlined within the EDG. Furthermore, shallow gardens are not uncommon within this area.

Sustainability considerations

It is considered that the policy requirements of: BE02 (Water Efficiency and Management), BE05 (Sustainable Drainage) and BE07 (Connecting New Developments to Digital Infrastructure) can be achieved through condition. On that basis, the proposal is considered to be compliant in that regard.

Natural Environment considerations

At the time of the site visit, the rear garden as existing had been mostly cleared of landscaping features. Trees which were retained fall outside of the red outline of the site. A landscaping condition is recommended to identify new trees and planting opportunities appropriate to the environs alongside suitable, permeable, hardstanding for the application site as a whole. On that basis, the proposal is considered to comply with policies NE01 and NE03 of the BLP.

Parking and Highway considerations

The Highway Authority has reviewed the proposed development and consider the revised proposal to be acceptable subject to conditions.

The dwellinghouse as proposed is a replacement building and will be provided with sufficient onsite parking which accords with the minimum standards accessed via a new vehicular crossover. The proposal would therefore comply with policies BE13 and NE07 of the BLP.

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 proposed development would comply with policies NE07, BE11, BE12 and BE13 of the BLP, the policies of the IFNP and aims of NPPF.

Community Infrastructure Levy (CIL)

The Council recently introduced the Community Infrastructure Levy (CIL) which is a locally set charge on most types of new development. It is a charge based on the size and type of development. If a development is liable to pay CIL, the payment is mandatory to pay and non-negotiable. This development involves a replacement dwellinghouse and therefore will be CIL liable. An informative is brought to the developer's attention.

Other Matters

The Parish Council has provided conflicting consultee responses on this development. The first offered no objection with the second objecting on the basis of a drawing error. The Parish Council has subsequently confirmed in writing that the objection is in relation to the proximity of the development to No.22 and the impacts upon their living conditions/amenities. However, as outlined above, the proposal is considered to be acceptable in respect of the impacts – no material harm has been identified.

The neighbour representations received have been fully considered. In relation to outstanding representations, the following comments are made:

- Planning does not operate on the basis of precedent which is an accepted tenet of planning law.
- The development indicated within the red outline is not considered to amount to overdevelopment of the plot, which concerns a replacement dwellinghouse.
- Revised drawings have been received to address concerns in respect of the accuracy of drawings. Those submitted are considered to be acceptable.
- The application has been publicised in accordance with the Development Management Procedure Order.
- In terms of demand on local facilities and services, the development is for a replacement dwellinghouse. It is not considered there would be a material greater demand as a consequence. Notwithstanding, with the adoption of the Community Infrastructure Levy, new developments will contribute towards local infrastructure.
- In terms of existing highway apparatus being removed or repositioned, this will be at the developers expense.
- The loss of a private view is not a material planning consideration.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be compliant with the aforementioned policies of the BLP, the IFNP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval.

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 Notwithstanding the details indicated in the application form and drawings hereby permitted, no development shall proceed above slab level until details of the materials to be used in the construction of the external surfaces, including windows and doors, of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: in order to safeguard the character and appearance of the area and for the avoidance of doubt.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity. This issue is fundamental to the development hereby permitted and the application as submitted

provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard.

5 Prior to development proceeding above slab level, a scheme of hard and soft landscaping scheme showing details of 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, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall also include details of all surfacing materials which shall be permeable unless otherwise agreed. 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 for the avoidance of doubt.

6 The proposed building(s) shall not proceed above slab level until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to provide wastewater infrastructure capacity;
- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

7 Prior to development proceeding above slab level, a report and accompanying scaled drawing(s) shall detail where the space and infrastructure for electric vehicle charging/plug-in points are to be provided to each building. The documents shall detail the type, capacity/charge rate, design, scale, location and include manufacturers information as a minimum and 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 and the charging points shall be fully operational prior to first occupation of the building(s).

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.

8 Prior to development proceeding above slab level, a report, showing the sustainable drainage features that have been incorporated into the development as a whole, shall be submitted to and approved in writing by the local planning authority. The sustainable drainage features shall be fully installed in accordance with the approved details prior to first occupation.

Note: Householder/Minor developments are expected to incorporate private features which can include, but not limited to, water-butts, cisterns, water-barrels, permeable paving, rainwater harvesting systems and rainsave planters. These facilities shall be proportionate to the quantum of development and be well integrated into the development ensuring they are of an appropriate scale and location.

Reason: individual measures are required to mitigate flood risks in accordance with policies BE05 and BE14 of the Brentwood Local Plan.

9 The proposed building shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building(s).

Reason: in order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

10 Notwithstanding the approved drawings and supporting documents, the development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the new dwellinghouses and shall thereafter be permanently retained and maintained.

Reasons: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

11 Notwithstanding the approved drawings, the new vehicular access indicated on drawing 009 rev A shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

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 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE05, BE07, BE11, BE12, BE13, BE14, HP06, NE01, NE03, NE07, MG03; Ingatestone & Fryerning Neighbourhood Plan 2020-2033, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 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.

The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

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.

8 INF33

Considerate Contractor Advice Note - The developer is advised to ensure full compliance with the 'Guidelines for good practice' when undertaking construction and

demolition works during the relevant phases. A copy of the guidelines is available online: https://document.brentwood.gov.uk/pdf/pdf_1185.pdf.

9 Community Infrastructure Levy (CIL)

The developer is advised that Brentwood Borough Council is a Community Infrastructure Levy (CIL) Charging Authority effective from 15 January 2024. CIL is a locally set charge on most types of new development based on the size and type of development. Where developments are CIL liable, payment is mandatory and non-negotiable.

It is strongly recommended that you read the CIL process in full by visiting the Councils CIL webpage - www.brentwood.gov.uk/cil.

Otherwise, when planning permission has been granted for a development that is liable to pay CIL, a CIL Liability Notice will be issued following the issuing of the Decision Notice. Once a Liability Notice is issued, the CIL charge will be registered on the Land Charges Register.

Prior to starting development, you will need to send us at least two forms as below. Please email cil@brentwood.gov.uk with the relevant forms and application reference number.

Form 2: Assumption of Liability - this informs us who will be liable for paying the CIL relating to the development and must be received prior to commencement. If no one assumes liability to pay, then liability will rest with the landowner.

Form 6: Commencement Notice - this informs us when the development is going to commence, and forms the basis of the dates that CIL payments become due and must be received prior to commencement.

If we do not receive both the Form 2: Assumption of Liability and Form 6: Commencement Notice before you start work, this will result in a requirement to pay in full immediately; loss of any potential exemption and relief; and could also result in surcharges.

Other forms, such as exemption forms (self-build including residential annexes and extensions and charitable and/or social housing relief) should also be submitted where that is claimed.

Once we have received a Commencement Notice, we will issue a Demand Notice to the person(s) that have assumed liability to pay the CIL. This notice sets out the deadline date for CIL payment.

If payment is not made by the due date, penalty surcharges apply. We do not have the flexibility to defer CIL in the same way that we can for planning obligations, and payment of CIL is enforceable through both the courts and the planning process.

BACKGROUND DOCUMENTS

DECIDED: