



PLANNING COMMITTEE – 3RD OCTOBER 2012

SUBJECT: WITHOUT PLANNING PERMISSION, THE UNAUTHORISED ERECTION OF A VENTILATION STACK AT UNIT 4, FAIRVIEW GARAGE, PENGAM ROAD, PENGAM

REPORT BY: CHIEF EXECUTIVE

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1. This matter was reported to the Planning Committee on 12th April 2012, a copy of the report is attached as an appendix to this item.
 2. At that committee members deferred consideration of this item for a site visit, which was subsequently held on 29th May 2012. A copy of the minutes of this site visit is attached.
 3. During the site visit it was agreed that the matter would be deferred for further information. Specifically, members sought clarification on the level of noise emanating from the unauthorised development. To this end, officers of the Council's Environmental Health Division arranged a period of monitoring to be undertaken in order to record the noise levels prior to, and during the operation of the ventilation stack. These recordings informed an analysis of the noise levels by an officer the Council's Environmental Health Officer, who commented that the operation of the ventilation stack resulted in a +3dB increase in noise levels, when compared with the background residual levels, which at the time of recording measured 43dB. These levels are below the World Health Organizations guideline values for community noise for moderate annoyance in outside living areas, which is 50dB.
 4. However, when the BS4142 assessment for rating industrial noise affecting mixed residential and industrial areas is applied, a 5dB correction must be included if the noise contains a distinguishable, discrete continuous note (such as a whine, hiss, hum etc.). In this instance it is considered that the sound from the ventilation stack contains a hiss characteristic therefore a 5dB correction should be applied. With the correction applied the sound is 8dB above the background level, which would be categorised as above "marginal significance" using the assessment method outlined in BS4142.
 5. Whilst the levels observed do not amount to a statutory nuisance under Environmental Health Legislation, it is considered that the levels recorded during the monitoring exercise would have a detrimental impact of the residential properties in close proximity contrary to the requirements of Policy CW2 of the Adopted Caerphilly County Borough Council Local Development Plan. For that reason, officers consider that it would be expedient to pursue formal enforcement action by issuing an enforcement notice under section 172 of the Town & Country Planning Act 1990. The enforcement notice would require those persons with an interest in the land to ensure compliance with the notice by removing the unauthorised ventilation stack within a stipulated period. Compliance with the requirements would ensure that the breach of planning control together with the detriment to amenity is remedied.

RECOMMENDATION: That enforcement action including court action if necessary is authorised to require the removal of the unauthorised ventilation stack.