



Planning Conditions

Pollution Team's requirements for
planning applications

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1. Introduction

It is the responsibility of LB Bromley's Local Planning Authority to ensure that developments are appropriately designed so that they do not have an unacceptable impact on local communities.

The Pollution Control Team are consultees on planning applications and provide advice and recommendations to the Planning Authority. Where the recommendation is for approval, it will often be subject to conditions. This document sets out the conditions that the Pollution Control Team generally use, i.e. the standard conditions. It should be noted that there will be cases where some variations to the conditions or in some cases a different condition entirely may be recommended. It is however helpful to have the standardised conditions that the Pollution Control Team use for uniformity when setting conditions and transparency for those that are making and determining the planning applications. The document has been divided into subject areas.

In respect of Planning Conditions, the National Planning Policy Framework requires that: 'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

The Pollution Control Team will recommend planning conditions where they meet the above tests.

2. Noise

External Noise

These conditions are recommended to ensure a satisfactory standard of residential amenity and in order to comply with Policy 37 of the Bromley Local Plan.

The following condition is used for small development where the external noise is 65dB or more LAeq,16hours and/or 55dB or more Lnight as defined using the Extrinsic website [DEFRA noise mapping](#):

- (i) A scheme for protecting the proposed dwellings from traffic noise, including provision for overheating ventilation, shall be submitted to, and approved in writing by or on behalf of the Local Planning Authority prior to construction of above ground works.
- (ii) The scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.

On larger developments &/or sites adjacent to significant a noise source, which can include noise from adjacent commercial premises, a noise assessment may also be required or conditioned as a pre-commencement.

An acoustic assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. A scheme of mitigation, as necessary in light of the results of the

assessment, [covering façade, glazing and ventilation specifications] shall achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to meet the requirements of BS8233:2014 and where necessary the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472. Once approved the mitigation shall be installed fully in accordance with the approved scheme and permanently maintained thereafter.

Where the recommendations of a noise assessment submission, provide an acceptable level of protection, the following condition is recommended:

Details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (### acoustic report ref 1## date) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the use commencing and permanently maintained thereafter. Verification that works have been carried out in full accordance with the approved scheme shall be submitted to and approved by the Local Planning Authority before the use hereby commences.

Internal Noise

These conditions are recommended to comply with Policies 37 and 119 of the Bromley Local Plan and to ensure a satisfactory standard of amenity for adjacent properties.

Where development is for retail and office the quoted $D'nT,w + Ctr$ of not less than 50dB is added, for restaurant and nursery $D'nT,w + Ctr$ of not less than 55dB and where development is structurally above the sensitive use and control on impact noise is required then the additional line quoting an $L'nT,w$ of not more than 57dB is added.

No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne and impact noise to meet $D'nT,w + Ctr$ of not less than _____ for walls and/or ceilings **and to meet $L'nT,w$ of not more than 57dB** for floors/ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.

- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

CARE must be taken in applying these conditions where sensitive uses adjoin places where music/entertainment is included, such as Pubs/Clubs/Gyms. For inaudibility the following may be applied NR15 (Leq, Day & Night or LFmax for

Gyms), or 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz. To consider the acceptability of the development, the Pollution Control Team will expect that a Noise Impact Assessment (NIA) is provided as part of the applicant's submission. As with external noise, the following condition can be used once the development is considered acceptable based on the findings and recommendations of the NIA.

Details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (### acoustic report ref 1## date) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the use commencing and permanently maintained thereafter. Verification that works have been carried out in full accordance with the approved scheme shall be submitted to and approved by the Local Planning Authority before the use hereby commences.

Where there are poor stacking arrangements of rooms within a development of residential flats or care homes the following informative is recommended:

Poor stacking arrangements where living rooms are above and/or below bedrooms may impact on the ongoing suitability of the housing as required by the Housing Act 2004. Noise is a specified hazard under the 'housing health and safety rating system' (HHSRS) used under the Act and if a suitable acoustic environment is not provided it may be subject to enforcement action. In the 'Housing Health and Safety Rating System: Operating Guidance' in 14.18 it states 'Minimum requirements for new dwellings is Building Regulations Approved Document E. However, in some circumstances, the minimum may not be adequate to prevent indoor noise pollution.

Fixed Plant and Operational Noise

These conditions are recommended to comply with Policies 37 and 119 of the Bromley Local Plan and to ensure a satisfactory standard of amenity for adjacent properties.

The BS4142: 2014+A1:2019 referenced in the condition below, has 'character corrections' which could potentially add an additional 15dB to the specific noise level, i.e. up to 6dB for tonality and up to 9dB for impulsivity. Where high level 'character corrections' are possible the condition wording may need to be changed. Also, the paragraph in red should only be applied where they are larger schemes or where there are concerns about potential 'significant observed adverse effects' if, for example, the plant is not installed correctly. It is best in these cases to have a NIA submitted as part of the application, see also below a condition that can be used in these instances.

An acoustic assessment covering all proposed noise-generating [fixed plant] [business operational noise (including any fixed plant)] (in line with the methodology of BS 4142:2014+A1:2019) shall be submitted to the local planning authority for approval prior to the development commencing, along with a scheme of mitigation to ensure that:

1) at any time, the plant rating level calculated according to BS 4142:2014+A1:2019 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and additionally,

2) that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 10dBA below the typical day and night-time LA90 levels at any noise sensitive receptor.

Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Following installation [and build], but before the new plant [and build] comes into operation, measurements of noise from the new plant [and build] must be taken and a report demonstrating that the plant [and build] as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

The following condition can be used once the development is considered acceptable based on the findings and recommendations of the NIA.

The noise from fixed plant [and commercial/business operation] associated with the development shall meet specifications as detailed in the [Report name] by [Consultant Name] dated [] Report Reference:[] (Planning Ref: []) which includes details on [Mitigation/Controls]. The scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.

The following condition can be amended for the control of operational noise using a Noise Management Plan from several uses, including Adult Gaming Centre, outdoor sports area etc.

Prior to first use of the development hereby approved a Noise Management Plan (NMP) for use of the _____ shall be submitted to and approved in writing by the Local Planning Authority and the Plan shall include the following:

- a) a method of informing users that any anti-social behaviour is unacceptable, and that the operator reserves the right to ask patrons to leave and potentially ban future access if this is the case;
- b) confirmation that it will be a condition of entry to the _____ for patrons to abide by the above and that they understand their access can be denied with immediate effect for any breach;
- c) arrangements for neighbours to be given a facility to report excessive noise or anti-social behaviour arising from the _____ directly to the operator;

- d) details of how any complaints received will be investigated and addressed quickly;
- e) details of likely action to be taken where necessary and how any complainant will be kept informed of progress, especially where it is not possible to address or resolve complaints straight away;
- f) provision for a written action plan to deal with complaints and confirmation that this will be provided to staff on site and that they will be made familiar with it;
- g) confirmation that staff will have the ability and authority to warn or ban patrons from entry if any patron(s) are in breach of the NMP.
- h) a template form to log complaints received and the action(s) taken in respect thereof, including (as a minimum) the day, date and time of complaint, nature of complaint, member of staff receiving complaint, action taken, who by, and when and how complainant updated;
- i) arrangements for the safe storing and ready access to the complaint log, and confirmation that this will be provided to officers from the Council's Environmental Health Team upon reasonable request.

Where there are external areas within the development that could be used by children, e.g. nursery's/schools or by adults e.g. restaurants/pubs the following condition is recommended, however for these uses a NIA is required as part of the application submission and only recommended for approval with condition if satisfactory.

(a) Details of a scheme for managing the noise impact from customer use [children's activity] of the external area and that meets the specifications as detailed in the [Report name] by [Consultant Name] dated [] Report Reference:[] (Planning Ref: []) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of use.

(b) The scheme shall be implemented in full accordance with details submitted under Part (a) before the use commences and shall be followed thereafter for the full length of the permission granted.

AND

Use of the outdoor playground [external patron area] shall be limited to a maximum of [] children [patrons] at any time

AND

Details of acoustic fencing to outdoor area (to be a minimum of 1.8m high, 10kg/m² uniform mass over the fenced area and utilising a gap-free joining system) shall be submitted to the Local Planning Authority for written prior to the use commencing. The fencing shall be installed fully in accordance with the approved details and permanently maintained thereafter.

Other Noise

Where hours of use of machinery/processes are to be limited recommended condition:

No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times [specify core times] [nor at any time on Sundays, Bank or Public Holidays].

Where there is a need to limit delivery hours the following condition is recommended:

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Where there is a need to limit opening hours, the following condition is recommended:

The premises shall only be open for customer business/operational [delete as appropriate] between the hours of [xx and xx] on [day of the week/state days of the week (depending on location).]

Where there are air source heat pumps the following condition is recommended:

Prior to the installation of any air source heat pump(s) details of the MCS020 assessment shall be provided to the LPA for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures will be required. The scheme shall be implemented as approved and thereafter maintained as such. Details of the MCS scheme MCS-020.pdf (mcscertified.com)

The following alternative worded condition may be used at the officer's discretion:

Prior to the installation of any air source heat pump(s) details of the noise assessment shall be provided to the LPA for approval. The noise assessment shall follow the requirements of the 'Heat Pumps

Professional Advice Note' by the Institute of Acoustic and the Chartered Institute of Environmental Health and meet the noise criteria set out in the ASHP Calculation Sheet. Where the noise assessment does not meet the criteria then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures will be required. The scheme shall be implemented as approved and thereafter maintained as such. Details of the advice note and calculation sheet are provided here https://www.ioa.org.uk/sites/default/files/briefing_note_-_heat_pumps_-_professional_advice_note_-_publication_8.pdf

Where there is concern that external fixed plant could be included later the following condition is recommended:

No external fixed plant, including HVAC equipment should be installed without the prior written agreement of the local planning authority and only after the submission and approval of an acoustic assessment covering all

proposed noise-generating [fixed plant] [business operational noise (including any fixed plant)] (in line with the methodology of BS 4142:2014+A1:2019

Kitchen Extract

The following condition is recommended where the application is for Class E & Sui Generis for take-away (old A3/A4/A5). The condition should only be introduced if the application plans shows the presence of a high-level ventilation discharge system. Applications where high-level discharge is not possible should be refused unless there are overriding reasons not to do so.

(i) Prior to commencement of the development hereby approved (new build excluding demolition or change of use) details of a scheme showing the specification and performance of the kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to alleviate noise, vibration, fumes, and odours, incorporating carbon filters, silencer(s) and anti-vibration mountings and shall show the arrangements for replacing the air extracted.

(ii) The kitchen extract system shall be installed in full accordance with the details approved under Part (i); and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that extract system has been installed in accordance with the approved scheme.

(iii) The use hereby approved shall not commence until written approval has been granted under Part (ii) of this condition. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no changes to the installed system shall be made without the prior approval in writing by the Local Planning Authority.

The following informative should be included where a Kitchen Extract condition is added.

Your attention is drawn to the advice presented in Bromley Council's, 'planning requirements for kitchen extraction/ventilation systems' found on-line: Environmental Protection planning advice and guidance. This guidance will assist you in any future planning submission.

3. Contaminated Land

The contaminated land condition in fact consists of 3 conditions all of which are required where recommended:

Condition 1

No part of the development hereby permitted shall be commenced (including demolition of existing buildings and structures, except where prior written agreement with the Council for site investigation enabling

works has been received) prior to a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

4. Construction

The following condition is currently recommended where site activity is likely to give rise to significant adverse impact.

1. No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan in accordance with the latest Control of Pollution and Noise from Demolition and Construction Sites Code of Practice (available on the Bromley web site) has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-
 - (a) Dust and air quality mitigation and management measures.
 - (b) Measures to reduce demolition and construction noise including, where applicable, noise trigger levels & monitoring and a plan to show where the nearest noise sensitive premises are in relation to the site.
 - (c) Hours of operation
 - (d) Details of a complaints procedure with a designated person on site responsible for complaint handling
 - (e) Other site specific Environmental Protection issues as requested on a case by case basis
 - (f) The development shall be undertaken in full accordance with the details approved under Parts a-e

The London Plan 2021 Policy SI 1, provides the following requirements which is conditioned via planning for improving air quality.

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards as published on the NRMM Website (<https://nrmm.london/>). Unless it complies with the standards set out on the website, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

For small developments the following informative is recommended:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Construction Code of Practice 2022 which is available on the Bromley web site <https://www.bromley.gov.uk/downloads/file/1164/control-of-noise-from-demolition-and-construction-sites-code-of-practice>

5. Air Quality

For the introduction of low NOx boilers, the following condition is recommended, where development occurs within an Air Quality Management Area and under Policy SI1 of the London Plan

In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p126 and Policy SI1 of the London Plan)

For the introduction of additional parking provision, the following condition is recommended, where development occurs within an Air Quality Management Area and under Policy SI1 of the London Plan

The proposed development is situated in an Air Quality Management Area. The applicant should therefore demonstrate that any additional parking provision meets the maximum parking standards set out in policies T6 and T6.1 to T6.5 of the London Plan. For land uses where maximum parking standards are not defined, or if the criteria above is not met, a full assessment should be undertaken in accordance with London Plan Guidance 'Air Quality Neutral'.

The introduction of Electric Charging Points is now dealt with under Approved Document S of the Building Regulations, however an informative is recommended to alert the developer to these requirements:

Your attention is drawn to the requirements of Building Regulations Approved Code S, which provides technical guidance regarding the installation and electric vehicle charge point requirements. The code applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

6. Lighting

For advertising signs, the following condition is recommended:

Where illuminated areas are more than 10 m² the luminance output of the sign/s will not exceed 300 candelas per square metre and for areas not more than 10 m² the luminance output will not exceed 600 candelas per square metre, in accordance with the *Institute of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'*.

For car park/security lighting the following condition is recommended:

The lighting scheme shall meet the guidance from the Institute of Lighting Professionals, 'The reduction of obtrusive light' Guidance Note 01/21, with respect to the sites lighting environment and will not exceed 1 or 2 lux at any habitable window, meeting the illuminated limits on surrounding premises for an E2 Low or E3 Medium Brightness zone respectively. Guidance is available free, online:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

For floodlighting schemes and to ensure adequate lighting in the interest of amenity and public safety and to comply with Policy 122 of Bromley Local Plan, the following condition is a standard condition PC20 and although specific for safety can be amended to ensure scheme does not impact on local amenity.

(i) Prior to commencement of the development hereby approved (excluding demolition and site preparation works), a scheme showing the distribution of light on and around the site, as well as details of the lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to the Local Planning Authority.

(ii) After written approval has been granted Under Part i, the scheme of lighting shall be installed in full accordance with the approved details; and on completion a verification report shall be submitted to the Local Planning Authority for written approval. The Report should include photographs and measurements where necessary and shall be produced by a suitably qualified person to confirm that lighting has been installed in accordance with the approved scheme.

(iii) The use shall not commence until written approval has been granted by the Local Planning Authority under Part ii of the condition, and thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.