

**BUILDING ACT 1984
SECTIONS 81 and 82**

NOTICE TO PERSON UNDERTAKING DEMOLITION

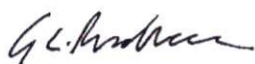
To: **Mr Colin Prendergast, London Court, London Road, Bracknell, RG12 2UT**

Whereas on the 6 January 2017 you served a notice on the Reading Borough Council (hereinafter called "the Council") specifying certain works to be carried out in respect of the building known as: **3 & 5 Craven Road, Reading, RG1 5LE**. TAKE NOTICE that the Council pursuant to Section 81(1) Building Act 1984, HEREBY REQUIRE you within **12 weeks** from the date of service of this notice on you to take the following action, that is to say:-

- 82-1**
- (a) to shore up any building adjacent to which the notice relates;
 - (b) to weatherproof any surfaces of an adjacent building that are exposed by the demolition;
 - (c) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it;
 - (d) to remove material or rubbish resulting from the demolition and clearance of the site;
 - (e) to disconnect and seal, at such points as the local authority may reasonably require, any sewer or drain in or under the building;
 - (f) to remove any such sewer or drain, and seal any sewer or drain with which the sewer or drain is connected;
 - (g) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or (f) above;
 - (h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building;
 - (i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required:-
 - (i) if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority, and
 - (ii) in any other case, by the fire authority, and
 - (j) to take such steps relating to the conditions subject to which the demolition is to be undertaken, and the condition in which the site is left on completion of the demolition, as the local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity. (see attached schedule)

- 82-2 No one shall be required under paragraph (c), (e) or (f) of subsection (1) above to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to section 101 below, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.
- 82-3 Before a person complies with a requirement under paragraph (e), (f) or (g) of subsection (1) above, he shall give to the local authority:-
- (a) at least 48 hours' notice, in the case of a requirement under paragraph (e) or (f), or
 - (b) at least 24 hours' notice, in the case of a requirement under paragraph (g),
- and a person who fails to comply with this subsection is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 82-4 This section does not authorise interference with apparatus or works of statutory undertakers authorised by an enactment to carry out an undertaking for the supply of electricity or gas or with apparatus or works of a water undertaker or sewage undertaker.
- 82-5 Without prejudice to the generality of subsection (4) above, this section does not exempt a person from:-
- (a) the obligation to obtain any consent required under section 167 of the Water Act 1989 (interference with water supplies or with water works).
 - (b) criminal liability under any enactment relating to the supply of gas or electricity, or
 - (c) the requirements of regulations under section 18 of the Gas Act 1986 (public safety).
- 82-6 Section 99 below applies in relation to a notice given under section 81(1) above.

Signed



Giorgio Framalicco

Head of Planning, Development and Regulatory Services

Dated: 6 January 2017

- 83-1** Section 102 below applies in relation to a notice given under section 81 above.
- 83-2** Among the grounds on which an appeal may be brought under section 102 below against such a notice are-
- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building that is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up,
 - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.
- 83-3** Where the grounds on which an appeal under section 102 below is brought include a ground specified in subsection (2) above-
- (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
 - (b) on the hearing of the appeal the court may make order as it thinks fit-
- (i) in respect of the payment of, or contribution towards, the cost of the works by any such person, or
 - (ii) as to how any expenses that may be recoverable by the local authority are to be borne between the appellant and any such persons
- 99-1** A notice in relation to which it is declared by any provision of this section applies shall indicate the nature of the works to be executed and state the time limited by the notice-
- 99-2** Subject to any right of appeal conferred by section 102 below, if the person required by such a notice to execute works fails to execute them within the time limited by the notice-
- (a) the local authority may themselves execute the works and recover from the expenses reasonably incurred by them in doing so, and
 - (b) without prejudice to the power, he is liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a further fine not exceeding £2 for each day on which the default continues after he is convicted.
- 99-3** This section has effect subject to any modification specified in the provision under which the notice is given.
- 102-1** Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a magistrates' court on any of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given,
 - (b) that there has been some informality, defect or error in, or in connection with, the notice,

- (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose,
- (e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served,
- (f) where the works are for the common benefit of the premises in question and other premises, that some other person being the owner, or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

102-2 If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

102-3 The appellant

- (a) shall, where the grounds upon which the appeal is brought include a ground specified in subsection (1) (e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
- (b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question,

103-1 Where this Act provides-

- (a) for an appeal to a magistrates' court against a requirement, refusal or other decision of a local authority, or
- (b) for a matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court

the procedure shall be by way of complaint for an order.

103-2 The time within which such an appeal may be brought is 21 days from the date on which notice of the local authority's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint is deemed to be the bringing of the appeal.

103-3 In case where such an appeal lies, the document notifying to the person concerned the local authority's decision in the matter shall state the right of appeal to a magistrates' court and the time within which such an appeal may be brought.

ENVIRONMENTAL PROTECTION ACT 1990
CLEAN AIR ACT 1993
CONTROL OF POLLUTION ACT 1974
CONTROL OF ASBESTOS AT WORK REGULATIONS 2012

As it is your intention to undertake the demolition of the above structure. Because the structure is near to other properties you need to take certain steps to prevent nuisance and pollution to residents in the area. The above legislation contains the powers available to the Council and the Health and Safety Executive in respect of such matters.

The main problem areas are:

Noise Pollution/hours of work

All work must be carried out to minimise noise and having regard to BS5228 or equivalent. Noisy work should be restricted to between 08.00 and 18.00 Monday to Friday; 09.00 and 13.00 on Saturdays and no work on Sundays and bank holidays. Quiet work can be carried out outside these hours. In some locations (e.g. non-residential) alternative hours of work may be agreed with the Environmental Protection Team. You are advised to liaise with the Environmental Protection Team and local residents/business occupiers at as early a stage as possible and throughout the works.

Dust and Smoke

Every precaution should be made to minimise pollution. There should not be any bonfires on site although it is essential to burn timber contaminated by dry rot or woodworm. Should a fire be necessary, it should be small and controlled with no nuisance to neighbouring properties. You are advised to liaise with the Environmental Protection Team at as early a stage as possible to discuss any requirements for burning timber on site.

Contaminated Land

Should you find any unforeseen evidence of ground contamination, underground tanks etc. during the course of the demolition works you must contact the Environmental Protection team immediately for advice before continuing works.

Asbestos

The handling of products containing sheets (including spray coatings, insulation board and in some cases asbestos cement sheeting) can be hazardous. Every precaution must be taken to ensure correct handling and disposal.

For further details contact should be made with the Health and Safety Executive, Priestley House, Priestley Road, Basingstoke, Hants RG24 9NW.

Should the Council receive complaints about nuisance and pollution during the demolition, these will be investigated and legal action taken if relevant legislation is contravened. Fines up to £20,000 can be imposed in the magistrate's court on companies who disregard their responsibilities.

The Environmental Protection Team can be contacted on 0118 937 3737 or email environmental.protection@reading.gov.uk.

SCHEDULE TO ITEM (J) OF ATTACHED NOTICE

- (1) Close-boarded Hoarding minimum **2.0m** high must be erected to the boundary where no suitable wall/fencing exists prior to demolition being commenced.
- (2) Where dust arises from the demolition, or any activity associated with the demolition process, all reasonable steps must be taken to effectively suppress the dust, either by the use of water sprays or other such procedure as is appropriate.
- (3) Where the front or side of the building to be demolished does not exceed **8 metres** in height and is within **3 metres** of a public footway or carriageway, scaffolding and or/hoarding shall be erected to the full height of the building.

If the building exceeds 8 metres in height then the distance underlined above, shall read **6 metres**.

- (4) Measures need to be taken to reduce the risk of Fly posting, any Fly posting requires removal from the hoardings.

Where the scaffolding/hoarding is erected on a public footway, safe passage for pedestrians through/around the scaffolding at the lower level must be maintained.

During the erection and removal of the scaffolding/hoarding, provision shall be made for the safe passage of pedestrians and other road users.

If scaffold/hoarding is required then a scaffold/hoarding Licence must be obtained before any demolition work is carried out. (Contact 0118 937 3737)