

Draft Policy LP18 - Environment, Design and Amenity

Link to draft policy and comments in full received from the draft consultation stage:

<https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=s1542884095392#section-s1542884095392>

Consideration of issues:

The main issues raised by consultees were:

- Anglian Water was generally supportive of the Policy, but suggested that applicants should also demonstrate that proposed developments would not be adversely affected by the normal operation of their existing assets e.g. water recycling centres (formerly sewage treatment works).
- A couple of consultees suggested that the policy appears to fail to safeguard the amenity of the community from the effects of development.
- Historic England suggested some minor wording changes.
- The Norfolk Coast Partnership questioned the lack of guidance in the Policy on light pollution.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 1) include the following wording: ‘Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above’.**
- 2) in criterion 1 change ‘protect’ to ‘conserve’ and use ‘historic environment’ rather than ‘heritage and cultural value’ and change bullet point 2a to ‘impact on the historic environment’.**

Policy Recommendation:

Strategic Policy

Policy LP18 – Environment, Design and Amenity

- 1 Development must conserve protect and enhance the amenity of the wider environment including the historic environment its heritage and cultural value.
- 2 Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:
 - a. heritage impact on the historic environment;
 - b. overlooking, overbearing, overshadowing;
 - c. noise;
 - d. odour;
 - e. air quality;
 - f. light pollution;
 - g. contamination;
 - h. water quality;
 - i. sustainable drainage; and
 - j. visual impact.
3. The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

4. Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.
5. Development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.
6. Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above.

Supporting Text

Introduction

6.5.1 Development proposals should aim to create a high quality environment without detrimental impact on the amenity of new and existing residents. Factors that could have a significant negative impact on the amenity of residents include: noise, odour, poor air quality, light pollution, land contamination and visual impact. It is also important to consider issues of security, privacy and overlooking when creating new development.

6.5.2 One of the Government's key aims in national planning policy is to create sustainable development. Proposals that are responsive to their location and consider the layout, materials, parking, landscaping and how people will use the space early in their design are likely to have a positive impact on amenity and will help to deliver sustainable development.

6.5.3 With an increasing population and less space available to develop within settlements, there has been a rise in applications for infill development on smaller plots. Issues arise when the infill development is unsympathetic to the existing street scene in its scale or design, or would result in the loss of important open spaces and greenery. There are also particular issues arising from the loss or reduction of residential gardens for infill development due to the impact on amenity, loss of land for urban drainage and the overall effect on the character of an area.

Relevant Local and National Policies and Guidance

- National Planning Policy Framework: Requiring Good Design
- Strategic Policy LP16: Design and Sustainable Development
- Norfolk County Council: Local Transport Plan, LTP3

- DEFRA: National Air Quality Strategy
- Borough Council: Contaminated Land Inspection Strategy
- Norfolk Environmental Protection Group: Planning and Pollution in Norfolk
- Norfolk Environmental Protection Group: Technical Guidance – Development of Land affected by Contamination
- Norfolk Environmental Protection Group: Technical Guidance – Air Quality and Land Use Planning
- Norfolk Environmental Protection Group: Technical Guidance – Planning and Noise
- CPRE: Light Pollution Guidance Notes
- Borough Council: Air Quality Action Plan
- Railway Road Air Quality Management Area Order and Extension Order
- Gaywood Clock Air Quality Management Area Order
- Marine Policy Statement/East Marine Plans: Supporting Policies:

[SOC2](#): Proposals that may affect heritage assets should demonstrate, in order of preference:

- that they will not compromise or harm elements which contribute to the significance of the heritage asset;
- how, if there is compromise or harm to a heritage asset, this will be minimised;
- how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against;

[SOC3](#): Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:

- that they will not adversely impact the terrestrial and marine character of an area;
- how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them;
- how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against;
- the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.

Policy Approach

6.5.4 This policy complements Strategic Policy LP16, which outlines how design is considered in new development by ensuring that potential negative impacts to amenity, etc., are addressed in considering proposals for development.

6.5.5 Developments likely to have a significant impact on residential amenity should ideally be sited away from residential areas. The Council will seek a proportionate level of information to determine the environmental impact of developments, and may seek planning conditions to ensure the development will comply with any national, regional or locally set standards on environmental quality.

6.5.6 Noise, odour, air quality, light pollution and land contamination, etc. will be assessed in relation to relevant standards and national guidance. In cases where the development has uncertain potential for a negative impact on amenity temporary permissions and/or a requirement to record baseline environmental conditions prior to development and undertake monitoring afterwards will be given/required. These indicators can be used to gauge the likely impact as a result of the proposed development. Mitigation measures may be sought such as limiting the operational hours of a development and there may be ongoing requirements to monitor the impact on environmental quality.

Sustainability Appraisal:

LP18 Environment, Design and Amenity

This policy is judged to have a positive effect. The alternative would be no specific policy, relying on the National Planning Policy Framework and general planning principles, which is considered a ‘neutral’ option.

LP18: Environment, Design & Amenity																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP18	0	0	0	0	0	++	++	++	+	0	0	+	+	+	0	0	+	0	0	0	+11	0	Likely Positive Effect +11

Draft LP18	0	0	0	0	0	++	++	++	+	0	0	+	+	+	0	0	+	0	0	0	+11	0	Likely Positive Effect +11
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Anglian Water Services Ltd	Object	Anglian Water is generally supportive of Policy LP18, however it is suggested that applicants should also demonstrate that proposed developments would not be adversely affected by the normal operation of Anglian Water's existing assets e.g. water recycling centres (formerly sewage treatment works). Nuisance may be caused by noise, lighting and traffic movements but its most prevalent source will be odours, unavoidably generated by the treatment of sewerage.	It is therefore recommended that Policy LP18 should include the following wording: 'Proposals for development adjacent to, or in the vicinity of, existing uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of the criteria above'.	Agree – include the wording suggested by Anglian Water.
Planning Advisor Environment Agency	Support	We support this policy which states that proposals will be assessed against a number of factors including contamination, water quality and sustainable drainage.		Support is noted.
Lord Howard, Castle Rising Estate	Object	The policy appears to fail to safeguard the amenity of the community from the effects of development.	It should seek to ensure that development 'does not have a significant or	Disagree – point 5 of the policy does say that development that has a

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			unacceptable adverse impact on the amenities of neighbouring uses or the natural or historic environment, including in respect of.....'	significant adverse impact on the amenity of others or which is of a poor design will be refused.
Historic Environment Planning Adviser, East of England Historic England	Object	Object - Broadly welcome criterion 1 but again suggest change 'protect' to 'conserve' and use the term 'historic environment' rather than 'heritage and cultural value'. Bullet point 2a - suggest change to 'impact on historic environment'.	Use the terms 'conserve' and 'historic environment'.	Agree - incorporate the terms as suggested.
Parish Clerk Castle Rising Parish Council	Object	Again, while the spirit of the policy is supported, the policy appears to fail to safeguard the amenity of the community from the effects of development. While it notes that the Council will have regard to such factors as are listed, including matters such as air quality, light pollution and noise. It should seek to ensure that development 'does not have a significant or unacceptable adverse impact on the amenities of neighbouring uses or the natural or historic environment, including in respect of.....'.		Disagree – point 5 of the policy does say that development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.
Norfolk Coast Partnership (AONB)	Object		There is nothing in the document on light pollution. Can this be integrated into LP18 - Environment, Design and Amenity? The Institute of Lighting Professionals has produced guidance that	Disagree – the Policy does cover light pollution at f); in the supporting text in the list of Relevant Local and National Policies and Guidance; and at 6.5.6.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
			is referred to by experts and the Guidance Notes for Reduction of Obtrusive Lights gives design guidance for the reduction of obtrusive light with explicit mention of AONB's. If there is no specific policy for light pollution could this guidance be referred to in the text.	
McDonnell Caravans	Object	Local Plan DM18 does not take into account the existence of the C.I.C, and the fact that is has funded the annual RE-CYCLING since 2016, (because of the withdrawal of Central Government funding).		This comment relates to draft Policy LP15 (replacement for DM18) not LP18. This comment has been addressed in that section.