

Chapter 9 – Safeguarding Amenity

9 SAFEGUARDING AMENITY

9.1 **Safeguarding Amenity**

9.1.1 The Council's intention to safeguard the amenity of its residents is expressed in the objective of this chapter which is:

To ensure that the Borough's residents can enjoy their homes and public places without undue disturbance or intrusion from neighbouring uses.

9.1.2 The Council wishes to ensure that any new development will not have an adverse impact on the enjoyment of privately or publicly owned land and the policies in this chapter deal with the five main aspects of amenity which are:

- privacy and private open space;
- sunlight and daylight;
- artificial light intrusion;
- noise and vibration; and
- unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit.

9.1.3 Design issues are dealt with in Chapter 8: Design

AME 01: PRIVACY AND PRIVATE OPEN SPACE

Development will be permitted if:

- a) it provides for the privacy and amenity of its occupants and those of neighbouring properties; and**
- b) in the case of residential development, it provides for private open space in the form of gardens or communal open spaces appropriate to the needs of the intended occupants taking account of topography, location and character.**

9.1.4 Privacy at home is of considerable importance to residents and can be influenced both by the layout of development and the provision of private open space. To ensure adequate privacy, new developments should be designed to minimise overlooking and in-looking, and to provide freedom from unwanted social contact. Overlooking, particularly into private garden areas, can be avoided through the erection of screen walls and fencing and in-looking into neighbouring properties can be avoided through the careful arrangement of windows and by ensuring that there is adequate distance between properties. Poorly designed public spaces and routes can also lead to unwanted social contact. Communal facilities, such as shared parking areas, and routes, such as footpaths and cycleways, should be designed with the privacy of the occupiers of nearby residential properties in mind.

9.1.5 Permanent residential developments should be provided with adequate private open space to meet the needs of the people likely to occupy the properties. Private open space is needed both to meet basic operational requirements (i.e. for refuse storage and clothes drying) and for private enjoyment. The amount of

private open space required will depend on the type of residential development being proposed and the topography and character of the area in which it is located. For a family house, an adequate garden is essential both to meet operational needs and for family activities, such as children playing. For small single bedroom or retirement units a well designed communal space may be more appropriate. Communal private spaces should include sufficient space for refuse storage and clothes drying as well as a garden area. Adequate private open space should be provided not only for new dwellings but also where existing residential properties are extended or subdivided or where existing buildings are converted to residential use.

AME 02: DAYLIGHT AND SUNLIGHT

Development will be permitted provided that:

- a) any buildings and associated open areas, including gardens, receive adequate levels of daylight and sunlight; and**
- b) it does not reduce the levels of daylight and sunlight reaching any neighbouring properties and open space below acceptable levels.**

9.1.6 New development should receive adequate daylight and sunlight to create satisfactory living and working environments and should not have an adverse impact on the levels of natural light received by adjacent properties. The amount of natural light reaching a property can be influenced by its layout, particularly in relation to other buildings and structures, and its orientation. The Council will permit development provided that both the proposed development and any existing adjacent properties will receive adequate natural light once the scheme has been implemented. Any associated open spaces, such as gardens should not be overshadowed to the extent where daylight levels are reduced to unacceptable levels.

9.1.7 In cases where there is a dispute over sunlight and daylight levels, the Council will have regard to the standards for direct and indirect sunlight set out in The Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (1991). Minimal daylight standards are also given under BS 8206 Part 2 (1992) Code of Practice for Daylighting.

AME 03: ARTIFICIAL LIGHT INTRUSION

Development which requires external lighting, will be permitted provided that:

- a) the lighting scheme is the minimum necessary to achieve its purpose;**
- b) light scatter, spillage and glare is minimised through the control of light direction and intensity; and**
- c) the quality and intensity of the light and the daytime appearance of any light fittings and cables would not have a detrimental impact on local amenity or the character of the surrounding area.**

9.1.8 Artificial lighting provides night vision for road users, enables facilities such as sports grounds to be used for night-time activities, and is also used for security reasons. However, poorly designed lights can increase light pollution, which is a nuisance to nearby residents, adversely affect the character of an area and detract from views of the night sky.

9.1.9 Artificial lighting schemes should use the minimum amount of lighting necessary for working or security purposes. The lighting should be designed to minimise light pollution from glare, scatter and spillage through the control of light direction and intensity. The Council will also take account of the aesthetic effect of the light produced and the daytime appearance of light fittings and cabling. Where floodlighting is proposed, the Council may use planning conditions or agreements to limit the hours of use. The Council will consider the impact of any lighting scheme on local residents, highway users, the appearance of streets and individual buildings, particularly if listed or of historic importance, and the visibility of the night sky.

9.1.10 Details of any external lighting scheme proposed as part of a new development should be submitted as part of the planning application. Not all lighting schemes require planning permission and examples of installations which would normally require consent include:

- external lighting installations which materially alter the external appearance of a building;
- lighting installations on Listed Buildings which materially affect their character;
- illumination of outdoor advertisements; and
- most forms of lighting on columns, for example, for the lighting of outdoor sports venues, or for security purposes.

AME 04: NOISE AND VIBRATION

Noise-generating development will be permitted provided that the levels of noise or vibration would not cause an unacceptable level of disturbance to the occupants of nearby properties having taken account of any proposed attenuation or other measures.

Noise-sensitive developments will be permitted provided that the intended users would not be subject to unacceptable noise or vibration levels from existing noise-generating uses having taken account of any proposed attenuation or other measures.

9.1.11 Noise and vibration can irritate and annoy, interrupt sleep, increase stress and disrupt concentration. Building Regulations ensure that the issue of noise is taken into account in building design, however, other measures may be needed where major noise or vibration generators would affect development. Major generators of noise and vibration include roads and railways; certain types of industrial activity; building construction; and late night premises (such as fast food outlets, pubs and nightclubs, where the generation of noise by customers in the streets outside may also be an issue).

9.1.12 The Council will seek to minimise the adverse impact of disturbance from noise and vibrations associated with new development. The level of disturbance that will be acceptable will depend upon existing background levels, and the duration of

the noise or vibration (particularly whether it is likely to continue outside normal working hours). The Council will also consider the likelihood of additional noise or vibration being generated by the future intensification of a proposed use, which would not require a subsequent planning application. The Council may use planning conditions or agreements to control noise or vibration levels, and place limits on operating times.

9.1.13 Noise-sensitive developments include housing, hospitals, schools and residential care and nursing homes. Such developments will not be permitted in areas where the existing levels of noise or vibration are too high, unless adequate precautions are taken to reduce the impact of the disturbance to acceptable levels. This can be achieved through separation of the noise-sensitive parts of the development from the noise source, the design and orientation of buildings so as to protect habitable bedrooms, living rooms and gardens, the provision of suitable barriers and, as a last resort, sound insulation.

9.1.14 Where the Council considers that noise or vibration may be an issue, developers may be required to submit a noise or vibration impact study, or to assess the effect of an existing source of noise or vibration on the proposed development. Further guidance on noise and vibration criteria and/or assessment methods are provided in BS8233 (1999) on sound insulation and noise reduction for buildings; BS4142 (1997) on rating industrial noise affecting mixed residential and industrial areas; BS5228 (various parts) on noise and vibration control on construction and other open sites; and BS 6472 (1992) evaluation of human exposure to vibration in buildings (1Hz to 80 Hz).

AME 05: UNPLEASANT EMISSIONS

Development likely to generate unpleasant emissions will be permitted provided that the amenity of people in the locality is not adversely affected.

Residential development or other uses resulting in regular human occupation will only be permitted close to sources of unpleasant emissions if the impact of the emissions on the intended users of the development would be reduced to an acceptable degree through appropriate mitigation measures.

9.1.15 Certain developments such as sewage treatment works, biodegradable waste sites and some industrial uses¹²⁶ give rise to unpleasant emissions. Even some food and drink establishments can cause potential environmental nuisances such as smells.¹²⁷ Whilst such emissions are not usually harmful to health, they can adversely affect the amenity of people in the immediate vicinity. Emissions or discharges that could prove harmful to health are dealt with by Policy HAZ 03 in Chapter 5: Avoiding Hazards.

9.1.16 Where development is proposed that would give rise to unpleasant emissions (such as odour, fumes, smoke, soot, ash, dust or grit), the Council will ensure that the amenity of neighbouring uses is not adversely effected. This will not preclude development provided that measures (for example: dust extractors) are

¹²⁶ generally classified as B2 industrial uses under the Use Classes Order 1987 (as amended).

¹²⁷ recognised in para. 19, Circular 13/87: Changes of Use of Buildings and Other Land: The Town and Country Planning (Use Classes) Order 1987.

incorporated into its design to reduce the impact of any unpleasant emissions to acceptable levels. The Council will also seek to limit development in close proximity to known sources of unpleasant emissions, such as Sewage Treatment Works and Waste Treatment Plants).