

West Dorset, Weymouth and Portland Local Plan Examination

**Consideration of amendments to the supporting text
and policy wording of Policy ENV 13 & ENV 16**

Arising in Matter 6



West Dorset District Council and
Weymouth & Portland Borough Council

At the EIP session on Matter 6 – Environment and Climate Change Policy ENV 1-16 on Thursday 27 November, the Inspector and Ms Sally Cooke raised concerns over the wording of Policy ENV 16 Amenity. Discussions also raised the issue that changes needed to be made to the supporting text and Policy wording for ENV13 – Achieving High Levels of Environmental Performance, in response to the government’s review of housing standards. The main issues were:

1. In relation to the term ‘**diminished outlook**’ in that it could be taken to apply to consideration of wider views (Policy ENV 16).
2. The inspectors suggestion that the title ‘**living conditions**’ might be more easily understood than the term ‘**amenity**’ (Policy ENV 16).
3. Change in response to government review of housing standards (Policy ENV 13 and supporting text).

1. In relation to the term ‘diminished outlook’ in that it could be taken to apply to consideration of wider views.

The councils propose to substitute the word ‘**diminished outlook**’ for ‘**overbearing**’ in policy ENV 16 as it would clarify that consideration of the impact is more localised and does not extend to wider views.

ENV 16 i)

Second bullet point

They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker ~~or diminished outlook~~;

In addition some explanatory text is proposed to be added at para 2.5.35. The paragraph has been renumbered 2.5.33 due to changes made in the Schedule of Suggested Changes.

2.5.33 Impact on amenity is one of the most important determining considerations within the planning application process, as it can impact greatly on the quality of life for those affected. Noise, light and overlooking are key factors affecting amenity, together with issues such as disturbance and pollution. In addition the scale and massing of development if too large can have an overbearing and dominating impact on surroundings, and in particular on neighbouring properties which adversely affects amenity.

2. The Inspector’s suggestion that the title ‘living conditions’ might be more easily understood than the term ‘amenity’.

The term ‘**amenity**’ is explained in the glossary in the appendices to the local plan and is defined as:

‘The pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors.’

This is a wider definition than the term ‘living conditions’ and aspects of the policy deal with impacts that are not necessarily related to purely living conditions. Therefore the council would not wish to

change the title of policy ENV16. For clarity where the term 'amenity' is inappropriate the term living conditions will be used.

The following changes are suggested to Policy ENV 16:

ENV 16 i)

First bullet point

- They do not have a significant adverse effect on the ~~amenity~~ living conditions of occupiers of residential properties through loss of privacy;

ENV 16 i)

Second bullet point

- They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impacts or flicker or diminished outlook;

ENV 16 i)

Fourth bullet point

- They do not generate ~~significant unacceptable~~ pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment ~~will be made acceptable~~ can be mitigated to the appropriate standard.

Further wording changes to ENV 16 have been suggested by the Environment Agency and these are contained in the Statement of Common Ground (SCOG6).

3. Change in response to government review of housing standards.

In response to the government review of housing standards, the councils have suggested changes to the supporting text and policy wording for Policy ENV 13 Achieving High Levels of Environmental Performance. (See Schedule of Suggested Changes Document SSC1, change reference numbers SC15, SC16, SC17, SC18, SC19 and SC20). In addition to those changes, following the discussion at the hearings, the councils suggest the following wording change to supporting text paragraph 2.5.28. The paragraph has been renumbered 2.5.26 due to changes made in the Schedule of Suggested Changes.

2.5.26 New development, conversions and changes of use ~~should~~ ~~will be expected to~~ achieve high standards of environmental performance. ~~Using methods such as; Implementing methods,~~ where possible and appropriate, such as:

- opportunities for the passive solar heating of buildings and the spaces between and around them are optimised
- southerly facing roof slopes used for solar thermal and / or photovoltaic installations, which where possible should be integrated into the roof design
- opportunities for natural lighting and ventilation to buildings are maximised
- minimise the amount of unnecessary overshadowing, including impact on existing renewable energy generators dependent on sunlight

- systems in place to collect rainwater for use
- those materials that are the most harmful to the environment are not used
- Sustainable Urban Drainage Principles

A Sustainable Design and Construction Statement should be submitted clearly explaining what measures have been incorporated to contribute to the sustainability of the design.

Suggested changes to the Plan

HIGH STANDARDS OF ENVIRONMENTAL PERFORMANCE

- 2.5.23 Ensuring development has a high standard of environmental performance is an essential part of achieving sustainable development and often starts at the much broader site selection and master plan stage. The councils will therefore require a nationally recognised assessment (such as BREEAM Communities) to be carried out for the larger developments where masterplans are to be prepared. Like BREEAM Communities, such an assessment will be a measure of sustainable development that can be used for new mixed-use communities, or single-use developments of a significant size. It should be capable of raising sustainable design solutions when there is still ample opportunity to influence the planning process. This should in turn, reduce costs by avoiding the need to rework designs and plans at later stages.
- 2.5.24 At the more detailed level the construction, subsequent use and maintenance of individual buildings represent a major use of resources and materials. The energy used in the construction and use of buildings is estimated to account for about 50% of greenhouse gas emissions in the UK. The landform, layout and landscaping, building orientation, massing and design can all have a bearing on energy consumption. Building to a good standard of environmental performance is much more cost-effective and achievable if considered as part of the building design and layout.
- 2.5.25 New development will be expected to contribute toward the cutting of carbon emissions through sustainable design and construction methods. Part L of the Building Regulations requires that all new residential development improves energy efficiency over a phased period, so that by 2016 all new homes will reach zero carbon. For domestic buildings this will be achieved through a combination of carbon compliance and 'allowable solutions', a mechanism for investment in carbon saving infrastructure and community projects. A similar mechanism is expected to be introduced for non domestic buildings to reach zero carbon by 2019.
- 2.5.26 New development, conversions and changes of use ~~should will be expected to~~ achieve high standards of environmental performance. ~~Using methods such as;~~ Implementing methods, where possible and appropriate, such as;
- opportunities for the passive solar heating of buildings and the spaces between and around them are optimised,
 - southerly facing roof slopes are used for solar thermal and/or photovoltaic installations, which where possible should be integrated into the roof design
 - opportunities for natural lighting and ventilation to buildings are maximised,
 - the amount of unnecessary overshadowing is minimised, including impact on existing renewable energy generators dependent on sunlight
 - systems are in place to collect rainwater for use
 - those materials that are the most harmful to the environment are not used
 - Sustainable Urban Drainage principles have been employed

A Sustainable Design and Construction Statement should be submitted with applications clearly explaining what measures have been incorporated to contribute to the sustainability of the design.

- 2.5.27 New buildings which promote high levels of sustainability should not be incompatible with an existing character, if they have been designed with both objectives in mind. In considering improvements for energy conservation it is important to remember that many

traditional (historic) buildings perform very differently from modern buildings. The types of improvement that are most likely to be effective and compatible with a Listed Building include:

- improved draught proofing
- increased roof insulation
- installation of secondary glazing
- installation of an energy efficient boiler
- installation of a ground heat source pump

The installation of solar panels or photovoltaics within the curtilage of a Listed Building may also be possible, provided that these would not irreversibly damage the historic fabric of the building, and that the impact on the listed building, including views of the building, would be limited. The roofscape, together with the location and design of the panels, including choice of materials, colours, specification etc, will all have a bearing on the potential impact. Anyone considering how best to improve their Listed Building is advised to obtain expert advice from a suitably qualified architect or surveyor.

ENV 13. ACHIEVING HIGH LEVELS OF ENVIRONMENTAL PERFORMANCE

NEW BUILDINGS AND ALTERATIONS / EXTENSIONS TO EXISTING BUILDINGS ARE EXPECTED TO ACHIEVE HIGH STANDARDS OF ENVIRONMENTAL PERFORMANCE.

AMENITY

- 2.5.33 Impact on amenity is one of the most important determining considerations within the planning application process, as it can impact greatly on the quality of life for those affected. Noise, light and overlooking are key factors affecting amenity, together with issues such as disturbance and pollution. In addition, the scale and massing of development if too large can have an overbearing and dominating impact on surroundings, and in particular on neighbouring properties which adversely affects amenity.
- 2.5.34 Design can have a direct influence on the relationship between new and existing development, and the distribution of activities within a development. In some cases amenity reasons will rule out the provision of a development at a particular location either through the impact of the proposed development on existing residents or the impact on future occupants from existing lawful uses; in others, it may be possible for the impact on amenity to be made acceptable through appropriate design, layout and distribution of uses within the development. A basic level of privacy at the rear of homes can normally be provided through either sufficient rear garden depth or orientation and screening to prevent direct overlooking.
- 2.5.35 While recognising that many developments will create some noise, the level of noise should not give rise to significant adverse impacts on health and quality of life. Acceptable noise levels will vary according to the noise source, receptor and time, and the policy is not intended to unduly restrict existing, established businesses that may need to develop. Planning conditions may be used to reduce adverse impacts. In countryside areas particularly valued for their tranquillity, no significant increase will be allowed.
- 2.5.36 There are certain impacts on amenity that renewable energy schemes can generate such as flicker, vibration and shadowing and these will need to be considered carefully when making decisions on the acceptability of such schemes.

- 2.5.37 Air pollution may be caused by industrial processes (including the use of biomass boilers and combined heat and power plants) or through local traffic generation, and may be exacerbated by local microclimatic factors. The councils may ask for an air quality assessment if there is reason to believe that the development would give rise to a significant change in air quality (either individually or cumulatively with other planned development). Particular caution will be exercised in or close to designated Air Quality Management Areas, and due regard had to any air quality action plan. For example, the action plan for Chideock AQMA suggests that further development within the designated area should be limited.
- 2.5.38 The potential pollution of bathing water will be considered under this policy.
- 2.5.39 Lighting schemes can affect the amenities of occupiers and have wider impacts on a landscape scale through increasing light pollution loss of 'dark skies' (particularly in more rural areas), and tranquillity. The glare from lighting schemes can also have an adverse effect on local residents, vehicle users, cyclists, equestrians, pedestrians and some wildlife, such as bats. Not all lighting proposals require planning consent, but potential light pollution should be addressed at the planning application stage, when details of any external lighting schemes should be submitted. Applicants will be expected to demonstrate that any lighting scheme proposed is the minimum needed for security and working purposes and minimises potential light pollution from glare and spillage. Where such schemes are likely to have a significant adverse impact on local landscape character, policy ENV 1 will apply.

ENV 16. AMENITY

- i) Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:
- They do not have a significant adverse effect on the **amenity living conditions** of occupiers of residential properties through loss of privacy;
 - They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, **overbearing impacts or flicker** ~~or diminished outlook;~~
 - They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
 - They do not generate **significant unacceptable** pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity **and living conditions**, health and the natural environment **will be made acceptable can be mitigated to the appropriate standard.**
- ii) Development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.
- iii) Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.