

# 05

## Agent of change

- 5.1** 'Agent of Change' refers to the principle that the person or business responsible for the change is responsible for managing the impact of the change. This means that a residential development to be built near a live music venue, for example, would have to pay for soundproofing. While a live music venue opening in a residential area would be responsible for the costs. Responsibility for noise management is therefore placed on the 'agent of the change'.
- 5.2** This principle is included in national planning guidance. The NPPF<sup>30</sup> advises that planning policies and decisions should recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses. The associated NPPG<sup>31</sup> further advises that the potential effect of new residential development being located close to an existing business that gives rise to noise should be carefully considered. Appropriate mitigation measures should be considered. This includes optimising the sound insulation from the new development's building envelope.
- 5.3** The Government is consulting<sup>32</sup> on amending the NPPF to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby. This includes community pubs and music venues. Where necessary, the impact of noise and other potential nuisances arising from existing establishments should be mitigated.
- 5.4** Under London Plan policy 7.15Bb, **development proposals should seek to manage noise. This includes through mitigating and minimising adverse impacts without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of existing businesses.** Policy 4.6Ca makes specific reference to protecting creative work and performance spaces and related facilities particularly in areas of defined need.
- 5.5** **New noise sensitive development, such as residential, should be separated from major noise sources, including cultural venues. This can be achieved through the use of distance, screening or internal layout (7.15Bd). Where this is not possible, adverse effects should be controlled and mitigated through applying good acoustic design principles (7.15Be).**

- 5.6 London Plan policy 4.8Bg also refers to taking a proactive approach to planning for retail and 'related facilities and services'. This involves managing clusters of uses, having regard to their positive and negative impacts on London Plan priorities. This includes a centre's broader competitiveness, quality and diversity of offer.
- 5.7 In relation to the Central Activities Zone, London Plan policy 2.12a refers to developing sensitive mixed use policies outside predominantly residential neighbourhoods. This will ensure that housing does not compromise CAZ strategic functions. These functions include the night time activities in Soho/ Covent Garden, other strategic clusters and the strategic cultural areas<sup>33</sup>.
- 5.8 Sustaining and protecting noise generating cultural venues such as theatres, concert halls, pubs and live music venues thus requires a sensitive approach to managing change in the surrounding area. **Adjacent development and land uses should be brought forward and designed in ways which ensure that established cultural venues remain viable and can be continued in their present form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure<sup>34</sup>.**
- 5.9 **Housing proposed near to an existing cultural venue should include necessary acoustic design measures. This will ensure residential units have effective sound insulation to mitigate and minimise potential noise impacts or neighbour amenity issues. Mitigation measures should be explored at an early design stage, with necessary and appropriate provisions secured through planning obligations.** The Mayor's Housing SPG also requires the impact of noise to be considered in the layout and placement of dwellings, rooms and private open spaces within new development<sup>35</sup>.
- 5.10 **Boroughs should also refer to further guidance on managing and mitigating noise in mixed uses, town centres and the late night economy in the Mayor's Ambient Noise Strategy<sup>36</sup>.**

**5.11** Since April 2016, developers are required to seek prior approval from the local planning authority to change a use from office to residential under permitted development rights. This means local planning authorities have to take account of national planning policy and guidance on noise, in a similar way to a planning application. It is also a way to raise any material concerns by owners of music venues in relation to noise. This will help ensure that before residents move into new housing near to well-established businesses, the applicant must put in place appropriate noise mitigation measures.

**5.12** Noise impact assessments should be carefully tailored to local circumstances. That way the noise characteristics of existing uses can be properly captured and assessed. Cultural venues can have peaks of noise at different times of the day and night and on different days of the week. It will therefore be important for acoustic surveys to be carried out and their results assessed accordingly. Boroughs should pay close attention to the assumptions made and methods used in noise impact assessments. That way they can ensure they give a full, accurate assessment.

**5.13** Consideration should also be given to informing new residents of an area that there are activities nearby that create noise at night time. One way of doing this is to attach informatives to new residential planning permissions in the area advising that there are noise generating activities nearby. Potential purchasers of the accommodation will be made aware of any such informative when a land charge search is carried out during the buying process. See Case Study 7: City of London Planning Informatives and Case Study 8: Ministry of Sound.

## Case study 07: City of London Planning Informatives

### FINDING SOLUTIONS FOR CULTURE IN A GROWING URBAN ENVIRONMENT

#### Example of:

Agent of Change

#### Smithfield area, the City of London

The Smithfield area of the City of London is home to activities that run all night. Most notably, this includes those associated with the Smithfield wholesale meat market. In recent years, many night clubs, bars and restaurants have sprung up in the area.

When granting planning permission for new residential accommodation in the area, the City Corporation attaches an informative to the decision notice. This advises that the area operates 24 hours per day and that home units will need acoustic, vibration and sound insulation treatments.

“The proposed residential units are located in a busy City area that operates 24 hours a day and there are existing road sweeping, deliveries, ventilation plant and refuse collection activities that go on through the night. The units need to be designed and constructed to minimize noise disturbance to the residents. This should include acoustic treatment to prevent noise and vibration transmission from all sources. Sound insulation treatment needs to be provided to the windows and either air conditioning provided or silent ventilation provided to enable the windows to be kept closed yet maintain comfortable conditions within the rooms of the flat. This may need additional planning permission.”

#### Outcome

By being attached to a planning permission, the informative becomes part of the public record. That allows it to be identified in a land charge search for the property to which it relates. This would bring to the attention of potential residents the area’s 24 hour nature.



## Case study 08: Ministry of Sound

### FINDING SOLUTIONS FOR CULTURE IN A GROWING URBAN ENVIRONMENT

#### Example of:

Agent of Change

#### Ministry of Sound, Southwark

The Ministry of Sound (MoS) has run for almost 25 years and attracts 300,000 visitors a year. It is the last remaining 'superclub' in London, and has nurtured the talents of generations of DJs and musicians.

MoS is a flagship business in the Elephant & Castle Enterprise Quarter alongside London South Bank University, London College of Communications, MORI and the Salvation Army Headquarters. It is the leading business in Southwark's night time economy and one of the top local growth firms.

#### Eileen House

Between 2009 - 2013, Englewood Limited and architect Allies and Morrison submitted a planning application for a residential development comprising a 41 storey building and separate eight storey building. The proposal contained 270 private flats, retail and office space, and public realm improvements including the creation of a resident's garden and University Square.

Due to the site's proximity to the club, MoS raised objections to the inclusion of residential accommodation as a potentially sensitive receptor of noise emanating from the premises.

Accordingly, the architects amended the design to incorporate acoustic glazing, sealed windows and winter gardens to the elevations identified as most vulnerable to such noise. Openable windows and winter garden doors were also fitted with acoustic glazing, on the remaining elevations.

The Mayor of London's Housing SPG advocates the use of winter gardens as a form of acoustic mitigation in noise environments like this.

#### Outcomes

The alterations in the original design have helped the landowner and the MoS find a way to happily co-exist.



# THE SCREEN

ON THE GREEN

BURN BURN BURN



# 06

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