

Policy D12 Agent of Change

A The Agent of Change principle places the responsibility for mitigating impacts from existing noise **and other nuisance**-generating activities or uses on the proposed new noise-sensitive development.

B Boroughs should ensure that **Development Plans and** planning decisions reflect the Agent of Change principle and take account of existing noise **and other nuisance**- generating uses in a sensitive manner when new development, **particularly residential**, is proposed nearby.

C Moved. See below

D Development should be designed to ensure that established noise **and other nuisance**-generating **venues uses** remain viable and can continue or grow without unreasonable restrictions being placed on them.

E New noise **and other nuisance**-generating development, **such as industrial uses, music venues, pubs, rail infrastructure, schools and sporting venues** proposed close to residential and other noise-sensitive **development uses** should put in place measures **such as soundproofing** to mitigate and manage any noise impacts for neighbouring residents and businesses.

EA Development proposals should manage noise and other potential nuisances by:

- 1) ensuring good **acoustic** design **to mitigates** and **minimises** existing and potential **nuisances impacts of noise** generated by existing uses **and activities** located in the area
- 2) exploring mitigation measures early in the design stage, with necessary and appropriate provisions **including ongoing and future management of mitigation measures** secured through planning obligations
- 3) separating new noise-sensitive development where possible from existing noise-generating businesses **and uses** through distance, screening, internal layout, sound-proofing, **and** insulation and other acoustic design measures.

F Boroughs should refuse development proposals that have not clearly demonstrated how noise **and other nuisances** will be mitigated and managed.

3.12.1 For a long time, the responsibility for managing and **mitigating the impact of noise and other nuisances** on neighbouring residents and businesses has been placed on the business or activity making the noise **or other nuisance**, regardless of how long the **noise-generating** business or activity has been operating in the area. In many cases, this has led to newly-arrived residents complaining about noise **and other nuisances** from existing businesses **or activities**, sometimes forcing the businesses **or other activities** to close **down**.

3.12.2 The **Agent of Change principle** places the responsibility for mitigating the impact of noise **and other nuisances** firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, **for example**, applicants will need to design them in a more sensitive way to protect the new occupiers, such as new residents, businesses, schools and religious institutions, from noise **and other** impacts. This could include paying for soundproofing for the existing **noise-generating** uses, such as an **existing** music venue. The Agent of Change principle works both ways. **For example, if** a new noise-generating use is proposed close to existing noise-sensitive uses, such as residential development or businesses, the onus is on the new use to ensure its building or activity is designed to protect existing users or residents from noise impacts.

3.12.3 The Agent of Change principle is included in the National Planning Policy Framework **at paragraph 123** and Planning Practice Guidance provides further information on how to mitigate the adverse impacts of noise **and other impacts such as air and light pollution**³².

3.12.4 Noise-generating **cultural venues** such as theatres, concert halls, pubs, **night-clubs** and **live music other** venues **that host live or electronic music** should be protected (see Policy HC5 Supporting London's culture and creative industries). This 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 established cultural venues remain viable and can continue in their present form without the prospect of licensing restrictions or the threat of closure due to noise complaints from neighbours.

3.12.4A As well as cultural venues, the Agent of Change principle should be applied to all noise-generating uses and activities including schools, places of worship, sporting venues, offices, shops, industrial sites, waste sites, safeguarded wharves, rail and other transport infrastructure.

3.12.5 Housing and other **noise-sensitive development** proposed near to an existing noise-generating use should include necessary acoustic design measures **for example, site layout, building orientation, uses and materials**. This will ensure new development has effective **sound insulation measures in place** to mitigate and minimise potential noise impacts or neighbour amenity issues. Mitigation measures should be explored at an early stage in the design process, with necessary and appropriate provisions secured through planning obligations.

NPPG, <https://www.gov.uk/topic/planning-development/planning-officer-guidance>

3.12.5A Ongoing and longer-term management of mitigation measures should be considered, for example through a noise management plan. Policy T7 Deliveries, servicing and construction provides guidance on managing the impacts of freight, servicing and deliveries.

3.12.6 Some permitted development, including change of use from office to residential, requires noise impacts to be taken into consideration by the Local Planning Authority as part of the prior approval process. Boroughs must take

account of national planning policy and guidance on noise, and therefore the Agent of Change principle would apply to these applications.

3.12.6A The Agent of Change principle predominantly concerns the impacts of noise-generating uses and activities but other nuisances should be considered under this policy. Other nuisances include dust, odour, light and vibrations (see Policy SI1 Improving air quality and T7 Freight and servicing). This is particularly important for development proposed for co-location with industrial uses and the intensification of industrial estates (see Policy E7 Industrial intensification, co-location and substitution, part E (4)). When considering co-location and intensification of industrial areas, boroughs should ensure that existing businesses and uses do not have unreasonable restrictions placed on them because of the new development.

3.12.7 **Noise and other impact assessments** accompanying planning applications should be carefully tailored to local circumstances and be fit for purpose. That way, the **noise particular** characteristics of existing uses can be properly captured and assessed. For example, **cultural venues some businesses and activities** can have peaks of noise at different times of the day and night and on different days of the week, and boroughs should require a noise impact assessment to take this into consideration. Boroughs should pay close attention to the assumptions made and methods used in **noise** impact assessments to ensure a full and accurate assessment.

3.12.8 Reference should be made to Policy D13 Noise which considers the impacts of noise-generating activities on a wider scale **and Policy SI1 Improving air quality which considers the impacts of existing air pollution**. Further guidance on managing and mitigating noise in **mixed-use development and town centre development** is also provided in the Mayor's London Environment Strategy.

Definitions

Agent of Change principle

The principle places the responsibility of mitigating the impact of **nuisances (including noise)** from existing **noise nuisance** generating **businesses uses** on proposed new development close by, thereby ensuring that residents **and users** of the new development are protected from **noise nuisances**, and existing **businesses uses** are protected from **noise nuisance** complaints. Similarly, any new **noise nuisance**-generating development, for example a music venue, will need to put in place measures to mitigate noise impacts on existing development close by.