

Examination of the North Hertfordshire Local Plan (2011-2031)

Examination hearing sessions

Statement of North Hertfordshire District Council

Matter 17 – Design (including air quality) (Policies SP9, D1, D2, D3 and D4)

17.1 Is Policy SP9 justified, effective and consistent with national policy? In particular:

a) Does it, in effect, give development plan status to the Design SPD?

b) Is it right to say, as the policy appears to, that the Design SPD sets out policy requirements

1. The policy is justified in terms of conformity with national policy requirements to seek well designed, sustainable development. The policy is consistent with paragraphs 56 – 66 of the NPPF in relation to requiring good design.
2. The Design SPD, as a supplementary planning document, does not and cannot have development plan status. The policy at bullet point c) may require the insertion of ‘*guidance within*’ before the words ‘the Design SPD’ to clarify the status of the document.
3. The Design SPD provides guidance and draws together other relevant sources of information which can be applied to all forms of development. The SPD encourages designers to think about the context of the site and how the development should positively respond to and respect it. SP9 will be effective in clearly setting out the overarching requirements when considering design and sustainability, and these are then translated into the relevant detailed policies.

17.2 Are Policies D2 and D3 justified and effective?

4. Although national policy doesn’t seek to impose particular requirements in relation to architectural design, Policy D2 ensures that smaller changes to residential development are well designed and make a positive contribution to their surroundings. Suggest that the policy wording in bullet point d. is amended to allow a more considered assessment of any proposal and its impact. New wording at bullet point d. to read ‘*Side extensions, at first floor level or above, adjoining a residential plot to the side are at least 1 metre from the boundary unless the extension would not have an adverse impact on the character and setting of the street scene.*’ The policy will ensure that only proposals that do not have an adverse impact on the local street scene are granted permission.
5. Policy D3 is consistent with national policy in that it seeks to ensure that harm to living conditions is minimised. The policy covers both the impact that new development may

have and the impact of existing uses. The policy will be effective as it requires mitigation measures to address harm to living conditions and if acceptable levels cannot be achieved development proposals will not be permitted.

17.3 Is Policy D4 justified and effective?

6. Yes. The Policy has been formulated to address the comprehensive, well established and growing scientific evidence of the harm caused to public health by locally emitted air pollution. There is no appropriate alternative to having an Air Quality Policy and the Policy as submitted has been written to represent an approach that is most appropriate to the local circumstances and challenges faced within North Hertfordshire as well as being reasonable in terms of the expectations and responsibilities placed on developers.
7. In terms of effectiveness, the approach is one that is currently being successfully delivered within North Hertfordshire and there is no reason to believe that this situation will change over the plan period. It is also an approach that has been advocated at, and widely supported by, the Hertfordshire and Bedfordshire Air Quality Forum, which is a long established Forum with objectives of sharing best practice and helping to promote joint working. The Forum comprises of environmental protection professionals from the thirteen Hertfordshire and Bedfordshire local authorities and professionals from the fields of public health and traffic and transport management within Hertfordshire County Council.