



Appeal Decision

Inquiry held on 29 April 2025

Site visit made on 29 April 2025

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal Ref: APP/X1925/W/24/3347949

Land East of Rhee Spring and Orwell View, Royston Road, Baldock.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Chalkdene Developments LLP against the decision of North Hertfordshire District Council.
 - The application Ref is 21/01882/FP.
 - The development proposed is residential development (42 dwellings), access, parking, landscaping and associated works, including provision of an electrical sub-station.
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Decision

1. The appeal is allowed and planning permission is granted for residential development (42 dwellings), access, parking, landscaping and associated works, including provision of an electrical sub-station at Land East of Rhee Spring and Orwell View, Baldock in accordance with the terms of the application, Ref 21/01882/FP, subject to the 24 conditions in the attached schedule.

Preliminary Matters

2. I undertook a familiarisation site visit in October 2024. An accompanied site visit was undertaken on 29 April 2025.
3. The revised National Planning Policy Framework (NPPF) was published on 12 December 2024. The main parties' comments on the revised NPPF have been considered as part of my decision-making.
4. The appellant submitted a costs application before the inquiry. This was withdrawn verbally during the inquiry and was withdrawn in writing subsequently.
5. A signed legal agreement under Section 106 of the Town and Country Planning Act 1990 dated 20 May 2025 was submitted after the inquiry closed. I have had regard to the legal agreement in reaching my decision.

Main Issue

6. The main issue in this appeal is whether the proposed development would make an appropriate contribution towards affordable housing need.

Reasons

7. On the edge of Baldock, the site consists of open, relatively flat land immediately south of the B656 Royston Road and adjacent to Clothall Common. The site lies east of Rhee Spring and Orwell View and north of Constantine Place and Aleyn Way. At present, the site is fenced off and contains scrubland and small trees.

Further trees are located along the boundary with Royston Road and adjacent to Orwell View. Surrounding two-storey residential properties form part of the 1980s Clothall Common development. The site was formerly intended to provide a one form entry primary school, but is no longer required for education purposes.

8. The proposed development would consist of 42 houses with associated parking and landscaping. Vehicular access would be from Aleyn Way and Constantine Place.

Policy Background

9. The site was allocated for residential development in the North Hertfordshire Local Plan 2011- 2031 (LP). LP Policy BA4 allocates the site for 50 homes and sets out criteria on transport, flooding and drainage, landscaping and archaeology.
10. LP Policy HS2 requires the provision of affordable housing for residential development of 11 units and over. For schemes providing 25 or more dwellings, 40% affordable housing is required, subject to viability. The policy also confirms that affordable housing should be delivered on site unless robustly justified, and states that affordable housing is secured through an appropriate condition or legal agreement providing for the retention of dwellings through the Council, a registered provider or similar body, and where appropriate, review mechanisms. Paragraph 8.10 supporting LP Policy HS2 outlines that where below target levels of affordable housing are agreed but viability may improve over the proposed scheme's lifetime, review mechanisms will be built into any relevant agreements.
11. LP Policy SP7 deals with infrastructure requirements and developer contributions. It does not refer to affordable housing, but states that robust evidence is needed where developers consider that viability issues impact the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether appropriate contributions and/or mitigation can be secured.
12. LP Policy SP8 sets out the spatial distribution of new homes. It seeks a range of housing tenures, types and sizes, aiming to deliver 33% of all homes as affordable housing with targets to deliver 40% affordable housing, where viable.
13. The Baldock, Bygrave and Clothall Neighbourhood Plan (NP) was made on 29 June 2021. The NP refers to allocation BA4, requiring independent design review at Policy G3, building strong communities at Policy E4, and green infrastructure at Policy E2. Policy E1 requires transport and air quality to be considered, while Policy E3 seeks to reduce construction impacts. Policy E6 expects appropriate landscaping and design. No mention is made of affordable housing with regard to Baldock sites. I shall deal with NP Policies E6 and G3 later in this decision.
14. In January 2023, the Council produced a Developer Contributions Supplementary Planning Document (SPD). It confirms that development proposals should adhere to LP and NP policies and that these requirements are factored into land value. The SPD also states that viability review mechanisms will be considered where obligations are agreed at lower than policy compliant levels on viability grounds.
15. On 30 July 2024, the Government issued a Written Ministerial Statement 'Building the homes we need.' This underlines the importance the Government places on housing delivery and acknowledges that the nation is in the middle of the most

acute housing crisis in living memory. It highlights the vital role that decisions play in delivering housing and the need to build genuinely affordable homes.

16. NPPF Paragraph 59 confirms that where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment with the application. The weight to be given to a viability assessment is for the decision maker, having regard to all the circumstances, including whether the plan and its viability evidence is up-to-date, and any change in site circumstances since the plan came into force. All viability assessments, including any at the plan-making stage, should reflect the recommended approach in the Planning Practice Guidance (PPG), including standardised inputs, and should be publicly available.
17. NPPF paragraph 64 confirms that where affordable housing need is identified, policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution can be robustly justified. NPPF paragraph 66 expects that where major development involves housing, policies and decisions should expect that the mix of affordable housing meets identified local needs.
18. The PPG¹ partially reiterates NPPF paragraph 59. It also confirms that being policy compliant in decision making means that the development fully complies with up-to-date plan policies. Additionally, the PPG² confirms that where a viability assessment is submitted this should be based upon and refer back to the plan's viability assessment and the applicant should provide evidence of what has changed since. The weight to be given to a viability assessment is for the decision maker, having regard to all the circumstances. In addition to the requirements at NPPF paragraph 59, the PPG refers to the transparency of assumptions behind evidence submitted.
19. The PPG³ outlines that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement on how and when viability will be reassessed over the development's lifetime to ensure policy compliance and optimal public benefits. Where contributions are reduced below requirements set out in policies to provide flexibility in a development's early stages, there should be a clear agreement of how policy compliance can be achieved over time. As risk to developers is already accounted for in assumptions for developer return, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to a developer, but to strengthen local authorities' ability to seek policy compliance over the project's lifetime.

Background to the appeal

20. The planning application was submitted in June 2021. The appellant submitted a Viability Study (February 2022) produced by Turner Morum (TM). This concluded that the proposed development could not deliver 40% affordable housing. The Council commissioned independent assessment by Dixon Searle Partnership (DSP). In May 2022, DSP found that the proposed development would be viable

¹ Paragraph 10-007-20190509: Should viability be assessed in decision taking?

² Paragraph 10-008-20190509: How should a viability assessment be treated in decision making?

³ Paragraph 10-009-20190509: How should viability be reviewed during the lifetime of a project?

with 40% affordable housing. TM rebutted this in June 2022. DSP responded in June 2022, maintaining their position. Following work by quantity surveyors on build costs, a response was made by TM in September 2022, with an updated viability report. TM then produced a viability addendum in March 2023.

21. Working with their costs consultants, DSP concluded in May 2023 that the proposed development would be unlikely to support affordable housing based on current costs and values. However, DSP also recommended use of a viability review mechanism at a later stage when actual values and costs are known. This would allow for capture of improvements in values up to a policy compliant level.
22. By May 2023, despite differences in inputs, TM and DSP were in general agreement that the proposed development could not viably support affordable housing. Discussions between officers and the appellant resulted in agreement to provide two affordable housing units, to be secured by legal agreement. This is confirmed at committee report paragraph 4.3.41. It was also highlighted at paragraph 4.3.42 of the same report that a clawback clause in the legal agreement was mandatory and that the appellant had agreed to use of such a clause.
23. The proposed development was discussed at Planning Committee on 21 March 2024. Despite being recommended for approval by officers, members of the committee voted to refuse planning permission as the proposed development would make insufficient contribution towards meeting affordable housing needs.
24. The appeal was submitted on 11 July 2024. Alongside their statement of case, the Council provided a DWD viability report dated October 2024. In contrast to DSP's May 2023 work, DWD found that the proposed development could provide a policy compliant level of 40% affordable housing. I requested a statement of common ground on viability which was provided on 19 December 2024. This showed significant disagreement which required formal questioning by an advocate.
25. On 28 March 2025, the main parties completed and signed a supplemental statement of common ground. This confirmed that, notwithstanding remaining disagreement on gross development value and construction costs, TM and DWD agree that at present the scheme is unable to viably provide in excess of the two affordable housing units proposed. The appeal has in effect gone back to square one, with square one being the officer's committee report. The Council confirmed in its opening statement to the inquiry that it did not intend to defend the appeal and submitted that permission should be granted.

Provisions and Contributions

26. The Council's Housing Strategy 2024 - 2029 identifies that affordability is a significant hurdle in North Hertfordshire, with house prices over nine times average annual earnings and high demand for affordable housing. North Hertfordshire generally has around 2,500 households on its affordable housing register at any one time. It is estimated that over 3,000 additional local households will need affordable housing by 2031. The Council's Authority Monitoring Report 2022 – 2023 identified that only 31% of new homes were delivered as affordable homes in that monitoring year. There has been a consistent shortfall in affordable housing delivery over a 12 year period. Additionally, the North Herts District and Stevenage Borough Councils: Strategic Housing Market Assessment Part II Update (November 2023) identifies a net need from 1,227 households in North Hertfordshire that need but do not occupy affordable housing.

27. North Hertfordshire is an area of acute affordable housing need. However, the policy stance within LP Policy HS2 is that provision of affordable housing for sites of 25 or more homes should comprise 40% of the homes within the proposed development, subject to viability. The agreed supplemental statement of common ground confirms that, at present, the scheme is unable to viably provide in excess of the two affordable housing units being proposed by the appellant. As such, the reduced provision of two affordable housing units represents the maximum reasonable offer at present. The proposed development has therefore met the requirements of LP Policy HS2 in respect of current viability.
28. However, viability can and does change over time. The agreed supplemental statement of common ground also states that in circumstances where the required percentage of affordable housing cannot presently be met, it is necessary for a review mechanism to be used to calculate the surplus that may arise should the viability position improve. The signed and dated legal agreement includes a viability review mechanism, which would be triggered one calendar month from commencement. This viability review mechanism is set out in the legal agreement, alongside many of its inputs, which have been agreed by the parties.
29. The legal agreement indicates that two affordable housing units would be provided on site and the appellant will provide the following contributions or provisions:
- Biodiversity net gain contributions of £72,000 to be spent at Weston Hills and Ivel Springs Nature Reserves;
 - Monitoring fees;
 - Play space contributions of £10,000 to be spent on the playground at Avenue Park, Baldock;
 - Waste contributions of £2,982 for provision of bins; and
 - Water scheme for fire hydrants.
30. Although a significant level of other contributions are required, it has been agreed by the parties that the contributions below cannot viably be provided at present:
- NHS contributions:
- GP services contributions of £54,264 to extend or relocate Baldock Surgery;
 - GP community services contribution of £7,645 for extending Park Drive Health Centre.
- Hertfordshire County Council (the County Council) contributions:
- Childcare service contribution of £34,632 to expand Merry Go Round under 5s or make other similar provision;
 - Library service contribution of £4,389 towards Baldock Library or other provision;
 - Monitoring fees of £340 per trigger point;
 - Special education needs and disabilities contribution of £59,043 towards the East Severe Learning Difficulty School;

- Sustainable active and accessibility transport contribution of £202,635 towards the North Central Growth and Transport Plan, in particular Scheme PR73 Baldock rail station cycle parking and Scheme PR75 bus service;
 - Waste service recycling centre contribution of £7,644 to increase capacity of Letchworth Recycling Centre;
 - Waste service transfer station contribution of £7,212 towards the new North Transfer Station at Baldock;
 - Youth service contribution of £7,589 to increase the capacity of youth facilities in Letchworth or suitable alternative provision.
31. If the viability review mechanism indicates that the scheme's viability has improved, the legal agreement requires 50% of surplus monies to be provided for the provision of additional affordable housing units on site up to the 40% requirement, NHS contributions, and County Council contributions. The cap for the apportionment is the total cost of providing the additional affordable housing units, and the total value of the NHS contributions and the County Council contributions. Together, these are the Viability Assessment Maximum Contribution.
32. All three tests for planning obligations at NPPF paragraph 58 and Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) must be met. These tests are that the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. I am satisfied that the aforementioned requirements within the legal agreement, including the viability review mechanism, would be supported by LP policy as amplified by relevant supplementary guidance, and that they would meet the three tests for obligations. I have therefore taken all the obligations within the legal agreement into account in determining this appeal, with the caveat that not all of the obligations can presently be provided, but that this may be subject to change once the viability review mechanism is engaged.
33. In the circumstances outlined, I conclude that the proposed development would make an appropriate contribution towards affordable housing need. Consequently, it would not conflict with LP Policies HS2, SP7 and SP8 as outlined above.

Other Matters

34. LP Policy BA4 allocates the site for 50 homes, but the proposed development would provide 42 homes. LP Policy HS1 requires that development broadly accords with the indicative number of homes. Pragmatically, the LP confirms at paragraph 8.3 that a design-led approach will be taken and this may result in housing numbers changing in response to pre-application and application processes.
35. The appeal scheme follows a withdrawn planning application 18/00097/OP for 47 homes. The responses from statutory consultees to the earlier planning application have informed the current scheme. In addition, the green corridors proposed have reduced the developable area and led to a lower number of homes. The Council has highlighted that reduced weight should be afforded to the delivery of a lower amount of housing than the original allocation for 50 homes in line with an appeal

decision⁴. However, as the Council itself considers the allocation to be an estimate, rather than a definitive target, that appeal is not directly relevant. As such, I find no conflict with LP Policy BA4.

36. LP Policy HS5 requires at least 50% of homes to be built to M4(2) accessible and adaptable standard. For schemes with 10 or more affordable homes, 10% of these homes should be built to M4(3) wheelchair user standard. However, the Lead Local Flood Authority (LLFA) has recommended finished floor levels a minimum of 300mm above any flood level and 150mm above the surrounding ground level. This would result in stepped entrances and ramps would not be possible in all instances.
37. As a result of the LLFA's requirements, the parties agree that the two affordable homes currently proposed should be built to M4(2) and this is secured by condition. If any additional affordable housing units were to come forward, they would also be built to M4(2) and the same condition would apply. Overall, 63% of the homes would be built to M4(2) and no M4(3) housing would be provided. The M4(2) requirement within LP Policy HS5 has been exceeded. There is a clear and reasonable explanation as to why the M4(3) requirement cannot be met and indeed the number of affordable housing units would not currently require M4(3) provision. I therefore find that there would not be conflict with LP Policy HS5.
38. Supporting LP Policy T2 on parking, LP Appendix 4 sets out details of car parking standards. Visitor parking of between 0.25 and 0.75 spaces per dwelling is expected. The expectation varies dependent on provision of garages and the Council is seeking to clarify this position in a future SPD. Furthermore, the expected provision depends on site-specific circumstances. While many proposed units may be able to accommodate additional visiting cars and provision of further spaces would reduce the size of landscaped buffers, there is a shortfall of 17 visitor spaces. I afford limited weight to the conflict with LP Policy T2 and Appendix 4.
39. NP Policy E6 seeks a high quality and distinctive entrance to the town along Royston Road with the development sites BA3, BA4 and BA10. However, no access is being proposed to Royston Road, due to concerns raised by the Highway Authority. I find that the conflict with NP Policy E6 has only limited weight.
40. NP Policy G3 requires applications for sites, including BA4, to be subject to an independent design review process with community input. Although community consultation occurred, no independent design review took place. This is unfortunate as design review can play an important role in the shaping of buildings and spaces. Notwithstanding this, the Council has not objected to the proposed design and layout of this full planning application and I have no reason to disagree with the Council's findings in this regard. The conflict with NP Policy G3 has limited weight.
41. Concerns have been raised by interested parties regarding pedestrian and highway safety due to increased traffic. Yeomanry Drive provides the main route around the estate to access side streets, including Aleyn Way. Aleyn Way serves Merchants Walk and Constantine Place. The proposed development would have vehicular access via Aleyn Way itself and Constantine Place, while a further pedestrian and cycle access would be via Rhee Spring, off Yeomanry Drive. The proposed development would introduce scope for large vehicles to use the proposed development to travel between Aleyn Way and Constantine Place and vice versa in

⁴ APP/K0425/W/22/3296128, decision issued 2 December 2022.

- a forward gear. This is not currently possible, requiring large vehicles to reverse down Aleyn Way and Constantine Place.
42. The houses on Aleyn Way generally have off street parking in front of the houses. Some houses on Constantine Place, Rhee Spring and Orwell View have on plot parking and other homes have parking on parking courts. Notwithstanding the off-street parking, I saw on-street parking along both Constantine Place and Aleyn Way during both my familiarisation visit and my site visit.
43. Alternative vehicular routes have been suggested to join Royston Road, Yeomanry Drive, or Rhee Spring. The appellant has indicated that use of Yeomanry Drive or Rhee Spring would not be possible due to insufficient space or would have negative consequences for existing housing and for rat-running. The Highway Authority objected to the earlier planning application on the same site on the basis of vehicular access being from Royston Road. Having considered the likely trip generation for the proposed development and having visited the streets surrounding the site, I concur with the Council's and the County Council's views that the access to the proposed development from Constantine Place and Aleyn Way would be acceptable.
44. The appellant has provided both a Flood Risk Assessment and Drainage Strategy. However, both flood risk and drainage will be dealt with by condition to ensure no detrimental effects. It has been suggested that the site should be retained as a green space, given the ecological value of chalk grassland. Not only have suitable ecological surveys been carried out and financial obligations made for biodiversity net gain, but the site is allocated for residential development.
45. Reference has been made to the translocation of lizards. A Reptile Survey Report (Greengage, June 2021), Preliminary Ecological Appraisal (Greengage, June 2021) and Reptile Mitigation Strategy (Greengage, May 2021) identified common lizards on site. If not relocated, the lizards would be killed or injured during construction. The mitigation strategy identified a receptor site approximately 2km away adjacent to the A505, set out the works to be undertaken to the receptor site, and how translocation would occur. The appellant undertook an Updated Ecological Walkover (Greengage, 13 December 2023), which confirms that the translocation took place between Autumn 2021 and Spring 2022. To prevent recolonisation, reptile fencing was installed prior to translocation. This fencing remained intact at the time of the walkover in 2023 and was largely in place at my site visit. As such, I consider that the mitigation strategy has already been carried out and any further lizards found on site would be translocated prior to construction.

Planning Balance

46. The Council's Five Year Housing Land Supply Update (May 2024) states that the Council has 3.9 years of housing land supply. This indicates that the policies which are most important for determining the proposal are out-of-date according to NPPF paragraph 11(d). Consequently, planning permission should be granted unless one of two exceptions applies. The first exception outlined at NPPF paragraph 11(d)(i) is not engaged.
47. As set out above, there is conflict with LP Policy T2 and Appendix 4 and NP Policies E6 and G3, in relation to visitor parking, the site's gateway role, and independent design review. However, when taken together, I afford these policy

conflicts no more than limited weight given the specific circumstances. No other adverse impacts have been demonstrated.

48. The delivery of 42 houses would help to address the recognised housing delivery shortfall. Indeed, small and medium sized sites can make an important contribution towards meeting the housing requirement of an area. This site would deliver homes suitable for families. I afford the delivery of market housing significant weight. Although the provision of affordable housing would be limited to two affordable housing units at present, there remains scope for a greater number of affordable housing units to be delivered, subject to further appraisal once the review mechanism is triggered. I afford the delivery of two affordable housing units moderate weight in this instance.
49. The appellant has highlighted that the biodiversity net gain contributions pre-date the mandatory requirement for provision of biodiversity net gain. I find this to represent a moderate benefit. Together with the provision of market and affordable housing, these benefits have significant weight.
50. While the appellant refers to the provision of pedestrian and cycle routes to facilitate the connectivity of the site, improved routes for refuse vehicles, and improvements in surface water drainage, there is nothing before me which indicates that these features would be anything other than necessary to address the effects of development. As such, these are neutral in the balance.
51. The adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. The second exception in NPPF paragraph 11(d)(ii) is not engaged. The presumption in favour of sustainable development would therefore apply and the proposed development would accord with the policies within the NPPF when taken as a whole and with LP Policies HS2, SP7 and SP8 as outlined above. Planning permission should be granted without delay.

Conditions

52. It is necessary to specify conditions confirming the time limit for development (1) and approved plans (2) for certainty. Ten pre-commencement conditions (3 - 12) are necessary as they cover matters to be addressed before construction works begin. The appellant has agreed to pre-commencement conditions. Conditions have been amended, where necessary, for clarity and in order to ensure implementation and enforceability.
53. To protect biodiversity, conditions (3 and 4) are necessary to deliver a Construction Environmental Management Plan: Biodiversity and an ecological enhancement scheme. The condition for a Construction Traffic and Environmental Management Plan (5) would safeguard living conditions, guard against pollution or nuisance, and ensure highway safety. A further condition on site waste management (11) is required to ensure that waste is reduced, managed and disposed of appropriately. A condition on archaeology (9) is necessary for evaluation and interpretation.
54. Drainage conditions (6 and 8) are necessary to minimise potential for flooding and pollution both during construction and after the development is occupied. To manage flood risk, conditions (18 and 19) are also necessary to ensure that the implementation of the approved surface water drainage system is verified and that the system is subsequently managed and maintained properly. A further condition (7) on any changes to watercourses is necessary to safeguard against flooding.

55. In the interests of maintaining the area's character and appearance, a condition (20) on landscaping screening of the sub-station is necessary. Furthermore, to protect retained trees and the character and appearance of the area, two arboricultural conditions (12 and 23) are required. Condition (22) also seeks to secure landscaping to maintain the area's character and appearance. So that materials are in keeping with the area's character and appearance, a condition (13) requires submission and agreement of materials. A condition (10) on existing and finished floor levels is also necessary to ensure that the proposed development relates well to surrounding development and protects against flooding.
56. To ensure provision for cycling and refuse storage, a condition (14) is necessary to allow for approval of details and installation of appropriate storage. A condition (15) is required to ensure sustainability measures to address climate change. In order to secure affordable housing to the M4(2) Standard, a condition (16) is necessary.
57. To ensure safe and suitable vehicular access, a condition (17) requires the submission of further details. A condition was put forward to ensure that parking areas are suitably laid out and to confirm that surface water from parking areas would not drain to the highway. I have included the surface water part of this condition in condition 6 and consider the parking part of the condition not to be necessary as the parking areas would need to be provided in keeping with the plans condition. The remediation condition (21) is necessary to ensure that risks of contamination to the environment and human health are minimised.
58. A condition (24) would restrict permitted development rights. Given the proposed development's layout and uniformity of design, such a condition would be necessary in this instance to allow the Council to consider both the area's character and appearance and living conditions when proposals come forward.

Conclusion

59. For the reasons given above and subject to the 24 conditions below, the appeal is allowed.

Joanna Gilbert

INSPECTOR

Appearances

For the Appellant:

Heather Sargent	Counsel, Landmark Chambers, instructed by Smith Jenkins Ltd
Nicholas Bignall MRICS	Partner, Turner Morum LLP
Halima Rashid	Associate, Browne Jacobson LLP
Jennifer Smith MRTPI	Director, Smith Jenkins Ltd
Fabrizio Stefanoni	Senior Development Manager, Chalkdene Developments LLP

For the Council:

Nick Grant	Counsel, Landmark Chambers, instructed by Arhamna Jafri, Locum Planning Lawyer, North Hertfordshire District Council
Anne McDonald	Development Management Team Leader, North Hertfordshire District Council
Peter Roberts FRICS CEnv	Director, DWD
Stephen Rose BA (Hons) MRTPI	Associate Director, DWD

Documents provided at and after the inquiry:

ID1	Appellant's summary note of S106 obligations and provisions
ID2	Appellant's opening statement
ID3	Council's opening statement
ID4	Council's closing statement
ID5	Appellant's closing statement
ID6	Appellant's list of appearances
ID7	Appellant's email dated 30 April 2025 confirming withdrawal of costs application
ID8	Note on Baldock, Bygrave and Clothall Neighbourhood Plan
ID9	Council's email dated 1 May 2025 with regard to conditions
ID10	Appellant's email dated 6 May 2025 with regard to conditions
ID11	Signed and executed legal agreement dated 20 May 2025

Schedule of 24 conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:

0221-L001 Revision E Landscape Layout; 0221-L002 Revision D Planting – Trees North; 0221-L003 Revision E Planting – Trees South; 0221-L004 Revision E Planting - Shrubs North; 0221-L005 Revision E Planting - Shrubs South; 0221-L006 Revision E Planting Schedule North & South; 0221-L007 Revision A Tree Protection Plan; RR-RTA-XX-XX-DR-A-00001 PL02 Location Plan; RR-RTA-XX-XX-DR-A-00010 Rev PL02 Existing Site Plan and Constraints; RR-RTA-XX-XX-DR-A-00100 PL14 Proposed Site Plan; RR-RTA-XX-XX-DR-A-00110 PL11 Proposed Landscape Strategy; RR-RTA-XX-XX-DR-A-00120 PL07 Proposed Site Elevations Sheet 1 of 2; RR-RTA-XX-XX-DR-A-00121 PL07 Proposed Site Elevations Sheet 2 of 2; RR-RTA-XX-XX-DR-A-00122 PL01 Proposed Site Elevations Sheet 2 of 2; RR-RTA-XX-XX-DR-A-00200 PL10 Proposed Parking and Access Strategy; RR-RTA-XX-XX-DR-A-00201 PL09 Proposed Fire Strategy; RR-RTA-XX-XX-DR-A-00202 PL09 Proposed Refuse Collection Strategy; RR-RTA-XX-XX-DR-A-00203 PL10 Proposed Materiality Strategy; RR-RTA-XX-XX-DR-A-00204 PL02 Proposed Substation Floor Sections and Elevation Plans; RR-RTA-XX-XX-DR-A-HA-D-00201 PL02 House Type HA-D Floor Plans; RR-RTA-XX-XX-DR-A-HA-D-00401 PL02 House Type HA-D Elevations; RR-RTA-XX-XX-DR-A-HC-D-00201 PL04 House Type HC-D GA Plans; RR-RTA-XX-XX-DR-A-HC-D-00401 PL05 House Type HC-D GA Elevations; RR-RTA-XX-XX-DR-A-HC-E1-00211 PL03 House Type HC-E1 GA Plans; RR-RTA-XX-XX-DR-A-HC-E1-00411 PL03 House Type HC-E1 GA Elevations; RR-RTA-XX-XX-DR-A-HE-D-00201 PL05 House Type HE-D GA Plans; RR-RTA-XX-XX-DR-A-HE-D-00401_PL05 House Type HE-D GA Elevations; RR-RTA-XX-XX-DR-A-HE-E1-00211 PL04 House Type HE-E1 GA Plans; RR-RTA-XX-XX-DR-A-HE-E1-00411 PL04 House Type HE-E1 GA Elevations; RR-RTA-XX-XX-DR-A-HG-D-00201 PL05 House Type HG-D GA Plans; RR-RTA-XX-XX-DR-A-HG-D-00401 PL04 House Type HG-D GA Elevations; RR-RTA-XX-XX-DR-A-HG-E1-00211 PL04 House Type HG-E1 GA Plans; RR-RTA-XX-XX-DR-A-HG-E1-00411 PL03 House Type HG-E1 GA Elevations; RR-RTA-XX-XX-DR-A-HK-D-00201 PL05 House Type HK-D GA Plans; RR-RTA-XX-XX-DR-A-HK-D-00401 PL06 House Type HK-D GA Elevations; RR-RTA-XX-XX-DR-A-HY-D-00201 PL01 House Type HY-D Floor Plans; RR-RTA-XX-XX-DR-A-HY-D-00401 PL01 House Type HY-D GA Elevations; RT20072_RoystonRoad_Schedule of Accommodation Revision M dated 24 October 2024; S1877-ISS-1A-XX-DR-C-3000 P15 Proposed Drainage Layout Overview; S1877-ISS-1A-XX-DR-C-3010 P12 Proposed Drainage Layout Sheet 1 of 3; S1877-ISS-1A-XX-DR-C-3011 P12 Proposed Drainage Layout Sheet 2 of 3; S1877-ISS-1A-XX-DR-C-3012 P12 Proposed Drainage Layout Sheet 3 of 3; S1877-ISS-1A-XX-DR-C-3150 P04 Proposed Levels Overview; S1877-ISS-1A-XX-DR-C-3151 P04 Proposed Levels - Sheet 1 of 3; S1877-ISS-1A-XX-DR-C-3152 P04 Proposed Levels - Sheet 2 of 3; S1877-ISS-1A-XX-DR-C-3153 P04 Proposed Levels - Sheet 3 of 3; S1877-ISS-1A-XX-DR-C-3154 P01 Proposed Chainages Overview; S1877-ISS-1A-XX-DR-C-3350 P01 Proposed Long Sections Sheet 1 of 2; S1877-ISS-1A-XX-DR-C-3351 P01 Proposed Long Sections Sheet 2 of 2; S1877-ISS-1A-XX-DR-C-3450 P05 Proposed External Works Layout Overview; S1877-ISS-1A-XX-DR-C-3451 P03

Proposed External Works Layout Sheet 1 of 3; S1877-ISS-1A-XX-DR-C-3452 P05
Proposed External Works Layout Sheet 2 of 3; S1877-ISS-1A-XX-DR-C-3453 P05
Proposed External Works Layout Sheet 3 of 3; S1877-ISS-1A-XX-DR-C-3460 P04
Proposed Kerbing Layout Overview; S1877-ISS-1A-XX-DR-C-3461 P02 Proposed
Kerbing Layout Sheet 1 of 3; S1877-ISS-1A-XX-DR-C-3462 P04 Proposed Kerbing
Layout Sheet 2 of 3; S1877-ISS-1A-XX-DR-C-3463 P03 Proposed Kerbing Layout
Sheet 3 of 3; S1877-ISS-1A-XX-DR-C-3550 P02 Proposed Flood Exceedance Plan
Overall; TS20-331-1; -2 Topographical survey; TS20-331-3; -4 Underground
surveys; UKP10883 - DWG100 Revision 0 Construction Details - GRP Enclosure.

- 3) Prior to the commencement of development, including ground works or vegetation clearance, a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity), as informed by recommendations made in the Updated Ecological Walkover (Greengage, 13 December 2023) or relevant up-to-date ecological survey report shall have been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 4) Prior to the commencement of development, the details of an ecology enhancement scheme shall have been submitted to and approved in writing by the Local Planning Authority and the approved measures shall have been implemented on site prior to the first occupation. The measures shall include:

- a) the provision of bird bricks / boxes;
- b) the provision of bat tubes / boxes;
- c) the provision of insect and bee bricks / habitats;
- d) the creation of a 'hedgehog highway' across the site.

- 5) Prior to the commencement of development, a Construction Traffic and Environmental Management Plan (CTEMP) shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CTEMP. This CTEMP must set out:

- a) the phasing of construction and proposed construction programme including hours or work on site, times of deliveries and removal of waste;

- b) the methods for accessing the site, including wider construction vehicle routing, details of their signing, monitoring and enforcement measures;
- c) the number of daily construction vehicles including details of their sizes, at each phase of the development;
- d) site set up and general arrangements for storing plant machinery and building materials;
- e) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- f) the hours of construction vehicle movements;
- g) details of any highway works necessary to enable construction to take place;
- h) details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway;
- i) details of any hoardings or screening;
- j) details of how the safety of existing public highway users and existing public right of way users will be maintained;
- k) management of traffic to reduce congestion;
- l) provision for addressing any abnormal wear and tear to the highway;
- m) end of day tidying procedures to ensure protection of the site outside the hours of construction.

The construction activities shall be designed and undertaken in accordance with the code of best practice set out in the relevant version of BS5228 and with the approved details.

- 6) Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the Lead Local Flood Authority. This shall include details confirming that all new residential dwellings will have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level and details of arrangements for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

The scheme shall be constructed as per the approved drawings, Flood Risk Assessment RR-ISS-XX-XX-RP-C-3010 P09 dated 24 November 2023 and Drainage Strategy RR-ISS-XX-XX-RP-C-3000 P08 dated 18 December 2023 and remain in perpetuity for the lifetime of the development.

- 7) Prior to the commencement of development, a detailed design shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes).

Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and including the 1% AEP (Annual Exceedance Probability) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible. A maintenance strip shall be provided between the property boundaries and the watercourse. The details shall include long sections and cross sections of the proposed watercourse including details of any

proposed crossing. The development shall be constructed in accordance with the approved plans.

- 8) Prior to the commencement of development, details and a method statement for interim and temporary drainage measures during the demolition and construction phases shall have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with the approved details and method statement.
- 9) A) Prior to the commencement of development, an Archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
 - 1) the programme and methodology of site investigation and recording;
 - 2) the programme for post investigation assessment;
 - 3) provision to be made for analysis of the site investigation and recording;
 - 4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - 5) provision to be made for archive deposition of the analysis and records of the site investigation;
 - 6) nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The demolition/development shall take place in accordance with the programme of archaeological works set out in the Archaeological Written Scheme of Investigation approved under part A) of this condition.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part A) of this condition and provision has been made for analysis and publication, where appropriate.
- 10) Prior to the commencement of development, details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of the buildings and surrounding properties. The development shall be carried out in accordance with the approved details.
- 11) Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall have been submitted to and approved in writing by the Local Planning Authority. The SWMP will set out the aims to reduce the amount of waste produced on site during the construction phase, the types of waste to be produced, how it is to be stored on site, how it will be removed from site, and where it will be sent to. The development must be operated in accordance with the approved SWMP.

- 12) Prior to the commencement of development, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the retained trees. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to retained trees.
- 13) Prior to works above slab level, details of the materials to be used on all external elevations and the roofs of the development, any hard surfacing materials, and all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.
- 14) Prior to the first occupation of the development, details of the bin stores and cycle parking for all dwellings shall have been submitted to and approved in writing by the Local Planning Authority, and the approved details shall have been installed on site for each house before its first occupation.
- 15) Prior to the first occupation of the development, a scheme of sustainability measures for all dwellings shall have been submitted to and approved in writing by the Local Planning Authority and shall have been implemented on site prior to the first occupation of each dwelling.
- 16) Prior to the first occupation of the development, confirmation that all affordable housing units provided on site shall comply with the requirements of M4(2) Standard shall have been submitted to and approved in writing by the Local Planning Authority. All affordable housing units shall then be constructed to M4(2) Standard.
- 17) Prior to the first occupation of the development, detailed plans must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle and pedestrian/cycle accesses onto Constantine Place, Aleyn Way, Rhee Spring, and the cycle path network to the north of the site, as shown on CA4397/TR001 Transport Note September 2021 and RR-RTA-XX-XX-DR-A-00100 PL14 Proposed Site Plan. This includes the provision of suitable intervisibility splays between the public highway and internal access roads. These works shall be constructed to the specification of the Highway Authority and completed before first occupation of the development.
- 18) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and verification report from an independent surveyor shall have been submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Conditions 6 and 19. Where necessary, details of corrective works to be carried out along with a timetable for their completion shall be submitted to and approved in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to

and approved in writing by the Local Planning Authority in accordance with the approved timetable.

- 19) Prior to the first occupation of the development, details of the maintenance and management of the sustainable drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall have been implemented prior to the first occupation of the development and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
 - a) a timetable for its implementation;
 - b) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located;
 - c) a management and maintenance plan for the lifetime of the development, including all watercourses on site, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.
- 20) Prior to the first occupation of the development, a scheme of landscaping to visually screen the sub-station shall have been submitted to and approved in writing by the Local Planning Authority and shall have been planted on site in the first available planting season.
- 21) Any suspected contaminated material encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible and all work shall cease until a scheme to render this contamination harmless shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have been fully implemented prior to the first occupation of this site.
- 22) The landscaping details shown on drawing numbers 0221-L001 Revision E; 0221-L002 Revision D; 0221-L003 Revision E; 0221-L004 Revision E; 0221-L005 Revision E and 0221-L006 Revision E shall have been implemented on site before the end of the second planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.
- 23) None of the trees to be retained on site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining planning permission from the Local Planning Authority.