

PLANNING COMMITTEE – 2 MARCH 2021

Application No:	20/02484/S73M	
Proposal:	Application to vary conditions 8, 24 and 25 attached to planning permission 18/02279/OUTM to amend the timescale for completion of the conditions	
Location:	Yorke Drive And Lincoln Road Playing Field, Lincoln Road, Newark On Trent	
Applicant:	Mrs Cara Clarkson, Newark & Sherwood District Council	
Agent:	N/A	
Registered:	04 January 2021	Target Date: 05 April 2021
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLFZEWLBKZA00	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.

The Site

The 11.5Ha site relates to an existing housing estate containing 355 homes and adjacent playing fields located within the urban area of Newark approximately 1km north east of the town centre. The existing homes consist of a range of house types including flats, terraces, bungalows and semi-detached, some of which were previously maisonettes that were converted as part of the 'Tops-Off' programme. The majority of the site has a 1960's estate layout with the majority of dwellings overlaid with insulated render more recently. The existing dwellings are predominantly two-storey although there are some 3-storey maisonette and flat blocks. The estate is mostly comprised of social rented properties, although there are also a number of owner-occupiers.

The site adjoins Brunel Drive/Northern Road industrial estates to the North West, east and south. To the north east corner of the site is a Co-Op store along with Bridge Community Centre, St Leonard's Church and Lincoln Road Play Area (LEAP). Lincoln Road forms the west boundary of the site, part of it is defined by a line of trees/hedgerow. Parts of Yorke Drive and Clarks Lane forms the south boundary of the site and is predominantly a residential area with a small local shop serving the Yorke Drive estate located adjacent to the southern boundary of the site. Other than the industrial estate buildings (which are equivalent to the height of 2-3 storey residential buildings), the adjoining area predominately comprises two-storey dwellings, although there are some three-storey apartments to the north of the site.

The playing fields are 7.43ha in size and comprise 9 pitches in addition to a sports pavilion and car park. Beyond football, the playing fields are most commonly used for dog walking and on occasion, local community events. The southern part of the existing area of open space is a former allotment area. A mature hedgerow is located around the boundary of the existing fields adjacent to the industrial estate. A Public Right of Way (PROW) is located around the existing field and through the existing estate onto Lincoln Road.

The estate has a single vehicular access from Lincoln Road (to the south west corner of the site). A number of Public Rights of Ways (PROWS) pass through the site including east to west from Lincoln Road along the north side of the site to the playing fields and north to south from Middleton Road, around the edge of the playing fields to Whittle Close and Clarks Lane.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1, which means it is at low risk of fluvial flooding.

The estate along with the playing fields is allocated within the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) as being part of the Yorke Drive Policy Area (Policy NUA/Ho/4). This is an area allocated for regeneration and redevelopment.

Relevant Planning History

18/02279/OUTM Selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes – permission 06.11.2019

A number of planning applications have been submitted and determined in relation to land/buildings within the wider site. The majority of these applications are householder applications. Other applications of note include:

02/02046/FUL Erection of 9 houses to replace no's 14 - 48 Yorke Drive (to be demolished) – permission 20.01.2003

02/01752/FUL Erection of 9 houses to replace no's 24 - 62 Lincoln Road (to be demolished) – permission 24.09.2002

98/51385/FUL Residential development for 34 bungalows – permission 04.02.1999

94/51294/FUL Conversion of shops to form bedsits – permission 22.11.1994

92/50812/FUL Conversion of maisonettes to provide two storey dwellings – permission 15.02.1992

01911363 Conversion of 24 four storey maisonettes to 12 two storey houses – permission 29.01.1992

01910774 Demolish 12 no. maisonettes and provide 12 no domestic houses – permission 20.08.1991

01880966 Erection of elderly person's bungalows – permission 31.01.1989

01880967 Erection of houses and elderly person's bungalows – permission 31.01.1989

01870970 Changing facilities, toilets, multi-purpose hall, kitchen and parking for 45 cars – permission 18.11.1987

01840639 Erect portable sports changing unit – permission 07.08.1984

01830080 27 bungalows for the elderly, 1 wardens house, 1 day centre – permission 22.03.1983

0182579 Residential development housing for older people – permission 08.09.1982

The Proposal

The application seeks planning permission for the variation of conditions 8 (playing field provision), 24 (Lincoln Road access) and 25 (Lincoln Road visibility splays) attached to 18/02279/OUTM to amend the timescales for compliance with the conditions.

Condition 8 attached to 18/02279/OUTM states:

Linked to the requirements of Condition 3, the reserved matters application(s) shall include a detailed plan for the management and phasing of the development, including the provision of the temporary and permanent playing field area. The management and phasing plan details shall ensure that the works which result in the loss of playing field area are not commenced before the works to temporarily or permanently replace those playing field areas are available for use. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Spatial Policy 8 of the Core Strategy.

The Covering Letter submitted with the application states that a ‘*detailed assessment of the playing field area, to ascertain the necessary works to achieve FA Good, indicate that intrusive supplementary drainage will not be required. This provides the opportunity therefore to condense the length of time to undertake necessary works and to complete the field works in one phase. A single regrading of the pitch rather than phased will allow for a better final product in terms of pitch level and quality.*’ As such, the condition needs rewording to enable some potential temporary loss of on-site provision albeit this would only be in the event that this is done in agreement with all bodies concerned.

Condition 24 attached to 18/02279/OUTM states:

No development shall commence on any part of the application site unless or until a suitable access has been provided at Lincoln Road as shown for indicative purposes on drawing 70045283-SK-003-P03 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Condition 25 attached to 18/02279/OUTM states:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 90m at the new junction with Lincoln Road are provided in accordance with drawing 70045283-SK-004-P02. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

The Covering Letter submitted with the application states that *'the Councils commitment to residents directly impacted by the regeneration proposals through the demolition of their home has been to decant each household once only, as far as it practicably possible. The intention of the phasing strategy allows for the development of new homes on the Lincoln Road playing fields before demolition is required to the majority of the estate. Requiring the access at Lincoln Road to be provided in advance of development will result in the demolition of homes before new properties have been built in which to rehouse residents. This goes against the original intention of the Council and commitment to residents'*. As such, it is proposed that the conditions 24 and 25 be reworded so that access onto Lincoln Road and required visibility splays are provided at a later phase as opposed to prior to the commencement of development.

The masterplan submitted with application no 18/02279/OUTM indicated that development would take place in 4 phases. As the more detailed scheme has been progressed, the phases have been partly subdivided and partly reordered. The main changes include:

- the delivery of the playing fields and pavilion all in one go in the first phase - Phase 1A (as opposed to being implemented more gradually through the duration of the estate regeneration works by ensuring at least 3 full size pitches, in which a number of junior pitch sizes can be cross marked to be retained at all times)
- Phase 1B would see the delivery of the first new dwellings (affordable dwellings to enable early decanting) within the north east corner as opposed to the north west corner of the existing playing fields.
- a temporary access to serve Phase 2A from Yorke Drive would be created;
- the main new access off Lincoln Road would be provided at Phase 2B.

All development (other than access) within each of the phases will need to be subject of reserved matters application to approve siting, layout, landscaping and design. The originally approved and revised phasing plans are both shown below for comparison purposes:



Phasing proposed by 18/02279/OUTM



Amended phasing proposed by 20/02484/S73

The application is accompanied by the following:

- Application Form
- Covering Letter
- Latest Phasing Diagrams/Plans
- Archaeological Evaluation (September 2020)
- Geoenvironmental Appraisal Phase 1A (February 2021)
- Geoenvironmental Appraisal Phases 1B, 2A and 4 (February 2021)

Public Advertisement Procedure

Occupiers of 648 properties have been individually notified by letter (which includes residents both within and near to the application site). A site notice has displayed around the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- NAP1 Newark Urban Area
- NAP3 Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD (adopted July 2013)

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development
- NUA/Ho/4 Newark Urban Area – Housing Site 4 – Yorke Drive Policy Area

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Estate Regeneration National Strategy 2016
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Planning Pitch Strategy Assessment Report 2014
- Newark and Sherwood Playing Pitch Strategy 2014
- Newark and Sherwood Playing Pitch Strategy Review 2016/17
- Newark and Sherwood Physical Activity and Sport Plan 2018-2021
- Green Space Strategy 2007-12
- Green Space Improvement Plans 2010
- Planning and Design for Outdoor Sport and Play by FIT

Consultations

Newark Town Council - No objection

Sport England - Support the principle of the rationale for the re-wording of condition 8.

It should be made clear that the off-site temporary arrangement is just that - temporary. The condition is now different to that originally envisaged as the temporary arrangement were originally to be on site.

Environment Agency - no comments.

Trent Valley Internal Drainage Board - no comments.

Network Rail – no objection.

Highways England – no objection.

NCC Highways Authority (Highway Safety) – Conditions 24 & 25 need rewording to allow phase 1 to be built prior to the demolition of existing homes, to allow local residents to decant. However, the applicant's suggested condition seeks provision of the new junction at Lincoln Road "prior to the **final phase**". I think it could and should occur earlier than this; definitely prior to phase 3, and probably before the start of phase 2B. To delay the new junction will mean more lorries passing down existing residential streets.

NCC Lead Local Flood Risk Authority – no objection.

NSDC Environmental Health (Reactive) – no comments.

NSDC Environmental Health (Contaminated Land) – Comments on the two separate Geoenvironmental Appraisal reports in support of the planning application provided. Further investigation is required. Continued use of the full phased condition is therefore recommended

NSDC Tree Officer – no comments.

NSDC Archaeology Officer - There is no need for further archaeological work in the Phase 1 area and there is no objection on archaeological grounds to development proceeding as detailed for Phase 1. For completeness, they should still undertake the trenching for Phase 4.

2 letters of representation have been received from neighbours/interested parties which can be summarised as follows:

- Where will new footpaths be located? New footpaths should not be lit and should not be a rat run for people behind existing dwellings.
- There is no justification for building new houses on valuable green space.
- Community presentations have shown various access options with no mention of mass demolition. Can't see why perfectly good homes are being demolished.
- It seems to me that the council has been telling lies to the tenants at these presentations. The reason for the demolition of ONLY half of the estate and building new houses leading to the new estate is purely window dressing to make it not look like a council estate, to make it look more attractive to buyers and the latest plan.
- Not enough council houses to replace the ones being demolished.
- Plans made by or on behalf of any council should be approved by the government or another independent council or the council can approve whatever plans it wants.

Comments of the Business Manager

The Principle of Development

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, as appropriate. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the granting of the outline permission for the development in November 2019. There has been no significant material change in the Development Plan context since this time. The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. The site forms Housing Site 4 as identified in Policy NUA/Ho/4 of the Allocations and Development Management DPD (adopted 2013).

Policy NUA/Ho/4 sets out a detailed approach for the bringing forward of the site. This approach requires the proposals to be presented as part of a Masterplan which will:

- i. Include proposals for improved linkages between the policy area and the wider Bridge Ward including Lincoln Road and Northern Road Industrial Estates;*
- ii. Include proposals for phasing and delivery methods for the redevelopment;*
- iii. Meet the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM Policy 2 Allocated Sites and Policy DM3 Developer Contributions and Planning Obligations; and*
- iv. Facilitate pre-determination archaeological evaluation and post-determination mitigation measures.*

Within the existing Yorke Drive Estate the Master Plan will provide for the following:

- i. Removal of poorer quality housing and replacement of new dwellings;*
- ii. Change of housing type to increase mix of tenure and range of housing; and*
- iii. Improvements to the layout and public realm of the estate;*

Within the Lincoln Road Playing Field the Master Plan will address the following;

- i. Suitable playing pitches are retained to meet the requirements of Spatial Policy 8; and*
- ii. Additional access is provided to the site via Lincoln Road.*

In allocating this site for housing development it is anticipated that approximately 230 net additional dwellings will be developed.

The DPD confirms the site is allocated for regeneration and redevelopment and outline planning permission has secured a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner. The main issue to consider is whether it is appropriate to allow the variation of the conditions attached to this outline consent to enable the amended timescales and phases for the delivery with particular regard to the delivery of the Lincoln Road access at a later phase and the delivery of the reconfigured playing fields at an earlier phase (resulting in some temporary loss of on-site provision) than originally envisaged. As such, the main issues to consider relate to the impact on the existing open space/playing fields and the impact on highways.

Impact on Existing Open Space / Playing Fields

Policy NUA/Ho/4 requires '*suitable playing pitches are retained to meet the requirements of Spatial Policy 8*'. Spatial Policy 8 is broadly consistent with the more detailed guidance specifically in relation to planning fields contained within the Sport England Playing Fields Policy and Guidance Document (March 2018). This states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of a playing field unless the development meets one or more of five exceptions. Sport England raised no objection to the granting of the outline consent on grounds that they considered the proposal to meet the following exception:

E1 A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

And in part Exception 4 which states:

E4 The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

The current condition 8 is worded such that it was originally envisaged that the playing fields would be delivered in a phased manner throughout the course of the overall development. The suggested amended wording provides the opportunity to condense the length of time to undertake necessary works and to complete the field works in one phase. A single regrading of the pitch rather than phased would allow for a better final product in terms of pitch level and quality. Given the rationale provided, Sport England raises no objection to the proposed variation of Condition 8. Some potential temporary loss of on-site provision may result, albeit this would only be in the event that this is done in agreement with all bodies concerned including Fernwood Foxes FC. The proposed variation does not alter the overall quantum of playing pitch provision approved by the outline consent.

Overall, it is considered that the proposed variation of Condition 8 is acceptable and complies with the requirements of Policy NUA/Ho/4 to provide suitable playing pitches subject to a revised condition which also requires the submission and approval of a management plan to include details of the provision of the temporary and permanent playing field area.

Highway Matters

Policy NUA/Ho/4 requires *'improved linkages between the policy area and the wider Bridge Ward including Lincoln Road' and Northern Road Industrial Estates and 'additional access is provided to the site via Lincoln Road'*. Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The indicative masterplan submitted at outline stage complies with the requirement of Policy NUA/Ho/4 to provide an additional access via Lincoln Road, a key part of the overall masterplan proposals. Details of the access were approved by the outline consent in the form of a priority junction with right hand turning lane for access and egress from the junction.

Conditions 24 and 25 of the outline consent require the provision of this access prior to the commencement of development. However, it is now proposed that temporary construction access would be provided to the north of the existing playing fields area off Telford Drive (through Brunel Business Park) as shown in the Phase 1A: Access diagram below.

Phase 1A: Access



This would enable the development proposed in Phases 1A and Phase 1B of the amended phasing plan to be built without construction traffic using Yorke Drive. The houses to be built in Phase 1B would enable the decanting of residents within houses proposed for demolition. Temporary residential access to serve these new dwellings would be provided via Yorke Drive.

Some of the existing dwellings proposed for demolition would be in Phase 2A. Construction access for this demolition would also be via Telford Drive. The Phase 2B: Access Diagram below shows whilst construction access would continue to be via Telford Drive, the new access off Lincoln Road would also be provided prior to the erection of new dwellings proposed by Phase 2B in order for a new separate residential access off Lincoln Road to be provided.

Phase 2B: Access



The Highways Officer accepts the reason for rewording Conditions 24 and 25 provided that the amended wording states that the Lincoln Road access is provided prior to the erection of dwellings in Phase 2B of the amended phasing plan.

Overall, I am satisfied that the proposed variation of Conditions 24 and 25 to enable later provision of the proposed access off Lincoln Road would still meet the requirements of Policy NUA/Ho/4 and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

The relevance of other conditions attached to Application Number 18/02279/OUTM

Outline planning consent	18/02279/OUTM Requirement	Suggested Change via 20/02484/S73M
Condition 1	Timescales	Date for commencement of development needs to refer to five years from the date of the original outline consent.
Condition 2	Appearance, landscaping layout and scale	To remain – no change proposed.
Condition 3	Programme and phasing	Amend to refer to latest Phasing Plan and to require submission of updated phasing plans with each subsequent reserved matters application (as opposed to prior to commencement of each phase as previously worded).
Condition 4	S106 requirements	To remain but with a minor amendment to exclude demolition and construction of the pavilion as an exception to the pre-commencement requirement of this condition. This is because

		the contributions are triggered by the construction of new dwellings only.
Condition 5	Compliance with illustrative masterplans and parameter plans	To remain – no change proposed.
Condition 6	Quantum of dwellings	To remain – no change proposed.
Condition 7	Heights	To remain – no change proposed.
Condition 8	Loss to playing fields	To amend in accordance with wording recommended by Sport England to refer to on-site provision or the submission and approval of an alternative scheme for temporary off-site provision made by agreement with the (contracted) users of the pitches until such time as the improved playing field area is available for use.
Condition 9	Pitch improvement strategy	Minor amendment to make clear that the strategy is required on reserved matters application(s) that relate to development on the existing playing fields only.
Condition 10	Playing Field Management and Maintenance Scheme	To remain – no change proposed.
Condition 11	Design and layout of the new pavilion	Minor amendment to make clear that approval in writing by the LPA should be through the submission and approval of a reserved matters application.
Condition 12	Archaeology	No archaeological remains have been found in the Phase 1A or 1B area in accordance with the Archaeological Evaluation dated September 2020 and subsequent trial trenching undertaken in February 2021. Further investigation in the Phase 4 area is still required. As such, an amendment to relate the condition to the outstanding investigation of the phase 4 area only is required.
Condition 13	Arboricultural info	Minor amendment to make it clear that arb info is required for each phase.
Condition 14	Landscape scheme details	To remain – no change proposed.
Condition 15	Construction hours	To remain – no change proposed.
Condition 16	CEMP	Minor amendment to make it clear that CEMP is required for each phase.
Condition 17	Ground investigation reports	To remain – no change proposed.
Condition 18	Ecology plan	Minor amendment to make it clear that an ecology mitigation plan is required for each phase.
Condition 19	FRA & Drainage strategy	Minor amendment to make it clear that drainage plans are required for each phase.

Condition 20	Site clearance	Minor amendment to allow scope for development to take place within a phase during the bird nesting season if first inspected by a suitably qualified ecologist and a report submitted and approved in writing by the local planning authority prior to such works taking place.
Condition 21	Affordable Housing Statement with timetable for rehousing	Minor amendment to take out requirement to provide the statement if the development phase does not include the demolition of existing dwellings or erection of new dwellings.
Condition 22	Confirm design and spec of Public Right Of Way	Minor change to wording to make clearer/refer to phases.
Condition 23	Highways details	To remain – no change proposed.
Condition 24	Lincoln Rd Access	Amend so no longer a pre-commencement condition. The Lincoln Road access should be provided before the erection of dwellings in Phase 2B, Phase 3 or Phase 4 on the revised Phasing Strategy and plan (received 09.02.21).
Condition 25	Lincoln Rd Visibility Splays	Amend so no longer a pre-commencement condition. The Lincoln Road visibility splays should be provided before the erection of dwellings in Phase 2B, Phase 3 or Phase 4 on the revised Phasing Strategy and plan (received 09.02.21).
Condition 26	Travel Plan	To remain – no change proposed.
Condition 27	Construction traffic plan	Minor amendment to enable a construction management plan to be submitted in relation to each phase as opposed to the entire development.
Condition 28	Bat mitigation	To remain – no change proposed.
Condition 29	Noise Survey	Minor amendment to make it clear that a noise survey is only required for phases which include the erection of new dwellings.

Other Matters

Letters received from interested parties raise issues in relation to the loss of green space and the acceptability of the proposed demolition and erection of new dwellings. These are issues relating to the principle of development and were fully addressed at the time of determining the outline planning permission (application no 18/02279/OUTM).

Queries in relation to existing and proposed footpaths have also been raised. It is understood that the parts of the route of the existing rights of way would require diversion. Details of these diversions would need to be shown on the layouts submitted as part of any subsequent reserved matters applications and formal diversion needs to be applied for under a separate process. Condition 22 requires details of the diversion to be approved prior to the closure or obstruction of any existing public rights of way.

The Town and Country Planning General Regulations 1992 enable local planning authorities to determine their own development proposals on land in which they have an interest. This is provided that the application is advertised and decided in public by Planning Committee.

Conclusion

Overall, the proposed variations are considered to be acceptable. The delivery of the playing fields in one earlier phase is considered acceptable subject to the submission and approval of a management plan to include details of the provision of the temporary and permanent playing field area. The provision of the Lincoln Road access at a later phase would not result in any adverse impact upon the highways safety. It is not considered that there are any other changes to circumstances which affect the consideration of this application.

Therefore, subject to the attachment of the relevant conditions addressed earlier in this report, the proposed variation is considered to be acceptable and is recommended for approval.

RECOMMENDATION

That outline planning permission is granted subject to the conditions shown below:

Conditions

01

The development hereby permitted shall be begun either before 06.11.2024, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of eight years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The development hereby approved shall be implemented substantively in accordance with the revised Phasing Strategy and plan (received 09.02.21). Each reserved matters application for any phase or sub phase, shall include the submission of an up to date Phasing Plan and Programme. The submitted details shall include the provision of the playing field area, children's play areas, community facilities comprising pavilion, amenity open space, access and shared parking areas.

Development of each phase shall accord with the latest Phasing Plan and Programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

04

No development other than the demolition and construction of the pavilion shall commence on any phase pursuant to Condition 3 until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the land subject of this consent has been entered into and completed by all parties with an interest in the land and has been lodged with and executed by the Council. The said obligation is to provide the following:

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

	Contribution Based on up to 320 Dwellings Total/190 Net Additional Dwellings (NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).
Open Space / Children's Play Area	On site provision & maintenance of amenity green spaces and provision for children and young people including: Amenity Green Space = Wildflower Meadow + Public Open Space + Informal pitch run off space and 600m fitness trail with equipment = 1.6 ha (16,000 m ²). Provision for children and Young people: LEAP + LAP's = 0.14 ha (1400m ²).
Outdoor sports facilities	190 dwellings x (£737.72 provision + £1148.05 maintenance) = £358,296 + indexation
Education	£380,960 to provide 20 additional primary places (based on build cost) + indexation
Community Facilities	On site provision and maintenance of improved replacement pavilion with a minimum 450m ² area including: <ul style="list-style-type: none"> • Minimum 200 m²/ mixed use hall • Minimum 136 m²/ changing and shower facilities (4 changing rooms + additional facilities) • Lockers • Minimum 20 m²/ kitchen facility • Minimum 30 m²/ Equipment storage
Transport (for 65+ dwellings)	Bus Stop Improvements contribution £40,000 + indexation.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the Illustrative Masterplan (reference number 40 Rev B) and Design and Access Statement (revised Feb 2019) including parameter plans contained within this document as amended by the Sport England Response Addendum (March 2019) unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the parameter plans include the following:

- 40 Rev B Illustrative Masterplan
- 30 Rev A Developable Area Parameter Plan
- 31 Rev A Land Use Parameter Plan
- 32 Rev A Vehicular Access Parameter Plan
- 33 Rev A Non-Vehicular Access Parameter Plan
- 34 Rev A Building Heights Parameter Plan
- 35 Rev A Open Space Parameter Plan
- 36 Rev A Proposed Levels Illustrative Overlay

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

06

The development hereby permitted authorises the erection of no more than 320 dwellings (comprising 130 replacement dwellings and 190 net additional dwellings).

Reason: To define the planning permission and in line with the applicants' submissions.

07

Notwithstanding the submitted Building Heights Parameter Plan 0032 Rev A (also referred to in Condition 5), the proposed building adjacent to the Lincoln Road frontage shall not exceed 3 storeys in height.

Reason: In the interests of visual and residential amenity.

08

Linked to the requirements of Condition 3, the reserved matters application(s) which include any development on the existing playing fields only, shall include a detailed plan for the management and phasing of the temporary and permanent playing field area. The management and phasing plan details shall ensure that the works which result in the loss of playing field area are not commenced before the works to temporarily or permanently replace those playing field areas are available for use, or a scheme for alternative temporary off-site provision is made by agreement with the (contracted) users of the pitches and by agreement in writing by the Local Planning Authority. The plan should also include details of timescales for the temporary provision which for the avoidance of doubt shall be for the minimum period necessary to allow the establishment of the improved playing field area. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Spatial Policy 8 of the Core Strategy.

09

The reserved matters application(s) which include any development on the existing playing fields only, shall include the submission of a pitch improvement strategy comprising:

- a. A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number 40 B (Illustrative Masterplan) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme in accordance with the detailed phasing and management plan required by Condition 8.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Spatial Policy 8 of the Core Strategy.

010

Prior to the use of the improved playing field area a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority following consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the improved playing field area.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Spatial Policy 8 of the Core Strategy.

011

No development shall commence until details of the design and layout of the pavilion to include a community-hall and changing rooms has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] in the form of a reserved matters application. The community hall/changing rooms shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Spatial Policy 8 of the Core Strategy.

012

No development on the area labelled phase 4 on the revised Phasing Strategy and plan (received 09.02.21) shall take place within the application site until details of a Scheme of Archaeological Works in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. For the avoidance of doubt, this should involve trial excavation which should then inform an appropriate mitigation strategy for further archaeological work, should this be required. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

013

The reserved matters application(s) shall be accompanied by an arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows for each phase. The application(s) shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme for that phase.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

014

The reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of full details of both hard and soft landscape works for that phase and a programme for their implementation. This submission shall include:

- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of each phase of the development, whichever is soonest, unless otherwise agreed in writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed

or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements.

015

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

016

No development on any phase pursuant to condition 3 shall take place within the application site, until a Construction Environmental Management Plan (CEMP) for each phase has been submitted to and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include the submission of a plan detailing routing of construction traffic and mitigation measures required by Section 6 of the submitted Air Quality Assessment and shall set the overall strategies for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

017

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase pursuant to Condition 3 until parts 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must

be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2., which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

018

No development shall be commenced in respect of each phase pursuant to Condition 3 until a scheme for ecological enhancements in respect of that particular phase has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented and retained in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the Core Policy 12 of the Development Plan and the advice contained in the NPPF.

019

Notwithstanding the submitted details, no part of the development for each phase pursuant to Condition 3 shall be commenced until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority in respect of that particular phase. The scheme shall thereafter be implemented in accordance with the approved details before the development in each phase is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul sewage disposal.

020

No site clearance, including the removal of any hedge or tree that is to be removed, lopped, topped, felled or otherwise removed as part of the development, shall be undertaken during the bird nesting period (beginning of March to end of August inclusive). This is unless any hedge or tree is first inspected by a suitably qualified ecologist and a report submitted and approved in writing by the Local Planning Authority prior to such works taking place.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

021

Linked to the requirements of Condition 3, any reserved matters application(s) which includes the demolition of existing dwellings or erection of new dwellings shall include a detailed schedule including details of the housing mix and tenure need and a broad timetable outlining the approach to the re-housing of existing residents and demonstrating how this has been integrated into delivery of the scheme. The development of each phase shall be implemented in accordance with the approved schedule and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is adequate provision of dwellings/accommodation to support residents displaced as part of the development.

022

No development shall commence in respect of each phase pursuant to Condition 3 until details to divert/stop up any necessary public rights of way affected by that phase have first been submitted to and approved in writing by the Local Planning Authority. The stopping up/diversion shall be carried out in accordance with the approved details for that phase.

Reason: To retain a safe and sustainable pedestrian route.

023

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

024

No development other than demolition shall commence on the areas labelled Phase 2B, Phase 3 or Phase 4 on the revised Phasing Strategy and plan (received 09.02.21) unless or until a suitable access has been provided at Lincoln Road as shown on drawing 70045283-SK-003-P03 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

025

No part of the development on the areas labelled Phase 2B, Phase 3 or Phase 4 on the revised Phasing Strategy and plan (received 09.02.21) hereby permitted shall be brought into use until the visibility splays of 2.4m x 90m at the new junction with Lincoln Road are provided in accordance with drawing 70045283-SK-004-P02. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

026

Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority And shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

027

No development shall commence in relation to each phase (pursuant to Condition 3) unless or until a suitable construction traffic management plan, including access arrangements and lorry routing in respect of each phase, has first been submitted to and agreed in writing by the Local Planning Authority, and thereafter each respective phase shall be implemented in accordance with that plan.

Reason: In the interests of highway safety.

028

The submission of each reserved matters application for any phase pursuant to Condition 3 (Phasing), shall be accompanied by an up to date Bat Mitigation Strategy (BMS) (that builds upon the Bat Mitigation Plan (by WSP December 2018) and Further Bats Surveys (by Emec September 2019) reports already submitted and the requirements of Condition 18) for approval in writing as part of that reserved matters application. The approved BMS for each phase shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The BMS shall include:

- o Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;
- o Use of Bitumen felt 1F (or similar) only;
- o Methods for removal of existing roost structures to be timed outside of the bat roosting period;
- o A methodology of soft demolition/removal of roof tiles by hand;
- o Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.
- o The monitoring of new roosts.

Reason: In order to afford appropriate protection to bats in line with Policies DM7, CP12 and the NPPF.

029

The submission of each reserved matters application for any phase involving the erection of new dwellings located adjacent to Brunel Park Business Park pursuant to Condition 3 (Phasing), shall be accompanied by an up to date Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase and retained thereafter or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt, this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration, specifically from the business park are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

04

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

05

In order to carry out the new junction works at Lincoln Road you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/02484/S73M

