

PLANNING COMMITTEE – 12 APRIL 2022

Application No:	22/00426/S73M	
Proposal:	Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans	
Location:	Yorke Drive And Lincoln Road Playing Field, Lincoln Road, Newark On Trent	
Applicant:	Cara Clarkson, Newark & Sherwood District Council	
Agent:	Jess Hill, Baron Wilmore	
Registered:	09 March 2022	Target Date: 08 June 2022
Link to Application Documents:	<u>22/00426/S73M Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans Yorke Drive And Lincoln Road Playing Field Lincoln Road Newark On Trent Nottinghamshire (newark-sherwooddc.gov.uk)</u>	

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 southern boundary of the site and is predominantly a residential area with a small local shop serving the Yorke Drive estate located adjacent to this boundary. 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. Beside 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

20/02484/S73M Application to vary conditions 8, 24 and 25 attached to planning permission 18/02279/OUTM to amend the timescale for completion of the conditions – permission 03.03.2022

22/00114/FUL Demolition of 4 properties (in line with approved OUT scheme) – permission 16.03.2022

22/00115/FUL Demolition of existing sports pavilion (in line with approved OUT scheme) – pending determination

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

The Proposal

The application seeks planning permission for the variation of conditions 3 (phasing), 4 (planning obligation/contribution), 5 (parameter plans), 6 (quantum of dwelling), 7 (maximum heights), 12 (archaeology), 24 (Lincoln Road access) and 25 (Lincoln Road visibility splays) attached to 20/02484/S73M to amend to reflect proposed amendments to the illustrative masterplan and associated parameter plans for the Yorke Drive regeneration scheme.

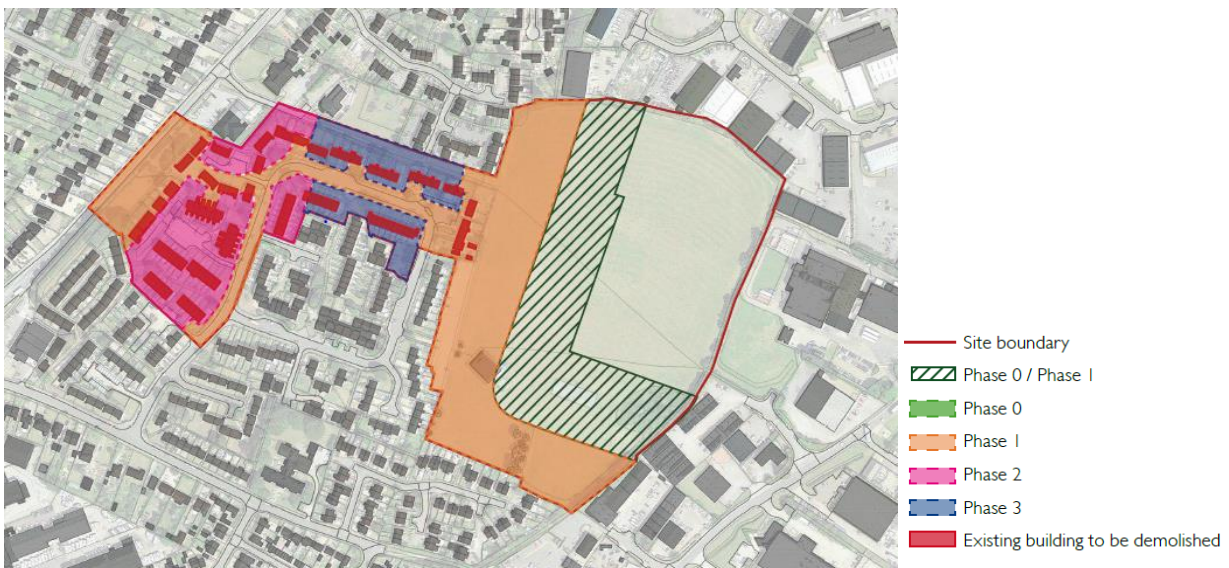
The masterplan submitted with application no 20/02484/S73M indicated that development would take place in 4 main phases including a number of sub phases. As the more detailed scheme has been progressed, the phases have been altered. The main change includes moving the developable area onto the existing playing field from the north-east part of the site to the south east part of the site. This is to move proposed dwellings further away from Brunel Drive industrial estate, as a significant level of noise mitigation would be required to enable them to be located on the north east corner of the site.

All development (other than access) within each of the phases will need to be subject of reserved matters application(s) to approve siting, layout, landscaping and design. A minimum of 30% of the

320 additional and replaced homes would be affordable housing. The originally approved and revised phasing plans are both shown below for comparison purposes:



Phasing proposed by 20/02484/S73



Amended phasing proposed by 20/02484/S73

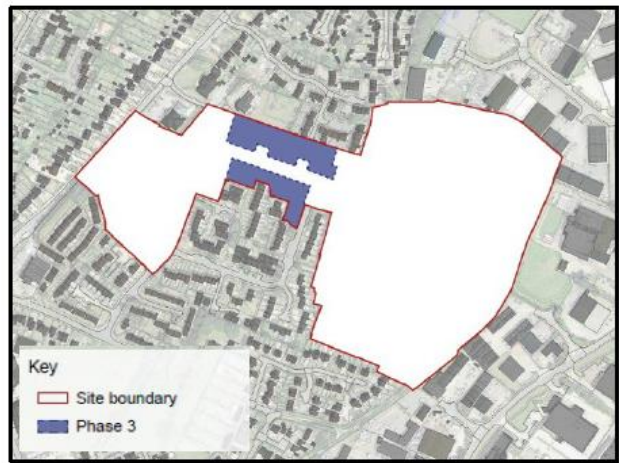
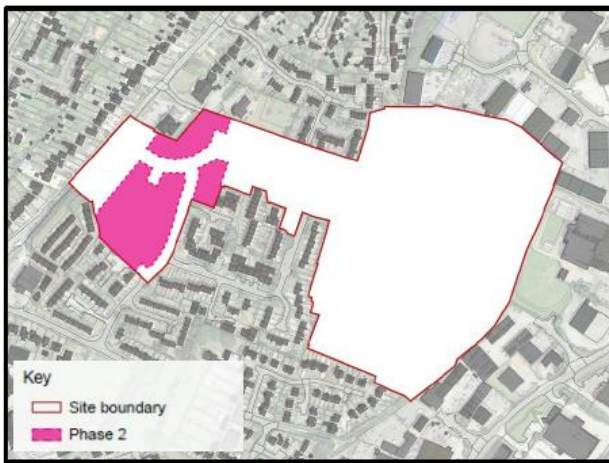
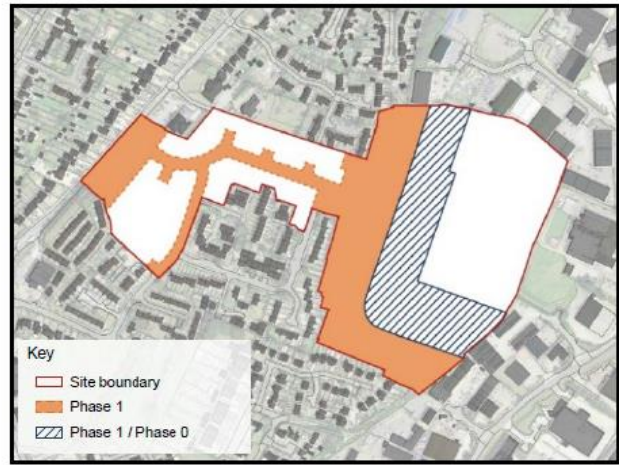
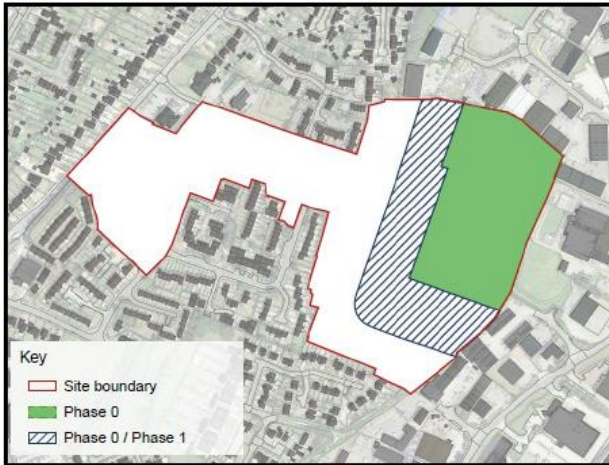
The proposed phasing arrangements are broadly similar to the approved phasing arrangements and comprise the following:

Phase 0 – Public Open Space including the sports pitches / recreation space and pavilion.

Phase 1 – Housing along the site frontage, main access roads through the site and residential development in the eastern part of the site.

Phase 2 – Residential development (approximately 80 homes however the exact figure will be confirmed once the reserved matters application is approved for this area).

Phase 3 – Residential development (approximately 50 homes however the exact figure will be confirmed once the reserved matters application is approved for this area).



It should be noted that the green hashed area represents an area that would be part playing field/pavilion/open space/car park and part housing development (with exact positions to be defined at subsequent reserved matter(s) stage).

The application is accompanied by the following:

- Application Form
- Flood Risk Assessment and Drainage Strategy (2nd March 2022)
- Planning Statement February 2022
- Design and Access Statement Addendum (March 2022)
- Transport Assessment Addendum (Feb 2019)
- 100 Site Location Plan
- 200 Developable Area Parameter Plan
- 201 Illustrative Masterplan
- 202 Land Use Parameter Plan
- 203 Open Space Parameter Plan (amended plan received 30.03.2022)
- 204 Vehicular Access Parameter Plan
- 205 Non-Vehicular Access Parameter Plan
- 206 Building Heights Parameter Plan
- 207 Development Phasing Plan – Phase 0
- 208 Development Phasing Plan – Phase 1
- 209 Development Phasing Plan – Phase 2
- 210 Development Phasing Plan – Phase 3
- 211 Demolition phasing Plan – Phase 1
- 212 Preliminary Site Levels Parameter Plan

Public Advertisement Procedure

Occupiers of 649 properties have been individually notified by letter (which includes residents both within and near to the application site). Site notices have been 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 comments received at the time of writing this report.

Sport England - Sport England does not wish to raise an objection to this application as the playing field area along with the future expansion land (all or in part) provides the opportunity to create a playing field area which performs the dual use without impact on residential amenity or being so restricted/confined that the use as a formal playing field cannot be sustained. The proposal, including the appropriate future expansion land is still considered to meet exception E1 of our Playing Fields Policy as original identified in the outline approval

Environment Agency - No comments received at the time of writing this report.

Network Rail – no observations.

National Highways – no objection.

NCC Highways Authority (Highway Safety) – no objection to amended wording of condition 24 to ensure that no more than 96 dwellings are built within phase 1 or any subsequent phase until the new access off Lincoln Road has been provided.

NCC Public Rights of Way – We have checked the Definitive Map of recorded Public Rights of Way (PROW) and can confirm that Newark Public Footpath Nos. 28, 29, 30 and 31 are all affected by the proposal. Site layout plans and evolved master plans are illustrative and lack detail - it is therefore difficult for us to comment on the proposals in any detail. More detailed plan clearly showing the treatment and changes to the Public Rights of Way would be helpful. We do however welcome the applicant's acknowledgement of the existing PROW and note that there is a desire to accommodate them or when not able to be accommodated to divert them. An application under this act should be made to the LPA and is a separate application to the planning permission.

NCC Lead Local Flood Risk Authority – No objection.

NSDC Environmental Health (Reactive) – no observations.

NSDC Environmental Health (Contaminated Land) – no objection, previous contaminated land condition should be re-imposed.

NSDC Tree Officer – No objection in principle but consideration should be given to a revised tree survey/constraints plan/protection measures and soft landscaping options prior to any final layout proposal.

NSDC Archaeology Officer - Evaluation of the site has been partially completed, however the proposed layout changes now include significant development on the southern half of the playing fields area which was previously excluded. A revised Written Scheme of Investigation (WSI) should be submitted for approval prior to any further archaeological work being undertaken. Following the results of the evaluation, a mitigation strategy will need to be agreed and implemented prior to any development work taking place.

1 letter of support has been received from a neighbor/interest party.

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

- Objection to loss of field/green space
- Impact on wildlife and nature
- Development is too expensive as a result of government environmental targets
- Claims that the estate is deprived is untrue
- Many residents do not want to lose their homes

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 precise level of development will be a matter reserved for subsequent determination, however the proposed number of dwellings remains unchanged by this variation application - 190 net additional homes are proposed and 130 houses would be demolished and replaced and this was accepted at the original outline planning application stage.

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 in determining this application is whether it is appropriate to allow the variation of the conditions attached to this outline consent to enable alteration to the illustrative masterplan and associated phasing and parameter plans including the proposed developable area. As such, the site specific issues to consider relate to the impact on the existing open space/playing fields, the impact on highways, archaeology, trees and residential amenity.

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 original 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.

There is no change proposed to current condition 8 which is worded to allow the field works in one phase as a single regrading of the pitch to allow for a better final product in terms of pitch level and quality. 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 – details of which are also required by condition to be required at reserved matters stage.

Nor does the proposed variation alter the overall quantum of playing pitch provision approved by the outline consent. The application does however vary the proposed position of the playing fields and associated pavilion, open space and car parking to the north east corner of the site. There is also greater flexibility provided by the hashed area within which a mixture of houses and playing

fields, pavillion and associated uses would be provided. These changes are illustrated in the approved and amended Land Use parameter plans below:



31RevA Land Use Parameter Plan 20/02484/S73



202 Land Use Parameter Plan 22/00426/S73M

Given the rationale provided, Sport England raises no objection to the proposed amendments and consider the revised plans do provide the opportunity to create a playing field area which performs the dual use without impact on residential amenity or being so restricted/confined that the use as formal playing fields cannot be sustained. Conditions relating to the time frame of provision of the playing fields, their qualitative improvement and changing facilities/pavilion would remain in place.

As well as meeting formal requirements, it is important that the informal requirements for the existing population and the net increase in population is also considered. Again, given the quantum of overall provision remains unchanged (as required in the planning obligation requirement set out in Condition 3) the proposed variation is acceptable in this regard.

Overall, it is considered that the proposed variation of the illustrative masterplan and associated parameter plans is acceptable and complies with the requirements of Policy NUA/Ho/4 to provide suitable playing pitches.

Highway Matters including Public Rights of Way

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 in the original 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 junction prior to the construction of Phases 2B, 3 and 4. This meant that no more than 85 dwellings could be constructed without provision of the main access.

This application originally sought to vary the phasing so that the junction on Lincoln Road is constructed prior to construction of Phases 2 and 3. The information provided in the planning

statement indicates that there would be approximately 80 dwellings within phase 2 and 50 in phase 3. With a maximum of 320 dwellings in total, this would potentially result in up to approximately 190 dwellings being constructed prior to provision of the main access. The Highways Officer advised that this was not a scenario that has been tested in terms of capacity or safety and is quite possible that it could cause capacity and subsequent potential highway safety issues at both ends of Northern Road. In light of these concerns, the proposed variation to condition 25 has been amended so that no more than 96 dwelling would be provided before the access junction is provided. Whilst this is higher than the 85 dwelling previously allowed prior to the construction of this access, the Highways Officer raises no objection on the basis that the TA Addendum sets out that 70% (around 224 homes) of existing and new traffic is likely to use the Lincoln Road junction, and the remaining 30% (96 homes) would likely use the Yorke Drive / Strawberry Hall Lane junction in an event.

There are existing Public Rights of Way around the perimeter of the site. All existing public right of way connection points to the surrounding area would be retained. However, the Illustrative Masterplan as originally approved and as amended shows that parts of the route of the existing rights of way would require diversion/stopping up. More precise details of the routes including any changes would be required at reserved matters stage and further details of this any diversion (temporary or permanent) are required by planning condition and would be agreed in liaison with the Public Rights of Way Officer.

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.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

The detailed design and layout are matters to be considered at the reserved matters stage. However, it is still necessary to be convinced that the Illustrative Masterplan indicates development that would be considered acceptable in residential amenity terms at this stage. The application would move the proposed dwellings away from the industrial estate which is likely to result in an improvement to the living conditions of future occupants located closest to these areas or at least a significant reduction in the level of mitigation required to make living standards acceptable.

A further noise survey is still required to accompany any reserved matters application(s) for new dwellings located within Phases 0 and 1 on the field next to Brunel Business Park. This would ensure that the future occupants would not experience any adverse noise impacts from either the industrial estate or from the amended position of the playing pitches/open space including play area.

The proposed dwellings would now be located immediately to the rear of dwellings along Clarks Lane, Rosewood Close and the east side of parts of York Drive. As siting and layout are details reserved for subsequent consideration, no details have been provided at this stage and the impact upon the existing dwellings in terms of overlooking or any overbearing impacts is somewhat unknown at this stage. However, I consider it possible, based on the illustrative layout and

parameter plans that development can be delivered in line with the objectives of Policy DM5 subject to further consideration at reserved matters stage.

Impact on Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The revisions to the developable area is likely to result in a differing impact on existing trees within the application site. The Arboricultural Survey submitted at the original outline application stage identifies a total of 112 trees/groups/hedgerows within the application site and it was accepted that any tree losses required to facilitate the new development would be offset through a comprehensive structure of new tree planting.

Details of landscape is a matter reserved for subsequent approval. On this basis, it is recommended that condition 13 be re-imposed to ensure further details and justification for loss is submitted at reserved matters stage. A landscape scheme as required by Condition 14 could mitigate for any essential tree loss.

Overall it is considered that subject to conditions, matters in relation to amended tree loss impacts and appropriate mitigation can be dealt with at the reserved matters stage in accordance with the aims of Core Policy 12 and Policies DM5 and DM7 of the DPD.

Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. Policy NUA/Ho/4 requires facilitation of '*pre-determination archaeological evaluation and post-determination mitigation measures*'. The NPPF requires local planning authorities to 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.'

The proposed changes to the developable area identified in the amended illustrative masterplan means that the agreed programme of trenching need to be extended to cover the changes to housing placement in the southern part of the playing fields and to ensure the archaeological potential is properly evaluated and to inform an appropriate mitigation strategy if necessary. An amendment to condition 12 is sought in this regard and would ensure that appropriate mitigation would be secured to ensure no adverse impact upon archeological remains in accordance with Core Policy 14 and Policies NUA/Ho/4 and DM9 of the DPD.

The relevance of other conditions attached to Application Number 20/02484/OUTM

Outline planning consent	20/02484/S73M Requirement	Suggested Change via 22/00426/S73M
Condition 1	Timescales	No change - date for commencement of development is five years from the date of the original outline consent.
Condition 2	Appearance, landscaping layout and scale	No change
Condition 3	Programme and phasing	Amend to refer to amended Phasing Plans.
Condition 4	S106 requirements	To remain but with a minor amendment to remove reference to the precise nature of the open space provision as plan are still being developed in this regard albeit the overall quantum of the provision would remain unchanged.
Condition 5	Compliance with illustrative masterplans and parameter plans	Amend to refer to amended illustrative masterplan and parameter plans.
Condition 6	Quantum of dwellings	To remove reference to replacement dwellings as a number of properties may be demolished through separate planning permission.
Condition 7	Heights	Amend to refer to amended Building Heights Parameter Plan 206.
Condition 8	Loss to playing fields	To remain – no change proposed.
Condition 9	Pitch improvement strategy	Minor amendment to relate to revised illustrative masterplan.
Condition 10	Playing Field Management and Maintenance Scheme	To remain – no change proposed.
Condition 11	Design and layout of the new pavilion	To remain – no change proposed.
Condition 12	Archaeology	Minor amendment to relate to greenfield parts of revised phases only.
Condition 13	Arboricultural info	To remain – no change proposed.
Condition 14	Landscape scheme details	To remain – no change proposed.
Condition 15	Construction hours	To remain – no change proposed.
Condition 16	CEMP	To remain – no change proposed.
Condition 17	Ground contamination reports	To remain – no change proposed.

Condition 18	Ecology plan	To remain – no change proposed.
Condition 19	Drainage	To remain – no change proposed.
Condition 20	Site clearance	To remain – no change proposed.
Condition 21	Affordable Housing Statement with timetable for rehousing	To remain – no change proposed.
Condition 22	Confirm design and spec of Public Right Of Way	Minor change to including flexibility for both temporary and permanent alterations/diversions to the existing PROW.
Condition 23	Highways details	To remain – no change proposed.
Condition 24	Lincoln Rd Access	Amend to provide the Lincoln Road access before the erection of 96 dwellings in Phase 1 or any subsequent phase.
Condition 25	Lincoln Rd Visibility Splays	Amend to provide the Lincoln Road visibility splays before the erection of 96 dwellings in Phase 1 or any subsequent phase.
Condition 26	Travel Plan	To remain – no change proposed.
Condition 27	Construction traffic plan	To remain – no change proposed.
Condition 28	Bat mitigation	To remain – no change proposed.
Condition 29	Noise Survey	Minor amendment to make it clear that a noise survey is required for the erection of new dwellings on any part of the field located adjacent to Brunel Business Park for phases 0 and 1.

Other Matters

Loss of green space - 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).

Conclusion

Overall, the proposed variations are considered to be acceptable and the proposed development would comply with the aims of the allocation policy to regenerate existing housing and developing new stock (both market and affordable dwellings) in a coordinated and sustainable manner. The amended illustrative masterplan and associated developable area and phasing as set out in the revised parameter plans is considered acceptable subject to conditions and further consideration of more detailed matters in relation to scale, layout, landscaping and appearance at reserved matters stage. 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 06.11.2024 and all subsequent reserved matters applications shall be submitted before the 06.11.2027.

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 Phasing Plan and Programme as set out in the Development Phasing Plans 207, 208, 209 and 210. 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:

	Contribution Based on up to 320 Dwellings Total/190 Net Additional Dwellings
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	(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 = 1.6 ha (16,000 m ²). Provision for children and Young people = 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.

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

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the Illustrative Masterplan (reference number 201) and Design and Access Statement (revised Feb 2022) 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:

- 201 Illustrative Masterplan
- 200 Developable Area Parameter Plan
- 202 Land Use Parameter Plan
- 203 Open Space Parameter Plan (amended plan received 30.03.2022)
- 204 Vehicular Access Parameter Plan
- 205 Non-Vehicular Access Parameter Plan
- 206 Building Heights Parameter Plan
- 212 Preliminary Site Levels Parameter Plan

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

06

The development hereby permitted authorises the erection of no more than 320 dwellings.

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

07

In line with the Building Heights Parameter Plan 206 (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 exiting 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 exiting playing fields, 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 201 (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.

10

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.

11

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.

12

No development on phase 0 or the greenfield area in phase 1 in the revised Phasing Strategy and Development Phasing Plans 207, 208, 209 and 210 (pursuant to the requirements of Condition 3) 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.

13

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.

14

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.

15

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.

16

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.

17

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.

18

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.

19

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.

20

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.

21

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.

22

No development shall commence in respect of each phase pursuant to Condition 3 until details to temporarily or permanently 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.

23

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.

24

No more than 96 dwellings within Phases 0 or 1 as shown on Phasing Plans 207 and 208 can be occupied, and no development other than demolition shall commence on the areas labelled Phase 2 or Phase 3 as shown on Phasing Plans 209 and 210, 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

25

No more than 96 dwellings within Phases 0 or 1 as shown on Phasing Plans 207 or 208 can be occupied, and no development other than demolition shall commence on the areas labelled Phase 2 or Phase 3 as shown on Phasing Plans 209 and 210, 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.

26

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.

27

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.

28

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.

29

The submission of each reserved matters application for any phase involving the erection of new dwellings located in on the greenfield areas in Phases 0 and 1 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 Nottinghamshire County Council for details.

06

The NCC PROW Officer advises the applicant to obtain a Public Rights of Way Search to obtain confirmation of the legal line of PROWs. Use following email address: row.landsearches@nottscc.gov.uk. Public Rights of Way such as Public Footpaths are 'Highways' and as such are protected by the same legislation as other highways. They are also highly valued by local people and play an important role in delivering local and national policies. If a Public Right of Way is shown on the Definitive Map this is conclusive evidence of its existence. Planning permission does not allow for a Public Right of Way to be illegally obstructed or moved.

If the design of any proposed development requires the legally recorded route of the PROW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. We recommend the applicant get in touch with the Rights of Way Team at the earliest opportunity to discuss our requirements for any PROW which cross the proposed development site include surface treatment, path widths, proposed route change, fencing and other boundary treatment alongside etc.

07

The safety of the public using the path should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the RoW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section countryside.access@nottsc.gov.uk. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. A TRO application will only be granted on a PRow to be temporary closed and diverted as a result of the development once the application to stop up or divert the PRow under the TCPA 1990 has been accepted by the LPA.

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development