



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn – Senior Planner

Report Summary			
Application Number	25/00679/S73M		
Proposal	Removal of Condition 5 (Replacement Road Network) and to amend the wording of Conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM.		
Location	Lincoln Road Playing Field Lincoln Road Newark On Trent		
Applicant	Lovell Partnerships Ltd - Mr Matthew Devins	Agent	Pegasus Planning Group Ltd - Mr Alfie Gill-Hannan
Web Link	25/00679/S73M Removal of Condition 5 (Replacement Road Network) and to amend the wording of Conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM. Lincoln Road Playing Field Lincoln Road Newark On Trent		
Registered	23/04/2025	Target Date	23/07/2025
Recommendation	Approve		

The application is referred to Planning Committee for determination as Newark and Sherwood District Council are the applicant and landowner.

1.0 The Site

- 1.1 The application relates to the regeneration scheme known as Yorke Drive, Newark, where consent was granted under 22/01528/RMAM for the construction of 207 dwellings, with new sports pitches and pavilion building. The site comprises the existing housing estate and the adjacent playing fields located within the urban area of Newark, approximately 1km north east of the town centre.

- 1.2 The estate has a single vehicular access from Lincoln Road and a number of public footpaths pass through the site. The site was previously assessed as being within flood zone 1 which has the lowest risk of fluvial flooding. The Environment Agency updated their flood maps last year, which means parts of the site now fall within Flood Zone 2.
- 1.3 The estate and the playing fields are allocated within the Allocations and Development Management Plan Document as being part of the Yorke Drive Policy Area (policy NUA/HO/4). This is an area allocated and granted permission for regeneration and redevelopment. The site remains allocated in the Amended Allocations and Development Management Plan Document under Policy NUA/HO/4, with no main modifications or objections raised by the examining Inspector.

2.0 Relevant Planning History

25/01642/DISCON Request for confirmation of discharge of conditions 12 (Written Scheme of Investigation), 16 (CEMP), 17 (Contamination) and 27 (Construction Traffic Management Plan) attached to planning permission 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. Awaiting determination.

25/01643/DISCON Request for confirmation of discharge of conditions 03 (External Materials), 17 (Surface Water Drainage) and 24 (Ecological Enhancements Plan) attached to planning permission 22/01528/RMAM; Application for reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate). Awaiting determination.

22/01528/RMAM Application for reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate). Granted.

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. Granted.

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. Granted.

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. Granted.

3.0 The Proposal

- 3.1 This application seeks permission for the removal of condition 5 (Replacement Road Network) and to amend the wording of conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion). The changes sought are detailed further below.
- 3.2 Condition 5 currently reads as follows:

No works to any public roads and no new roads shall be formed until such time as full technical details of the new and replacement road network has been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

- 3.3 It is proposed to remove the above condition as it repeats Condition 23 of the Outline application reference 22/00426/S73M: *"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 on each phase pursuant to Condition 3 (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."*

- 3.4 Condition 6 is proposed to be varied; the existing condition is below:

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.

- 3.5 Proposed variation to the wording:

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway (excluding public rights of way) until an Order has been secured.

3.6 Condition 12 is proposed to be varied; the existing wording is below:

No dwellings shall be constructed until an application for measures to prevent parking at junctions along the future bus route has been made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.

3.7 Proposed variation to the wording:

No dwellings within Phases 3, 4 and 5 (as defined upon drawing numbers: E500127_403_Yorke Drive Indicative Construction Phasing Plan 3; E500127_404_Yorke Drive Indicative Construction Phasing Plan 4; and E500127_405_Yorke Drive Indicative Construction Phasing Plan 5) shall be constructed above DPC level until details have been submitted and agreed in writing by the Local Planning Authority, in consultation with Nottinghamshire County Council that show measures to prevent parking at junctions along the future bus route. Any measures subsequently approved shall be implemented within 12 months of the date of that approval.

3.8 Condition 16 is proposed to be varied; the existing wording is below:

The development will require the permanent diversion of the Public Rights of Way and no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.

3.9 Proposed variation to the wording:

The development will require the permanent diversion of the Public Rights of Way and no part of that development shall obstruct the Public Rights of Way until the order has been approved by the order making authority (DfT). Any temporary closure of the Rights of Way Network that may be required for any temporary works necessary prior to the permanent diversions being confirmed should be requested from the local highway authority.

3.10 The proposed minor revisions to the wording of each of these conditions and the removal of condition 5 will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority control over the development, and will not amend the reasons for each of the conditions.

3.11 Documents assessed in this appraisal:

- Amended Application Form received 15/10/2025
- Revised Covering Letter received 30/12/2025

- NATTRAN EM S247 4535 Highway Plan received 04/08/2025
- Copy of Letter to National Transport Team received 04/08/2025
- Copy of Draft Stopping Up Order received 04/08/2025
- Public Note – Draft Stopping Up Order received 04/08/2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 655 properties have been individually notified by letter.
- 4.2 Site notice was displayed at the site on 02/06/2025, expiring on 23/06/2025.
- 4.3 A press advert was printed on 09/05/2025, expiring on 06/06/2025.

5.0 Policy Planning Framework

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 6 – Shaping Our Employment Profile
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Area Policies – NUA/HO/4 – Yorke Drive Policy Area

5.2. Allocations & Development Management DPD (2013)

- Policy DM5 – Design Policy
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday

16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)

[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.4 Other Material Planning Considerations

National Planning Policy Framework 2024
Planning Practice Guidance (online resource)

6.0 Consultations and Representations

6.1 Newark Town Council – No objection raised.

NCC Highways – Highways confirm they have reviewed the amended covering letter and consider the rewording of the conditions now acceptable, no objections.

NCC Public Rights of Way – Satisfied with the re-worded conditions 6 and 16 in relation to rights of way, as shown in the amended covering letter, no objections.

6.2 Representations:

Two public comments have been received, these are summarised below:

One comment neither supporting nor objecting:

- Queries regarding the redevelopment proposals and consented scheme

- Loss of open green space on the current playing fields
- Impacts on sunlight through consented scheme
- Not objecting but recognise the development will impact the area
- Disturbance from construction process

One letter of support received.

7.0 **Appraisal**

7.1 The key issues are:

- Principle of Development
- Impact on the Character of the Area
- Impact on Amenity
- Impact on the Highway

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

7.3 **Principle of Development**

7.4 The application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the plans of an extant planning permission (22/01528/RMAM), therefore the principle of development has already been established and it is not necessary to revisit this.

7.5 **Removal of Condition 5**

7.6 It is proposed to remove condition 5 from the approved reserved matters application. Condition 5 relates to the technical highway design details. It is proposed to remove this condition as it repeats condition 23 on the approved outline consent application (18/02279/OUTM and amended through 20/02484/S73M and 22/00426/S73M).

7.7 NCC Highways have advised that the applicant is already engaging with the County Highway Authority in the formal technical approval under the Highway Act and the condition is therefore no longer necessary. As such, NCC as the Highway Authority raise no objection to its removal.

7.8 The condition is considered to replicate condition 23 of the outline consent and is covered under separate highway legislation. As such, there is no objection to its removal.

7.9 **Rewording conditions 6, 12 and 16**

7.10 Condition 6 is regarding the public highway and requires a stopping up order prior to any works commencing on site. The variation to the wording would exclude public rights of ways from the condition. This would allow for the applicant to set up their construction yard and begin some works prior to the stopping up order being secured. The applicant has applied to the County Authority for a stopping up order regarding the footpaths on the site during the construction process, however this is ongoing. The proposed alterations to the condition wording facilitate the phasing and delivery of the scheme and allow some works to take place on site while the stopping up order is being finalised with County. The Public Rights of Way Team confirm they accept this and understand the reasoning, raising no objections.

7.11 Condition 12 is regarding measures to prevent parking at the junctions along the future bus route, prior to the construction of any dwellings. It then requires these measures be implemented within 6 months of the approval of details. However, this is a very restrictive time constraint for the applicant and does not work with the phasing and delivery of the scheme. The amended wording would allow greater flexibility and incorporate the phasing of the scheme, also allowing 12 months to implement the approved measures. This would allow the condition to be more focused to the phases around the bus route and allow the other phases to come forwards. It also gives a more practical time frame in which to implement the measures. NCC Highways confirm this amended wording is acceptable and have no objections.

7.12 Condition 16 is regarding the public rights of way and prevents any development taking place until the permanent diversion application is approved. As stated, this is a matter currently being dealt with at County level with the Public Rights of Way and Highways team. The amended wording would again allow greater flexibility and align with the phasing of the scheme. This will allow works to commence with temporary closures in place whilst the permanent diversion application is progressed and agreed with stakeholders and the Department for Transport (DfT). Again, both Highways and the Public Rights of Way Team are supportive of this amendment.

7.13 Overall, the proposed minor revisions to the wording of each of these conditions, and the removal of condition 5, will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority and County control over the development, and will not amend the reasons for each of the conditions.

7.14 The impacts of these changes on other material considerations are discussed below.

7.15 **Impact on Visual Amenity and the Character of the Area**

7.16 The changes sought are to the condition wording, and do not impact the overall design and appearance of the scheme, as approved.

7.17 The amendments would not result in an unacceptable visual impact, nor any impact over and above the approved development. The proposal would remain in accordance with Core Policy 9, amended policy DM5(a), and Part 12 of the NPPF.

7.18 **Impact on Amenity**

7.19 The amendments to the conditions, as listed above, would not generate new impacts on neighbouring amenity that would require re-assessment. The amenity for nearby residential properties would not be changed as there are no changes to the scale, use or layout of the proposal. Overall, amendments are in line with amended policy DM5(a), and Part 12 of the NPPF.

7.20 **Impact on Highways**

7.21 The amended condition wording would allow greater flexibility in the delivery of the scheme, incorporating the phased approach and allowing some temporary works to commence. Both the Highways Authority and Public Rights of Way team raise no objections and are satisfied the amendments would safeguard highways safety and public right of way considerations on the site. As such, there are no concerns in this regard and the proposal is acceptable on Highway and Public Rights of Way grounds.

7.22 **Flood Risk**

7.23 The alterations to the conditions would not alter the footprint or scale of the proposal, nor would they impact on the flood risk of the site. No impacts are identified as a result of this application. As such, the proposal is considered to accord with amended policy DM5(a), as well as Core Policy 9 and Core Policy 10 and the flood principles of the NPPF.

7.24 **Biodiversity Net Gain**

7.25 Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because it is a variation application so does not require the need to demonstrate a 10% BNG as per the legislation. Also, the original application was submitted before 12 February 2024 so was exempt from providing 10% mandatory BNG.

7.26 **Community Infrastructure Levy (CIL)**

7.27 This application does not alter the scheme in terms of footprint or floorspace so is not CIL liable.

8.0 Implications

8.1. In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. **Legal Implications - LEG2526/3579**

8.3. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

9.1 In summary, the principle of development is established under the original application, which remains extant. The proposed revisions to the wording of each of these conditions, and the removal of condition 5, will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority and County control over the development, and will not amend the reasons for each of the conditions. The amendments would not impact other considerations including impact on the character of the area, neighbouring amenity, highways safety or flood risk. As such, it is recommended that this S73 application be approved.

9.2 It is noted that two discharge of condition applications, relating to the development of the site, submitted to the LPA and are under consideration. As these have not yet been determined, the conditions for 22/01528/RMAM shall be reattached, except for condition 5 which shall be removed and conditions 6, 12 and 16 which have amended wording shown. The conditions shall be renumbered accordingly. The revisions to conditions are shown below in section 10.

10.0 Conditions

01

The development hereby permitted shall not be carried out except in accordance with the following approved plans and documents:

Site Location Plan Plan Ref: 100 P1 received 15/10/2024

Existing Site Layout Plan Ref: 101 P1 received 15/10/2024

Proposed Site Layout Plan Ref: 102 P12 received 02/02/2025

Proposed Site Layout Sheet 1 of 2 103 P12 received 02/02/2025
Proposed Site Layout Sheet 2 of 2 Plan Ref: 104 P12 received 02/02/2025
External Finishes Layout Plan Ref: 105 P3 received 02/02/2025
EV Charging and Parking Layout Plan Ref: 106 P2 received 02/02/2025
Proposed Streetscenes Plan Ref: 108 P1 received 15/10/2024
Proposed Pavillion Elevations Sheet 1 Plan Ref: 310 P1 received 02/02/2025
Proposed Pavillion Elevations Sheet 2 Plan Ref: 311 P1 received 02/02/2025
Proposed Pavillion Ground Floor Plan - Plan Ref: 312 P1 received 02/02/2025
Housetype Booklet House type Booklet Sep-24 received 15/10/2024
Soft Landscaping Plan 01 of 17Plan Ref: N0717(96)001nP01 received 02/02/2025
Soft Landscaping Plan 02 of 17Plan Ref: N0717(96)002 P01 received 02/02/2025 Soft Landscaping Plan 03 of 17Plan Ref: N0717(96)003 P01 received 02/02/2025
Soft Landscaping Plan 04 of 17Plan Ref: N0717(96)004 P01 received 02/02/2025
Soft Landscaping Plan 05 of 17Plan Ref: N0717(96)005 P01 received 02/02/2025
Soft Landscaping Plan 06 of 17Plan Ref: N0717(96)006 P01 received 02/02/2025
Soft Landscaping Plan 07 of 17Plan Ref: N0717(96)007 P01 received 02/02/2025
Soft Landscaping Plan 08 of 17Plan Ref: N0717(96)008 P01 received 02/02/2025
Soft Landscaping Plan 09 of 17Plan Ref: N0717(96)009 P01 received 02/02/2025
Soft Landscaping Plan 10 of 17Plan Ref: N0717(96)010 P01 received 02/02/2025
Soft Landscaping Plan 11 of 17Plan Ref: N0717(96)011 P01 received 02/02/2025
Soft Landscaping Plan 12 of 17Plan Ref: N0717(96)012 P01 received 02/02/2025
Soft Landscaping Plan 13 of 17Plan Ref: N0717(96)013 P01 received 02/02/2025
Soft Landscaping Plan 14 of 17Plan Ref: N0717(96)014 P01 received 02/02/2025
Soft Landscaping Plan 15 of 17Plan Ref: N0717(96)015 P01 received 02/02/2025
Soft Landscaping Plan 16 of 17Plan Ref: N0717(96)016 P01 received 02/02/2025
Soft Landscaping Plan 17 of 17Plan Ref: N0717(96)017 P01 received 02/02/2025
Hard Landscaping Plan 01 of 17 Plan Ref: N0717(90)001 P01 received 02/02/2025
Hard Landscaping Plan 02 of 17 Plan Ref: N0717(90)002 P01 received 02/02/2025
Hard Landscaping Plan 03 of 17 Plan Ref: N0717(90)003 P01 received 02/02/2025
Hard Landscaping Plan 04 of 17 Plan Ref: N0717(90)004 P01 received 02/02/2025
Hard Landscaping Plan 05 of 17 Plan Ref: N0717(90)005 P01 received 02/02/2025
Hard Landscaping Plan 06 of 17 Plan Ref: N0717(90)006 P01 received 02/02/2025
Hard Landscaping Plan 07 of 17 Plan Ref: N0717(90)007 P01 received 02/02/2025
Hard Landscaping Plan 08 of 17 Plan Ref: N0717(90)008 P01 received 02/02/2025
Hard Landscaping Plan 09 of 17 Plan Ref: N0717(90)009 P01 received 02/02/2025
Hard Landscaping Plan 10 of 17 Plan Ref: N0717(90)010 P01 received 02/02/2025
Hard Landscaping Plan 11 of 17 Plan Ref: N0717(90)011 P01 received 02/02/2025
Hard Landscaping Plan 12 of 17 Plan Ref: N0717(90)012 P01 received 02/02/2025
Hard Landscaping Plan 13 of 17 Plan Ref: N0717(90)013 P01 received 02/02/2025
Hard Landscaping Plan 14 of 17 Plan Ref: N0717(90)014 P01 received 02/02/2025
Hard Landscaping Plan 15 of 17 Plan Ref: N0717(90)015 P01 received 02/02/2025

Hard Landscaping Plan 16 of 17 Plan Ref: N0717(90)016 P01 received 02/02/2025
Hard Landscaping Plan 17 of 17 Plan Ref: N0717(90)017 P01 received 02/02/2025
Landscape Masterplan Plan Ref: N0717(08)200 P02 received 03/02/2025
Pitch Improvement Strategy Plan Ref: 240906_STRI Pitch Improvement Strategy 1 received 15/10/2024
Pitch Maintenance Guidelines Plan Ref: 240906_STRI
Pitch Maintenance Guidelines received 15/10/2024
Yorke Drive-Existing Levels Plan Ref: J007203 001 0 received 15/10/2024
Yorke Drive-Proposed General Arrangement Plan Ref: J007203 002 1 received 15/10/2024
Yorke Drive-Proposed Earthworks Plan Ref: J007203 003 0 received 15/10/2024
Yorke Drive-Proposed Cross Section Plan Ref: J007203 004 0 received 15/10/2024
Visibility Splays Drawing Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0101 P02 02/02/2025
Opposing Large Car Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0190-01 P09 received 02/02/2025
Refuse Vehicle Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0191-01 P08 received 02/02/2025
Bus Route Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0192-01 P10 received 02/02/2025
Delivery Vehicle Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0194-01 P04 received 02/02/2025
Residential Parking Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0196 P03 received 02/02/2025
Parking Heat Map Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0197 P03 received 02/02/2025
Private Levels Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0210-01 P09 received 03/02/2025
Drainage Strategy Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0140-01 P09 received 03/02/2025
Flood Risk Assessment Plan Ref: YDRN-BSP-ZZ-XX-RP-C-0001 P07 received 03/02/2025
Residential Travel Plan Plan Ref: YDRN-BSP-ZZ-XX-RP-D-0001 P05 received 02/02/2025
Parking Technical Note Plan Ref: YDRN-BSP-ZZ-XX-RP-D-0002 P02 received 15/10/2024
Yorke Drive Construction Phasing Plan 1 Plan Ref: E500127_401 E received 02/02/2025
Yorke Drive Construction Phasing Plan 2 Plan Ref: E500127_402 D received 02/02/2025
Yorke Drive Construction Phasing Plan 3 Plan Ref: E500127_403 D received 02/02/2025
Yorke Drive Construction Phasing Plan 4 Plan Ref: E500127_404 D received 02/02/2025
Yorke Drive Construction Phasing Plan 5 Plan Ref: E500127_405 D received 02/02/2025
Noise Assessment for Reserved Matters Application Plan Ref: 70078739-001 Rev 3 received 15/10/2024
Tree Constraints Plan Plan Ref: RSE_4052_TCP Rev2 received 15/10/2024
Tree Protection Plan Plan Ref: RSE_4052 TPP Rev3 received 15/10/2024
Arboricultural Impact Assessment, Method Statement and Tree Protection Plan - Plan Ref: RSE_4052_2024_R1 Rev3 received 15/10/2024
Bat Mitigation Plan Plan Ref: YDN-BWB-ZZ-XX-T-EE-0001_BMP P01 received 15/10/2024
Ecological Enhancement Plan - Plan Ref: YDN-BWB-ZZ-XX-T-EE-0001_EEP P01 received 15/10/2024

Reason: To define the permission and for the avoidance of doubt.

02

Prior to first occupation of any dwelling hereby approved, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority:

- street furniture such as benches;
- litter bins, dog foul bins;
- signage (for example those warning of danger for attenuation ponds and rules of play at play area etc);
- any means of enclosure (e.g. for safety etc) within the public open areas;
- external lighting (that is not street lighting);
- lifebuoys to be provided at each attenuation pond; o any other minor artefact and structure to be located in the public areas of the site.

The details approved shall be provided on site prior to first occupation or to an alternative timescale to be approved in writing.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety. The play equipment is controlled via the s.106 agreement and this condition is necessary to capture all other artefacts that would need to be located within the public areas.

03

Notwithstanding details of the external materials shown on drawing Proposed External Finishes (Plan Ref - no. N81:3096:105 Rev P3) or in relation to the pavilion building hereby approved, the bricks and roof tiles are not approved. Prior to the laying of any facing bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the development.

Reason: Insufficient details have been provided.

04

Prior to first occupation, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and elevation

details and materials. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling or in accordance with an alternative timetable embedded within the scheme and shall also comply with Appendix 3: Enhancement Plan of the Landscape and Ecology Management Plan in terms of the provision of the hedgehog highway.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with the ecological mitigation and enhancement measures recommended as part of the submission.

05-(removed)

~~No works to any public roads and no new roads shall be formed until such time as full technical details of the new and replacement road network has been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works.~~

~~The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.~~

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

06-05 (amended)

~~The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.~~

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway (excluding public rights of way) until an Order has been secured.

Reason: In the interests of highway safety.

07-06

No part of the development hereby permitted shall be occupied or brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel), with measures to prevent the discharge of surface water to the public highway. The surfaced

drives, parking areas and drainage shall then be maintained such for the life of the development.

Reason: To reduce the possibility of deleterious material and surface water being deposited on the public highway, in the general interests of highway safety.

08-07

No dwelling hereby approved shall be occupied until details of the proposed arrangements and plan for future management / maintenance of the proposed private drives (including associated drainage) have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details.

Reason: In the interests of general highway safety.

09 08

The pedestrian visibility splays on the route from Lincoln Road to the sports ground shall be undertaken in accordance with plan reference YDRN-BSP-ZZ-ZZ-DR-C-0101-P02-Visibility_Splays. The approved splays shall be kept clear of all obstructions above 0.6m in height for the lifetime of the development.

Reason: In the interests of pedestrian safety.

010 09

Notwithstanding the submitted landscaping drawings, no hedges shall be planted within 1 metre of the rear of any junction or forward visibility splays.

Reason: In the interests of highway safety.

011 010

Plots 141 and 150 shall not be occupied until details of the management and maintenance of the land within the forward visibility splays as shown on drawing number YDRN-BSP-ZZ-ZZ-DR-C-0101, rev P02 has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

012 011 (amended)

~~No dwellings shall be constructed until an application for measures to prevent parking at junctions along the future bus route has been made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.~~

No dwellings within Phases 3, 4 and 5 (as defined upon drawing numbers: E500127_403_Yorke Drive Indicative Construction Phasing Plan 3; E500127_404_Yorke Drive Indicative Construction Phasing Plan 4; and E500127_405_Yorke Drive Indicative Construction Phasing Plan 5) shall be constructed above Damp Proof Course level until details have been submitted and agreed in writing by the Local Planning Authority, in consultation with Nottinghamshire County Council, that show measures to prevent parking at junctions along the future bus route. Any measures subsequently approved shall be implemented within 12 months of the date of that approval.

Reason: In the interests of highway safety.

013-012

Notwithstanding the details submitted, prior to occupation of any dwelling in a phase or sub phase, details of all planting in road-side verges on that phase or sub phase shall be firstly submitted to and agreed in writing by the LPA. The approved details shall be implemented in accordance with an agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

014 013

Within 3 to 6 months of the occupation of the 74th dwelling within Phase 1 of the development and the Sports Grounds being first brought into use, parking surveys shall be undertaken in accordance with a methodology to be first submitted and approved in writing by the LPA. A report with the results of the survey and any measures proposed to address any issues (if present), along with a timetable for implementation shall be subsequently submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development does not lead to excessive on street parking in the interest of highway safety and the amenity of residents.

015 014

Approval of the details of the surface treatment, maintenance, and width of the public rights of way shall be obtained from the LPA in writing before the development commences and is implemented in accordance with the agreed plans.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives.

016 015 (amended)

~~The development will require the permanent diversion of the Public Rights of Way and no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.~~

The development will require the permanent diversion of the Public Rights of Way and no part of that development shall obstruct the Public Rights of Way until the order has been approved by the order making authority (DfT). Any temporary closure of the Rights of Way Network that may be required for any temporary works necessary prior to the permanent diversions being confirmed should be requested from the local highway authority.

Reason: To ensure that the Public Rights of Way are retained in such a state that it achieves continuity with the wider rights of way and highway networks, and meets sustainable transport needs.

017 016

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved BSP Flood Risk Assessment (FRA) and Drainage Strategy (Plan Ref. YDRN-BSP-ZZ-XX-RP-C-0001-P07_FRA_&_DS received 2nd February 2025) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Planning Application: 22/01528/RMAM
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

018-017

The playing fields, pavilion and all associated parking shall be provided in accordance with the approved specifications and made available for use in accordance with approved Development Phasing Plans.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory playing field provision which secures a continuity of use.

019 018

All playing pitches hereby approved shall be formed in accordance with the submitted Pitch Improvement Strategy dated 06.09.2024 (Ref: J007203) and shall be thereafter retained in accordance with the provision of the submitted Pitch Maintenance Guidelines.

Reason: To ensure that the playing pitches hereby approved are provided to a suitable standard and are thereafter appropriately maintained.

020 019

No use shall be made of any playing pitch hereby approved until such time as the associated ball stop fencing is erected in its entirety. It shall remain in place for the lifetime of the development and be appropriately maintained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of local residents and road users.

021 020

The development here by approved shall accord with the provisions of the submitted noise assessment dated September 2024 (Ref: 70078739-001), and no affected dwelling hereby approved shall occupied until such time as the respective noise mitigation measures as detailed within section 6.3 of the noise assessment are install and are operational. All noise mitigation measures shall remain in place for the lifetime of the development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of future residential from noise and disturbance.

022 021

No development shall commence in respect of the pumping station until a Noise Assessment (and associated Mitigation Strategy as necessary) relating to the on-site pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of public amenity.

023 022

Prior to the formation of any biodiversity improvement required as part of the Ecological Enhancement Plan or in relation to the Bat Mitigation Strategy, a report shall be submitted to and approved by the Local Planning Authority detailing how all biodiversity improvements would be appropriately monitored after construction and who will be responsible for their maintenance and monitoring.

Reason: To ensure that all biodiversity improvements are appropriately monitored.

024 023

No development shall be commenced in respect of each phase pursuant to Condition 3 of the associated outline consent (Ref: 22/00426/S73M) 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: To ensure that protected species are appropriately managed during construction and to ensure that all biodiversity enhancements align with the approved layout plan.

Notes to Applicant

01

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website www.eastmidlandsbc.co.uk.

04

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

05

The applicant should note that notwithstanding any planning permission, 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.

06

Planning Application: 22/01528/RMAM The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

07

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. The applicant should email hdc.north@nottsc.gov.uk to commence the technical approval process, prior to submitting any related discharge of conditions application. The Highway Authority is

unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

08

The grant of planning permission for this development does not authorise the obstruction or the stopping up of highway. An unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. The applicant should apply to stop up the highway using the following website address:
<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

09

The development requires an application/s for traffic regulation orders. Please email hdc.north@nottsc.gov.uk in the first instance, with details of the proposals and stating this planning application number.

010

Any hedge/tree/shrub line on the boundary of the development land (either proposed or retained) is the responsibility of the owner/occupier (including subsequent owners / occupiers) of the adjoining land, whether or not a fence or other boundary treatment is installed behind it. It is an offence under Section 154 of the Highway Act 1980 to allow vegetation to overhang highway such that it obstructs the function of the highway and therefore owners should make every effort to ensure that the hedge/tree line is maintained appropriately.

011

For the avoidance of doubt, despite the information provided as part of the reserved matters application, the requirements of condition 17 - contamination land of the associated outline application (Ref: 22/00426/S73M) is still required to be discharged as the information submitted does not relate to the entirety of the site.

012

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(\[www.gov.uk\]\(https://www.gov.uk\)\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply:

This is a S73 application and the original application was a major development for an application made before 12 February 2024.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00679/S73M

