



Appeal Decision

Site visit made on 6 January 2026

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 September 2026

Appeal Ref: APP/X3025/W/25/3370422

Phase 2 - Plots 9A, 9B, 10 and 12A, Land adjacent to the A617 Mansfield Ashfield Regeneration Route (MARR), between Nottingham Road and Southwell Road West NG18 6AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions imposed on the approval of reserved matters or details pursuant to a previous planning permission.
- The appeal is made by Bellway Homes Limited (East Midlands) against Mansfield District Council.
- The application Ref is 2025/0159/VCON.
- The application sought reserved matters approval for the development of Phase 2 – Plots 9A, 9B, 10 and 12A to deliver 484 no dwellings, comprising appearance, landscaping, layout and scale on planning application 2010/0089/ST – (Outline planning application (including the reserved matter of access) for the development of 169.3 hectares of land for employment, commercial, residential, retail, healthcare, community, educational and leisure uses including the provision of a new primary school, local centre, community park, landscaping, habitat creation and infrastructure including roads, drainage and services) without complying with conditions attached to approval of reserved matters REF 2021/0489/RES, on 14 January 2025.
- The conditions in dispute are Nos 5, 10, 11, 12 and 13 which state that:
 - 5) *No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hardbound material (not loose gravel) for a minimum of 6 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hardbound material for the life of the development.*
 - 10) *Prior to the occupation of the site a monitoring regime and method statement (for the lifetime of the development or other time period agreed with the LPA) to survey and where identified mitigate parking behaviour on the east-west distributor Road fronting the development site, and internal adoptable turning heads, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter should parking be identified, management measures shall be implemented in accordance with the method statement.*
 - 11) *Prior to any occupation of dwellings located on the shared private drive serving plots 471 through to 484 inclusive, details of a new vehicular access junction opposite plot 481 shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority, and then implemented and retained for the life of the development in accordance with the approved details.*
 - 12) *Prior to commencement of development a drawing showing all cycle visibility splays (2.0m by 17m) where internal pedestrian and cycle routes interface with the shared use facility on the northern side of the external east-west distributor road shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority. The visibility splays shall thereafter be retained as adopted highway for the life of the development with no mature height planting / structures higher than 600mm located within the splays. The works shall be carried out in accordance with the approved plans.*
 - 13) *Prior to occupation of any dwelling fronting the bus route through the site, double yellow lines shall be installed along the length of the bus route within the site and around interfacing junction radii.*
- The reasons given for the conditions are:
 - 5) *To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to accord with adopted Mansfield District Local Plan 2013-2033 Policy IN9.*

10) *In the interests of Highway Safety and to accord with adopted Mansfield District Local Plan 2013-2033 Policies IN8 and IN9.*

11) *In the interest of Highway Safety and to ensure safe and suitable refuse collection may occur and to accord with adopted Mansfield District Local Plan 2013-2033 Policy IN9.*

12) *In the interest of Highway Safety and to accord with adopted Mansfield District Local Plan 2013-2033 Policy IN9.*

13) *To ensure on street parking does not occur impacting the ability for buses to pass and repass safely within the site all being in the interest of general Highway Safety and to ensure safe and to accord with adopted Mansfield District Local Plan 2013-2033 Policy IN9.*

Decision

1. The appeal is allowed and planning permission is granted for the development of Phase 2 – Plots 9A, 9B, 10 and 12A to deliver 484 no dwellings at land adjacent to the A617, between Nottingham Road and Southwell Road West NG18 6AF in accordance with application Ref 2025/0159/VCON, without compliance with condition numbers 5, 10, 11, 12 and 13 previously imposed on planning permission Ref 2021/0489/RES dated 14 January 2025 and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Bellway Homes Limited (East Midlands) against Mansfield District Council. This application is the subject of a separate decision.

Background and Procedural Matters

3. The site is allocated as part of a strategic urban extension under Policy SUE3 of the Mansfield District Local Plan (LP), adopted September 2020. Outline planning permission¹ was granted for Phase 2 of a mixed-use development, including 1,700 dwellings, on land at Berry Hill. Reserved matters approval² for 484 dwellings on part of the Phase 2 site, adjoining a largely constructed east-west distributor road (the distributor road), was granted on 14 January 2025, subject to conditions.
4. The appeal follows the Council's failure to determine a planning application to vary certain conditions and remove others imposed on the reserved matters approval. In response to the appeal, the Council has confirmed that, had it determined the application, it would not have agreed to the removal of conditions 10, 11 and 13 due to concerns regarding highway safety. However, it would have agreed to the proposed amendments to conditions 5 and 12. The appellant has had the opportunity to respond to the Council's position in their final comments. Consequently, I am satisfied that no prejudice would arise from my taking the Council's concerns into account when formulating the main issue.
5. An application under section 73 of the Town and Country Planning Act 1990 (the Act) seeks permission to develop land without complying with a condition imposed on an existing planning permission. Granting such an application results in a new planning permission. As a reserved matters approval is not itself a grant of planning permission, it follows that section 73 cannot be used to grant a new reserved matters approval.

¹ Ref 2010/0089/ST

² Ref 2021/0489/RES

6. The appellant relies on the decision in the *Fulford Parish Council*³ case in support of the contention that a new approval of reserved matters can be granted through a section 73 application. That case concerned an application under section 96A of the Act and concluded that a condition attached to a reserved matter approval is a condition of planning permission. However, the powers under section 96A are materially different from those under section 73. Section 96A allows only non-material amendments to an existing planning permission, which if allowed, is simply varied, and continues in its altered form. By contrast, a successful application under section 73 results in the grant of planning permission that did not exist before. Given those differences, and in the absence of any authority directly addressing whether a new approval of reserved matters may be granted through a section 73 application, I therefore place little weight on the reasoning in the *Fulford Parish Council* case for the purposes of determining this appeal.
7. In any event, consideration is given on a section 73 application to whether planning permission should be granted subject to the same conditions or different conditions. In doing so, if the appeal were allowed, either a full permission or a further outline permission could be granted. The parties have had the opportunity to comment on this point, and I have taken their representations into account.
8. In this case, as all reserved matters have been approved for the appeal development, the appropriate outcome, were I to allow the appeal, would be the grant of a full planning permission. Accordingly, references to reserved matters approval and the outline planning application are omitted from the formal decision above, which otherwise reflects the description provided in the application form.
9. As the appeal relates to an application for a new planning permission, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) apply. During the appeal, the appellant submitted the Environmental Statement (ES), dated 2010 that accompanied the outline planning permission, together with supplementary information. Following the issue of a Regulation 25 notification, a Statement of Compliance (SoC) was also submitted, appraising the ES against the requirements of the EIA Regulations 2017. Having considered the ES, the SoC and all other environmental information submitted in connection with the appeal, I am satisfied the information before me is sufficient to meet the requirements of Schedule 4 of the EIA Regulations 2017. I have taken this information into account in reaching my decision.
10. A new National Planning Policy Framework (the Framework)⁴ was published on 17 August 2026, during the appeal process. However, as the Framework's policy content insofar as it relates to the main issues in this case has not been significantly changed there is no requirement for me to seek further submissions from the main parties. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

11. Having regard to the background of the appeal, the main issue is the effect of varying conditions 5 and 12 and removing conditions 10, 11 and 13 on highway safety.

³ R. (on the application of Fulford Parish Council) v York City Council [2019] EWCA Civ 1359

⁴ National Planning Policy Framework Plan-making and national decision-making policies August 2026

Reasons

Condition 10

12. Condition 10, which the appellant proposes is removed, requires the monitoring and management of parking on the distributor road and internal turning heads in accordance with details to be approved by the Council. However, the distributor road lies outside of the red line boundary and there is no evidence before me that the appellant has the ability to control parking or implement mitigation measures on it. Furthermore, requiring the monitoring of parking issues where no effective remedial action could be taken would serve no useful planning purpose.
13. Therefore, as worded, the condition does not meet the tests set out at policy DM6 of the Framework. It could nevertheless be made acceptable by deleting references to the distributor road such that it relates solely to the internal turning heads.
14. I agree with the appellant that the meaning of the term 'parking behaviour' is not entirely clear. However, from the Council's evidence it is apparent that its concern, in part, is that an insufficient number of parking spaces, or their inconvenient location, could result in on-street parking that could interfere with vehicle manoeuvring within on-site turning heads. Accordingly, even if the condition in its current form fails the test of precision, it is capable of being remedied through more precise drafting.
15. The Council acknowledges that requiring the monitoring regime and method statement to be in place for the lifetime of the development may fail the tests for conditions. I agree that such a requirement would be unreasonable. Nevertheless, the condition could be redrafted so that the monitoring and management requirements cease upon adoption of the highway.
16. For the above reasons, I find that, in respect of the internal turning heads, condition 10 is necessary. The retention of the condition in a varied form that imposes requirements only in relation to the internal turning heads pending adoption of the roads and clarifies that it relates solely to on-street parking would ensure highway safety is not harmed.
17. Approval of the requirements of the condition is the responsibility of the Council, as local planning authority. Whilst the intention is to consult the Highway Authority for its advice on the acceptability of the details required by the condition, it is not necessary for this to be stated within its wording. I will therefore omit 'in consultation with the Highway Authority' from the wording of condition 10 as varied.

Condition 11

18. The appellant proposes the removal of condition 11, which requires the formation of a junction to provide vehicular access from a shared private drive directly onto the adjoining distributor road. The reasons given for this condition are highway safety and to ensure safe and suitable refuse collection.
19. The private drive, which would serve plots 471 to 484, would not provide an adequate turning facility for larger vehicles. Consequently, in the absence of the additional junction required by condition 11, waste collection vehicles would need to reverse up to 135 metres to collect waste from the kerbside outside the dwellings. Given both the length and regular frequency of this manoeuvre, it would increase

the likelihood of conflict with pedestrians, cyclists and other vehicles, to the detriment of highway safety.

20. The appellant explains, however, that refuse collection for plots 471 to 484 would instead take place from a bin collection point (BCP) at the entrance to the private drive. Together with the private drive opposite, this arrangement would require collection from at least 23 dwellings in close proximity to the distributor road. Nonetheless, it is reasonable to expect collections for plots 429 to 437 to take place as collection vehicles enter the development, with collections from plots 471 to 484 occurring as they leave.
21. Accordingly, I am not persuaded by the Council's suggestion that a refuse vehicle would remain near the distributor road junction for at least 12 minutes. Any waiting time would be for a considerably shorter period, as the bins would be serviced progressively as the vehicle enters and exits the development, reducing the number requiring collection at any one location. In the absence of substantive evidence to the contrary, I find that this arrangement would not give rise to highway safety concerns, including delays to vehicles seeking to enter the from the distributor road or the obstruction of visibility splays.
22. The Council questions the adequacy of the BCP proposed to serve the 14 dwellings on plots 471 to 484. I share this concern, given that it is substantially smaller than the facility intended to serve plots 429 to 437, despite serving a greater number of dwellings. Consequently, there is a reasonable prospect of bins being inappropriately placed on collection day which could obstruct the highway and prejudice highway safety.
23. The appellant has suggested providing a second BCP opposite plot 481 to serve some of the dwellings. This arrangement would require refuse vehicles to stop on the distributor road during collections, which would impede traffic on a route intended to accommodate significant traffic volumes and bus services. However, the evidence before me does not demonstrate that the frequency or duration of such activity would materially compromise the function of the distributor road, or harm highway safety. I therefore find that the provision of an additional BCP, secured by condition as suggested by the appellant, would provide adequate refuse collection facilities for this part of the development.
24. Large delivery vehicles and fire appliances would have to undertake lengthy reversing movements to exit the private drive in the absence of the junction required by condition 11. However, this would be an infrequent occurrence and therefore would not materially increase risk to other highway users.
25. I therefore find that, subject to a condition securing an additional BCP, the removal of condition 11 would not give rise to unacceptable highway safety impacts.

Condition 13

26. The appellant proposes the removal of condition 13, which requires the installation of double yellow lines along the length of the bus route within the site and around interfacing junction radii. In its Statement of Case, the Council clarifies that the restrictions are intended to apply along the bus gate highway and interfacing junctions and on sections of the distributor road fronted by dwellings.

27. As set out above, the distributor road falls outside of the red-line boundary and therefore lies outside the application site. Consequently, whilst the Council's stated intention was to secure double yellow lines on sections of the distributor road fronted by dwellings, the condition as worded, does not achieve that outcome.
28. The Council has not suggested that parking restrictions are required along other sections of the distributor road, and there is no robust evidence before me to indicate otherwise. Moreover, imposing restrictions along relatively short lengths of road would not prevent on-street parking on the distributor road but would displace it to unrestricted sections. Accordingly, I find no justification for extending the conditions to accord with the Council's intention.
29. I have taken the Council's reference to the bus gate highway to mean the north-south road between plots 9A and 9B, where the bus gate would be located. As several dwellings would be served directly from this road, or from shared private drives connected to it, on-street parking is likely to occur along much of its length. Such parking would impede bus movements by requiring buses to wait multiple times for oncoming vehicles to pass, thereby increasing journey times and reducing the attractiveness of this sustainable mode of transport. Although condition 13 would not prevent parking along the entirety of the bus route because it does not apply to the distributor road, double yellow lines on the bus gate highway would remove a significant source of potential obstruction. This would improve the reliability and efficiency of bus services.
30. The appellant does not object in principle to such restrictions but contends that they should be implemented by the Highway Authority following adoption of the highway. However, adoption may not occur until the development is complete, whereas the bus gate must be operational before occupation of the 100th house. Consequently, there could be a period during which bus services would be adversely affected by parking along this section of the route.
31. Double yellow lines are therefore necessary along the bus gate highway and at the adjoining junction radii from the occupation of the first dwelling served by that road until its adoption by the Highway Authority. This is necessary to prevent obstructive parking and ensure the effective operation of the bus route. Accordingly, I find that condition 13 should be retained, subject to amendment to ensure that it is precise.

Condition 5

32. As worded, condition 5 prevents the occupation of any of the 484 approved dwellings until all driveways, parking areas and turning areas across the entire development have been surfaced in a hardbound material. The Council acknowledge that this wording is a drafting error and that the condition should be varied, as proposed, so that no dwelling is occupied until the driveway and any parking and turning area serving that dwelling have been provided.
33. I am satisfied that the condition in its current form is unreasonably restrictive and should be amended. However, for the avoidance of doubt, the condition should make clear that the requirement for hardbound surfacing applies to both parking and turning areas where these are provided within a plot. Accordingly, the wording should be amended from 'drives and any parking or turning area' to 'drives and any parking and/or turning area'.

34. I therefore find that condition 5 should be retained, subject to the amendment to its wording set out above.

Condition 12

35. It is proposed that this condition be reworded so that areas of front garden would no longer be required to be adopted by the Highway Authority, whilst retaining the requirement for cycle visibility splays where internal pedestrian and cycle routes connect to the shared-use facility on the northern side of the distributor road. The Council, following advice from the Highway Authority, raise no objections in principle to the proposed rewording of this condition, but suggests that its requirement that the details of the cycle visibility splays are approved should also be omitted from the condition in its varied form.
36. Whilst the provision of cycle visibility splays is necessary and reasonable in the interests of the safety of all highway users, particularly for pedestrians and cyclists, there is no evidence before me to demonstrate that they would be ineffective unless they formed part of the adopted highway.
37. I therefore find that condition 12 should be retained and amended using the wording suggested by the Council.

Conclusion

38. I conclude that the proposed variation of conditions 5 and 12, subject to the revised wording set out above, would not adversely affect highway safety. Similarly, the removal of condition 11, subject to its replacement with a condition securing an additional bin collection point, would also not result in harm to highway safety. Although the removal of conditions 10 and 13 would be detrimental to highway safety, this harm would be avoided through their replacement with the amended conditions as set out above. Accordingly, I find that there would be no conflict with Policy IN9 of the Mansfield District Local Plan 2013-2033 (adopted September 2020) which seeks to ensure adequate internal movements within development sites, safe access and egress, and that development does not compromise highway safety.

Planning obligation

39. The original outline planning permission was subject to a section 106 agreement dated 16 August 2016 (the Agreement), which has subsequently been amended by deeds of release and variation. The Agreement contains a clause which confirms that it shall apply to any planning permission issued pursuant to an application made under section 73 of the Act. I am satisfied, on that basis, that the relevant provisions of the Agreement would apply to any planning permission granted pursuant to this appeal. Accordingly, it is not necessary to secure a new planning obligation, or a variation of the Agreement.

Conditions

40. I have varied condition 5 (condition 24 in the attached Schedule of Conditions) so that no dwelling may be occupied until its driveways, parking and turning areas have been surfaced. Condition 12 (now condition 31) is varied to remove the requirement for the visibility splays to be retained as adopted highway.

41. Condition 10 (now condition 29) is varied so that it applies only to on-street parking within the internal turning heads pending adoption of the roads. Condition 13 (now condition 32) has also been varied to provide greater clarity as to where the double yellow lines should be provided, the timing of their installation, and the requirement for their retention and maintenance until the highway is adopted.
42. In light of my findings, condition 11 is no longer necessary and has therefore not been included in the Schedule of Conditions. However, it has been replaced with a new condition requiring the provision of a bin collection point on the shared private drive serving plots 471 to 484.
43. The Planning Practice Guidance is clear that a decision granting planning permission under section 73 should restate any conditions from earlier permissions that continue to have effect. The Council has identified the conditions from the outline planning permission and reserved matters approval that remain relevant. I have imposed those conditions although some of them have been updated to reflect details that have been formally approved.
44. I have, however, reordered and amended the conditions where necessary to reflect current guidance, best practice and the new National Planning Policy Framework. Reference to consultation with the Highway Authority and Lead Local Flood Authority have been removed to reflect the approach I have taken on condition 10 (now condition 29). I have also omitted the phrase 'unless otherwise agreed in writing by the local planning authority', as it could allow significant changes to be proposed without affording interested parties an opportunity to comment.
45. Although details relating to the removal of suspended solids, trapped gullies and the management of green infrastructure, biodiversity and ecology have previously been agreed, those approvals pre-date the reserved matters submission and the approval of the layout for this phase of the development. In the absence of evidence demonstrating that those details remain suitable for the approved scheme, conditions 6, 7 and 9 require further details to be submitted to and approved by the Council. These conditions must remain pre-commencement to ensure that, in respect of conditions 6 and 7, implementation is not prejudiced by later approval, and, in respect of condition 9, that ecological mitigation measures are secured before development begins and then maintained during construction.
46. To ensure the effective implementation of specified matters is not prejudiced by later submission or approval, conditions 4, 6, 10, 11, 12 and 13 are pre-commencement conditions. Condition 3 is also a pre-commencement condition so that necessary safeguards are in place for the entirety of the construction phase.
47. Section 73(5) of the Act prevents the grant of planning permission under section 73 where this would have the effect of extending the time limit for commencement. Accordingly, a condition has been imposed to ensure that development is commenced within the standard period following the approval of the reserved matters.
48. The Council's recommended conditions also include informative advice relating to paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, which provides that planning permission is granted subject to the biodiversity gain condition. Additional advice states that plastic attenuation crates will not be accepted to control highway surface water discharge and concerns highway adoption and the need for pre-commencement wildlife checks.

49. Such advice would have no legal effect and has therefore not been included in the decision. Nevertheless, the appellant has had sight of the Council's recommended conditions and should be aware of the contents of that advice.

Conclusion

50. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by varying conditions 5, 10, 12 and 13 and removing condition 11 and replacing it with a new condition.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun no later than the expiration of two years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan A940_235
 - Character Areas Plan A940_236 Rev O
 - Highway Layout Adoptable and Private sheet 1 of 2 A940_500A Rev A
 - Highway Layout Adoptable and Private sheet 2 of 2 A940_501A Rev A
 - Highway Layout Composite A940_502A Rev A
 - Planning Layout sheet 1 of 2 (above changes only) A940_254_Rev A-K 7 February 2025
 - Planning Layout sheet 2 of 2 (inc colour & b/w) A940_255_Rev A-H
 - Planning Layout Composite (above changes only) A940_256 Rev A-K 7 February 2025
 - Landscape Masterplan 24_340_101 Rev A
 - Landscape Masterplan 24_340_102 Rev B
 - Landscape Masterplan 24_340_103 Rev A
 - Amended Phasing Plan 252 Rev O
 - Street Scenes A940_386 sheet AA-CC Rev C
 - Street Scenes A940_387 sheet DD EE FF Rev C
 - Massing Plans (storey heights) sheet 1 of 2 A940_08 Rev N
 - Massing Plans (storey heights) sheet 2 of 2 A940_09 Rev N
 - Enclosures Plans sheet 1 of 2 A940_04 Rev M
 - Enclosures Plans sheet 2 of 2 A940_04 Rev M
 - Occupancy Plans sheet 1 of 2 A940_10 Rev O
 - Occupancy Plans sheet 2 of 2 A940_11 Rev O
 - Tenure Plans sheet 1 of 2 A940_12 Rev M
 - Tenure Plans sheet 2 of 2 A940_13 Rev M
 - Parking Plans sheet 1 of 2 A940_06 Rev S
 - Parking Plans sheet 2 of 2 A940_07 Rev S
 - Rear Garden Compliance Plans sheet 1 of 2 A940_396 Rev E

- Rear Garden Compliance Plans sheet 2 of 2 A940_396 Rev E
- Cycle Storage Plans sheet 1 of 2 A940_392 Rev J
- Cycle Storage Plans sheet 2 of 2 A940_393 Rev J
- EV Charging Plans sheet 1 of 2 A940_388 Rev K
- EV Charging Plans sheet 2 of 2 A940_389 Rev K
- Refuse Strategy Plans sheet 1 of 2 A940_390 Rev L
- Refuse Strategy Plans sheet 2 of 2 A940_391 Rev L
- House types The Edge – Blacksmith – elevations A940_446 Rev A
- House types The Edge – Blacksmith – floorplans A940_445 Rev A
- House types The Edge – Blacksmith – elevations A940_15 Rev A
- House types The Edge – Blacksmith – floorplans A940_14 Rev A
- House types The Edge – The Thespian – elevations A940_18 Rev A
- House types The Edge – The Thespian – render/brick elevations A940_19 Rev A
- House types The Edge – The Thespian – floorplans A940_17 Rev A
- House types The Edge – The Felter – render/brick elevations A940_450 Rev A
- House types The Edge – The Felter – brick elevations A940_449 Rev A
- House types The Edge – The Felter – floorplans A940_449 Rev A
- House types The Edge – The Tanner – brick elevations A940_260 Rev A
- House types The Edge – The Tanner – render/brick elevations A940_261 Rev A
- House types The Edge – The Tanner – floorplans A940_259 Rev A
- House types The Edge – The Mason – brick elevations A940_21 Rev A
- House types The Edge – The Mason – floorplans A940_20 Rev A
- House types The Edge – The Sawyer – brick elevations A940_24 Rev A
- House types The Edge – The Sawyer – floorplans A940_23 Rev A
- House types The Edge – The Lacemaker – elevations A940_27 Rev A
- House types The Edge – The Lacemaker – floorplans A940_26 Rev A
- House types The Edge – The Spinner – elevations A940_74 Rev A
- House types The Edge – The Spinner – render/brick elevations A940_75 Rev A
- House types The Edge – The Spinner – floorplans A940_73 Rev A
- House types The Edge – The Tilton – brick elevations A940_51 Rev A
- House types The Edge – The Tilton – floorplans A940_50 Rev A
- House types The Edge – The Somerby – render/brick elevations A940_56 Rev A
- House types The Edge – The Somerby – floorplans A940_55 Rev A
- House types The Edge – The Melbourne – render/brick elevations A940_269 Rev A
- House types The Edge – The Melbourne Detached – brick elevations A940_448 Rev A
- House types The Edge – The Melbourne Detached – floorplans A940_447 Rev A
- House types The Edge – The Worcester – brick elevations A940_59 Rev A
- House types The Edge – The Worcester – floorplans A940_58 Rev A
- House types The Edge – The Thornton – elevations A940_54 Rev A
- House types The Edge – The Thornton – floorplans A940_53 Rev A
- House types The Edge – The Thornton – elevations A940_452 Rev A
- House types The Edge – The Thornton – floorplans A940_451 Rev A
- House types The Gateway – Thespian – elevations A940_134 Rev A
- House types The Gateway – Thespian – render elevations A940_135 Rev A
- House types The Gateway – Thespian – floorplans A940_133

- House types The Gateway – The Felter – render elevations A940_431
- House types The Gateway – The Felter – floorplans A940_430
- House types The Gateway – The Blemmere – render elevations A940_354
- House types The Gateway – The Blemmere – floorplans A940_353
- House types The Gateway – The Fletcher – elevations A940_312 Rev B
- House types The Gateway – The Fletcher – plans A940_311
- House types The Gateway – The Fletcher Special – elevations A940_314 Rev B
- House types The Gateway – The Fletcher Special – floorplans A940_313
- House types The Gateway – The Shipwright Special 1 - brick elevations plots 286, 289, 294, 295, 298 & 299 A940_364 Rev A
- House types The Gateway – The Shipwright Special 1 - elevations render & quoin elevations plots 13, 14-16, 17 A940_432
- House types The Gateway – The Shipwright Special 1 - elevations brick & quoin elevations plots 27, 30, 31, 32, 33 & 36 A940_433
- House types The Gateway – The Shipwright Special 1 - elevations render elevations plots 296 & 297 A940_365 Rev A
- House types The Gateway – The Shipwright Special 1 - floorplans A940_363
- House types The Gateway – The Shipwright Special 2 - elevations render & quoin elevations plot 12 A940_367 Rev A
- House types The Gateway – The Shipwright Special 2 - floorplans A940_366
- House types The Gateway – The Shipwright Special 3 – brick elevations plot 287 A940_434
- House types The Gateway – The Shipwright Special 3 – brick & quoin elevations plot 238 & 245 A940_435
- House types The Gateway – The Shipwright Special 3 – render elevations plot 288 A940_369 Rev A
- House types The Gateway – The Shipwright Special 3 – render & quoin elevations plot 18, 26, 37, 278 & 283 A940_370 Rev A
- House types The Gateway – The Shipwright Special 3 – floorplans A940_368 Rev A
- House types The Gateway – The Lacemaker A940_146 Rev B
- House types The Gateway – The Lacemaker – plans A940_145 Rev A
- House types The Gateway – The Lacemaker Special – elevations A940_320 Rev A
- House types The Gateway – The Lacemaker – floorplans A940_319
- House types The Gateway – The Spinner Special – elevations A940_349 Rev A
- House types The Gateway – The Spinner Special A940_338 Rev A
- House types The Gateway – The Gilder – elevations A940_358 Rev A
- House types The Gateway – The Gilder – floorplans A940_357
- House types The Heart – The Blacksmith – elevations A940_400
- House types The Heart – The Blacksmith – floorplans A940_399
- House types The Heart – The Saddler Special (plot 262 FOG) – elevations A940_423
- House types The Heart – The Saddler Special (plot 262 FOG) – floorplans A940_422
- House types The Heart – The Saddler Special (plot 22 FOG) – elevations A940_423
- House types The Heart – The Saddler Special (plot 22 FOG) – floorplans A940_424

- House types The Heart – The Saddler Special (plot 213 FOG) – elevations
- House types The Heart – The Saddler Special (plot 213 FOG) – floorplans A940_426
- House types The Heart – The Tailor – brick elevations A940_80
- House types The Heart – The Tailor – floorplans A940_79
- House types The Heart – The Thespian – elevations A940_83
- House types The Heart – The Thespian – floorplans A940_82
- House types The Heart – The Thespian – render elevations A940_84
- House types The Heart – The Thespian – full render elevations A940_342
- House types The Heart – The Tenterer – elevations A940_290
- House types The Heart – The Tenterer – floorplans A940_289
- House types The Heart – The Tanner – elevations A940_89
- House types The Heart – The Tanner – floorplans A940_88
- The Mason, the Heart Plans A940_91 7 February 2025
- The Mason, the Heart Elevations A940_92 7 February 2025
- House types The Heart – The Framer – elevations A940_374
- House types The Heart – The Framer – render elevations A940_403
- House types The Heart – The Framer – floorplans A940_373
- The Sawyer, the Heart. Plans A940_94 7 February 2025
- The Sawyer, the Heart. Elevations A940_95 7 February 2025
- House types The Heart – The Spinner – brick elevations A940_402
- House types The Heart – The Spinner – floorplans A940_401
- House types The Heart – The Scrivener – brick elevations A940_296
- House types The Heart – The Scrivener – floorplans A940_295
- House types The Heart – The Bowyer – brick elevations A940_113
- House types The Heart – The Bowyer – full render elevations A940_343
- House types The Heart – The Bowyer – floorplans A940_112
- House types The Heart – The Philosopher – elevations A940_116
- House types The Heart – The Philosopher – floorplans A940_115
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- 3) All trees and hedges shown to be retained in the FPCR Arboricultural Method Statement dated November 2024 shall be protected prior to commencement of any works or development, including ground works and trees and hedges on adjacent land/overhanging the site in accordance with BS:5837 Trees in Relation to Design, Demolition and Construction. All tree and hedge protection measures/fencing to remain in situ until completion of the development.
- 4) Prior to commencement of development details of any alteration to ground levels and finished floor levels of all buildings and hard surfaced areas (excluding adopted highways) including shared private drives shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the local planning authority. 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 the design is in accordance with CIRIA C753 and policy F8 of the National Planning Policy Framework.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rainstorm to QBar rates for the developable area.
 - Provide detailed designs (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 period.
- No flooding shown in a 1 in 30 year period.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g. condition, capacity and positive onward connection) of any receiving water course to accept and convey all surface water from the site.
- Details of Severn Trent Water 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.
- Protection measures to prevent any pollution/suspended solids from entering Foulevil Brook and Rainworth Lakes SSSI.

The scheme shall be implemented in accordance with the approved details.

- 6) The development hereby permitted shall not be commenced until such a time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 7) Prior to commencement of development a scheme to install trapped gullies shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 8) The development shall be carried out in accordance the ecological mitigation approved under the discharge of condition application 2025/0117/CON.
- 9) Prior to commencement of development a Green Infrastructure, Biodiversity and Ecological Management Plan for the creation, protection, enhancement, monitoring and maintenance of green infrastructure and biodiversity shall be submitted to and approved in writing by the local planning authority. The Plan shall be consistent with the information and protocols set out in condition 36 of outline consent 2010/0089/ST and shall include precise details of and a programme for:
 - Biodiversity Action Plan (BAP) habitat creation and restoration.
 - Green infrastructure, green links, structural landscaping and public open space creation.
 - The provision and maintenance of all barriers and buffer zones on the site.
 - Methods to be implemented to ensure that the water quality within the Foulevil Brook and Rainworth Lakes SSS is maintained.

- Long term design objectives, management schedules and maintenance responsibilities for the community park, BAP habitat, green infrastructure, green links, structural landscaping, barriers and buffer zones, all other public/communal landscaped areas and open spaces, water courses and on-site balancing ponds.
- Mechanisms for monitoring and review.

Development shall thereafter be undertaken in accordance with the approved Green Infrastructure, Biodiversity and Ecological Management Plan.

- 10) No part of the development hereby permitted shall commence until details of the new roads have been submitted to and approved in writing by the local planning authority including longitudinal and cross sectional gradients (maximum 1 in 20), parking provision, turning facilities, access widths, visibility splays (including pedestrian, cycle, junction and forward visibilities), traffic calming measures, pedestrian crossings (with dropped kerbs and tactile paving), corduroy paving, street lighting, drainage and outfall proposals, construction specification, measures to prevent parking on cycle routes, provision of and diversion of utilities services, and any proposed structural works. All details submitted to the local planning authority shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved at Section 38 Agreement stage under the Highways Act 1980. The approved visibility splays shall be retained for the lifetime of the development and remain free from any obstruction exceeding 600mm in height.
- 11) Prior to commencement of development details showing refuse vehicle routing plans for the entire site, including vehicle tracking analysis, shall be submitted to and approved in writing by the local planning authority.
- 12) Prior to commencement of development details showing all through route shared private drives have a minimum carriageway widths of 5.5 metres, other than at speed control features, and increased by 0.5 metres on any bound side by fencing / walls / landscaping etc, or otherwise agreed, shall be submitted to and be approved in writing by the local planning authority. The works shall be carried out in accordance with the approved plans.
- 13) No development shall commence until a Refuse Collection Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details demonstrating that the construction of the shared private drives are suitable to carry the weight of large refuse vehicles and confirmation details from MDC Waste and Recycling that the refuse vehicles will enter and drive through the route shared by private drives to service properties for the lifetime of the development along with any required indemnity agreements.
- 14) The development shall be retained in accordance with the Construction Method Statement (CMP) plan reference PC/BHPH2/CMP 001 Rev A approved under discharge of condition reference 2025/0073/CON dated 10 July 2025. The approved Statement shall be adhered to throughout the construction period.
- 15) The hours of work during construction and the delivery of materials to the site shall be limited to 0730 – 1800 Mondays-Fridays, 0800 – 1300 Saturdays and not at any time on Sundays or Bank or Public Holidays.

- 16) The routing of construction traffic shall be in accordance with the details approved under the discharge of condition application reference 2025/0058/CON.
- 17) The earthworks shall be carried out in accordance with the details approved under the discharge of condition application 2022/0001/CON.
- 18) The development shall be carried out in accordance with details approved under condition 45 (soil handling) of planning permission reference 2010/0089/ST/1 on 21 July 2014.
- 19) If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an amendment to the remediation strategy detailing how this unexpected contamination will be dealt with. The development shall thereafter be carried out in accordance with the approved amended scheme.
- 20) The elevations and roofs of the built development (dwellings and garages) shall be constructed in accordance with the details set out in amended materials sheet 1 – reference 233 rev T and plan sheet 1 234 rev T. If any alternative materials are proposed to be use, prior to the building(s) affected by any proposed change of materials advancing beyond foundation level details of any alternative facing and roofing materials proposed on external elevations shall be submitted to and approved in writing the local planning authority. Thereafter the works to be carried out in accordance with the approved details.
- 21) Prior to the first occupation of any dwelling details of the colour and finish of hard paving to be laid in the shared private drives that contrast in colour with the materials used for the private plot parking spaces and private areas, to emphasise the shared use and nature of these areas, as indicatively shown on drawings 940 500A and 940 501A, shall be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be constructed using the approved materials, which shall be retained and maintained in accordance with the approved details for the lifetime of the development. The works to be carried out in accordance with the approved plans.
- 22) The approved landscape plans shall be carried out no later than the first planting season following substantial completion of each plot developed (plots 9A, 9B, 10 and 12). The applicant shall notify the local planning authority, in writing, within 1 month of the landscaping commencing in each area(s) of the planting having been implemented. Thereafter any trees, plants, shrubs or bulbs which within a period of 10 years from their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species that have first been submitted to and approved in writing by the local planning authority.
- 23) The development shall be carried out in accordance with the amended Noise Assessment Report 794-ENV-ACO-20703 dated 1 March 2024.
- 24) No dwelling hereby permitted shall be occupied until all drives, parking and/or turning areas associated with that particular dwelling has been surfaced in a hardbound material (not loose gravel) for a minimum of 6 metres behind the highway boundary. The surfaced drives and any parking and/or turning areas shall then be maintained in such hardbound material for the life of the development.

- 25) No garages or infrastructure buildings shall be first used until the associated parking and manoeuvring areas have been constructed, drained and surfaced and made available for use in accordance with details to be submitted to and approved in writing by the local planning authority. All parking areas shall thereafter be retained for parking.
- 26) Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for up and over doors or 6 metres for doors opening outwards and as such shall be maintained as such for the life of the development.
- 27) No dwelling hereby permitted shall be first occupied until pedestrian visibility splays of 2 metres x 2 metres are provided each side of a vehicle access to that particular dwelling. These measurements are taken from along the rear of the highway boundary. The area of land within these splays shall always be maintained free from all obstructions over 0.6 metres above the carriageway level. All private boundary fences and walls shall be contiguous with the rear of the public highway.
- 28) Any proposed soakaway shall be located at least 5 metres to the rear of the highway boundary; and any proposed septic tank shall be located at least 10 metres to the rear of the highway boundary.
- 29) Prior to the occupation of the site a monitoring regime and method statement, to survey and, where identified, mitigate the effects of on-street parking on the internal adoptable turning heads for the period up to the adoption of the internal roads by the Highway Authority, shall be submitted to and be approved in writing by the local planning authority. Thereafter should on-street parking within the internal turning heads be identified, management measures shall be implemented in accordance with the approved method statement.
- 30) No dwellings on plots 471 to 484 shall be occupied until a shared bin collection point is provided, in a position near to plot 481, in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin collection point shall be retained for the lifetime of the development.
- 31) Where internal pedestrian and cycle routes interface with the shared use facility on the northern side of the external east-west distributor road, cycle visibility splays (2 metres by 17 metres) shall be provided prior to the routes being brought into use and shall thereafter be retained for the life of the development with no planting/structures higher than 0.6 metres located within the splays.
- 32) Double yellow lines shall be provided along the internal road between plots 9A and 9B, where the bus gate is to be located, including at all interfacing junction radii prior to the occupation any dwelling fronting that road. The double yellow lines shall thereafter be retained and maintained until the highway is adopted.
- 33) The development shall be constructed in accordance with the pedestrian connection programme approved under the discharge of condition application reference 2025/0441/CON dated 9 October 2025.
- 34) The timetable for the delivery (opening) of the bus route and associated infrastructure within the site shall be carried out in accordance with the covering letter from Bellway Homes Ltd (East Midlands) and approved under discharge condition reference 2025/0328/CON dated 11 August 2025. The bus route and bus

gate shall be delivered prior to the occupation of the 100th dwelling on Phase 2. The route shall be implemented in accordance with the approved programme.

- 35) The development shall be carried out in accordance with the Phase 2 Travel Plan (V2-0) dated February 2021.
- 36) Prior to first occupation of any dwelling on an individual plot (plots 9A, 9B, 10 and 12) details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage for that plot shall be submitted to and approved in writing by the local planning authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details unless otherwise subject of a completed agreement under section 38 of the Highways Act 1980.
- 37) Prior to their first occupation each dwelling within the development hereby permitted shall be provided with full broadband connection.
- 38) The scheme for the implementation of the integrated ecological enhancement approved under discharge of condition reference 2025/0329/CON dated 11 August 2025 shall be carried out in accordance with the following approved documents:
- Ecological Enhancement Plan received on 20 May 2025
 - CEMP (biodiversity) received on 7 July 2025 Technical Note: Sensitive Lighting Strategy received on 7 July 2025.

Any biodiversity enhancements outside of dwelling plots shall be implemented in accordance with the approved details prior to first occupation of the associated dwelling and thereafter maintained for the life of the development.

- 39) All external lighting to streets and private shared drives shall include bat friendly lighting details which have been submitted to and approved in writing by the local planning authority prior to installation of the lighting for that part of the development area and prior to occupation of any dwelling within the identified area. The development shall thereafter be carried out in accordance with the approved details.
- 40) The integral and standard garages to the dwellings shall always be kept available for the parking of cars. The garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained thereafter.
- 41) No building shall be erected or planted within 3 metres of the 225mm sewer, 5 metres of the 375mm and 675mm sewers and within 10 metres of the 10150mm sewer unless the sewers have been diverted in the meantime.
- 42) Any facilities for the storage of oils, fuel or chemicals shall be constructed in accordance with details approved by discharge of condition application reference 2025/0073/CON dated 10 July 2025.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending and re-enacting that Order) no developments as described under Schedule 2 Part 1 Classes A, B or C shall be carried out with prior consent, by way of a formal application, of the local planning authority.

- 44) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 2 Class A no gates, fence or walls or other means of enclosure shall be carried out with prior consent, by way of a formal application, of the local planning authority.

End of Schedule