



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

Schedule of Communication

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
5	Agent	29.05.2024	<p>The agent has comments on the suggested conditions as follows.</p> <p>Condition 5 (visibility splays) Request amendment to wording to make clear that upper branch removal of trees is permitted.</p> <p>Condition 6 (widening of public footpath to the north-west of the access) <i>Request that the timing of the condition is amended.</i> Given that this footpath is required for pedestrian safety, it would only really make</p>	<p>Condition 5 Noted. NCC Highways raise no issue with the suggested amendments and the condition is amended as follows:</p> <p><i>Save for the construction of the visibility splays themselves, the development shall not be commenced until the visibility splays as shown on drawing number (08)101 rev H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections in an envelope between 2m and 0.6m above the carriageway.</i></p> <p><i>Reason: In the interests of highway safety. For clarity site clearance, the installation of tree protection measures and matters such as soil sampling are not considered to constitute a start to the development.</i></p> <p>Condition 6 Noted. The reason the condition is currently worded as a pre-commencement condition is because the land where the footpath lies is outside of the application site (not within the red</p>

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<p>Agenda Page 3</p>			<p>sense for this to be installed when the site begins to generate pedestrian activity, i.e when the dwellings are occupied. Furthermore, whilst it is certainly possible to widen this path at the commencement of development, it is likely that existing or proposed service connections run through this footpath, and therefore that it will have to be closed and dug up as part of the development. Allowing for these works to take place later in the construction phase would therefore reduce unnecessary expense and disruption. Finally, these works would need a drawing approving by the LPA, and then a s278 agreement with highways, before undertaking, something that tends to take a while for the solicitors to agree. I also understand that as this is outside the application site, it would not be sufficient to implement the permission. If we then are required to wait until the correct season to remove the hedging and open up the visibility splays on the front of the site before doing any further works, this could all get very tight for getting the permission commenced within the allotted 2 years. For these reasons we request that this element of the scheme is required prior to occupation, rather than prior to commencement.</p> <p>Condition 8 (surface water flooding)</p>	<p>line) which means that there would be enforcement issues if the developer did not undertake the works. There are two workarounds to this, one being to amend the extent of the red line to include the footpath land (which would mean more consultation) or deleting the condition and adding it instead to the s.106 agreement as a prior to occupation trigger which is the preferred approach. This is acceptable to NCC as Highways Authority who had originally suggested it as a prior to occupation condition and means the enforceability robust.</p> <p>The recommendation is therefore to delete condition 6 and insert the requirement into the s.106 legal agreement instead.</p> <p>Condition 8</p>

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<p>Agenda Page 4</p>			<p>The condition states it is required for all major development. As this is no longer a major development, is this still required?</p> <p>Condition 13 (Tree Felling) These requirements are well over and above anything I've seen before for felled trees. Usually, we are asked for supervision and checking by an ecologist. There are quite a lot of trees removed here, so this is a lot of work being asked for if we have to endoscope each one. Is there a way to perhaps agree a methodology as part of the RM application?</p> <p>Condition 14 (activities near trees) Point (f)</p> <p><i>No stripping of topsoils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site</i></p> <p>needs amending to allow for these activities where they are part of the approved works. This would otherwise restrict such things as installing fencing, building on RPAs where proposed (there is at least one area where we are proposing no-dig paving over an RPA), and other such works.</p>	<p>The application exceeds 1 hectare in area (irrespective of the number of dwellings proposed) so the development remains as a major development and the condition remains valid and necessary.</p> <p>Condition 13 (Tree Felling) The condition is based on the recommendations of the applicant's own Ecologist. The Council's Lead Officer for Biodiversity and Ecology has reviewed the condition and considers that it is necessary and reasonable. No amendments are therefore considered to be required.</p> <p>Condition 14 Noted. For clarity the following additional words should be added to the end of point (f):unless they form part of the approved works.</p>

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<p>Agenda Page 5</p>			<p>Condition 17 (details of new roads to be provided) As this is essentially a prior-to-commencement condition, can we add the note as per condition 6 to allow for clearance, tree protection works, remediation, ecology works, fencing etc before this is agreed.</p> <p>Can we also define this as referring to the new adoptable road, rather than all the roads on site.</p> <p>Condition 19 (Controlling the housing mix) As per the submitted materials and the categories in the housing requirements, the '4-bed' units should be '4+ bed' units, to allow for these to be 5 bed units if required. Please can this be amended.</p>	<p>Condition 17 Noted. The reason for the condition amended to read: <i>Reason: To ensure the development is constructed to safe and suitable standards. For clarity site clearance, the installation of tree protection measures and matters such as soil sampling are not considered to constitute a start to the development.</i></p> <p>The condition refers to all roads not just adoptable roads. (NCC Highway Authority confirm in this case their interest in private drives is that they need to meet the standards within a specific distance of the rear of an adopted highway and have drainage to prevent egress of surface water.)</p> <p>Condition 19 Fair point noted. Four-bedroom dwellings or larger still reflect the housing need so there is no issue in amending the condition which should now read: <i>The reserved matters application(s) shall comprise a housing mix of two x 2-bed dwellings, three x 3-bed dwellings and 4 x 4 or more bed-dwellings one of which (Plot 9) shall be single storey. The combined gross internal floor space of all</i></p>

PLANNING COMMITTEE – 6 JUNE 2024

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				<p><i> dwellings hereby approved shall be not more than 1,000 square metres.</i></p> <p><i> Reason: This condition is necessary to secure the mix advanced at outline stage, in order to provide a housing mix that responds to the identified local housing need and address the fact that no affordable housing contribution has been advanced which would be triggered by Core Policy 1 if the combined floor space exceeds 1,000m².</i></p>