

PLANNING COMMITTEE 1 AUGUST 2024

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	NCC Lead Local Flood Authority	29.07.2024	Refer us to previous comments made on 30 May. Based on submitted information, they have no further comments to make.	Noted.
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	Resident	28.07.2024	Welcomes the appointment of a management company to look after landscaping. Concerned about the buffer strip between garden fences and the important boundary hedgerow- feel that this should not be reduced to 5m and concerned about the removal of trees in general terms. Also feels that earlier discussion on conformity with the Neighbourhood Plan remains unresolved.	Noted. These issues have already been considered in the officer's report.
5 23/01836/RMAM Land rear of The Vineries, Lower Kirklington Road, Southwell	LCC Archaeological specialist	30.07.2024	There are no archaeological implications to the proposals.	Comments to be noted.
6 23/00832/FULM	Agent	23.07.2024	The agent (now Mr Richard West, Cerda) has submitted the following additional information:	These plans and documents need to be added to those listed in Informative 01, and the following plans be superseded:

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Land Off Mansfield Road, Clipstone			<p>Site Layout (Drawing No: SL-001 Rev G) Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P04) Management Company Plan (Drawing No: LE-007 Rev E) Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S) Ecological Mitigation Plan (Drawing No: EC-001-01) E-mail dated 16.11.2024 from Notts Wildlife Trust to the landowner requesting a Licence to Occupy for river restoration works.</p>	<p>Site Layout (Drawing No: SL-028 Rev A) Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03) Management Company Plan (Drawing No: LE-007 Rev D)</p> <p>The submitted e-mail from Notts Wildlife Trust does not provide any material evidence to connect the Three Rivers Project with the proposed housing development and can be given no weight in this regard.</p>
6 23/00832/FULM Land Off Mansfield Road, Clipstone	Consultee – NSDC Conservation comments	23.07.2024	<p>A level of harm on the setting of the listed building and non-designated heritage assets adjacent to the site remains, however the concerns regarding boundary treatments and external materials make a slight improvement to the design of the scheme.</p> <p>There would continue to be encroachment upon the immediate setting of the listed building, with no heritage benefits, contrary to s.66 of the Act and resulting in 'less than substantial harm' to the designated heritage asset. There is still a harmful impact on non-designated heritage assets.</p> <p>However, the proposal would deliver the requirements of Policy CI/MU/1 and there would be wider public benefits arising from the proposal. Overall, it would be for the decision maker to balance the heritage harm with any</p>	To be noted. Does not impact officer recommendation.

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			public benefits arising from the scheme.	
<p>6 23/00832/FULM Land Off Mansfield Road, Clipstone</p>	<p>Consultee – NCC, Policy</p>	<p>24.07.2024</p>	<p>Update to Transport Section of Table in para 8.80 on Page 102 – this should now read as follows: “Bus Service of £150,000 to provide fund improvements to local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent.”</p>	<p>The officer report should be amended accordingly and Members should note and take account of this.</p>
<p>6 23/00832/FULM Land Off Mansfield Road, Clipstone</p>	<p>Consultee – NCC, Highway Authority</p>	<p>26.07.2024</p>	<p>The applicant has submitted further information of interest to Highways as follows: Site Layout – SL001 rev G Parking Heat Map – CSCC-BSP-XX-XX-D-S-501 rev P04 Management Company Plan – LE-007 rev E Garage Drawing (Large) - PD-025A-G&M rev S The Highway Authority are also in receipt of an email response to our previous observations. The applicant requested that the application be taken to committee with our previous objection but has now submitted further plans which they have requested are taken as a late item. Considering these plans, whilst some of the issues have been addressed, it is noted that many haven't, as identified below.</p>	<p>To be Noted. In relation to comments made about boundary treatments, the case officer raised concerns with the agent regarding the layout of a children's play area that is surrounded by moving vehicles and the danger and unsatisfactory environment that this would create, early on in the planning process. When it was suggested that fencing maybe required, the agent stated that this was not the aesthetic they were wanting to create. The Highway Authority consider that in order to be safe in highway safety terms that fencing is required to stop children running out into the road, although they have not included it in their list of conditions to be imposed. Members would therefore have to consider this if they should be minded to approve the application.</p>

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			<p>Access:- The main access is acceptable subject to our previous caveats and should therefore be conditioned indicatively along with a condition to suitably upgrade the existing refuge, which forms the main pedestrian route to the wider village and the bus stops. However, the existing access to the north cannot remain as is as it is too wide and creates highway safety issues as previously detailed. As matters stand the access is adopted highway and is as such in the control of the Highway Authority. The suggestion to stop this area up was to allow the gate to be installed where first indicated, allowing a suitable distance from the rear of highway. The suggestion by the agent that the conveyed rights are across the full width for the entire length is incorrect as according to the conveyance document, this does not include the area of currently adopted highway. Whilst the access drawing itself shows an indicatively suitable layout, the currently submitted layout drawing does not so these drawings are in conflict. However, as this does not affect the main access the highway authority would suggest that this can be dealt with by condition. It should be noted that the stopping up of highway should be complete prior to the works being carried out.</p>	<p>On the basis of the removal of objection from the Highway Authority, officers recommend to Members that Reason for Refusal No 1 be removed from the recommendation currently before them.</p> <p>In the event that planning permission is granted, the proposed conditions be imposed with the following recommended amendments:</p> <p>Condition 1 be amended to: "Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include as a minimum: a) Measures to prevent to the egress of mud and other detritus to the public highway; b) A layout of the site, including materials storage and internal routes for construction traffic; c) Parking for site operatives; d) Details of the proposed build program. Once approved, the Construction Traffic Environmental Management Plan shall be adhered to at all times during construction unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of Highway safety.</p> <p>To avoid confusion with the CEMP that has already been submitted.</p>

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			<p>Parking:- The Parking Heat Map submitted still does not identify all dwellings which are not compliant with the relevant parking standards. The displaced cars which have been plotted are not all outside of the relevant dwelling and no consideration has been given as requested to visitor parking. However, where the displaced cars have been plotted, they are generally in conflict with the swept paths of the refuse vehicle previously submitted. We will therefore require traffic management measures (double yellow lines) at key junctions and turning heads throughout the development. As the extents of the required measures cannot be based on the information submitted, we will request a condition that will require accurate information being submitted to determine this.</p> <p>The large garage detail submitted identifies that a car will be able to park in it but it does not appear to be a suitable size for cycle parking. The site plan has been updated to show bike stores in the associated gardens.</p> <p>Private Drives:- Many of the private drives have still not been properly widened by 0.5m on either side when coinciding with a bin collection point and in some cases the indicative landscaping. This could have been addressed as land is available within the layout as shown, but has not been and as such we will request</p>	<p>Condition 9 should be amended to read:- 9. Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the occupation of each respective dwelling.</p> <p>REASON: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.</p> <p>Condition 10 would be a repeat of a standard generic soft landscaping condition.</p>

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			<p>conditions for both siting of bin collection points and details of landscaping. The facilities to allow a delivery vehicle to turn remain poor and are still only tracked with a short wheel-based vehicle. However, it is not thought that on this occasion a planning inspector would uphold a highway objection on this basis at appeal, for reasons which it is thought could be argued specific to this layout.</p> <p>Visibility:- Unfortunately, none of the issues raised in relation to visibility have been addressed and will now require conditions to address. The vehicular visibility splay outside Plot 77 is still missing and is likely to fall across private curtilage/through landscaping which is not acceptable and is required to be amended. This will also require amendments to the management plan as vehicular visibility splays are required to fall across land within highway or the control of the developer. Pedestrian visibility splays appear to be shown on Drawing Number 22123-11 rev D but remain unclear in colour but fundamentally are still not referred to in a key as to what they are, so will not be possible to provide the normal compliance condition. We will therefore request a condition for a drawing clearly indicating pedestrian visibility splays.</p>	

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			<p>Boundary Treatments:- Given the disassociated parking for Plots 117 and 118, measures to prevent vehicular access to the footway/cycleway to the fronts is required. Fencing around the POS to the fronts of Plots 110-116 and 119-124 is required to prevent children from running straight out into the surrounding roads. We will also require details of measures to prevent vehicular use of the footway/cycleway from within the development and measures to prevent vehicular access to adjacent land on the southern boundary along with pedestrian access on the eastern boundary of the site.</p> <p>In consideration of the above, the Highway Authority have no objections subject to the following conditions and informatives:</p> <p>1. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum: a) Measures to prevent to the egress of mud and other detritus to the public highway; b) A layout of the site, including materials storage and internal routes for construction traffic; c) Parking for site operatives; d) Details of the proposed build program. Once approved, the Construction</p>	

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			<p>Environmental Management Plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of Highway safety.</p> <p>2. No works above damp-proof course level shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority, to include 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 suitable standards.</p> <p>3. Notwithstanding Site Layout drawing number SL001 rev G, prior to any works above damp-proof course level taking place, a drawing showing a reduction in width to the existing site access shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved drawing prior to first occupation. REASON: In the interests of highway safety.</p>	

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			<p>4. Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented on site prior to first occupation and retained for the lifetime of the development. REASON: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</p> <p>5. No dwelling shall be occupied until the associated access and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development. REASON: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).</p> <p>6. Prior to first occupation, the access as indicatively shown on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 shall be provided. REASON: In the interests of highway safety.</p>	

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			<p>7. Prior to first occupation, the refuge identified on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 to the southwest of the proposed access shall be upgraded to include tactile paving. REASON: In the interests of pedestrian safety.</p> <p>8. Notwithstanding the submitted Parking Heat Map drawing number CSCC-BSP-XX-XX-D-S-501 rev P04, drawing/s showing traffic management measures to prevent parking where required shall be submitted to and approved in writing by the local planning authority prior to first occupation. Any measures approved shall be implemented within 12 months of first occupation of the site. REASON: In the interests of highway safety.</p> <p>9. Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the local planning authority. REASON: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.</p> <p>10. Notwithstanding indicative landscaping shown on Site Layout drawing number SL001 rev G, full details of landscaping shall be</p>	

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			<p>submitted to and approved in writing by the local planning authority. REASON: To reduce the chance of obstruction on the adjacent highway and to ensure visibility is not obstructed, in the interests of highway safety.</p> <p>11. Notwithstanding the submitted Management Company Plan – LE-007 rev E details of the future management and maintenance of the land to the front of Plot 78 shall be submitted to and approved in writing by the local planning authority. The land shall then be kept clear of all obstruction above 0.6m above carriageway level. REASON: In the interests of highway safety.</p> <p>12. Pedestrian visibility splays shall be kept clear of all obstruction above 0.6m above carriageway level in accordance with a plan to be first submitted and approved in writing by the local planning authority. The splays should be kept clear of obstruction for the lifetime of the development. REASON: In the interests of pedestrian safety.</p> <p>Notes to Applicant 1/ The grant of planning permission does not permit the obstruction of the public highway. Separate statutory approval for the stopping up</p>	

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			<p>Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990 .</p> <p>2/ 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. 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. 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</p>	

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			<p>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.</p> <p>3/ In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.</p> <p>4/ Any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after</p>	

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			<p>technical approval of the works is issued.</p> <p>5/ The applicant should email hdc.north@nottscc.gov.uk to commence the technical approval process, prior to submitting the 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.</p> <p>6/ All correspondence with the Highway Authority should be addressed to:- hdc.north@nottscc.gov.uk</p> <p>7/ It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.</p>	
<p>6 23/00832/FULM Land Off Mansfield Road, Clipstone</p>	<p>NSDC, Biodiversity and Ecology Lead Officer</p>	<p>27.07.2024</p>	<p>It is recommended that the officer report should amended as follows:</p> <p>Para 8.60 – It was a full Ecological Appraisal that was submitted not a Preliminary Ecological Appraisal. This para should conclude by stating that the development would not result in any adverse impact upon protected species if proposed mitigation measures are implemented. These include:</p> <ul style="list-style-type: none"> o Roosting provision for whiskered bat in 	<p>Officer report should be amended as recommended.</p>

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			<p>houses alongside gardens and greenspace;</p> <ul style="list-style-type: none"> o Sensitive lighting scheme o Nest boxes for breeding birds o Timing of vegetation clearance to avoid bird nesting species o Capture and translocation of reptiles, amphibians and hedgehog o Hedgehog friendly garden fencing scheme. <p>Paras 8.61 and 8.63 – refer to ‘potential Special Protection Area (pSPA)’ and should read ‘possible potential Special Protection Area (ppSPA).</p> <p>Full final comments, taking into account the latest Ecological Mitigation Plan have been attached as Appendix A, as the table included would not repeat easily in this format.</p>	<p>Comments should be noted.</p> <p>On the basis of these comments, it is recommended to Members that Reason for Refusal 2 be amended to read as follows:-</p> <p>“The application, together with all supporting documents, has failed to demonstrate that sufficient compensation has been proposed to offset the loss of species-diverse grassland considered to be of ‘district level value,’ that would be lost as a result of the proposed development. Consequently, the ‘mitigation hierarchy’ has not been satisfied as is required by paragraph 186 (a) of the National Planning Policy</p>

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				<p>Framework.</p> <p>As such, the proposal has failed to maximise opportunities to conserve, enhance and restore biodiversity, and is contrary to Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy 2019, and paragraph 186 of the National Planning Policy Framework, which is a material planning consideration.</p>
<p>7</p> <p>24/00496/FUL</p> <p>Land Off Mill Lane, Edwinstowe</p>	<p>Edwinstowe Parish Council</p>	<p>26.07.2024</p>	<p>Object. The proposed building is too large, of inappropriate materials and design, inappropriate for the entrance to this historic, rural country lane in a residential area. The building appears to be designed for commercial use, again in an entirely residential area. The applicant has used this site for many years as an unsightly dump for what appears to be rubbish and waste building materials. The Parish Council have made previous requests to the District Council to get the applicant to tidy the site. There is no reason to believe that granting permission for a permanent building would make any difference to the appearance of the site and the history of treating the site as a dump for piles of waste materials. Rather than grant permission for a permanent structure which appears to be of a potentially commercial nature, the District Council should be enforcing a request to stop the storage of waste materials</p>	<p>The proposal is to replace an existing building with a new building with a very similar footprint for the same purpose. Section 7.27 of the Committee Report considers the building design would be in-keeping with site and surrounding area. The application site is located outside of the defined settlement boundary of Edwinstowe.</p> <p>The proposal relates to an established commercial use and has been designed as such.</p> <p>There is only one planning enforcement case related to the site dating back to 2007. Council records indicate Environmental Health Officers have visited the site several times over the past 10 years but have taken no further action in respect of the storage of materials on the site.</p>

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			and for the site to be tidied. Photos supplied to illustrate points.	This application presents an opportunity to proactively manage the use of the site moving forward through a planning condition to minimise external storage of materials in the interests of visual amenity – Condition 09.