

## PLANNING COMMITTEE –14 December 2021

**REFERENCE NUMBER:** 21/00885/FL      **Application Expiry Date:** 17.12.2021  
**Application Type:** Full application

**Proposal Description:** Demolition of the existing social club building and the erection of 3 sustainable, detached, self-build homes, including associated alterations to the existing access

**At:** Pilsley Miners Welfare, Rupert Street, Lower Pilsley

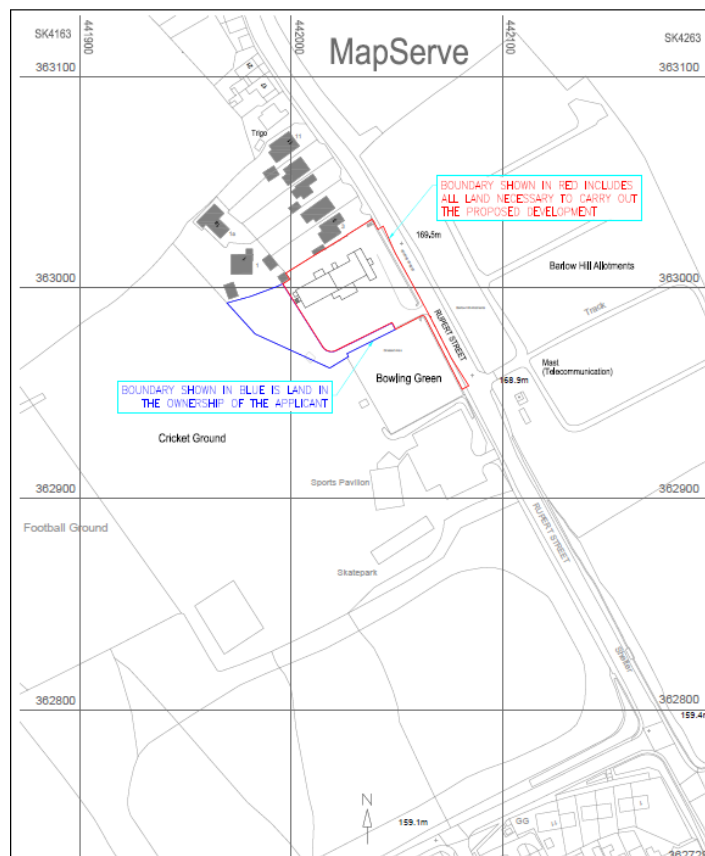
**For:** Mr and Mrs Hooper

**Third Party Reps:** 32      **Parish:** Pilsley

**Ward Name:** Pilsley and Morton Ward

**Author of Report:** Emily Cartwright      **Date of Report:** 30.11.2021

**MAIN RECOMMENDATION: CONDITIONALLY APPROVE**



## **1.0 Reason for Report**

1.1 This application is being considered by planning committee due the Ward Member Councillor Cooper calling the application in on the following grounds:

- On a the previous application 17/01162/FL where this site came to full planning committee there was much controversy about the size of the ball net that was there to stop cricket balls entering the new properties. On the previous approval for the application it was agreed that a 16 metre high ball net be erected to protect the new properties on the advice of Sport England. On this current application the ball net has been reduced considerably and I am concerned over public safety.
- The other main concern is the removal of 27 parking spaces that were agreed for use by sports teams using the adjacent sports ground on the previous application 17/01162/FL. The lack car of parking provision at the site remains a constant problem and cars are regularly parked on the hill before and after the main entrance into the new pavilion car park. This has been a real highway safety issue on many occasions and remains a problem.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site is comprised of the former Pilsley Miner's Welfare Club which occupies a prominent location to the west of Rupert Street, sited on the top of the hill between Lower Pilsley and Pilsley.
- 2.2 The application site has an existing access off Rupert Street, over which No1 and No1 Rupert Street have a right of easement. Additionally, a right of easement exists to the recreation ground along the southern boundary.
- 2.3 Situated in an elevated position above Rupert Street with a stone wall topped by a hedge forming the boundary, the building is set back from the highway and runs lengthways perpendicular to the highway.
- 2.4 The building is a single storey structure of red brick and render construction with an apex tiled roof of differing height levels and gable ends. The curtilage of the site is covered with a mix of hardstanding which was formerly used as car parking for the recreational ground, although only by informal agreement and some short grass and overgrown area to the northern side and rear of the building.
- 2.4 The site is a brownfield site containing the vacant building of the Miners Welfare Social Club. The building is not in use, and has been closed since April 2012.
- 2.5 To the south of the site is a bowling green and a large 31 space car parking associated with the Recreation Ground which serves the lawn bowls, cricket and football clubs. To the west is a cricket pitch and to the north residential properties form the southern boundary of Lower Pilsley.

- 2.6 The application site is not included within the defined Settlement Development Limit but lies adjacent to it with the built up form immediately to the north.

### **Proposal**

- 2.7 Full permission is sought for the demolition of the existing social club building and the erection of 3 sustainable, detached, two storey, self-build homes, including associated alterations to the existing access.
- 2.8 The dwellings are to be positioned in a linear row north to south across the site fronting onto the highway broadly in line with the existing building line that extends to the north of the site.
- 2.9 The access will be retained in its existing position, although widened to accord with highway standards. The internal shared driveway will extend along the front of the three dwellings with each dwelling served by three parking spaces. One of the three parking spaces will be a disabled parking space and will feature an electric charging point.
- 2.10 The three dwellings will be similar in size and design, with plots 2 and 3 being slightly larger than plot 1. Each dwelling will benefit from a large garden to the rear. The dwellings will be finished in render with wood-effect cladding on the first floor and an acrylic coated fibre reinforce cement slate roof tiles. Each dwelling will be finished in a different colour scheme.
- 2.11 Plot 1 will comprise of a two bedroom dwelling finished in pearl-coloured render with grey cladding, with accommodation split of two levels and a footprint measuring 79.1m<sup>2</sup>.
- 2.12 Plot 2 will comprise a three bedroom dwelling finished in sky-coloured render with violet blue cladding, with accommodation split of two levels and footprint measuring 89.2m<sup>2</sup>
- 2.13 Plot 3 will comprise a three bedroom dwelling finished in prue white-coloured render with grey brown cladding, with accommodation split over two levels and a footprint of 91.1m<sup>2</sup>.
- 2.14 Each dwelling will benefit from solar photovoltaic (PV) panels integrated into the roof and a rainwater harvesting system, as well as bat and swift boxes.
- 2.15 The access to 1 and 1A Rupert Street will be retained as will the pedestrian access to the Recreation Ground, and the existing retaining stone wall and hawthorn hedgerow to the east of the site will be retained and made good.

### **3.0 Amendments**

- 3.1 The following revised plans have been provided:
- Report No LSUK 21-0611 Cricket Ball Risk Assessment (published 12.10.2021)

- Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021)
- Drawing No PMWI-109 Rev 02 Site Levels Plan (published 12.10.2021)
- Drawing No PMWI-108 Rev 02 Site Boundary Plan (published 12.10.2021)
- Drawing No PMWI-107 Rev 02 Proposed Landscape Plan (published 12.10.2021)
- Drawing No PMWI-102 Rev 02 Proposed Site Layout Plan (published 12.10.2021)
- Drawing No PMWI-113 Rev 01 Site Bat Mitigation Plan (published 20.08.2021)

#### **4.0 Relevant Planning History**

- 4.1 16/00113/OL - Demolition of the disused Miners Welfare Club and outline planning application (means of access not reserved) for the erection of six new dwellings, including improvements to the existing access off Rupert Street, laying out and surfacing of the recreation ground carpark with improved access to 1 Rupert Street via the car park (Amended Title) (Conditionally Approved)
- 4.2 17/01162/FL - Application for demolition of Former Miners Welfare and erection of 4no detached dwellings including installation of a 16m ballstop net fence (Revised scheme of 16/00113/OL) (Amended Plan) (Conditionally Approved)

#### **5.0 Consultation Responses**

- 5.1 The **Parish Council** have provided no comments.
- 5.2 The **Ward Member** called the application into committee.
- 5.3 County **Highways Authority** (HA) were consulted, and commented that the application site was subject to a similar proposal in 2017 (17/01162/FL) for the demolition of the existing social club and the erection of 4no dwellings to which the Highway Authority raised no objections, subject to various conditions . Whilst this latest application is seeking approval for 3 homes, the Highway Authority would not wish to raise objections, subject to similar conditions being included in any consent.
- 5.4 **Derbyshire Wildlife Trust** (DWT) were consulted, and commented that sufficient information has been provided. Given the likelihood of small numbers of bats using the building, a bat licence has been recommended by the consultant ecologist and suitable mitigation proposed. The bat mitigation and enhancements should be implemented in line with recommendations in the Bat Survey report (Armstrong Ecology, May 2021) and the Site Bat Mitigation Plan (Drawing no: PMWI/113 Rev. 01).

- 5.5 **Environmental Health** (EHO) were consulted, and commented that they have no objections to the proposal in principle subject to the inclusion of ground contamination conditions on any decision.
- 5.6 **Sport England** were consulted, and commented that they have no objections to the development proposed subject to planning conditions or a legal agreement to secure the ball strike mitigation proposed in perpetuity, including prevention of public access to the parts of the residential curtilages to Plots 1 and 2 that remain in the ball strike zone and are marked accordingly on the applicants plans.
- 5.7 **Yorkshire Water** (YW) were consulted, and commented that if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.
- 5.8 **NEDDC Drainage** were consulted, however no comments have been received

## 6.0 Representations

6.1 The application was publicised by way of neighbour letters and the display of a site notice.

### 6.2 Objections

6.3 **6 letters of objection** from 5 residents have been received and cover the following points:

#### 6.4 Loss of parking and highway safety

The application includes no provision for any parking for users of the adjacent sports ground

*(Officer comment- this is dealt with in section 8 below)*

6.5 Failure to provide any of the parking spaces specified in the 16/00113/OL application

*(Officer comment- this is dealt with in section 8 below)*

6.6 When the new pavilion was built the car park (35 spaces) was sized based on the availability of additional spaces provided under the planning consent previously granted for the old welfare building, without such provision in any further planning consent the car parking provision will continue to be inadequate and the site will continue to cause significant parking problems to the users of the site and local residents.

*(Officer comment- this is dealt with in section 8 below)*

#### 6.7 Cricket safety fence

Previous consents required the erection of a safety fence to ensure there was protection between the cricket field and the development. The applicant has commissioned Labosport to produce a report on the requirement of a safety fence. Labosport have concluded there is a requirement to build an 11 metre safety fence. The applicant has informed Labosport that the most easterly 3

wickets are only used for junior cricket (page 6 of the report) which then influences the outcome of the safety fence. This is not correct. All wickets, including the artificial wicket, are used for both senior and junior cricket – this is due to the volume of cricket played on the square.

*(Officer comment- this is dealt with in section 8 below)*

6.8 When the developer purchased the land in 2018, he was aware from previous planning applications that a 16m safety fence was required. Not having a safety fence would present an unacceptable level of risk to people and this would lead to potential damage to property and residents

*(Officer comment- this is dealt with in section 8 below)*

6.9 Access and Land disputes

The current owner of the land has not allowed access onto the sports field via the right of way for maintenance purposes etc.

*(Officer comments – this is a civil/legal matter and not a planning consideration)*

6.10 Access to the cricket score box has also been restricted due to a boundary dispute that is currently ongoing between landowner and the Parish Council.

*(Officer comments – this is a civil/legal matter and not a planning consideration)*

6.11 Design

The proposal of the 3 new properties on the very brow of the hill on Rupert Street will be very imposing .

*(Officer comment- this is dealt with in section 8 below)*

6.12 Disruption

Noise and disruption from the building works

*(Officer comment- this is dealt with in section 8 below)*

6.13 **21 Supporting comments** have been received covering the following points:

6.14 Welcome the development as the building has been left to deteriorate for many years and has attracted vandalism and antisocial behaviour

6.15 The 3 houses will help improve the appearance of the area

6.16 The design of the houses are in keeping with other houses on Rupert Street and around the village and the site will not look over-developed

6.17 Since purchasing the site, vandalism and fly tipping has halted and the applicants have kept the site tidy which has benefited the village

6.18 The applicants have plans to support local wildlife

6.19 Schemes such as self build should be supported

6.20 The development is long overdue

- 6.21 **A rebuttal letter** has been received from the Agent which addresses the objections raised
- 6.22 **2 general comments** have been received which covering the following points:
- 6.23 The original application showing the additional parking was always an issue to us, as it would have altered the entrance drive as per our agreed deeds and lend itself back to the old un-policed anti-social behaviour again. We were always confused why the new owners of the land would have to give up and maintain so much of their land for no gain to themselves.  
(Officer note – the application does not include any additional parking)
- 6.24 We have lived here for over 10 years now and during this time we can honestly state that we have never had a cricket ball hit over our boundary hedge, but we have had several roll through it (even when the professional players were on site) We have always allowed access onto our grounds to retrieve them with or without being asked and have also returned ones that I have found. Since the steel fence was erected, I don't think we have ever had any cricket balls on our grounds.  
(Officer comment- this is dealt with in section 8 below)
- 6.25 We have always opposed the need for the high safety net/fence, due to, the actual need, potential permanent wind noise through the material and structures, debris and wildlife that will collect in it and the eyesore on the landscape.  
(Officer comment- this is dealt with in section 8 below)
- 6.26 A question we would like to ask is before planning is agreed and granted in one form or another, who will be erecting the safety fence to protect us in the meantime. As previously stated, we have never had an issue with ball strikes, but this issue could take several years and, in the meantime, we are unprotected from potential harm from ball strikes. Does this mean we have to erect a very tall safety fence to protect ourselves, bearing in mind we have owned and lived in this property for over 10 years and well before the cricket pitches were extended.  
(Officer note – the land mentioned does not form part of the application site and does not form part of the planning consideration)

## **7.0 Relevant Policy and Strategic Context**

### **North East Derbyshire Local Plan (Adopted November 2021)**

- 7.1 The following policies of the Local Plan are material to the determination of this application:

SS1 Sustainable Development  
SS9 Development in the Countryside

LC4 Type and Mix of Housing  
SDC2 Trees, Woodland and Hedgerows  
SDC3 Landscape Character  
SDC4 Biodiversity and Geodiversity  
SDC11 Flood Risk and Drainage  
SDC12 High Quality Design and Place-Making  
SDC14 Land Potentially affected by Contamination or Instability  
ID3 Sustainable Travel  
ID Loss of Existing Social Infrastructure

### **National Planning Policy Framework (NPPF)**

- 7.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

### **Other Material Planning Considerations**

- 7.3 Successful Places Interim Planning Guidance, adopted December 2013.

## **8.0 Planning Issues**

### **Principle of Development**

- 8.1 The application site is situated outside, but adjacent to the Settlement Development Limit of Pilsley and so is considered a countryside location.
- 8.2 Local Plan Policy SS1 states that in order to contribute to sustainable development, proposal will promote the efficient use of land or the re-use of previously developed land.
- 8.3 Local Plan Policy SS9 allows for the partial or complete redevelopment of previously developed sites providing there is no greater impact on the character of the countryside than the existing development.
- 8.4 Local Plan Policy LC4 states that the inclusion of self and custom build dwellings will be encouraged, in line with Council's Self and Custom Self Build Register.
- 8.5 The NPPF looks to support sustainable development, good design is a key aspect of this. Development should be visually attractive, sympathetic to the local character and history of the area and maintain a good sense of place.
- 8.6 The proposed inhabitants of the proposed three dwelling have joined the North East Derbyshire Self-Build Register and application site is considered to be previously developed land, as such the principle of the redevelopment of the site is acceptable subject to having satisfactory impacts upon the character of the area, residential amenity, highways, land contamination and ecology.

### **Design and Impact on the Character of the Area Considerations**



- 8.10 Local Plan Policy states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.11 The application site comprises of a vacant and unattractive building.
- 8.12 The submitted plans illustrates that the three dwellings will replace the existing Welfare building and follow the pattern and grain of Rupert Street by fronting onto the highway.
- 8.13 It is considered that the proposed dwellings be reason of their siting, scale, design and finished materials would not be harmful to the character of the area and respect the surrounding landscape.
- 8.14 The proposed garden areas exceed the guidance as set out in Successful Places and are considered to be acceptable, and do not in Officers view represent an overdevelopment of the site.
- 8.15 The submitted boundary and landscaping details are both deemed to be sympathetic to the character of the area. These details are considered to be sufficient, and a suitably worded condition shall be attached in order for these to be retained throughout the life of the development.
- 8.16 In view of the above, it is considered that the proposed dwellings would be of a style, proportion and materials in keeping with the surrounding street scene and the overall design of the scheme is considered to accord with Successful Places. Officers consider the scheme to represents a positive redevelopment of the site and deem the scheme to acceptable in design terms.

### **Privacy and Amenity Considerations**

- 8.17 Local Plan Policy SDC12 seeks to ensure that new development protects the amenity of existing and creates a good quality of amenity for future occupiers in terms of privacy, overshadowing and/or any overbearing impacts.
- 8.18 The property most likely to be affected by the development would be No 3 Rupert Street which would be sited within close proximity to Plot 3.
- 8.19 The proposed layout of the rear gardens running parallel to the existing properties on Rupert Street ensures that the amenity of these properties is retained and protected.
- 8.20 The scheme has been assessed against guidance provided in Successful Places, and Officers consider the scheme would not result in any overlooking or loss of privacy and that all recommended separation distance have been met.
- 8.21 Officers note concerns raised relating to noise and disruption from the building. It is accepted that there will be a level of noise and disruption during the

construction however due to the scale of the development it is not deemed to be detrimental to the amenity of neighbouring occupiers or land uses. A condition is proposed in relation to controlling working hours in view of the adjacent residential properties.

- 8.22 Overall, Officers consider that the development would not have any overriding and harmful impacts on nearby residential neighbours.

### **Highway Safety Considerations**

- 8.23 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.24 The submitted plans demonstrate that access to the site is proposed from the existing access off Rupert Street which will be modified to allow for emerging visibility splays of 2.4m x 43m in both direction. Officers note that these alterations will not affect the existing public easement in the south west corner of the site, nor will it affect the private easement for dwellings No 1 and A1 Rupert Street.
- 8.25 The layout provides 3 parking spaces per dwelling, with adequate space for manoeuvring and turning, allowing for all vehicles to access and egress the site in a forward gear.
- 8.26 The Highway Authority has been consulted on the scheme and raised no objections, subject to conditions being appended to the consent in the interest of highway safety.
- 8.27 In conclusion, there are no highway objections to the proposals subject to conditions and it is therefore considered that the application accords with Local Plan Policy.

### **Loss of Community Facility Consideration**

- 8.28 Local Plan Policy ID5 seeks to ensure that development proposals do not result in the loss of social infrastructure and will not be permitted unless it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible.
- 8.29 The Miners Welfare has been closed since April 2012 which by virtue of time demonstrates that the facility is no longer needed or required. It is therefore not considered that there is a loss of community facility.

### **Cricket Ball Strike Risk Considerations**

- 8.30 Paragraph 187 of the NPPF (2021) states that planning policies and decisions should ensure that new development can be integrated effectively with existing

businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

- 8.31 The application is accompanied by a Cricket Boundary Risk Assessment prepared by Labosport, dated October 2021 and a Site Cricket Mitigation Plan which have been reviewed by Sport England.
- 8.32 The Cricket Boundary Risk Assessment has been undertaken to assess the potential risk of cricket balls surpassing the boundaries of the cricket pitch at the adjacent Pilsley Crickey Club and entering the application site.
- 8.33 The report has taken the 11<sup>th</sup> wicket as the ball strike point at which the distance to the proposed new dwellings is calculated. This distance is 61m to the boundary of the proposed new dwellings. A ball stop fence comprising of a 2m high V-mesh fence is proposed to be sited along the rear boundaries of the proposed residential curtilages to ensure appropriate safety for the future occupiers.
- 8.34 Sport England accept that the information provided demonstrates that the proposals, in principle, protects the development from ball strike and therefore raise no objection to the development subject to planning conditions.
- 8.35 Officers note the concerns in relation to the previous requirement for a 16m high ball stop fence, and the possible consequences to the cricket club of accidents occurring through the reduced height of the ball net proposed. However, following the advice provided from Sport England, Officers consider the proposed scheme to be a reasonable mitigation approach.
- 8.36 In view of the above, Officers consider the proposed development to meet the requirements of Paragraph 187 of the NPPF.

### **Ecological Considerations**

- 8.37 The NPPF at para 180 states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or as a last resort, compensated for, then planning permission should be refused.
- 8.38 The application is accompanied by a Bat Survey prepared by Armstrong Ecology Ltd, dated May 2021 which has been reviewed by DWT.
- 8.39 DWT have raised no objections subject to the inclusion of the recommended bat mitigation and enhancements as shown within the submitted Site Bat Mitigation Plan.
- 8.40 The scheme as whole looks to green the site, with the planting of native species shrubs, trees and meadow planting, new hedge planting as well as the retention of the hedgerow to the front of the site.

- 8.41 In view of the above, Officers are of the view that the proposed development will result in a net gain in biodiversity on site and would not have any detrimental impacts on ecological interests.

### **Drainage and Land Contamination Considerations**

- 8.42 The application is accompanied by a Site Drainage Plan and a Radon Mitigation & Top Soil Plan.
- 8.43 The application site is located within Flood Zone 1, which has the lowest probability of flooding. The accompanying Site Drainage Plan identifies both the surface water and foul sewage to be disposed of via the main sewer.
- 8.44 Yorkshire Water have been consulted on the application, raising no objections subject to the inclusion of conditions.
- 8.45 With regards to land contamination, no objections have been raised by Environmental Health Officers, subject to conditions.
- 8.46 In summary, Officers consider that the development would be acceptable from a land contamination and drainage perspective.

### **Other Considerations**

- 8.47 Officers note that many of the objections received are in relation to the lack of parking provision to serve the recreational ground and sports clubs, and the associated highway safety concerns.
- 8.48 The land within the submitted blue line plan has previously been used for parking for the recreational ground, although only by an informal agreement.
- 8.49 Previous applications 16/00113/OL and 17/01162/FL included parking provisions as part of the schemes to serve the recreational ground and sports clubs. Officers draw attention to the 16/00113/OL application in which the Officer made reference to the fact that there was no legal agreement securing the parking area for use by the community, and should the site be sold there would be no safeguarding in place to retain it.
- 8.50 The scheme subject to this application does not include any parking for the recreational ground and sports clubs and there is no compulsion for the land owner to provide parking facilities for community use.
- 8.51 Whilst Officers acknowledge the concerns, the proposal does not result in a loss of parking for the recreational ground and sports clubs and it is noted that there are alternative facilities within the village for parking.
- 8.52 To conclude, Officer do not deem these concerns to be a material consideration.

### **Summary and Conclusion**

- 9.1 Having taken into account all the material considerations, it is considered that the proposed development would be in keeping with the character and

appearance of the site and surrounding street scene, and would not have a detrimental impact upon the neighbouring properties amenity or land uses. There is sufficient space provided within the site for parking and manoeuvring of vehicles and matters relating to ecology, drainage and ground stability can all be addressed through appropriate conditions on any permission granted. The proposed development would therefore accord with Local and National Planning Policy.

## **10.0 Recommendation**

10.1 APPROVE Permission for the above reasons, subject to the following conditions:-

### **Conditions**

1. The development hereby permitted shall be started within 3 years from the date of this permission.
  
2. The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
  - Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021)
  - Drawing No PMWI-109 Rev 02 Site Levels Plan (published 12.10.2021)
  - Drawing No PMWI-108 Rev 02 Site Boundary Plan (published 12.10.2021)
  - Drawing No PMWI-107 Rev 02 Proposed Landscape Plan (published 12.10.2021)
  - Drawing No PMWI-102 Rev 02 Proposed Site Layout Plan (published 12.10.2021)
  - Drawing No PMWI-113 Rev 01 Site Bat Mitigation Plan (published 20.08.2021)
  - Drawing No PMWI/101 Rev 01 Location Plan A3 (published 09.07.2021)
  - Drawing No PMWI/103 Rev 01 Street Scene/Site Sections (published 09.07.2021)
  - Drawing No PMWI/104 Rev 01 Proposed Plot No.1 House Plans & Elevations (published 09.07.2021)
  - Drawing No PMWI/105 Rev 01 Proposed Plot No.2 House Plans & Elevations (published 09.07.2021)
  - Drawing No PMWI/106 Rev 01 Proposed Plot No.3 House Plans & Elevations (published 09.07.2021)
  - Drawing No PMWI/116 Rev 116 Site Contamination Plan (published 09.07.2021)

- Drawing No PMWI/111 Rev 01 Site Soil & Waste Drainage Plan (published 09.07.2021)
3. The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015
  4. The three self-build dwellings hereby approved shall be occupied by the applicants for a minimum of 3 years after construction.
  5. The existing Hawthorn hedgerow to the east of the site adjacent to Rupert Street shall be retained throughout the lifetime of the development
  6. All planting, seeding and turfing shown on Drawing No PMWI-107 Rev 02 Proposed Landscape Plan (published 12.10.2021) shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species
  7. The first floor window proposed in the north (facing) side elevation of the Plot 3 shall be fitted with obscure glazing and shall be of a non-opening design prior to the dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level(s) 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.
  8. The facilities as shown within Drawing No PMWI/116 Rev 116 Site Contamination Plan (published 09.07.2021) shall be retained free from any impediment to their designated throughout the construction period.
  9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
  10. Before any other operations are commenced the sites existing vehicular access to Rupert Street shall be modified in accordance with the application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
12. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.
13. The modified access drive to Rupert Street shall be no steeper than 1:14 for the first 10m from the nearside highway boundary and 1:10 thereafter.
14. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
15. Prior to the first occupation of the dwelling(s) hereby approved, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the [dwelling(s)] hereby approved.
16. Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 15 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.
17. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
18. Licensing, mitigation and enhancement measures for bats detailed in Section 4 of the Bat Survey report (Armstrong Ecology, May 2021) and the Site Bat Mitigation Plan (Drawing no: PMWI/113 Rev. 01) shall be implemented in full

and maintained thereafter, unless agreed in writing with the LPA or Natural England. A copy of the bat licence shall be submitted to the LPA once granted by Natural England.

19. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
20. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
22. Works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
23. Prior to the first occupation of any of the three dwellings hereby approved the 2m high ball strike fence as shown within Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021) shall be erected and be maintained throughout the life of the development
24. During cricket games there shall be no access to the parts of the Plot 1 and Plot 2 that remain in the ball strike zone as identified within Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021).