

ITEM 1.2 – Update Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with plans

Site Location Plan, drawing no. W1-a1, Revision B
Block Plan, drawing no. W2-A1, Revision B
Site Plan, drawing no. W3-A1, Revision B
Floor Plans, Drawing no. W4-A1, Revision D
Roof Plan, drawing no. W5-A1, Revision B
Site Sections, drawing no. W6-A1, Revision B
Elevations, drawing no. W7-A1, Revision B
Drainage Plan, drawing no. W32-A1
Biodiversity Net Gain Report, Land near Covert View October 2023
Energy Statement, Land near Covert View, 23 October 2023
Detailed Planting Plan, drawing no. 10410-FPCR-XX-XX-DR-L-0004, rev P02
Illustrative masterplan, drawing no 10410-FPCR-XX-XX-DR-L-0002 rev 04

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development in accordance with the requirements of Policy BNE1 and Policy BNE3 of the Local Plan Part 1 and the National Planning Policy Framework.

3. Before the development hereby approved is commenced details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan/statement shall include but not be restricted to:
 - a. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - b. Any temporary access to the site;
 - c. Locations for loading/unloading and storage of plant, waste and construction materials;
 - d. Method of preventing mud and dust being carried onto the highway;
 - e. Arrangements for turning vehicles;
 - f. Arrangements to receive abnormal loads or unusually large vehicles;
 - g. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The development shall thereafter be undertaken in complete accordance with the approved plan throughout the construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the requirements of Policy S6 of the South Derbyshire Local Plan and the National Planning Policy Framework.

4. Before the development hereby approved is commenced, the permitted means of access for vehicles shall be constructed and completed as shown on the approved drawings.

Reason: For the avoidance of doubt and in order to ensure safe access to the development, which does not result in an adverse impact upon highway safety in accordance with the requirements of Policy S6 of the South Derbyshire Local Plan and the National Planning Policy Framework

5. Before the commencement of the development hereby approved:

- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

- b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous materials and substances,
- their likely nature, extent and scale,
- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

Reason: To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site. in accordance with the requirements of Policy S2, policy SD1 and Policy SD4 of the Local Plan Part 1 and the National Planning Policy Framework.

6. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority.

The submitted scheme shall have regard to relevant current guidance.

The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

Reason: To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site. in accordance with the requirements of Policy S2, policy SD1 and Policy SD4 of the Local Plan Part 1 and the National Planning Policy Framework.

7. The dwelling hereby approved shall **not** be occupied until:

a) The approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 5b to 6 above and satisfy 7a above.

c) Upon completion of the remediation works required by 6 and 7a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

8. Before any part of the development hereby approved is commenced a further ecological survey to identify the presence or likely absence of badger setts within the site and adjacent woodland shall be submitted to and approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in accordance with the applicants stated intentions, to ensure that protected species are safeguarded during the development process in accordance with the requirements of Policy BNE3 of the Local Plan and the National Planning Policy Framework.

9. Before the development hereby approved is commenced (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be

submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to adequately safeguard species and their habitats in accordance with the requirements of BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

10. Before the development hereby approved is commenced a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric (FPCR, October 2023) to demonstrate a net gain of 9.04 biodiversity units. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric and to include open water habitat.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 15, 20, 25 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The approved plan will be implemented in accordance with the approved details

Reason: In order to secure a net gain to biodiversity and to ensure the satisfactory appearance of the development in accordance with the requirements of Policy BNE1 and Policy BNE3 of the South Derbyshire Local Plan Part 1 and Policy BNE4 of the Local Plan Part 2 and the National Planning Policy Framework.

11. Before any part of the development hereby approved is commenced **above slab level** a full schedule of materials to be used in the construction of all external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be completed and retained in accordance with the approved details for its lifetime.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions and in order to ensure a high quality development that accords with the requirements of Policy BNE1, BNE4 and BNE5 of the South Derbyshire Local Plan, the Sustainable Design SPD and the National Planning Policy Framework.

12. The site access shall provide visibility splays from a point 0.6m above carriageway level at the centre of the access and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 90m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: For the avoidance of doubt and in order to ensure safe access to the development, which does not result in an adverse impact upon highway safety in accordance with the requirements of Policy S6 of the South Derbyshire Local Plan and the National Planning Policy Framework.

13. Before the commencement of development above slab level a scheme for the reinstatement of an open water feature with adjacent terrestrial habitat shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include sensitive methods of working to ensure the protection of Great Crested Newts and the inclusion of marginal bankside habitat.

Reason: In order to safeguard protected species and their habitats and ensure loss of habitats is compensated for in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

14. No development, including preparatory works, shall commence until a scheme for the protection of trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on best practice as set out in BS 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

15. Prior to the commencement of any engineering earthworks a detailed plan showing the existing and proposed land levels and **the proposed floor levels** and spot heights to the dwelling.

Reason: For the avoidance of doubt and in order to ensure that the proposed dwellings does not have a harmful impact upon the landscape character of the area in accordance with the requirements of Policy BE1, Policy BNE4 and Policy BNE5 of the Local Plan and the National Planning Policy Framework