The Planning Inspectorate

Appeal Decision

Site Visit made on 25 July 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/J1535/W/23/3318533
Cock and Magpie Public House, Epping Road, Epping Upland, Epping CM16 6PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Antellas Developments Ltd against the decision of Epping Forest District Council.
- The application Ref EPF/3081/21, dated 13 April 2022, was refused by notice dated 28 September 2022.
- The development proposed is application for outline planning permission for the demolition of an obsolete former public house, change of use of land and re-development to provide x 8 no. new dwelling houses, including ancillary works.

Decision

1. The appeal is allowed and outline planning permission is granted for application for the demolition of an obsolete former Public House, change of use of land and re-development to provide x 8 no. new dwelling houses, including ancillary works at the Cock and Magpie Public House, Epping Road, Epping Upland, Epping CM16 6PU in accordance with the terms of the application, Ref EPF/3081/21, dated 13 April 2022, subject to the attached schedule of conditions.

Applications for costs

2. Applications for costs have been made by Epping Forest District Council against Antellas Developments Ltd and by Antellas Developments Ltd against Epping Forest District Council. These applications are the subject of separate Decisions.

Preliminary Matters

3. The application was submitted in outline form with all matters reserved for future consideration. I have taken any details on the submitted plans as being indicative and have determined this appeal on that basis.

4. The site is within the zone of influence (ZOI) of the Epping Forest Special Area of Conservation (EFSAC). The appellants submitted a planning obligation in the form of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 which would provide contributions towards mitigation measures in respect of the EFSAC. The Council have had the opportunity to comment on the UU and I have taken account of the UU in my decision.

5. I have received a signed Statement of Common Ground (SoCG) between the Council and the appellants. I have taken the SoCG into account in my decision.

6. The appellants do not have ownership rights over the whole site. Whilst an incorrect certificate was submitted with the application, this has now been corrected by the serving of the correct ownership certificate and appropriate advertisement of the application undertaken.

7. The Epping Forest District Local Plan (2023) (the Local Plan) has been adopted by the Council since the appeal was lodged. The parties have had the opportunity to address the new Local Plan in relation to the case during the appeal process.

8. Since the submission of this appeal the government have issued a revised National Planning Policy Framework (the Framework). The changes to the NPPF are not relevant to this appeal and so I have not sought further comments from the parties.

Background and Main Issues

9. Following submission of additional information regarding the viability of the public house it is a point of common ground between the Council and the appellants that the appeal scheme is acceptable, subject to the provision of appropriate payments to offset identified harm to the EFSAC and this is set out within the SoCG.

10. Notwithstanding the agreement of the main parties on these matters, the Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal.

11. Further, interested parties have raised various concerns about the proposal, and so I have also considered these to ascertain whether they justify the refusal of planning permission. The main issues in this appeal are, therefore, the effect of the proposal on a European Protected Site and whether any matters raised by interested persons or any other matters justify refusal of planning permission.

Reasons

The Protected Site

12. There is no dispute between the parties that the site is located within the zone of influence (ZoI) of the EFSAC, which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). Policies DM2 and DM22 of the Local Plan seek to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development. Within the Local Plan the Epping Forest Special Area of Conservation Strategic Access Management and Monitoring Strategy incorporates strategic mitigation measures to be delivered to avoid adverse impacts.

13. The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the Local Plan Submission Version. The screening stage of the HRA 2019 concluded that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are effects of

urbanisation with a particular focus on disturbance from recreational activities arising from new residents and atmospheric pollution as a result of increased traffic using roads through the EFSAC and ZoI.

14. The site is identified as lying within the ZoI as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. The development would increase the number of residents in the district, and so the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

15. There is no dispute between the Council and the appellants that the total traffic generated for an average day by the site would be less for the proposed development than for the public house when that was in business. On that basis it is unlikely that there would be a significant effect on the integrity of the EFSAC in relation to air quality.

16. Through the development of the Interim Approach, the Council has, with the agreement of Natural England, provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. As this is an agreed approach with Natural England the proposed development can be assessed within the context of the Interim Approach. On this basis I consider that this is an appropriate approach to mitigating identified harms.

17. The UU submitted by the appellants makes provision for the payment of the appropriate financial contributions and it is a matter of agreement between the parties that the UU satisfactorily addresses this matter. It was on this basis that the Council withdrew their opposition to the proposal in regard to the impact on the EFSAC.

18. I therefore conclude that there would be no adverse residual effect on the European Protected Site and, as a consequence, the proposal is in accordance with the requirements of Policies DM2 and DM22 of the Local Plan.

Viability and marketing of the public house

19. The appellants have provided marketing and viability reports, initially to accompany a previous application[1] (the previous proposal), and subsequently in regard to the proposal before me. The Council has had the appellants' information reviewed by BPS, an independent firm of chartered surveyors.

20. Whilst the initial finding of BPS advised that the viability of the business was marginal, it is accepted by the parties that this viability has diminished as a result of intervening events which have adversely affected the hospitality industry, notably the Covid epidemic and other changes in the economic situation nationally. BPS subsequently concluded that, as a result, the business is no longer viable. I have no substantive evidence before me to demonstrate otherwise.

21. BPS also advised that the information provided in regard to the marketing of the business was incomplete, but, nonetheless, given their conclusion that a

[1] Council Ref: EPF/0952/19

business run from the premises would not be viable, considered that the marketing process carried out was adequate in the circumstances.

22. Notwithstanding that some local residents have questioned the effectiveness of the marketing operation, the Council and LHA consider that, given the specifics of the site, it was adequate, and I have no substantive evidence before me to come to a different conclusion or that, as the business has been demonstrated to be unviable, a buyer could have been identified.

23. Bringing these matters together I find that it is unlikely that a business would be found to run a public house on the site. Thus, the business operating from the site having closed, there is little likelihood of the site operating again as a public house for the community or employing people.

24. It has been brought to my attention that the site may have been operating as a restaurant for some time before closing. I have no evidence of a formal change of use from public house to restaurant. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 identifies that public houses, wine bars, or drinking establishments and public houses, wine bars, or drinking establishments and drinking establishments with expanded food provision are now classed as sui generis uses whilst restaurants are in Class E. This notwithstanding, given the general issues identified with running a hospitality business it is reasonable to conclude that any hospitality business operating from the site would encounter similar obstacles and would be similarly unviable.

25. There is no substantive evidence before me to demonstrate that the building has, or could, operate as a retail unit.

26. I therefore conclude that there is no conflict, in principle, with Policy D4 of the Local Plan. This requires that proposals which would result in the loss of valued facilities currently or last used for the provision of community, leisure or cultural activities need to demonstrated that the facility is no longer needed for any of the functions that it can perform and that it is no longer practical, desirable or viable and that there is no longer a reasonable prospect of the site being used for the existing community use. Similarly, I find no in principle conflict with Policy E1 of the Local Plan, in as much as this policy seeks to retain existing employment sites and premises.

Other Matters

27. The front of the site, currently laid out as hardstanding for the parking of cars, lies within the Green Belt. The proposal is in outline form, with all matters of appearance, access, landscaping, layout and scale left for determination at a later date. The houses would build on previously developed land. Further, an indicative layout was submitted to accompany the application, and this indicates that a layout could be achieved which would allow the openness of the frontage to be retained. I therefore find that, although part of the site lies within the Green Belt, this does not, at this stage, provide a reason why, in principle, the development could not proceed, subject to its detailed design.

28. The site frontage lies on the exit of a bend in Epping Road. Whilst the proposal is in outline form, there is an existing access that served a use which would have generated a significant number of movements at the access. The Local Highway Authority (LHA) advise that adequate visibility could be achieved and

there is no substantive evidence before me to demonstrate that there would be an increase in risk to vehicles accessing the site as a result of the proposed development. Similarly, there is no substantive evidence before me to demonstrate that the proposal would result in additional risk to users of the public highway in the vicinity of the school in the village.

29. The building is locally listed. Whilst the Framework requires a balanced judgment having regard to the scale of or loss and the significance of the heritage asset, the building has undergone extensive internal and external alterations that have substantially weakened its overall significance. The building as it stands today is thus of limited heritage interest. I note that the Council's Historic Environment Officer has recommended the imposition of a planning condition requiring that the features of the building be recorded. Thus, I find that there would be no compelling reason to resist its loss on heritage grounds.

30. I have no substantive evidence before me to indicate that there would be an unacceptable impact on any species afforded specific protection or other biodiversity impact.

31. There is no evidence before me to demonstrate that the proposal triggers a requirement for affordable housing or that air pollution within the village would be increased by an unacceptable amount. Similarly, I have no substantive evidence before me to demonstrate that the proposal would place an unacceptable additional burden on local infrastructure.

32. The drainage of the site, its appearance and layout, including parking provision, its effect on ecosystems in the surrounding area are details that will be decided at a later date. There is no substantive evidence before me to demonstrate that, in principle, an acceptable solution in regard to these matters could not be achieved.

33. Whilst I note that the LHA has identified that highway rights exist over the front part of the site, it also identifies that the land could be stopped up and, under those circumstances, highway rights would be extinguished.

34. On the basis of the evidence before me these matters could be addressed by the attachment of suitably worded planning conditions to any permission that I am minded to grant or by existing legislation.

35. I note suggestions from local residents that the highways land be transferred to the local parish council and that alternative proposals would be preferable to that which is before me. However, I must determine the proposal that is before me on its own merits, nor is it in my gift to transfer land to other parties.

36. Local residents question whether there is a need for the proposed housing. There is no evidence before me to demonstrate that the addition of eight additional dwellings would result in over-provision, whilst they would contribute towards the governments aspiration to substantially increase housing provision, as set out in the Framework.

37. It has been suggested that the Travellers Rest has been acquired for development as housing. Any proposal to redevelop that site would need to be justified on its own merits.

38. Concerns have been raised regarding the lack of maintenance of the building, the felling of trees and other work within the site. These, however, are matters which lie outside of the scope of this appeal.

39. My attention has been drawn to the decision of the Inspector in an appeal (the previous appeal) relating to the previous proposal[2]. The Inspector, at that time, determined the appeal based on the evidence available to him. Additional information has been submitted to accompany the current proposal and this appeal and I have determined it on its own merits.

Conditions

40. I have had regard to the various conditions suggested by the appellants, and the Council, as set out in their SoCG, and those suggested by the LHA.

41. Condition 1 limits the time within which the application for approval of reserved matters must be made and the application begun following their approval is necessary to comply with the requirements of legislation, and to prevent the accumulation of unimplemented planning permissions.

42. Condition 2 identifies those matters which are for approval at a later date, the reserved matters, for clarity as to what information is required prior to commencement of the development and to accord with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning Compulsory Purchase Act 2004.

43. Condition 3, which identifies the approved plans in accordance with which the development must be built, is necessary to provide certainty in what this permission authorises.

44. Condition 4 sets out what is required for submission of materials, finishes and other details, in the interests of visual and neighbour amenity and so that any development will accord with the aims of the Local Plan and the Framework.

45. Condition 5 requires the submission for approval of a flood risk assessment and management and maintenance plan. This is necessary to manage the risk of environmental harm through flooding, as the proposed development lies within an Epping Forest District Council flood risk assessment zone, so as to fulfil the aims of Policies DM15 and DM16 of the Local Plan and the Framework.

46. It is necessary to establish that an appropriate scheme can be provided to drain the site of surface water and that such a scheme would accord with Policies DM16 and DM18 of the Local Plan and the aims of the Framework in managing flood. This is secured by the imposition of Condition 6. As this may dictate elements of the detailed design, the scheme needs to be identified prior to the commencement of works on site and the necessity for this condition and its wording has been agreed with the appellants.

47. To safeguard existing trees, so as to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and to safeguard and enhance the visual amenity of the area in accordance with Policies DM3 and DM5 of the Local Plan, it is necessary to secure an appropriate Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule. This is achieved by the imposition of Conditions 7 and 8. As any works on site have

[2] PINS Ref: APP/J1535/W/21/3267612

potential to affect the trees, the plan and statement need to be established prior to the commencement of works on site and the necessity for Condition 7 and its wording has been agreed with the appellants.

48. To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and to safeguard and enhance the visual amenity of the area in accordance with Policies SP3, DM5 and DM9 of the Local Plan and the aims of the Framework, Condition 9 is necessary in order that details of landscaping and protection measures for planting are secured.

49. Condition 10 requires the provision of a Construction Method Statement (CMS) to safeguard the living conditions of local residents and the safety of users of the public highway during the construction phase. To control the works during the construction phase it is necessary that the CMS is in place prior to the start of any works on site. The necessity for this condition and its wording has been agreed with the appellants.

50. Condition 11 secures the provision of appropriate visibility for vehicle movements at the access to the proposed development. This is necessary to ensure the safety of highway users and so as to accord with the aims of Policy T1 of the local plan and the aim of the Framework to ensure that safe and secure access is provided for all users.

51. To ensure the removal of all unnecessary points of traffic conflict, so as to comply with Policy T1 of the Local Plan and the aims of the Framework, it is necessary to remove all redundant vehicular accesses. This is achieved through the imposition of Condition 12.

52. Condition 13 is necessary to ensure that, should the access be gated, cars are able to wait off the public highway to open or close the gates, thus allowing free passage on the adopted public highway. I have amended the wording of this condition from that suggested in the SoCG to the effect that the clear distance is measured from the back of any footway, thus retaining free passage for pedestrians, as otherwise they may risk entering a live carriageway to pass. Condition 14 reduces the risk of loose material being tracked onto the public highway during use of the access. It is necessary to do this as such material may affect driver’s ability to control their vehicle, or may result in material being thrown up by tyres, to the detriment of highway safety. These conditions ensure that the proposed development would comply with Policy T1 of the Local Plan.

53. Condition 15 requires the submission of a strategy to evaluate the potential of the site to contain archaeological remains and take appropriate actions to record and preserve any such remains. This is required so that the development would conform with Policy DM7 of the Local Plan and the aims of Section 16 of the Framework. The potential for archaeological remains to be harmed by any construction work within the site necessitates that this evaluation be carried out prior to commencement of any development. The necessity for this condition and its wording has been agreed with the appellants.

54. To safeguard public health and to ensure that the proposal complies with Policy DM21 of the Local Plan and the aims of parts 8 and 15 of the Framework, Conditions 16, 17, 18, 19 and 20 require that an assessment be made of the potential for the land to be contaminated and, if contamination is found, a

strategy to address this is provided. This assessment and strategy must, as it is necessary to find out this information and have measures identified to deal with it prior to any disturbance of the ground that could lead to the release of contaminants, be in place before the commencement of any works on site that could do so and the wording of Condition 16 reflects this. The appellants have agreed the necessity for this condition and its wording.

55. Conditions 21 and 22 are necessary so as to ensure that the proposal minimises damage to, and maintains and improves, biodiversity, in accordance with Policy DM1 of the Local Plan and part 15 of the Framework. As measures to minimise ecological damage may dictate elements of the detailed design, or affect working methods, these measures need to be identified prior to the commencement of works on site and the necessity for Condition 21 and its wording has been agreed with the appellants.

56. The site lies in close proximity to existing residential uses and so Condition 23 is necessary to restrict noise and so protect the residential amenity of occupiers of those homes. This ensures that the proposed development would be in accordance with the aims of Policy DM9 of the Local Plan and the guidance provided within the Framework.

57. The Council suggested a condition requiring the provision of cleaning facilities for vehicles leaving the site. However, this is encompassed within the scope of Condition 10 and is, therefore, unnecessary.

58. The Council have suggested a condition to remove permitted development rights that would otherwise be associated with the proposed dwellings. However, no detailed justification has been provided for doing so. The need for the condition is disputed by the appellants. In the absence of a detailed justification for removal of what would, normally, be acceptable minor works, the imposition of such a condition would not be reasonable.

59. I have amended some of the requested wording of the Council's conditions for clarity.

Conclusion

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications is undertaken in accordance with the development plan, unless material considerations indicate otherwise.

61. I have found no conflict between the proposed outline development and the development plan.

62. There are thus no material considerations that dictate that a decision should be made other than in accordance with the development plan when read as a whole and so for the reasons given I conclude that the appeal should succeed.

I A Dyer

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 2 below, whichever is the later.

2. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

   (i) Layout;
   (ii) Scale;
   (iii) Appearance;
   (iv) Access; and
   (v) Landscaping

   The reserved matters shall be carried out as approved.

   Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. The development hereby approved shall be carried out in accordance with the following approved plans:

   Planning Statement, Habitat Regulation Assessment, 3848 PL01, 3848 PL02, 3848 SKO1.1F, 3848 SK01.2F, Viability Study by FTPCT Limited dated November 2021.

4. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The Development shall be implemented in accordance with such approved details.

5. No preliminary groundworks shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased runoff and associated volume of storm detention using WinDes or similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan thereafter.

6. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details and the drainage system maintained thereafter.

7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and Site Monitoring Schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction – Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

8. If any tree, shrub or hedge shown to be retained in submitted arboricultural reports is removed, uprooted or destroyed, dies or becomes severely damaged or diseased during different activities or within three years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within three months at the same place.

   If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or become seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall within three months be planted in the same place.

9. No development, other than demolition, shall take place until full details of both hard and soft landscaping works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: -
   - Proposed finished levels or contours;
   - Means of enclosure;
   - Car parking layouts; and
   - Other minor artefacts and structures, including signs and lighting and functional services above and below ground.

   The details of soft landscaping works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate.

   If within a period of five years from the date of planting or establishment of any tree, shrub or plant that tree, shrub or plant or any replacement is removed, uprooted, destroyed or dies or become seriously damaged or defective another tree or shrub or plant of the same species and size as that originally planted shall be planted at the same place.

10. No development shall take place, including groundworks or demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following, all clear of the highway:
    - Safe access to the site;
    - The parking of vehicles of site operatives and visitors;
    - Loading and unloading of plant and materials;
    - Storage of plant and materials used in construction of the development; and
    - Wheel and under body washing facilities.

11. Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 43m in both directions, as measured from and along the nearside edge of the carriageway. Such visibility splays shall be maintained in perpetuity.

12. Prior to the first occupation of the development the redundant dropped kerbs shall be fully reinstated to full kerb height and the footway shall be fully reconstructed across the entire site frontage.

13. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the highway boundary.

14. No unbound material shall be used in the surface treatment at the vehicular access within six metres of the highway boundary.

15. No development, including demolition works, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

16. No development shall take place until a Phase 1 Land Contamination Investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", or any subsequent version or additional regulatory guidance.

    This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the phase two site investigation condition that follows.

17. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", or any subsequent version or additional regulatory guidance.

    This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation condition that follows.

18. Should Land Contamination Remediation Works be identified as necessary under Condition 17, no development shall take place until a detailed remediation scheme to bring the site into a condition suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long-term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

    This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows.

19. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

20. In the event any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

21. Prior to commencement of the development hereby approved, a full ecology survey and implications assessment of the site by a qualified ecologist shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted document shall assess the biodiversity impact of the development and propose any necessary mitigation measures. Development shall be undertaken only in accordance with the approved details and these shall be retained thereafter.

22. Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved and retained thereafter.

23. All construction/demolition works and ancillary operations including vehicle movement on site which are audible at the boundary of noise sensitive premises shall only take place between the hours of 7.30 to 18.30 Monday

to Friday and 08.00 to 13.00 on Saturday, and at no time during Sundays and Public/Bank Holidays.

END OF CONDITIONS