



Appeal Decision

Site visit made on 18 May 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/D5120/W/20/3263636

Lidl, Foots Cray High Street, Sidcup DA14 5HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lidl Great Britain Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/02085/FUL, dated 23 August 2019, was refused by notice dated 7 July 2020.
 - The development proposed is demolition of existing buildings and erection of a new discount foodstore with offices and five terraced houses with associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of a new discount foodstore with offices and five terraced houses with associated car parking and landscaping at Lidl, Foots Cray High Street, Sidcup DA14 5HJ in accordance with the terms of the application Ref 19/02085/FUL, dated 23 August 2019 and subject to conditions in the attached schedule.

Procedural Matter

2. The Council considered the original planning application against policies in the London Plan (March 2016) that have been superseded by the London Plan (March 2021), although the decision notice also refers to the new London Plan in its then draft form. As appeals are decided on policies in the development plan in force at the time of the appeal decision I have therefore considered the proposal against the 2021 London Plan (London Plan), in addition to the Bexley Core Strategy (2012) (Core Strategy) and saved policies in the Bexley Unitary Development Plan (2004) (UDP) which collectively constitutes the development plan for the area for the purposes of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would result in the loss of industrial floorspace when regard is paid to planning policy on the location of such uses.
 - Whether there are any other material considerations which would justify the development being determined other than in accordance with the development plan.

Reasons

Planning policy – loss of industrial floor space

1. The site comprises two main elements. To the front, a supermarket with associated parking that addresses Foots Cray High Street (the Existing Retail Land). To the rear, industrial land that is separated from the supermarket by tall palisade fencing and a pedestrian/vehicular gate that is shown on the plans as being accessed by passing through the supermarket car park (the Existing Industrial Land). The Industrial Land is currently vacant.
2. It is common ground between the Council and the Appellant that the Existing Industrial Land is allocated within the London Plan as falling within a Strategic Industrial Location (SIL), forming part of the Foots Cray Business Area. As such, the proposal falls to be considered under Policy E5 of the London Plan.
3. Policy E5(a) requires proactive management of land within the SIL through a plan-led process. Part of such management includes Boroughs setting out local policies that accord with Policy E5(b) and includes defining a detailed boundary for SILs and other requirements designed to promote a strategic approach to the management of SIL land.
4. Locally the site is designated as a Primary Employment Area and a Preferred Office Location in the UDP. Policy E3 seeks to safeguard land and buildings in Primary Employment Areas for industrial and commercial uses (defined at paragraph 7.5 of the plan as business, general industrial, and storage and distribution).
5. Policy E6 considers redevelopment of the area that includes the Existing Industrial Land. The policy states that only business uses will normally be permitted, with storage and distribution and general industry also permitted subject to adequate protection being available for surrounding sensitive uses such as housing.
6. The local policy framework provided by the UDP is protective of SIL land. As such, the UDP is generally consistent with the aim in the London Plan of sustaining SILs as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy.
7. However, the UDP policies, are of some age and I have limited evidence before me to indicate how the SIL, including the boundary, has been managed locally over the years and how it is proposed to be managed going forward. The Council is in the progress of preparing a new Local Plan, but is not a stage where it can be given weight.
8. Overall, whether the local policy framework taken as a whole, including the boundary that has been set, amounts to the proactive management intended under Policy E5 of the London Plan is open to a degree of question. The evidence on whether the local policy framework genuinely supports positive and proactive encouragement of sustainable economic growth and productivity in line with paragraph 81 of the National Planning Policy Framework (the Framework) is also questionable. Nevertheless, the factors discussed above do not automatically render Policies E3 and E6 of the UDP out of date, particularly as their purposes are consistent with the designation of the land as SIL.

9. The proposal would result in the loss of around 4000 square metres of industrial floor space from the SIL. This is to be replaced primarily with retail floor space and some office accommodation.
10. Notwithstanding the inclusion of commercial space there would an overall net loss of industrial floor space from the SIL that would conflict with the aims of its designation. As such, the proposal would result in the loss of industrial floorspace when regard is played to planning policy. Consequently there is conflict with Policy E5 of the London Plan, Policy E3 and E6 of the UDP, and Policy CS12 of the Core Strategy which collectively seek to sustain SILs as London's largest concentrations of industrial, logistics and related capacity and promote active management of SILs.

Other considerations

11. From the evidence presented there are a number of benefits and other considerations that would flow from the proposal, notably relating to the provision of office space and a larger retail store, with associated employment benefits, and housing, and the practicality of the site for industrial use. I will briefly address the most relevant.

Office space

12. Part of the Appellants case relating to the loss of industrial land centres on office provision on the Existing Industrial Land as a source of mitigation. The submitted plans indicate that the office would be under separate occupation to the new retail unit and would have independent access.
13. The provision of office space in this location is supported as a result of the designation as a Preferred Office Location and also in Policies E14 and E6 of the UDP.
14. The Appellant has submitted some evidence of specific demand for the proposed office space. However, as this is not from a committed user, the demand can only be treated as indicative.
15. Nevertheless, carefully considering the evidence on this matter, I am satisfied that office provision is a should carry weight in this decision as a benefit of the proposed development that is supported by planning policy.

Retail store provision

16. The proposed retail element represents relocated provision resulting from the demolition of the supermarket that currently fronts Foots Cray High Street. The relocation would represent a relatively modest uplift in the net sales area compared to the existing supermarket.
17. However, carefully considering the evidence, including the submitted plans and the Appellants Planning and Retail Statement, I am satisfied that the proposal would result overall in improved quality of provision for the local area that could not be achieved simply by redeveloping within the confines of the Existing Retail Land given the site constraints. The resulting loss of a commercial street frontage in the Neighbourhood Centre would be mitigated by the creation of the new retail store.

18. The overall effect would be to enhance the role and contribution of the Neighbourhood Centre which would be consistent with Policy CS14 of the Core Strategy. I am also satisfied that the evidence demonstrates appropriately that the proposal would not have an adverse impact on the vitality and viability of designated retail centres.
19. Overall, improved retail provision is a consideration that should carry weight in this decision as a benefit of the proposal.

Housing

20. The proposal would result in the delivery of five new homes in a location with good access to local services due to its position within an existing settlement. The home would be capable of meeting size standards and offering an otherwise good standard of accommodation, with details of materials, other external finish, and waste storage capable of appropriate management using planning conditions.
21. I have limited evidence relating to overall housing supply before me. However, delivery of even a modest level of housing is a consideration that should carry weight in this decision due to the suitability of the site and in the interests of supporting the Government's objective of significantly boosting the supply of homes, recognising the important contribution that small and medium sized sites can make as set out in paragraph 68 of the Framework.

Practicality of site for industrial use

22. In relation to access, it is noteworthy that most other industrial units in the Foots Cray Business Area are accessed more directly from a road network that appears specifically suited to carrying heavier goods vehicles that might be associated with larger industrial uses.
23. The Existing Industrial Land differs in its access arrangements. I accept that the Appellants comments from the highway authority do not represent the formal view of the Council and therefore give them limited weight. Nevertheless, from my own observations of the access arrangements, it is apparent that the need to pass through the existing supermarket carpark and the location of the two priority junctions from Foots Cray High Street on an incline and within a more built up area results in less convenient access arrangements than those available more widely in the Foots Cray Business Area.
24. Carefully considering the arguments made on this point and observing the access, I conclude that the access arrangements to the Existing Industrial Land appears impractical for some industrial users if they would be reliant on using it for more frequent visits by heavier goods vehicles. However, this is not to say that the access is unsuitable for all industrial activity. In reaching this conclusion I have paid regard to the Appellants marketing evidence. However, I have treated it as only informative, rather than central, to my conclusions as the evidence on the robustness of the exercise is not comprehensive.
25. Nevertheless, the practicality of the site for industrial use is a matter that should carry weight in this decision.

Other Matters

26. Comments from Other Interested Parties that have been made both in support and objection to the proposed development are noted and have been considered. Comments relating to the main issues are reflected elsewhere in this decision.
27. In relation to car parking and delivery arrangements, it is noted that a supermarket use of a similar scale to that proposed is already an established part of the area. There is limited evidence to suggest that existing retail use has caused issues with car parking and deliveries that might be relevant to whether a relocated supermarket is acceptable. The amount of car parking meets the relevant standards, with access also controlled by condition. A condition can also be used to require agreement to a delivery and servicing management plan. These conditions, along with restrictions on hours of operation would provide appraise additional safeguards for the living conditions of nearby householders.
28. In relation to impacts on character and appearance, although it is a mixed use development the proposal would not represent an overly intensive use of the land. The design of the various elements of the proposal would respect the existing context and in a number of respects improve the appearance of the surroundings, including the frontage onto Foots Cray High Street where the new residential units would provide a more active frontage than that currently provided by the supermarket.
29. The proposal would not be harmful to the setting of Listed Buildings in the local area due to the proximity of these buildings to the site. Again, overall the proposal would represent an improvement on the existing in visual terms.

Conclusions

30. I have identified conflict with the development plan for the area resulting from the loss of industrial floorspace when regard is played to planning policy, particular relating to the SIL.
31. The London Plan is recently adopted policy. However, it is a strategic level plan that, in the case of Policy E5, puts a high degree of responsibility for the detailed management of SILs in the hands of the Boroughs as part of a plan led approach.
32. The plan led approach is preferable and positively encouraged by the Framework. In this case, for the reasons discussed elsewhere, whether the local policy framework taken as a whole amounts to the proactive management intended under Policy E5 is open to a degree of question. As such, whether the policies are a successful tool for supporting economic growth and productivity required by paragraph 80 of the Framework is also questionable.
33. Nevertheless, I am mindful that the local policy framework generally supports the aims of the SIL and that age does not automatically render them out of date. As such, and on balance, I have not given Policies E3 and E6 of the UDP, and Policy CS12 of the Core Strategy reduced weight.
34. There are a number of benefits that would flow from this proposal, most relevant being the provision of office space, improved quality of retail provision for the local area, and also housing.

35. Delivery of these benefits would support other planning objectives in the UDP and the Core Strategy. These aspects of the development bring with them wider benefits in terms of employment and general opportunities for renewal that the evidence suggests would be beneficial to the local area as a whole. These outcomes would be consistent with supporting economic growth and wider opportunities for development in line with paragraph 80 of the Framework.
36. Weighing these matters up, and carefully considering all the evidence, I conclude that the benefits discussed should be afforded significant weight and that they represent material considerations that outweigh the degree of conflict with the development plan for the area.
37. In reaching this view, I have given the practicality of site for industrial use more moderate weight. However, it is of relevance that the Existing Industrial Land is functionally independent of the Foots Cray Business Area due to its differing access arrangements. As such, the proposed development can take place without having wider impacts on the integrity of other land within the Foots Cray Business Area or providing justification for more widespread loss of land from the SIL.
38. For the above reasons, and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

39. I will consider conditions by reference to the numbering in the attached schedule.
40. Condition (2) is necessary in the interests of certainty.
41. Condition (3) is necessary in the interests of managing local air quality. The Non-Road Mobile Machinery must be registered prior to the commencement of development, as it is used in the demolition/construction process and cannot be easily retrofitted.
42. Conditions (4), (9), (19), (20), and (22) are necessary in the interests of minimising the environmental impact of the scheme.
43. Condition (5) is necessary in the interests of securing appropriate archaeological investigation. A pre commencement condition is necessary to safeguard the archaeological interest on the site.
44. Condition (6) and (21) are necessary to ensure that the construction is undertaken in a manner which minimises its' effect on the local environment. Condition (6) is a pre commencement condition as these details are required as they include matters that need to be in places at the start of the construction works.
45. Condition (7) is necessary to ensure the satisfactory standard of external appearance.
46. Condition (8) is necessary in the interests of protecting human health.

- 47. Conditions (10), (11), (14), (15), and (18) are necessary in the interests of protecting the living conditions of those living nearby and highway safety.
- 48. Condition (12) is necessary in order to ensure that the development continues to serve its intended purpose.
- 49. Conditions (13), (23), and (24) are necessary in order to protect the living conditions of future occupants of the residential units.
- 50. Conditions (16) and (17) are necessary in order to ensure suitable provision for bicycle and car parking.
- 51. I have not included the Council's suggested condition relating to removal of householder permitted development rights as it was not justified on the basis of the evidence provided.

D.R. McCreery

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.
2. The development hereby permitted shall only be carried out in accordance with the following approved plans and documents, unless otherwise approved in writing by the Local Planning Authority:

Plans:

- 090001 Rev 2, AD 110_Rev A, AD 111_ Rev B, AD 114, AD 130, AD 112_ Rev B, AD 113, AD 135, 1258, 010205, DWG 01

Documents:

- Design and Access Statement
- Heritage Statement dated September 2017 undertaken by WYG Environment Planning Transport Ltd
- Planning and Retail Statement dated August 2019 undertaken by Rapleys
- Transport Assessment Addendum (plus appendices) dated July 2019 undertaken by Mode transport planning
- Draft Travel Plan dated July 2019 undertaken by Mode transport planning
- Ecological Impact Assessment undertaken by green shoots ecology
- Flood Risk Assessment and Outline Surface Water Drainage Strategy dated July 2019 undertaken by RSK
- Employment Use Assessment dated August 2019 undertaken by Rapleys
- Energy Statement dated August 2019 undertaken by RED Engineering Design Ltd
- Noise Impact Assessment dated June 2019 undertaken by Acoustic Consultants Limited
- Service Management Plan, dated July 2019 undertaken by Mode transport planning
- Car Park Management Plan dated July 2019 undertaken by Mode transport planning
- Air Quality Assessment dated August 2019 undertaken by Syntegra Consulting
- Arboricultural Report dated July 2019 undertaken by Tree Craft Ltd
- Archaeological Desk Based Assessment dated April 2018 undertaken by Allen Archaeology Limited
- BREEAM Pre-Assessment Rev C undertaken by RED Engineering Design Ltd
- Chalk Mining Desk Study Report dated September 2016 undertaken by Opus International Consultants (UK) Ltd- Geo-Environmental Ground Investigation Report undertaken by RED Engineering Design Ltd

3. Prior to commencement, the development hereby approved:

- Shall be registered on the Non-Road Mobile Machinery (NRMM) register: <https://nrmm.london/user-nrmm/register>.
- Throughout the duration of construction all NRMM to be used on the development site shall be submitted to the NRMM register.
- All NRMM should meet, as a minimum, the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it is first agreed in writing with the Local Planning Authority that Stage IIIA equipment is not available.

- All NRMM should be regularly serviced and service logs and proof of emission limits for all equipment kept on site for inspection.

The development shall be carried out in accordance with the submitted details to the NNMM register, unless otherwise approved in writing by the Local Planning Authority.

4. Before first use of the Retail element of this development details of facilities for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority and once approved shall be fully implemented in accordance with those details before the Retail part of the development hereby permitted is first brought into use.
5. Prior to commencement of development a stage 1 written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
6. Prior to the commencement of development, a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
 - The location of notice boards on the site to include details of the site manager, including contact details (phone, email, postal address) and 'out of hours' contact details
 - A strategy for the parking of vehicles of site operatives and visitors;
 - A strategy for the loading and unloading of plant and materials;
 - A strategy for the storage of plant and materials used in constructing the development;
 - Details of days/hours of work and deliveries of construction materials;
 - Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;

- Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not (unduly) obstructed during construction works;
- Construction site lighting;
- Reasonable measures to be adopted, such as a restriction on the size of construction vehicles and machinery accessing the site, to minimise any potential damage occurring to adjacent streets throughout the construction period;
- Location of vehicle and construction machinery access during the period of site works including identification of any works necessary to the public highway necessary to provide a means of access during the construction and/or operation of the development;
- Numbers and timing of truck movements throughout the day and the proposed routes broken down by size of trucks;
- Vehicle holding areas;
- Construction traffic routes;
- Means of minimising noise and vibration (including any piling), and compliance with BS 5228;
- Procedures including wheel washing for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places;
- A Dust Management Plan, including details of mitigation measures for dust and emissions during demolition and construction along with a monitoring regime for the same in accordance with Air Quality: Best Practice Guidance - The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (published by the Greater London Authority, July 2014);
- A Waste Management Plan which includes details of managing demolition and construction waste having regard to the site waste hierarchy (prevention, reuse, recycling, recovery, safe disposal).
- Location of workers' conveniences (e.g. toilets, showers);
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall only be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

7. No development above ground floor slab level shall take place until a schedule and specification of the materials and finishes to be used for the development as a whole have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- Brickwork (including bonding and mortar);
 - Cladding;
 - Windows and doors (including reveals and frames);
 - Soffits;
 - External guttering;
 - Roofing tiles and materials;
 - Boundary treatments
 - Details of all plant and machinery including flues, satellite dishes, plant, lift overruns, cleaning cradles;
 - Signage (not otherwise requiring Advertisement Consent); and,
 - Plant enclosures.

The development shall be carried out and retained in accordance with the approved details.

8. Prior to the construction of the retail unit an updated site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial work as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice. Any variation to that scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. If during the course of the works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval.

Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out, in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

9. The cumulative noise rating levels from all fixed plant shall be 5dB below the representative background level when measured at any nearby residential façade, expressed as an LAeq and averaged over a fifteen-minute period (night) or one hour (day). Measurements shall be undertaken in accordance with the methodology specified in 'BS4142: 2014: Methods for rating industrial and commercial sound. Prior to the first operation of the plant/equipment, a detailed acoustic report prepared by a suitably qualified acoustician, demonstrating how the plant/machinery complies with this condition, shall be submitted to and approved in writing by the Local Planning Authority. All installed plant and acoustic attenuation measures shall be retained and maintained thereafter in accordance with the manufacturer's recommendations and the report agreed under this condition.
10. Prior to first occupation of the retail store, a Delivery and Servicing Management Plan for the retail use shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity on residents' amenity and maintaining highway safety. The report shall include hours of delivery, which are expected to be:
 - 07:00-22:00 Monday to Friday;
 - 08:00-23:00: Saturday;
 - 11:00-17:00 Sunday and Bank Holidays.

The approved Delivery and Servicing Management Plan shall be implemented from the first occupation of the development and shall be adhered to thereafter.

11. The retail use hereby permitted shall not be open to customers outside the following times, unless otherwise agreed in writing with the Local Planning Authority:
 - 08:00- 22:00, Mondays – Fridays;
 - 08:00- 23:00 Saturdays;
 - 11:00 – 17:00 Sundays and public holidays.
12. The retail unit and Office space hereby approved shall be used as independent retail and office space only as per the approved plans and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
13. Prior to the construction of the residential dwellings, details of acoustically rated glazing and mechanical/passive ventilation systems shall be submitted to and agreed in writing by the Local Planning Authority. The details shall demonstrate that the level of protection to all habitable rooms will be sufficient to achieve the internal levels specified in BS8233: 2014 and be in accordance with recommended specifications in the Noise Impact Assessment produced by Acoustic Consultants Limited, dated June 2019 Ref: 6859/BL. None of the residential units shall be occupied until such time as the agreed measures have been implemented. The agreed measures shall be retained and maintained thereafter in accordance with the manufacturer's recommendations.
14. Before the retail use is first brought into use the access to the site from the existing highway shall be constructed in accordance with a design and specification first submitted to, and approved in writing by, the Local Planning Authority.
15. The site access onto Foots Cray High Street shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
16. The bicycle parking facilities shown on the submitted plans for both the retail and office use shall be provided and constructed in accordance with the submitted details before the building is first brought into use and this space shall be used for, or available for, such use at all times.
17. The spaces shown on the approved plans as reserved for the parking of cars shall be used for or be available for such use at all times.
18. A scheme for the management and operation of the retail store car park and service yard shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of development. The store shall not be operated except in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

19. Before the retail use hereby permitted commences trading details of a shopping trolley security system shall be submitted to and agreed in writing by the Local Planning Authority. The agreed system shall be fully operational before commencement of trading and shall thereafter be maintained.
20. Within 8 weeks of the commencement of the retail use first trading an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall incorporate measures to reduce car traffic by encouraging customers and staff to travel to and from the site by means of transport other than the private motor car. The submitted details shall include a methodology for implementation and monitoring. The development shall not be occupied or operated other than in accordance with the agreed Travel Plan.
21. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
22. Within three months of the completion of the development a Post Construction BREEAM Review Certificate showing that, in respect of the non-residential aspects of the development, a rating of at least "Very Good" has been achieved shall be submitted to and approved in writing by the Local Planning Authority.
23. Before the first use of the retail building a scheme for soft landscaping which incorporates the recommendations of the approved Ecological and Arboricultural Reports shall be submitted to and approved in writing by the Local Planning Authority.

The soft landscaping scheme shall include: i. A planting plan; ii. A written specifications (including cultivation and other operations associated with trees, plants and grass); iii. A Schedule of plants and trees, setting out the species, sizes, numbers/densities and soil volume and soil type/quality; iv. A programme setting out how the plan will be put into practice including measures for protecting plants and trees for the operational phase of the development; v. Detailed pit construction and planting methodology for all planting; vi. All Plants should adhere to Government biosecurity recommendations - as outlined in the Arboriculture Association's 'Biosecurity guidance: notes2' - or Government approved/ adopted documentation, which supersedes this; and, vii. If an engineered solution (e.g. soil cells or structured soils) for planting is required, the detailed specification and methodology for the system to be used.

The new planting shall be carried out in the first planting and/or seeding season following the first occupation of the buildings or the practical completion of the development, whichever is the sooner. The new planting shall comply with the requirements specified in BS 3936 (1992) 'Specification of Nursery Stock Part 1 Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for General Landscape Operations'. None of the new trees, plants or shrubs planted shall be lopped or topped within a period of five years from the completion of the development.

Any trees, plants or shrubs, which, within a period of five years from the practical completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species to those originally planted.

The approved landscaping scheme shall be maintained in accordance with the approved maintenance plan in perpetuity.

24. No dwelling shall be occupied until space has been laid out within the site for the storage of residential waste in accordance with a scheme that has been first agreed in writing the Local Planning Authority. The space shall thereafter be kept available for the storage of residential waste.