HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY COTSWOLD ESTATES LTD AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CONVERSION OF EXISTING BUILDING INCLUDING SOME NEW BUILD EXTENSIONS TO CREATE 42 SELF CONTAINED FLATS WITHIN A SHELTERED HOUSING COMPLEX AND REFURBISHMENT OF EMPLOYMENT SPACE AT DENNIS HOUSE, 4 HAWLEY ROAD, HINCKLEY

HBBC REFERENCE 07/01155/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/08/2074009

PROOF OF EVIDENCE

PREPARED BY TRACY MILLER, SENIOR PLANNING OFFICER

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1.0 Introduction

1.1 My name is Tracy Miller, I hold an MA in Town Planning and an MA with Commendation in Urban Design. I have approximately 7 years experience of Development Control which I have gained working for Local Authorities at District Level. I am a Member of the Royal Town Planning Institute.

1.2 This written statement forms part of Hinckley and Bosworth Borough Council's evidence in relation to the appeal against refusal to grant full planning permission for conversion of existing building including some new build extensions to create 42 self contained flats within a sheltered housing complex and refurbishment of employment space at Dennis House, 4 Hawley Road, Hinckley. It is to be read in conjunction with Highway evidence submitted on behalf of the Local Authority.

2.0 Site Description

2.1 The site is located within the settlement boundary of Hinckley to the south of the Town Centre, see Appendix 1. It measures approximately 3300 m^2 in area and can currently be accessed off Hawley Road and Station Road. The site lies within an area that consists of industrial/commercial and residential uses. Immediately to the north of the site is a sheltered housing development known as Royal Court. The north-eastern boundary adjoins and extends either side of 66 Station Road, a recent residential development previously an industrial unit. The south-eastern boundary of the site abuts the rear car park of the Railway Hotel. The southern boundary of the site is formed by Hawley Road and to the west there is a factory unit. The railway station is located to the south west of the site and directly south; on Hawley Road there is a retail use (Somerfield).

2.2 The site itself is 'L' shaped in nature and comprises two large industrial units, one known as Dennis House that fronts Hawley Road and the other 68 Station Road. Dennis House comprises an early 20th Century brick building, two storeys in height with a cream painted front façade and a pitched roof. There are a number of later single storey extensions that are not in keeping with the

original building. No 68 Station Road is to the rear of Dennis House and is similar in age and appearance to Dennis House.

2.3 The undeveloped areas of the site are hardsurfaced and used for car parking and loading activities. There is an electricity substation to the south-western corner of the site, this is constructed of red brick and has a flat roof.

2.4 The site has a gradual incline from the southern boundary to the northern boundary of approximately 1.5 metres. The surrounding area rises to the east and slightly to the west.

3.0 Site History

3.1 The site has been subject to two previous applications. The earliest of these, reference 05/01240/FUL, sought to convert the building to 54 self contained flats to provide sheltered housing with associated parking and access. This application was refused on the grounds of loss of employment space; design; increase of traffic; lack of open space provision; and lack of contributions towards library and health facilities. The refusal notice was appealed but following discussions and the submission of a further application the appeal was withdrawn by the appellant.

3.2 The second application sought the demolition of the existing building and construction of new buildings accommodation 651 square metres of A2 and B1 use employment space and 56 one and two bedroom flats with associated facilities. This application was granted permission on 25 September 2007.

4.0 The Current Application

4.1 The application, subject of this appeal, seeks full planning permission for residential development, consisting of sheltered accommodation and the refurbishment of 682 square metres of space to provide B1, B2 and B8 employment space. The plans submitted with the application include:

- a site location plan at 1:1250 scale (drawing no FP4.04-03-05 Rev A)

- Existing ground floor / site layout (drawing no FP4.04-04-01)
- Existing first floor layout (drawing no FP4.04-04.02)
- Existing second floor layout (drawing no FP4.04-04-03)
- Existing roof layout (drawing no FP4.04-04-04)
- Existing elevations (drawing no FP4.04-05-05)
- Sheltered Accommodation Proposed first floor layout (drawing no FP4.04-05-02)
- Sheltered Accommodation Proposed second floor layout (drawing no FP4.04-05-03)
- Sheltered Accommodation Proposed elevations (drawing no FP4.04-05-04)
- Site layout comparing existing building footprint compared with proposed building footprint (drawing no FP4.04-05-06)
- Sheltered Accommodation Proposed ground floor / site layout (drawing no FP4.04-05-07)
- Road Layout Alterations (drawing no 25029-901A)

In addition, the application was accompanied by a Design Statement; Planning Development Brief, Highways Safety Audit and a Heads of Terms Agreement for Contributions required.

4.2 Consultation letters were sent out on 16 October 2007 in accordance with the Council's normal procedures. Consultation responses highlighted the need for financial contributions towards Library Facilities and Health Services. In addition, the consultation response from the Director of Highways, Transportation and Waste Management recommended refusal on the grounds that the application proposed inadequate parking and manoeuvring space and that the Station Road access was inadequate in terms of width and geometry.

4.3 In addition the consultation process resulted in correspondence from the Environment Agency; Borough Council's Land Drainage Engineer; and Severn Trent Water all of which requested conditions be attached to any approval of planning permission.

4.4 There were no comments received as a result of neighbours notified, the site notice displayed and the press notice.

4.5 A letter was sent to the Agent dated 3 December 2007 advising that whilst this application addressed the first reason for refusal on previous scheme (ref: 05/01240/FUL) the second reason for refusal regarding the design of the development and impact on the streetscene had not been addressed. This letter also informed the Agent of the recommendation of the Director of Highways, Transportation and Waste Management and sought clarification regarding the type of sheltered accommodation either on-site or off-site warden controlled. This letter concluded by emphasising the issues with the scheme and a summary of the refusal reasons that would be recommended to planning committee. See Appendix 2.

4.6 The Agent submitted further information regarding the Highway issues but due to receipt being the day before planning committee this was too late for reconsultation with relevant parties and therefore not accepted by the Local Authority.

5.0 Reasons for refusal and Grounds of Appeal

5.1 Members resolved to refuse the application at the planning committee of 18 December 2007, in line with officer recommendation. The reasons for refusal are as follows:

1. In the opinion of the Local Planning Authority, the proposed development by reason of its massing, layout and appearance would result in an incongruous form of development, to the detriment of the character and appearance of the existing street scene and of general visual amenity along an important gateway into the town. It is therefore contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan and Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan.

2. In the opinion of the Local Planning Authority, the proposed development could result in an unacceptable increase in traffic using an access off Station Road which has inadequate width and geometry, which could in turn lead to vehicles reversing onto or off the Highway to the detriment of road safety. It is therefore contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan.

3. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that appropriate facilities for the provision of car parking within the site would be made to cater for the number of vehicles likely to be visiting the site. The lack of provision of such facilities could lead to vehicles parking in the Public Highway, which would not be in the best interests of Highway safety. It is therefore contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan and Accessibility and Transport Policy 7 of the adopted Leicestershire, Leicester and Rutland Structure Plan.

4. In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities and health facilities by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

5.2 The appeal lodged against the refusal of outline planning permission cited the following grounds of appeal:

1. The site is an important site on the approach to the Town Centre;

2. The proposal is of a design, massing and form that is acceptable and would complement its location;

3. The car parking provision reflects the location near to the town centre and station;

4. The Highway Authority ask for more parking yet complain at the "unacceptable increase in traffic". This shows the nonsensical nature of the highway objection when compared with the existing situation, the proposals would have a neutral impact;

5. I am somewhat concerned at the wording of the reason 4. If conditions cannot refer to "financial contributions", then I fail to see how reasons for refusal should. It flies in the face of advice and practice.

6.0 Central Government Guidance

6.1 Planning Policy Statement 1 – Delivering Sustainable Development (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. The statement provides that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by ensuring high quality development through good and inclusive design.

6.2 Paragraph 10 of the Statement advises that the role of planning authorities is not restricted to plan making and development control but involves facilitating and promoting the implementation of good quality development.

6.3 The promotion of high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact is emphasised within the Key Principles of the Statement.

6.4 Paragraph 34 suggests that the design of all development including individual buildings should contribute positively to making places better for people. It continues *"Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted"*.

6.5 Planning Policy Statement 3 – Housing (PPS3) sets out the national planning policy framework for delivering the Government's housing objectives, this includes achieving high quality housing.

6.6 Paragraphs 12 to 19 provide guidance on how high quality housing can be achieved. It states, "*good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable, mixed communities*".

6.7 The guidance in PPS3 reflects that in PPS1, again emphasising that *"good design should contribute positively to making places better for people"* and goes onto repeat the advise contained with Paragraph 34 of PPS1, see paragraph 6.4 above. This Statement provides criteria that should be considered when assessing the design quality of a proposed development. The criteria include:

- Ensuring developments are accessible and well connected;
- Providing or enabling good access to amenity and recreational space;
- Ensuring developments are well integrated with and complement the neighbouring buildings and the local area in terms of scale, density, layout and access;

- Efficiency;
- High quality public realm;
- Creation/enhancement of distinctive character that relates well to the surroundings; and
- Establishment of biodiversity in residential environments.

6.8 Paragraph 18 recommends Local Authorities draw on relevant guidance and standards, suggesting amongst others 'By Design – Urban Design in the Planning System: Towards Better Practice, DETR, 2000'.

6.9 By Design – Urban Design in the Planning System: Towards Better Practice, 2000 sets out the argument for the need for better urban design and how the planning system can and should play an important role in achieving good design. The guidance provides the objectives of urban design, which should be sought to create a successful place. The 8 objectives have an impact on people's lives by being translated into development. The actual form of buildings, structures and spaces is the physical element of urban design, these aspects include amongst others, the scale of development both height and mass, and the appearance of development both details and materials.

7.0 The Development Plan

7.1 My starting point is Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

This advice has in my opinion been rightly followed with the planning application being determined in accordance with the plan.

7.2 The development plan in this instance consists of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 and the Hinckley and Bosworth Local Plan, adopted February 2001.

Leicestershire, Leicester and Rutland Structure Plan 1996-2016

7.3 At the time of the decision the policies highlighted in the officer's report to committee and included in the reasons for refusal were relevant. However, on 6 March 2008 the Government Office for the East Midlands gave a direction that only Housing Policy 1 and 3 would remain saved policies. Therefore, the Structure Plan Policies listed in the reasons for refusal are no longer saved policies that can be relied upon.

Hinckley and Bosworth Local Plan 2001

7.4 Strategic Objective 1 seeks to provide opportunities for investment in the area. Existing employment sites within the Borough were assessed and categorised into three groups, under Policy EMP1 of the Local Plan:

a. Sites the Local Planning Authority will actively seek to retain due to their importance to the economy of the Borough;
b. Sites where the Local Planning Authority will consider proposals for other employment activities, or alterative uses identified on their merits in the context of the appropriate design policies of the Plan. These sites are generally considered to be acceptable employment locations; and
c. Sites where the Local Planning Authority will encourage alternative uses subject to the appropriate design policies of the plan. These sites are sites where environmental problems have, or are being experienced.

The appeal site falls under Category b.

7.5 Policy RES5 states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area and their siting, design and layout does not conflict with the relevant plan policies.

7.6 Policy BE1 of the local plan promotes a standard of design for new developments in order to safeguard and enhance the existing environment. It

provides that planning permission will only be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features.

7.7 Policy CF8 relates to proposals for residential care and nursing homes, whilst not referring specifically to sheltered accommodation it is considered that given that the applicant proposes the development to be available for warden controlled sheltered units this policy is relevant. The policy requires the development to be in keeping with its surroundings with no harm to neighbouring amenity, it further requires that there is adequate gardens provided, satisfactory car parking and servicing areas, easy access to local facilities and is designed to accommodate easy access for the elderly and infirm.

7.8 Policy T5 refers applications for new development to the current highway design and vehicle parking standards. Policy T11 requires the submission of traffic impact assessments where the development is likely to generate significant traffic flows.

7.9 If residential development proposals are considered acceptable they will only be granted where the developer has made or will make a contribution towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. Policy IMP1 of the adopted Local Plan requires contribution towards the provision of infrastructure and facilities.

Supplementary Planning Guidance

7.10 The Hinckley and Bosworth Residential Development Supplementary Planning Guidance sets out guidance for new residential development in line with Policy BE1 and RES5 of the adopted Local Plan. The guidance lays down standards to ensure new developments are sympathetic to or enhance the existing character of an area. It further ensures new developments meet required standards to ensure existing residents are not adversely affected. The guidance promotes high quality design.

7.11 The Hinckley and Bosworth Residential Care and Nursing Home Supplementary Planning Guidance provides advice to guide residential care homes to suitable sites and seeks to ensure sufficient amenity space and parking is provided. The guidance provided is in line with Policy CF8 of the adopted Local Plan.

8.0 The Main Issues

8.1 The main issues of this case are:

i. Is the site suitable for a mixed use development?;
ii. Would the proposed development cause harm to the character and appearance of the area by reason of its massing, layout and appearance?;
iii. Does the development have an adverse impact on the highway network?;
iv. Does the development provide sufficient car parking within the site; and
v. Would the applicant make a commitment towards the provision of infrastructure and facilities required by the development?

9.0 Analysis of Main Issues

9.1 This statement will address 3 of the main issues: i, ii, and v; the two highway issues (iii and iv) are addressed by Rebecca Henson, Senior Engineer for Leicestershire County Council.

Is the site suitable for mixed use development

9.2 The site is located in the settlement boundary of Hinckley as defined by the Hinckley and Bosworth Local Plan. The Local Plan identifies the site as an employment site, Policy EMP1 is relevant, the site is categorised, as one where other employment activities or alternative uses of the site may be acceptable in the context of the appropriate design policies of the plan.

9.3 In conformity with Section 30 of the Town and Country Planning Act 1990, the Borough Council commissioned a review of all employment sites within the Borough, both existing and allocated. The review undertaken by the BE Group

recommended in the Employment Land and Premises study for 25 to 50% of the site to be retained in employment use, with other uses allowed on the other 50 to 75% of the site. As such the Local Authority considers that the development as proposed, incorporating an element of employment space, is in line with policy requirements and therefore the principle of a mixed use scheme is acceptable.

Would the proposed development cause harm to the character and appearance of the area by reason of its massing, layout and appearance?

9.4 The site forms part of the larger employment site along Hawley Road identified in the Local Plan as Hawley Road/Southfield Road Industrial Estate. This larger employment site forms the northern boundary of Hawley Road. Large parts of this employment site are vacant and discussions are underway with landowners regarding redevelopment. Hawley Road is an important route into Hinckley Town Centre and the eastern part of the larger employment site has been identified in the Hinckley Masterplan for redevelopment. Furthermore, on the opposite side of Hawley Road the Masterplan identifies the railway station and adjacent land as a regeneration site. See Appendix 3. The Masterplan seeks a high quality mixed-use scheme that provides an attractive gateway into the town. The appeal site whilst not forming part of either Masterplan site forms a fundamental part of the gateway into the town and as such it is considered that its importance and prominence merits a very high quality scheme.

9.5 The application as submitted proposes to reuse some of the existing buildings on the site. It proposes a three storey building to Hawley Road the majority of this elevation is set back from Hawley Road some 17 metres, with parking provided to the front. The main front projection currently on site would be retained providing built form on the street frontage, however this element is only 18 metres of the 55 metre site frontage. The design of the projecting element is essentially two storey with a central projecting glazed panel and windows either side. The projection has three storey projecting elements on the sides; the ridge height is the same however the eaves are considerably higher providing a shallow roof pitch. The three storey element incorporates full height projecting bays with hipped roofs; the roof pitch proposed is again very shallow. To the

rear of the site fronting Royal Court a two storey building is proposed this provides built form on the Royal Court frontage for 43 metres before changing to car parking for the remaining 35 metres. The three storey element of the scheme can be seen from Royal Court and is set back 14 metres behind the car park.

9.6 The design of the scheme is considered poor with varying eaves heights, very shallow roof pitches with large expanses of brickwork with little architectural interest. The view of the development when approaching from either way on Hawley Road would be of the three storey projections on the two-storey gable element. These areas of the scheme are considered to be incongruous elements within the streetscene by virtue of the poor relationship between the two and three storey buildings.

9.7 The relationship of the development to the road frontage is considered poor; the set back of the three storey building will not create a sense of enclosure that is considered necessary for Hawley Road. The parking area to the frontage is enclosed by a retaining wall that will add no interest to the streetscene. The streetscape of Hawley Road is considered to be of poor quality currently, the proposed scheme does not form a high quality scheme that will contribute to the streetscene positively and is therefore contrary to Policy BE1 of the adopted Local Plan. National Policy Guidance specifically states 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'. It is considered that the proposed appeal scheme fails to take the opportunity available for improving the quality of the area and therefore should not be accepted. It is considered that on such an important gateway to the Town Centre a development of high quality that offers presence within the streetscene and provides a sense of enclosure is required, to ensure the scheme contributes positively to improving the area thus making it better for people in line with National Guidance.

Would the applicant make a commitment towards the provision of infrastructure and facilities required by the development?

9.8 The application was refused on one ground that referred to contributions towards infrastructure, namely library and health facilities. The application was accompanied by a Heads of Terms Agreement, which indicated that the developer would be prepared to contribute towards this infrastructure however the figures included were incorrect with an over provision of £61 towards library facilities and an under provision of £3,214 towards health facilities. An amended Heads of Terms was submitted indicating a willingness to meet these contributions, however, due to its receipt being on the day of planning committee it was too late to be included within the application. If the appellant were to submit a signed unilateral undertaking in line with the amended heads of terms this would be acceptable to the local planning authority and would address this reason for refusal.

10.0 Conclusion

10.1 The site is located within the settlement boundary of Hinckley; it lies within an area that consists of mixed activity. Importantly, the site is identified as employment land in the adopted Hinckley and Bosworth Local Plan.

10.2 Policy EMP1 of the Local Plan provides that employment sites in 'category b' may be appropriate for alternative uses providing other design policies within the Local Plan can be adhered to. The Employment Land and Premises Study recommends that 25 to 50% of the site is retained in employment use. The Study was undertaken to inform policy in line with Section 30 of the Town and Country Planning Act 1990. Whilst not adopted the Study is a technical working document used in the development control process and therefore has material weight in the consideration of this application.

10.3 The scheme submitted proposes to retain an element of employment space in line with policy requirements and Study. This mixed-use scheme is considered acceptable in principle subject to other design policies within the Local Policy.

10.4 The scheme submitted is considered to be of poor quality design. The site is in a prominent location on a gateway into Hinckley Town Centre and as such merits a high quality scheme. This was recognised by the applicant when a further application was submitted proposing a high quality scheme for new development, which was approved and resulted in the withdrawal of the appeal application that was the same in design terms as this appeal. It is imperative that this site is re-developed with a high quality scheme that will positively contribute to the streetscene and act as a catalyst and benchmark for other developments in the area. Its location, adjacent to two Masterplan regeneration sites, is key to the importance of achieving a high quality development.

10.5 Developments of this nature often result in the requirement for financial contributions towards infrastructure improvements required by the development. Without the submission of a signed unilateral undertaking that confirms the applicant is prepared to make these contributions the local authority considers the application to be contrary to Policy IMP1 of the Local Plan.

10.6 It is concluded that the evidence submitted on behalf of the Council demonstrates that the proposal for mixed-use development on the appeal site is an unacceptable form of development, which is contrary to national and local policy. The Inspector is respectfully invited to share these views and dismiss the appeal.

10.7 Should the Inspector be minded to allow the appeal, the Local Planning Authority would request the inclusion of the attached conditions at Appendix 4.

APPENDIX 1

Site location plan

APPENDIX 2

Letter to Applicant's Agent dated 3rd December 2007

APPENDIX 3

Extract from Hinckley Town Centre Masterplan

APPENDIX 4

Suggested Conditions

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

2 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development approved by this planning permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site, which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site. Prior to the commencement of main site works the approved remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.

5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

6 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The drainage details should incorporate sustainable drainage principles. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

7 No building shall be erected or trees planted within 3 metres of the 150 mm public surface water sewer and of the 150 mm public foul sewer.

8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) means of enclosure
(ii) car parking layouts
(iii) other vehicle and pedestrian access and circulation areas
(iv) hard surfacing materials
(v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
(vi) planting plans and written specifications
(vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
(viii) implementation programme.

9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs, which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.