



Appeal Decision

Site visit made on 26 January 2022

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/E2530/W/21/3274139

Land off Cherryholt Road, Stamford PE9 2EP

- 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 Longhurst Group Limited & the Cecil Estate Family Trust against the decision of South Kesteven District Council.
- The application Ref S19/1475, dated 7 August 2019, was refused by notice dated 7 December 2020.
- The development proposed is the erection of 31 affordable dwellings and associated works including access and landscaping.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 31 affordable dwellings and associated works including access and landscaping at land off Cherryholt Road, Stamford PE9 2EP in accordance with the terms of the application, Ref S19/1475, dated 7 August 2019, subject to the conditions in the Conditions Schedule below.

Preliminary Matters

2. The above describes the development now before me. As originally submitted permission was sought for 33 dwellings but the application was amended whilst being determined.
3. An application for costs was made by the appellant against the Council, and that is the subject of a separate decision.

Main Issues

4. The main issues in this case are
 - a) whether the proposal would be acceptable in principle,
 - b) whether it would adversely affect the setting of the Grade I listed Remains of St Leonard's Priory (the Priory) and its surrounding Scheduled Monument, so causing harm to the significance of either or both of these designated heritage assets and,
 - c) if harm would be caused to the significance of these heritage assets, whether public benefits would outweigh that harm.

Reasons

The principle of development

5. This appeal concerns a large meadow that runs down the valley side towards the River Welland. The Council did not say that the site was in the countryside

but rather described it as being in the centre of Stamford. Although it is a greenfield site and not previously developed land, that does not of itself prevent it being developed for housing. As a result, and noting its good access to the town's services, I see no conflict with the spatial strategy in Policies SP1 and SP2 of the *South Kesteven District Council Local Plan* (the Local Plan).

6. A conflict with Local Plan Policy OS1 was cited by some, but undeveloped grassland that people enjoy visually or without permission does not seem to be the open space that policy seeks to protect. Rather, it appears to concern land specifically intended for formal and informal recreational and sporting purposes. Although many residents said they used the appeal site in that regard, I have no evidence of it having public access rights or being available in any meaningful way for recreation and sport. There is also no basis to find it is required to meet the district's standards for informal natural open space provision or is otherwise adding to the supply of adequate open space in South Kesteven. I acknowledge that when recently considering a Rights of Way appeal a Planning Inspector found there was a public right of way along the south-western corner, but that would not allow the body of the site to be accessed and I see no reason why that would infer wider access rights beyond the use of the footpath. As such, I consider the scheme is not contrary to Local Plan Policy OS1.
7. Similarly, as the Council is not involved in the management or enhancement of this field, there is nothing to show the site falls within an adopted green infrastructure scheme or is part of an established green infrastructure network. Being on the edge of the countryside it is to be expected that a range of flora and fauna is present. However, on the evidence before me I am not satisfied that the site supports important or protected habitats or species, or that any effect on the biodiversity of the site would be sufficient to offer grounds for refusal. Accordingly, the proposal would not conflict with Local Plan Policy EN3.
8. In the *Stamford Neighbourhood Plan* it is intended to allocate the land as part of the River Welland Green Corridor and an Important Open Space. That plan though is at an early stage and so the weight I can afford it is limited. It is therefore not a basis to resist the appeal.
9. Accordingly, I conclude that the principle of housing here is acceptable, and in this regard the scheme would not conflict with Local Plan Policies SP1, SP2, OS1 or EN3.

Heritage matters

10. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) says, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The *National Planning Policy Framework* (the Framework) provides further guidance on this, emphasising that heritage assets are an irreplaceable resource and great weight should be given to their conservation. It adds that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
11. According to the listing details, the Priory was founded over 900 years ago. It was substantially rebuilt in the 12th Century but now only part of the church's

west front and a north arcade survive. Its significance lies not just in its age and the historic role it demonstrates, but also in the architectural detailing it displays both from when it was built and from subsequent alterations.

12. This remaining element would once have been part of a much larger complex of ecclesiastical and ancillary buildings, together with associated fishponds, and the extent of these is broadly covered by the Scheduled Monument to the south and west. The presence of these features, whether on the surface or underground, and the manner in which they indicate the previous scale and status of the Priory, add to the significance of this Scheduled Monument.
13. When originally constructed, the Priory would have been in the countryside and part of its purpose would have been to manage surrounding agricultural land. Consequently, a rural setting would add to the understanding of not just the remaining building but also the Scheduled Monument.
14. However, over the years, with the development of Stamford, this setting has appreciably diminished. Housing has extended along Priory Road up to the Scheduled Monument closing off views to the north when looking to and from the designated heritage assets, while large commercial units are to the south on the opposite side of the river. Some sense of a rural landscape is to the east over allotments, but views in this direction are limited by vegetation.
15. To the west of the Scheduled Monument is a meadow by the river and a further allotment on the rising ground of the valley side, with the appeal site lying beyond. The open nature of these maintains some sense of a rural landscape in that direction. However, the Bowman Mews development that runs along the east side of Cherryholt Road down towards the river currently terminates that view in an abrupt and stark manner. This is due to the height, the limited separation and the striking pale finish of its buildings, as well as their closeness to the site boundary. Moreover, while the intervening allotments are sizeable, they contain numerous low outbuildings, greenhouses, sheds and similar. Consequently, the allotments look relatively cluttered, and this detracts from their appearance as open undeveloped agricultural land.
16. As a result, when by the Priory or on the Scheduled Monument there remains some sense of the asset being experienced in a countryside setting, although it is very much reduced from what it would have been with the surrounding landscape having an over-riding urban character. Similarly, when looking from Bowman Mews or the footpath by the river, the Priory can be seen over an open rural landscape, albeit a limited one containing the sizeable intervening allotments and appreciably constrained by existing built development.
17. In the view from Bowman Mews towards the Priory and the Scheduled Monument, the appeal site is an area of pasture in the foreground that adds to the rural settings of those 2 designated heritage assets. From within the Scheduled Monument and from the Priory, the relatively large field subject of this appeal contributes to the setting of each when looking in that specific direction by keeping built development as far as possible from those designated heritage assets. Overall, though, given the abrupt termination of the view to the west already created by the striking Bowman Mews scheme, the containing effect of housing on Priory Road to the north and the distances involved, I find that whilst the appeal site makes a contribution to the setting and the significance of the Priory and the Scheduled Monument, this is limited.

18. The scheme would bring built development closer to the Scheduled Monument and the Priory, and would result in the loss of pastureland in that view when seen from Bowman Mews. As such, it would diminish the extent of the remaining rural setting in which these 2 assets now stand. However, when looking from the Scheduled Monument and the Priory the site is very much a peripheral feature in the assets' settings. Development here would not sever any part of their setting that lay beyond, as views in that direction are already terminated by the Bowman Mews scheme immediately next to the proposal. From the Priory and the Scheduled Monument any appreciation of the loss of pasture would not be apparent due to the concealing effect of the intervening hedges. Moreover, compared to the dominant Bowman Mews, the proposed dwellings would be lower, more fragmented and finished in more subdued materials. As such, they would comprise a softer and less abrupt edge to the settings and would break up the dominance of built development beyond.
19. Taking account of the limited contribution to the settings of the Priory and the Scheduled Monument that the site makes at present, I therefore find that the appeal scheme would have some minor adverse effect on the setting of each of those designated heritage assets. As a result, it would cause harm, albeit less than substantial, to the significance of the Priory and the Scheduled Monument.
20. The Stamford Conservation Area is to the north and west of the site, the significance of which lies to a great extent in how it encompasses the historic core of this town. However, the tall Bowman Mews development is a barrier of built form between the appeal site and conservation area boundary, that separates the 2 visually and prevents any sense of inter-relationship. As such, I consider this scheme would not affect how the conservation area is experienced or its significance.
21. There is also the Grade II listed Priory Farmhouse to the east of the Priory, the significance of which lies to some degree in its detailing, its scale and its grouping with the Priory. Given the separation involved, the size of that property and the various intervening features, I see no reason why this scheme should diminish its setting.
22. Finally, it was said there could be the remains of a nunnery on the appeal site. The technical evidence before me does not imply any such remains would be of such significance as to prevent the development proceeding, and so this could be satisfactorily addressed by a suitable planning condition.
23. Accordingly, I conclude that, by reason of its effect on the setting of each, the proposal would cause less than substantial harm to the significance of the Priory, a Grade I listed building, and the Scheduled Monument around. However, I also conclude the proposal would not harm the significance of any other designated heritage assets in the area.

Other Matters

Flooding

24. The site is mainly in Flood Zone 1 and this area would contain most of the proposed properties. However, at the lower southern end, some of the dwellings would be within what is now identified as Flood Zones 2 and 3, with Flood Zone 3 having more than a 1 in 100-year probability of river flooding.

25. In response to this, the houses in the parts of the site now in Flood Zones 2 and 3 would be elevated on bases to raise them to at least 300mm above the level of the 1 in 100-year flood + 40% allowance. This would mean they would also be above the level of the 1 in 1000-year event. Moreover, as the access would run through this area, its northern carriageway would be elevated to allow emergency vehicles to enter and leave the site in flood scenarios. In order to overcome and offset any effect these works may have on flood plain capacity, it is intended to extend the flood plain into the site by lowering land levels in what are to be areas of communal open space or parking that currently lie in Flood Zone 1. Culverts under the elevated carriageway are also proposed, along with a detailed management plan to ensure they continue to fulfil their required roles when called upon.
26. An existing informal field access at the northern end of the site would be available for use in times of flooding as well. On my visit a car was comfortably parked in the route from that gate to the road between the garden fences to either side, so I consider it would be wide enough for this purpose. If a condition ensures it is suitably surfaced and it has controls on its usage, I have no reason to doubt it would be a further option in emergencies when flooding became acute.
27. The appellant contended that, with all the proposed dwellings being above the level of the 1 in 1000-year event and having a suitable means of escape, the sequential test is passed and there is no need for an exceptions test. By not raising flooding as a concern the Council considers the sequential test is satisfied. Moreover, the Environment Agency has raised no objection to the proposal, and so has not said the scheme would put life in danger or increase the likelihood of flooding elsewhere. Although the Environment Agency has required the finished floor levels in some of the houses to be 30mm higher than shown on the submitted drawings, the appellant has accepted a condition to this effect, and I consider it would not have a material impact on the development's appearance or impact.
28. Therefore, on the evidence before me dwellings would not be positioned where they were at risk of flooding, the scheme would not put lives at danger, it would not reduce floodplain capacity, it would not displace flooding elsewhere, and it would maintain access to and from properties in time of flood. Therefore, I have no basis to consider the proposal would have an unacceptable effect in this regard.
29. In coming to this view, I have noted the local residents' concerns that the real-time flood data from recent years does not reflect the trends on which the site's assessment was based. However, there is always to be some uncertainty in the likelihood of forthcoming events, but it is reasonable to assume that the Environment Agency would have factored in this information when consulted.

Highways

30. Within the site some of the parking areas are restricted, but I consider this would not be sufficient to impeded or prevent the use of parking spaces. Furthermore, the on-site provision would be adequate given the proximity to central Stamford and the other shops and services around. The details of the landscaping could be controlled to ensure drivers had suitable visibility when entering and leaving parking spaces.

31. Although having limited sight splays, the junction of Cherryholt Road and Priory Road is an established part of the highway network and already provides access to many residential and commercial properties. Similarly, if there is congestion in the town at certain times, that is a wider issue and I have no basis to find that should stand in the way of development of this type that is otherwise acceptable. Taking this into account and mindful of the scale of the movements it is likely to generate, I have insufficient evidence to show the proposal would have a severe effect on traffic flow or cause a material harm to highway safety. The access from the north would be for emergencies only, and so concerns about its relationship to the junction opposite would not offer grounds to resist the scheme.
32. Although residents have questioned the data in the transport assessments, I have insufficient reason to consider this would be a basis to discount those and dismiss the proposal.

Living conditions

33. Houses and flats abut the north and west of the site. The scheme would change these properties' views from fields and allotments with the river and the Priory beyond, to ones that are more suburban and confined. However, of itself that is not a matter on which I could resist the appeal.
34. Even acknowledging that some of the properties on Bowman Mews are flats, the interface distances between those and the new dwellings would be acceptable and would not result in an unduly dominant development or a relationship that would diminish outlook or daylight unreasonably. A condition could be imposed to ensure any windows in the side gables facing Bowman Mews were obscured, thereby safeguarding privacy. The separation between the houses on Priory Road and the dwellings at the northern end of the scheme would mean the privacy of those residents was respected.
35. Although there would be more activity on the site than at present, there is no basis to consider that would result in a level of noise unsuited to this area. There are also no grounds to show that increased use of the passage linking the northern end of the site to Priory Road would give rise to unacceptable levels of noise or overlooking for the residents to either side.

Remaining matters

36. The scheme would have a simple layout but, subject to conditions concerning the agreement of materials and landscaping, the design of the units and the visual impact of the scheme would be suitable for this location. With a condition controlling details of the appearance of the elevated carriageway into the site, and noting the existing car parks to either side, this feature would not be visually inappropriate or harmful.
37. Disabled access to certain properties can be addressed appropriately through a condition and under other legislation. Financial contributions towards health are being made as well as commitments to on-site public open space, and I have no basis to consider these fail to meet the tests in the *Community Infrastructure Levy Regulations 2010* (the Regulations). Mindful of these there is little substantive evidence to show the town's doctors, schools and so on could not accommodate the scheme. Whilst the Council might have resisted

development here in 2011, that of itself does not have a significant bearing on my decision now.

Benefits to weigh against the harm

38. The Framework says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm to its significance requiring clear and convincing justification. However, neither the Framework nor the Act state that schemes harming listed buildings' settings should always be refused. Rather, under the Act the decision-maker is required to have '*special regard to the desirability of preserving the building or its setting*', while the Framework says that if less than substantial harm is identified to a designated heritage asset, it should be weighed against the scheme's public benefits. .
39. Having found the development would cause less than substantial harm to the significance of the Priory and the Scheduled Monument, I attach considerable weight and importance to the desirability of preserving the settings of these designated heritage assts, taking into account the Grade I status of the Priory.
40. Balanced against this though is the delivery of 31 dwellings that, by means of a legal agreement, are to be affordable. Local residents contend there is no affordable housing need, but the Council fairly accepts there is an immediate acute need for such accommodation in the District. Through allocations and extant planning permissions it is taking steps to address this shortfall, but what has been submitted does not indicate that these measures are sufficient to allay the shortfall totally or appreciably.
41. Although delivering a relatively large number of affordable housing units, these 31 dwellings would make only a minor contribution in addressing the overall shortfall. However, such a big shortfall is likely to be addressed, in part at least, by the cumulative effect of developments of this scale and smaller, which, when taken together, would serve to whittle away at the outstanding number of affordable dwellings that is needed. Given this, I consider the proposal now before me would be a valued and valuable addition to the supply and stock of affordable housing. Furthermore, I am of the view this could be legitimately described as a public benefit, as it would be helping to tackle a need experienced by the wider community.
42. I have given great weight to the less than substantial harm caused to the significance of the Priory and the Scheduled Monument that would arise because the scheme would have an adverse effect on the limited contribution of the site to the settings of those designated assets. However, the size of the affordable housing shortfall in the district means I consider delivering 31 affordable units would be a public benefit that would outweigh this less than substantial harm and offer a clear and convincing justification for that harm. The affordable housing provision in the legal agreement is therefore compliant with the tests in the Regulations.
43. Accordingly, I conclude that less than substantial harm would be caused to the significance of the Priory and the Scheduled Monument, but this would be outweighed by the public benefits arising from the delivery of 31 affordable housing units in a district where there is an acute need for such accommodation. Accordingly, in this regard it would not conflict with the Framework or Local Plan Policy EN6, which accepts development that causes

less than substantial harm to heritage assets will only be accepted if it is outweighed by public benefits. Moreover, given this any conflict with Local Plan Policy EN1, which seeks to resist development that would not conserve landscape character, would not be a reason not to grant planning permission.

Conditions

44. I have considered the suggested conditions in the light of guidance contained in the Framework, and in places I have amended them to render them more enforceable or precise.
45. A condition is required to ensure the development is in accordance with the approved plans for the avoidance of doubt. Having regard to the appearance of the area including the relationship to designated heritage assets, conditions are needed concerning materials, boundary treatments and the elevated access road. For this reason, conditions requiring a landscaping scheme, a landscape management plan and details of tree protection should also be imposed. The possible presence of on-site remains means a written scheme of investigation should be carried out.
46. In order to address flooding, the scheme should be built in accordance with the stated measures for flood mitigation and flood plain compensation, while details of their maintenance and management should be agreed. The northern access should also be provided, with suitable safeguards to ensure it was not open to vehicular use other than in emergencies.
47. To protect highway safety and public access, parking and pedestrian links should be provided. For this reason, and to safeguard flooding, works should be in accordance with a Construction Management Plan and Method Statement though the precise terms of this could be addressed when considering the condition. To ensure on-going versatility of the housing stock, conditions to show that 10% of the dwellings in the scheme would be suitably accessible and adaptable and to ensure the units could adapt to climate change would also be reasonable. To protect living conditions, the first-floor side windows on Plots 9, 10 and 14/15 should be obscured. Finally, mindful of wildlife, a biodiversity mitigation and enhancement programme should be agreed.
48. However, on the evidence before me and mindful of other legislation, I am not satisfied that a condition concerning contamination is justified.
49. The conditions relating to archaeology and tree retention require details to be agreed before the development commences, because features could be lost if details were agreed after the works had begun. Conditions concerning the Construction Management Plan and Method Statement, adaption to climate change, accessibility /adaptability and the needs of biodiversity need to be agreed before works start because those could affect how the development is undertaken. Finally, the maintenance of the floodplain is a pre-commencement condition because it is fundamental to the scheme's acceptability.

Conclusion

50. For the reasons given the appeal is allowed

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (200062-IWM-XX-XX-DR-A-2000 Rev P2)
 - Proposed Detail Site Layout (200062-IWM-XX-XX-DR-A-2100 Rev P4)
 - Proposed 2B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2201 Rev P3)
 - Proposed 2B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2202 Rev P3)
 - Proposed 2B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2203 Rev P3)
 - Proposed 2B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2204 Rev P3)
 - Proposed 3B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2205 Rev P3)
 - Proposed 3B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2206 Rev P3)
 - Proposed 3B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A 2207 Rev P3)
 - Proposed 1B Dwelling Plans and Elevations (200062-IWM-XX-XX-DR-A-2208 Rev P3)
 - Proposed External Works Layout and Levels (200062-IW-XX-XX-DR-C-6002 Rev P5)
 - Proposed Flood Plain Compensation Works (200062-IW -XX-XX-DR-C-6003 Rev P7)
 - Flood Plain Culvert Details (200062-IW-XX-XX-DR-C-6008 Rev P1)
 - Foul Pumping Station Arrangement (200062-IW-XX-XX-DR-C-6009 Rev P1)
 - Flood Plain Comparison Plans (200062-IW-XX-XX-DR-C-6004 Rev P5, -6005 Rev P4, -6006 Rev P4, and -6007 Rev P3)
- 3) No development shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Any necessary ground investigation associated with this archaeological investigation shall also have been completed in accordance with the approved details before development commences.
- 4) No development shall commence until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The approved Construction Management Plan and Method Statement shall be adhered to throughout the construction period.

- 5) No development shall commence until details demonstrating how the proposed dwellings could mitigate against and adapt to climate change, together with a timetable for the implementation of any necessary works, have been submitted to and approved in writing by the Local Planning Authority. Any measures approved under this condition shall be completed in accordance with the approved scheme and timetable.
- 6) The development permitted shall be carried out in accordance with the approved Flood Risk Assessment, produced by Ingleton Wood, dated 3 December 2019. No construction of any dwelling shall commence until flood plain compensation and mitigation measures have been constructed and implemented on site in accordance with the approved plans listed in Condition 2 and the finished floor level for each dwelling shall be no lower than 21.99 AOD.
- 7) No development shall commence until a scheme for biodiversity mitigation and enhancement, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation and enhancement measures shall be completed in full, in accordance with the approved scheme and timetable.
- 8) No development shall commence until all existing trees shown on the approved plan to be retained have been fenced off to the limit of their branch spread in accordance with BS5837. This fencing shall remain for the duration of the development period, and no works including vehicle movements, the removal of earth, the storage of materials, or the siting of temporary buildings shall be permitted within these fenced off areas.
- 9) No development shall commence until details demonstrating that at least 10% of the units would be constructed as "Accessible and Adaptable" have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 10) No development shall commence until a scheme illustrating the full maintenance details for all elements of the proposed flood plain compensation measures, together with a timetable for the operation of those measures, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented and subsequently maintained in accordance with the approved details and timetable.
- 11) Before any of the works above slab level are undertaken on the dwellings hereby permitted, details of the materials to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
- 12) Before the first occupation of each dwelling, its curtilage shall be enclosed by boundary treatments of a height, position, design and materials that have first been submitted to and approved in writing by the Local Planning Authority.

- 13) Before any part of the development hereby permitted is occupied, a landscape management plan shall have been submitted to, and approved in writing by, the Local Planning Authority. For a period of 5 years following the first occupation of the final dwelling hereby permitted, the areas of landscaping subject of the landscape management plan shall be managed in accordance with the approved landscape management plan.
- 14) The first-floor windows on the west elevations of Plot 9 Plot 10 and Block 14/15 shall at all times be fitted with obscure glazing and have no opening less than 1.7m above the floor level immediately below the centre of the opening part. The obscure glazing must be obscured to a minimum of Pilkington – Privacy Level 3 or an equivalent product.
- 15) Before the first occupation of each unit, the parking and servicing provision shown on the approved drawings for that unit shall be provided and available for use, and thereafter retained for that purpose. Before its first use each parking space shall be provided with sight splays that have first been approved in writing by the Local Planning Authority, and those sight splays shall thereafter be kept clear of any obstruction greater than 600mm above the height of the adjacent carriageway.
- 16) Before the first occupation of any unit the 2 metre wide footway on Drawing 2100 Rev P4 running from Cherryholt Lane adjacent to the entrance to Skells Court to the shared surface by Plot 1 shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority, and thereafter retained.
- 17) The vehicular access/exit into/out of the site from/to Cherryholt Road shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 18) Before the first occupation of any unit, the northern access from the site to Priory Road shall be surfaced and a mechanism shall be installed to control vehicular use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and that access shall remain thereafter available for use with the mechanisms for vehicular control in place.
- 19) Before the end of the first planting / seeding season following the first occupation of any part of the development hereby permitted, all hard and soft landscaping works shall have been carried out in accordance with the approved landscaping details on the following approved plans (unless otherwise amended under the conditions in this schedule):
 - Landscape Masterplan (Ref: (08)001 Rev J)
 - Hard Landscape Plans (Ref: (90)001 Rev F and (90)002 Rev F)
 - Soft Landscape Plans (Ref: (96)001 Rev G and (96)002 Rev G).If, within a period of 5 years from the first occupation of the final dwelling of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme (including those existing trees and shrubs shown as being retained) die or become seriously damaged or defective, they shall be replaced in the first planting season following any

such loss, with a specimen of the same size and species as was shown on the approved plans above.