



Appeal Decision

Site visit made on 21 October 2019

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th November 2019

Appeal Ref: APP/M5450/W/19/3222753

Annex Building at 2A Rosslyn Crescent, Harrow HA1 2SU

- 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 Jaspar Foundation against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2117/18, dated 15 May 2018, was refused by notice dated 17 August 2018.
 - The development proposed is the redevelopment of existing single storey building (Use Class D1) to a three-storey residential block (Use Class C3) with roof accommodation to provide 6x1 bedroom and 1x3 bedroom residential units and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of existing single storey building (Use Class D1) to a three-storey residential block (Use Class C3) with roof accommodation to provide 6x1 bedroom and 1x3 bedroom residential units and associated development at Annex Building at 2A Rosslyn Crescent, Harrow HA1 2SU in accordance with the terms of the application, Ref P/2117/18, dated 15 May 2018, and subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The proposal was amended prior to the Local Planning Authority (LPA) making its decision including a moderate lowering of the height of the proposed building, the provision of obscure glazing on first and second floor windows on the southern elevation and new flank windows on the ground, first and second floors. I have determined the appeal proposal on the basis of those plans listed in the LPA's decision notice together with two amended plans (location plan and site plan) submitted as part of the appeal. The plans show a slightly amended site area which does not materially change the appeal proposal.
3. As part of the appeal, the appellant has submitted a Unilateral Undertaking (UU) containing obligations to regulate parking permits and an associated monitoring fee. The LPA have been provided with an opportunity to comment on this document. I deal with the UU separately within the decision.
4. References are made to a redevelopment proposal at No.1 Marlborough Hill granted under application reference P/2613/13. At the time of my site visit a recently completed 4 storey building has been erected at the No.1 site, which is materially different to that approved under P/2613/13. It includes openings on the flank (eastern) elevation facing towards the appeal site. Following the site visit, the LPA provided plans for a recently approved office development at No.1, under reference P/4102/18, and the appellant has been given the

opportunity to comment. I have taken the presence of this building into account in my decision.

Main Issues

5. The main issues in the appeal are as follows:

- (i) The effect of the proposal on the character and appearance of the surrounding area, including the setting of the Jaspar Centre (former Magistrates Court), a grade II listed building; and
- (ii) Whether the proposal would provide acceptable living conditions for future occupiers, with regard to privacy and quality of amenity space, together with the effect of the proposal on the privacy of first floor occupiers of the Jaspar Centre.

Reasons

Character and Appearance

- 6. The appeal site comprises a single-storey building of utilitarian appearance constructed in the 1950s to the north of the Grade II listed (Harrow) Magistrates Court building and had an associated use in accommodating probation services. Whilst it is within the curtilage of the listed building it does not benefit from separate curtilage listing and the principle of its loss has been accepted.
- 7. The heritage significance of the Magistrates Court building is its provenance as a 1930s suburban municipal building which served as both a Police Court and then a Magistrates Court with associated local resonance within living memory. It is designed in the neo-Georgian style with an external quality and articulation of the elevations in terms of the rhythmic and symmetrical brickwork facades, stonework detailing, the dominant central cupola and the style and substance of the entrances conveying the status of the building, including a strong linear frontage onto Rosslyn Crescent. From the listing description the heritage significance also includes what is described as an "unusually intact interior" reflecting the architectural response in designing a functional court house.
- 8. In terms of the setting of the listed building the suburban 'Metroland' townscape within which the building was originally conceived has altered. Remaining linkages to the modest scale of housing further east in Rosslyn Crescent and south in Frogna Avenue are now weak, in part due to taller 3 storey dwellings immediately opposite on Rosslyn Crescent. Elsewhere, tall three and four storey modern developments immediately to the west including the recently redeveloped site at No.1 Marlborough Hill, together with the very large, bulky modern commercial building for HealthAid to the north and the substantial Harrow Central Mosque building immediately to the south-west all combine to now dominate the setting of the building. Consequently, the listed building is not prominent and in numerous viewpoints it is now largely experienced as a subservient building. The recent development immediately to the west significantly divorces the building from Station Road and upper parts of Marlborough Hill.
- 9. The listed building is principally experienced from within those immediate parts of Rosslyn Crescent and Frogna Avenue closest to the building. In numerous

perspectives the appeal proposal would not be visible, in part due to its position behind the scale and bulk of the listed building. The key viewpoint would be the car park exit to the west of the listed building. The setting of the listed building here is already cluttered and enclosed by the backdrop of tall developments described above and now further hemmed-in from this perspective by the scale and unadorned appearance (rendered façade and flat roof) of the redeveloped No.1 Marlborough Hill. The appeal proposal would broadly assimilate into this setting, in part because of its comparable scale to other adjoining recent development but also because its detailed design seeks to respond to rather than visually compete with or dominate the listed building, including detailing of the openings and the proposed roof design. The proposed flats would be seen as part of the mix of other taller structures beyond the listed building. It would not erode any clear sense of openness to the north of the heritage asset. Nor would the appeal proposal because of its scale and distance from Rosslyn Crescent, dominate or appear overbearing against the listed building or adversely affect the symmetrical qualities in the layout of the former courthouse. Consequently, the heritage significance of the former Magistrates Court, including its principal front elevation and striking cupola, would remain evident and largely undisturbed from within Rosslyn Crescent. Consequently, there would be no harm to the setting of the heritage asset from viewpoints to the south and east.

10. Upper parts of the rear elevation and roofscape of the former Magistrates Court building can be observed across the appeal site from within some parts of Marlborough Hill and Ferndale Terrace. The appeal proposal would remove these remaining views from the north and whilst there remains a good degree of architectural interest in the rear elevation there is little evidence that the building was conceived to have a strong visual relationship to or from Marlborough Hill and Ferndale Terrace. From these viewpoints the particular heritage significance of the building is difficult to discern. The dominating scale and stark modern appearance of the new No.1 Marlborough Hill and the bulky modern Health Aid building strongly effect and limit how the listed building is now experienced from the north. It is not a landmark building from this perspective, in contrast to how it has been designed to be experienced as a status building from within Rosslyn Crescent. Accordingly, the loss of the relatively small gap and narrow remaining views across the appeal site would not harmfully affect the setting of the listed building.
11. In terms of the wider character and appearance of the area, as described above the proposed scale and appearance of the building would form a logical extension to the adjoining scale and pattern of development that now wraps around from the entrance of Rosslyn Crescent, along Station Road, to the top of Marlborough Hill. It would make a more efficient use of what is currently a site that now bears little relation to the evolving intensification of this part of Harrow. The principle of intensification is being promoted through the Harrow and Wealdstone Area Action Plan (2013) (the AAP) and the appeal site relates to the Station Road sub area in the AAP as well as the later designation of the Harrow and Wealdstone Opportunity Area in 2015 which is a specific zone for housing development. The appeal proposal would appropriately consolidate the establishing pattern and massing of development in the immediate area.
12. I therefore conclude that the appeal proposal would not result in a harmful effect on the character and appearance of the surrounding area, including the setting of the Jaspar Centre (former Magistrates Court), a grade II listed

building. Consequently, the proposal would accord with Policy CS1 of the Harrow Core Strategy 2012 (the HCS), Policies DM1 and DM7 of the Harrow Development Management Plan 2013 (the HDMP) and Policies 7.4 and 7.6 of the London Plan¹. These policies seek, amongst other things, to ensure development responds appropriately to its context, avoids harm to the significance of heritage assets and for development which affects heritage assets and their setting it should be sympathetic to their form and scale. The proposal would also accord with the objectives of the National Planning Policy Framework (NPPF) to achieve well-designed places and conserve and enhance the historic environment.

Living Conditions

13. The appeal proposal would intensify the clustering of generally 3 and 4 storey, residential and office development around Marlborough Hill, Station Road and Rosslyn Crescent. Whilst it is a relatively tight site the proposed ground floor flats would have adequate external amenity space quantitatively in excess of development plan standards² for the scale of intended occupation. There would be a degree of overlooking of these spaces from neighbouring balconies to the west, but this would be over distance and tolerable for an accessible, urban context where the efficient use of land must be weighed carefully against less than perfect living conditions. The ground floor amenity space would border the car park to the Jaspar Centre but there is little evidence that the secure car park is intensively used. In any event nearby traffic on Station Road provides a significant source of background noise at the appeal location.
14. The proposed flats are all dual aspect, including the ground floor flats, such that despite the degree of obscured glazing proposed and the proximity of site boundaries there would be a reasonable degree of outlook for all future occupiers of the flats. Proposed openings on the western elevation would correspond with the gap between No.1 Mosborough Hill and Nos.12-14 Station Road (Saturn House). They would be generally angled away from balconies and openings elsewhere on the rear elevations of buildings on Station Road and generally reflect the pattern of existing openings and intervening distances which are evolving with the increasingly efficient use of land at this part of Harrow. In general layout terms the proposal would not give rise to an unacceptably poor outlook for future occupants.
15. There would be openings, including at ground floor level, on the north elevation fronting onto Ferndale Terrace. This is a short stub of road leading into the private yard of the Health Aid building. It is not a busy thoroughfare or through route and the proposed building would be slightly set back from this highway. Taking these factors into account there would not be a significant degree of actual or perceived overlooking or loss of privacy for future occupants of the appeal proposal along this aspect.
16. I note the addition of a ground floor opening on the west elevation, but this would face onto two private parking spaces, within a secure, access-controlled car park. It would serve a dual aspect room with alternative openings onto a private amenity space. Consequently, there would not be an unacceptable degree of harm to privacy from this opening. As set out above there is a new 4

¹ The London Plan March 2016 – The Spatial Development Strategy for London Consolidated with Alterations Since 2011.

² London Plan 2016 Policy 3.5

storey building at No.1 Mosborough Hill immediately to the west which includes unobscured openings on the flank elevation facing the appeal site. From the plans provided by the LPA these openings would serve either office or meeting room accommodation. The appeal proposal would offer a blank elevation directly towards these openings such that there would be no inter-visibility. Whilst the massing and proximity of the appeal proposal would remove the outlook from these openings, much of the office accommodation at No.1 is dual aspect such that I consider there would be no significant harm to the amenities of future occupants of this building.

17. The Jaspar Centre contains two ancillary residential units at the first-floor level, with unobscured openings to habitable rooms facing directly towards the appeal site³. There would be a separation distance of little more than 10 metres. To some extent differences in floor levels in the proposed building and the Jaspar Centre would reduce corresponding direct inter-visibility between openings, particularly with the proposed 3rd floor accommodation within the roof space. There would, however, remain significant opportunities for angled views between the first and second floor openings on the proposed south elevation of the appeal building and the habitable rooms at the Jaspar Centre.
18. The appellants proposed response has been to install obscure glazing, to a height of 1.7 metres, to all first and second floor openings on the south elevation of the appeal building as shown on the plans. This would realistically preserve the privacy of occupants at the Jaspar Centre. The extent of obscure glazing proposed would be a less than ideal design response, but I note that all the habitable rooms affected would be dual aspect such that proposed openings on other elevations would provide a necessary open outlook. The appellant has offered, and provided amended plans, to include obscure glazing on the south elevation at 3rd floor level, but I am not persuaded that this would be necessary due to the height differentials and correspondingly very limited angled views.
19. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers, with regard to privacy and quality of amenity space and would not adversely affect the privacy of first floor occupiers of the Jaspar Centre. The proposal would therefore accord with Policy CS1(b) of the HCS, Policies DM1 and DM26 of the HDMP and Policies 3.5, 7.4 and 7.6 of the London Plan, which collectively, amongst other things, seek to secure high quality residential environments that will be attractive places for future occupants to reside and to protect and enhance the existing amenities of residents including privacy. The proposal would also accord with NPPF paragraph 127 (a), (b) and (f) in terms of functioning well, having an appropriate layout and creating a place with a high standard of amenity for existing and future occupants.

Other Matters

20. The appeal site abuts Ferndale Terrace to the north and the submitted plans show a setback of some 2 metres from this highway and the opportunity for some landscaping. There is some disagreement about the extent of land under the appellant's control to implement any landscaping within this buffer, noting the appellant's efforts to establish land ownership along Ferndale Terrace. As observed on site the narrow strip of land adjoining Ferndale Terrace beyond the

³ Relevant internal layout of Jaspar Centre provided at page 31 of Appellant's Statement of Case

existing boundary fence has low growing planting and does not interfere with the access into the Health Aid premises. The issue of land ownership and the ability to implement a consented scheme is a separate matter for the appellant to resolve. The submitted plans show an appropriate response to the threshold of the appeal site onto Ferndale Terrace, when seen in combination with the recently completed adjoining scheme at No.1 Mosborough Hill and the adjacent Health Aid site, including a required set back. In this urban context a proportionate landscaping scheme would suffice, which could be secured through appropriate conditions. I therefore find on this aspect that the appeal proposal would not be contrary to HDMP Policies DM1, DM22 and DM23 and London Plan Policy 7.4, which seek, amongst other things, to appropriately assimilate development into their context including where necessary landscaping appropriate to the character of the area and relevant streetside greenness.

21. The proposed disabled parking space can only be accessed through the gated entrance and exit to the Jaspar Centre. Rights of access through the Jaspar Centre are under the appellant's control, in terms of providing a means of using the gated entrances, and this would be a separate matter in terms of establishing and maintaining a right of way. The applicant and the appellant are the 'Jaspar Foundation', who are the same organisation which run the Jaspar Centre. I am satisfied that on the information provided, appropriate access to the disabled parking space could be ensured. Accordingly, the appeal proposal would not be contrary to HDMP Policy 42 and London Plan Policy 6.13 which seek, amongst other things, to secure appropriate parking provision.
22. A unilateral undertaking (UU) has been submitted by the appellant dated 13 September 2019 and comments were invited from the LPA. The UU contains a planning obligation restricting future occupants from obtaining a parking permit and a monitoring fee for the LPA and is presented in terms of both Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 16 of The Greater London Council (General Powers) Act 1974 (Section 16). I have considered these obligations in light of the tests within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations.
23. With reference to the statutory provisions of Section 16 the principle of securing a car-free development through inhibiting the take-up of parking permits is valid as an obligation given that it would be in connection with the land. The locality, on the edge of a commercial area, is within a PTAL rating of 5 (very good accessibility) due to proximity to bus services on Station Road and the nearby Harrow & Wealdstone railway and underground station. Given the sustainability of the location and the general constraint of on-street parking provision in the area it is therefore necessary, directly related and fair and reasonable to regulate the take-up of parking permits in this part of Harrow through the obligation as presented. The second obligation provides for a modest monitoring fee (£500) which appears to be proportionate and reasonable as required by Planning Practice Guidance (PPG)⁴. I have therefore taken the provisions of the submitted UU into account.

⁴ Planning Practice Guidance Paragraph 23b-036-20190901.

Conclusion and conditions

24. In respect of both main issues for this appeal I have found there would be no significant harm and overall compliance with the relevant development plan policies. There are a very few aspects of the detailed design of the scheme which are less than ideal, but any reservations in this regard are significantly outweighed by the benefits of the scheme including the additional supply of needed housing through a car-free scheme at a very sustainable location. I have had regard to all other matters raised, but there is nothing that indicates other than planning permission should be granted. The appeal is therefore allowed.
25. The LPA has suggested a number of conditions which would be necessary if the appeals were to be allowed. I have considered these in light of the content of the PPG on the use of conditions and the guidance at paragraph 55 of the NPPF and where necessary amended the wording slightly for comprehension.
26. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans and a condition (6) requiring detailed site levels are both necessary for the avoidance of doubt and to ensure proper planning. I have slightly altered the plans to refer to the amended plans (drawings JM054-PL0001 and JM054-PL0002 Rev A) which are before me and referenced on the appellant's appeal form. They do not materially alter the scheme but slightly amend the site area.
27. To ensure the satisfactory appearance of the appeal proposal a condition (3) requiring the submission of details and approval of materials to be used in the external surfaces is necessary. For similar reasons conditions (10), (11) and (12) requiring submission of a landscaping scheme, its implementation and details of its ongoing maintenance respectively, are all necessary to ensure a satisfactory relationship to Ferndale Terrace. I have amended condition (10) to avoid repetition with conditions (3), (11) and (12) and to remove references to communal / shared gardens which do not apply here. I have also modified condition (12) to make it more proportionate to the scale of development proposed and remove references to green roofs and living walls which are not applicable. A separate condition (13) requiring the development to be certified for compliance against Secured by Design is also necessary to ensure the scheme complies with development plan policies and in light of the evidence provided by the Metropolitan Police (reference NW3815).
28. In order to ensure the need for accessible homes is met and to comply with development plan policies a condition (4) requiring M4(2) Accessible and Adaptable Homes is necessary. To ensure the development secures an appropriate surface water drainage solution and adequate disposal of foul water, conditions (7) and (8) are necessary to accord with development plan policy (HDMP Policy DM10 and London Plan Policies 5.13-5.15). A further condition (9) requiring revised details of internal storage, accessible entrances and functional on-site cycle parking is necessary to ensure satisfactory living conditions for future occupiers of the proposal.
29. Given the constrained location of the site a condition (5) requiring an early submission of a demolition and construction logistics plan is necessary to protect the amenities of occupiers of adjoining buildings and for highway safety reasons. I have amended the condition slightly to include hours of operation for demolition, construction and deliveries to be a matter for the agreed plan.

This is a standard matter and no party would be prejudiced by its inclusion. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 I have sought the appellant's agreement of condition (5) as a pre-commencement requirement. A condition (14) requiring any external plant to be regulated in terms of noise levels is necessary given the proximity of nearby residences.

30. The LPA suggested a condition for a site-specific tree protection plan and method statement. There are no trees on the appeal site (adjoining Ferndale Terrace). A few small trees are located nearby on the Health Aid site and I have no evidence that these are either protected or significant tree specimens. Accordingly, the suggested tree protection condition for the appeal site is not necessary. A further condition requiring bins to be stored away other than on collection days is not necessary to protect local amenity and would be impractical to enforce and for these reasons I have not imposed it. Similarly, a condition requiring details of communal facilities including television reception items is not necessary given the varied character of this part of Harrow and the diverse appearance of surrounding buildings. The LPA has also suggested a condition to remove permitted development rights in relation to Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 which relates to small houses of multiple occupation (HMOs). The PPG⁵ generally cautions against conditions which restrict the future use of permitted development rights. The development plan policies referred to by the LPA are generalised in terms of protecting local character rather than providing any specificity on managing the quantum or location of HMOs. Accordingly, a condition removing the permitted development right is neither necessary or reasonable.

David Spencer

Inspector.

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents: Planning Statement [Ref: JM054]; Flood Risk Assessment [Ref: HLEF63048/001R]; Design & Access Statement No.1 issue 1; Heritage Statement [Ref: 4211A]; Energy Statement [Ref: 18-E033-002]; Transport Statement [1822/AF dated May 2018]; Internal Daylight Assessment for Planning [Job no. 2771 Issued July 2018, Issue: 1]; JM054-PL-0001 (dated 27 September 2018); JM054-PL-0002 Rev A (dated 27 September 2018); JM054-PL-0100; JM054-PL-1104; JM054-PL1005; JM054-PL-1100 (received 17 July 2018); JM054-PL-1101 Rev 2; JM054-PL1102 Rev 2; JM054-PL-1103; JM054-PL-1200 Rev 2; JM054-PL-1201 Rev 2; JM054-PL-1202 Rev 2; JM054-PL-1203 Rev 7; JM054-PL-1300 Rev 2; JM054-PL0200; JM054-PL-0201; JM054-PL-0202; JM054-PL-0203.

⁵ Planning Practice Guidance Paragraph Reference 21a-017-20190723

- 3) Notwithstanding the details shown on the approved drawings, the development shall not progress beyond damp proof course level until samples of the materials (or appropriate specification) to be used in the construction of the external surfaces noted below have been submitted to the Local Planning Authority to be agreed in writing:

- a) the building including windows/doors
- b) ground surfacing
- c) the boundary treatments

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

- 4) The development hereby permitted shall be constructed to the specifications of "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

- 5) No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) agreed hours of operation for works of demolition or preparation, construction and deliveries of plant and machinery
- d) storage of plant and materials used in construction the development;
- e) the erection and maintenance of security hoardings;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) measures for the control and reduction of dust; and
- h) measures for the control and reduction of noise and vibration.

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

- 6) No site works or development shall commence (other than demolition works) until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the level of the site, have been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the details so agreed.
- 7) No development shall take place other than works of demolition until details of works for the disposal of surface water, including surface water attenuation and storage, have been submitted to the Local Planning Authority in writing and agreed. The submitted details shall include a Management Plan for disposal of ground water during construction phases, measures to prevent water pollution, full details of drainage layout including

details of the outlet and cross section of proposed storage, any flow restrictions proposed, full details of SuDS including flood displacement storage levels for existing and lowered areas, and permeable paving/surfacing and their management and maintenance. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 8) No development shall take place other than works of demolition until a foul water drainage strategy, has been submitted to the Local Planning Authority in writing to be agreed. The development shall not be occupied until the agreed drainage strategy has been implemented.
- 9) Notwithstanding the details shown on the approved drawing, the development hereby permitted shall not progress beyond damp proof course level until the following revised details have been submitted to the Local Planning Authority in writing to be agreed. The revised details shall include:
 - a) Revised plans showing internal storage for each flat in line with the requirements of The London Plan 2016
 - b) Revised plan showing an accessible design for the main entrance and the separate entrance of Unit 2
 - c) Details of access arrangements to the parking area for the blue badge parking space.
 - d) Amended plans of the cycle and bin storage ensuring that functional cycle parking is provided which is sited away from and does not interfere with servicing of the bins
 - e) Full details of the secure, sheltered long-stay cycle parking spaces.

The cycle parking shall be implemented on site for the sole use of the development in accordance with the details so agreed and shall be retained for the lifetime of the development.

- 10) The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, in writing, a landscaping scheme including the following details:
 - a) Planting plans (at a scale not less than 1:100)
 - b) Schedules of plants, noting species, plant sizes, plant container sizes (all at time of planting) and proposed numbers / densities
 - c) Written specification of planting and cultivation works to be undertaken
 - d) A landscape implementation programme with proposed timing / dates for the works.
 - e) Details of minor artefacts and structures (such as lighting and any fixing to the building, step and ramp details, retaining walls) if any
 - f) Hard landscape Material Details, which must be permeable paving
 - h) A detailed Levels Plan of the proposed finished levels.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 11) All hard landscaping shall be carried out prior to the occupation of any part of the development or in accordance with a programme first agreed in writing by the local planning authority. All soft landscaping works including planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out no later than the first planting and seeding season following the final occupation of the residential parts of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged, diseased or defective, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.
- 12) The development hereby approved shall not be occupied until a scheme for the ongoing management and maintenance of the hard and soft landscaping within the development, to include a landscape management plan for the whole of the proposed development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.
- 13) Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented where practical and the development shall be retained in accordance with the approved details.
- 14) The rating level of noise emitted from any plant, machinery and equipment on the site, shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the boundary of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with BS 4142:2014. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which the plant is or may be in operation. Before any plant is used, measurements of the noise from the plant must be taken and a report / impact assessment demonstrating that the plant (as installed) meets the design requirements, shall be submitted in writing for approval by the Local Planning Authority. The approved plant shall thereafter be maintained in accordance with the manufacturer's instructions.