



Appeal Decision

Site visit made on 25 February 2020

by Helen B Hockenhull BA (Hons) B.PI MRTPI

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

Decision date: 19th March 2020

Appeal Ref: APP/X5210/W/19/3240401

Barrie House, 29 St Edmunds Terrace, London NW8 7QH

- 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 Kalemminster Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/0645/P, dated 2 February 2018, was refused by notice dated 10 May 2019.
 - The development proposed is the redevelopment of existing porter's lodge and surface level car park to provide a part four storey part five storey extension (LG,G+3) to Barrie House comprising nine residential units, cycle parking, refuse and recycling stores, hard and soft landscaping and relocated car parking spaces.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of existing two-storey porter's lodge and surface level car park to construct a part four, part five storey extension (lower ground, ground and 3/4 storey's) to Barrie House including excavation of a basement level, to provide 9 self-contained residential flats (1 x 1 bed, 6 x 2 bed and 2 x 3 bed units), cycle parking, refuse and recycling stores, hard and soft landscaping and relocated off-street car parking spaces at Barrie House, 29 St Edmunds Terrace, London NW8 7QH in accordance with the terms of the application, Ref 2018/0645/P, dated 2 February 2018, subject to the conditions in the schedule at the end of the decision.

Procedural Matters

2. The description of development I have used in the Banner Heading is taken from the original planning application form. This was subsequently altered following agreement between the main parties. As this wording better reflects the scheme proposed, I have used it in my decision.
3. A signed and dated agreement pursuant to section 106 of the Town and Country Planning Act 1990 has been submitted by the appellant. This provides for a financial contribution towards affordable housing, restrictions to achieve a car free development, a construction management plan implementation contribution, a detailed basement construction plan, an energy efficiency and renewable energy plan, a highways contribution and a sustainability plan.
4. The lack of a legal agreement to secure the above matters formed the subject of the Council's reasons for refusal no's 2-8. The Council has confirmed in their Statement of Case, that an agreed and certified legal agreement would address

the above matters. I concur with this view. I consider whether the agreement meets the tests of the National Planning Policy Framework (the Framework) and the Community Infrastructure Levy Regulations (CIL Regulations) later in my decision.

Main Issues

5. In light of the above, the main issue in this case is the effect of the development on the living conditions of the existing occupiers of residential apartments within Barrie House with particular regard to outlook.

Reasons

6. Barrie House forms an 8 storey 'T' shaped block of 24 self-contained flats. It is proposed to demolish an existing 2 storey porter's lodge and construct a part 4 and part 5 storey extension to the northern side of the building creating 9 residential units. The proposal would include a basement level in line with the existing basement floor of Barrie House. The new extension would link to the existing building with a four-storey glass infill extension providing a staircase and entrance to the new flats.
7. Flats within the northern block of Barrie House are orientated west to east and have large windows on both of these elevations serving an open plan lounge/living area. A small secondary window is located centrally on the northern elevation giving the flats a triple aspect. It is this window at the first, second and third floors that would be directly affected by the appeal scheme.
8. It is accepted by the main parties that the loss of this secondary window would not have an adverse effect on sunlight /daylight to the living areas of the apartments concerned. They would become dual aspect. Having had regard to the appellant's Average Daylight Assessment, I have no reason to disagree.
9. On my site visit, I was able to see for myself that these small windows provide a view over the existing car park towards Primrose Hill. The outlook they provide adds to the amenity of the existing occupiers. The appeal proposal would be sited around 2.1 metres from the northern elevation. The obscure glazed façade of the stair core would be viewed from these windows. This would result in the loss of visual amenity and outlook.
10. I have borne in mind that the living room areas of the flats affected are served by principal windows looking east and west. These provide the main outlook. Whilst there would be harm to living conditions through the loss of outlook from the secondary window, I consider this harm would be limited.
11. The proposed extension would be visible obliquely from the main lounge windows of flats in the northern elevation. However, having regard to the separation distance and extent of the lounge windows, I do not consider that this would create such a sense of enclosure or loss of outlook which would adversely affect living conditions for the occupiers.
12. First, second and third floor flats in the southern block of Barrie House would also overlook the proposed extension. The separation distance would be around 16.5 metres. This would be just below the Council's suggested minimum distance of 18 metres as set out in the Camden Planning Guidance on Amenity. Again, I was able to view this relationship on my site visit. The flats currently have a view over the car park, Kingsland and Primrose Hill. The proposed

extension would reduce the outlook from lounge windows, but views would still be achievable beyond the extension to the north east and north west. I conclude that whilst there would be an effect on outlook, it would not be of such an extent as to be overbearing or create a sense of enclosure which would adversely affect living conditions.

13. In conclusion I consider that the appeal scheme would cause harm to the living conditions of the existing occupiers of flats in the northern block of Barrie House, though this would be limited. Accordingly, the proposal would be contrary to Policies A1 and D1 of the Camden Local Plan 2017 which seeks to achieve a high quality of design and manage the impact of development, protecting the quality of life of occupiers and neighbours.

Other matters

14. A number of other matters have been raised by third parties. It is inevitable that the construction works would result in some noise and disturbance, However this is for a limited time only and I am satisfied that a construction management plan, required by the planning obligation, would include appropriate measures to mitigate these impacts.
15. The issue of noise and vibration generated by plant on the roof of the extension and noise from occupiers of the proposed flats has been raised by a number of residents. Acoustic measures including insulation and sound attenuation could be the subject of appropriate planning conditions. I consider that these measures would safeguard existing and future residents from noise.
16. It is proposed that the new extension would form a car free development. New residents would be restricted in obtaining parking permits. Parking spaces would remain on site for the residents in the existing flats.
17. The proposal includes excavation to construct a basement level. The proposed development would be located over 2 trunk mains leading from Barrow Hill Reservoir to the east of the site. Concern has been expressed with regards to the impact on this utility infrastructure. Appropriate conditions imposed on any planning approval to require liaison with Thames Water prior to construction and approval of the method of piling would provide appropriate safeguards. It has been suggested by a third party that this matter should be part of the planning obligation to ensure this consultation takes place. I am satisfied that any conditions imposed would be enforceable and that no addition to the legal agreement is required.

Planning Obligation

18. A signed and dated planning obligation by way of an agreement made under section 106 of the Town and Country Planning Act 1990 (s106) between the appellant and the Council was submitted as part of the appeal. As I have explained in the Procedural Matters section, it addresses reasons for refusal 2 to 8.
19. The Framework confirms that planning obligations should only be sought to mitigate the effects of unacceptable development therefore making it acceptable. The Framework in paragraph 56 and CIL Regulation 122 (2) set out 3 'tests' for seeking planning obligations. They must be necessary to make the development acceptable in planning terms, be directly related to the

- development and fairly and reasonably related in scale and kind to the development.
20. The obligation includes a financial contribution towards affordable housing provision. This is necessary to make the development acceptable in planning terms, meeting the requirements of Local Plan Policy H4. It is also appropriate in scale and kind, being calculated in line with the Council's guidance.
 21. Policy A4 of the Local Plan seeks to minimise the impact of demolition and construction works on local amenity. An obligation to provide a Construction Management Plan to mitigate any impact both on site and off site, including the public highway is therefore appropriate. The obligation also provides for the payment of a monitoring fee in line with the Council's Supplementary Planning Guidance. I consider this is necessary to offset the cost of ongoing inspection and supervision to ensure the management plan is adhered to and effective. It is also directly related to the development and appropriate in scale and kind.
 22. The planning obligation provides a mechanism to restrict access to parking permits for the new occupiers of the proposed flats in order to achieve a car free development in line with Policy T2 of the Local Plan. This policy seeks to reduce the reliance on the private car, encourage walking and cycling and address air quality issues. This obligation is therefore necessary to make the development acceptable in planning terms and is directly related to the development.
 23. A financial contribution to fund works to the footpath to mitigate the impacts of the construction is also necessary, directly related to the development and is appropriate in scale and kind.
 24. The proposed scheme includes the provision of a basement which would require careful implementation to ensure no adverse impact on the existing Barrie House. The submission of a Basement Construction Plan therefore meets the test of the Framework and the CIL Regulations.
 25. The planning obligation also requires the submission of an Energy Efficiency and Renewable Energy Plan as well as a Sustainability Plan. These Plans are required to ensure that the development makes the greatest possible contribution to minimising carbon emissions to tackle climate change and includes appropriate adaption measures in accordance with Local Plan Policies CC1 and CC2. I consider that these requirements are necessary to make the development acceptable in planning terms, directly related to the development and are appropriate in scale and kind.
 26. In conclusion, I have found the planning obligation to meet the 3 tests of the Framework and the CIL Regulations. I therefore give it weight in my decision.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
28. The proposed development would provide 9 self-contained residential units. In the context of a high housing need in London, and the Local Plan's priority to maximise the supply of self-contained homes in Policy H1, I give this contribution to housing supply significant weight.

29. Additionally, the proposal would make a financial contribution to affordable housing provision. Having regard to the current shortfall in such housing, I also give this significant weight.
30. The proposal has been considered by the Camden Design Review Panel and is of a high quality of design. It seeks to make the most efficient use of the site, removing the redundant porter's lodge. These factors also weigh in favour of the scheme.
31. In the final balance, whilst I have found limited harm to living conditions, I consider that this harm is outweighed by the benefits of the scheme, particularly in terms of the provision of housing.
32. Accordingly, I conclude that these other material considerations indicate the decision should be taken other than in accordance with the development plan.

Conditions

33. The Council has suggested several conditions should the appeal be allowed. In the interests of clarity and to better reflect the Framework, I have amended the detailed wording. The appellant has agreed in writing to those I attach which require compliance prior to the commencement of development.
34. In addition to the standard timeframe condition, I have imposed a condition specifying the approved plans in the interest of certainty.
35. In order to protect the character and appearance of the area, I attach conditions requiring the submission of details of materials, additions to the building, landscaping provision and implementation, tree protection and boundary materials (Conditions 4, 8, 9, 22,31). I have not imposed condition 2 originally suggested by the Council regarding matching materials as this matter is covered adequately by condition 8. I have amended condition 8 to remove reference to means of enclosure as this is the subject of condition 31.
36. In the interests of highway safety, condition 11 regarding car parking and condition 12 concerning cycle storage are necessary.
37. I impose conditions regarding noise, sound insulation, obscure glazing, the use of flat roofs, privacy screens and acoustic insulation and anti-vibration measures to safeguard the amenity of existing and future occupiers of the building (conditions 5, 6, 7, 30, 32 and 34).
38. In order to protect the living conditions of future residents and to reduce the risk of pollution, I attach condition 10 requiring investigation of on-site contamination and any necessary remedial measures. Condition 14 concerns non road mobile machinery and condition 15 requires air quality monitoring. These conditions are required to safeguard residential amenity and air quality.
39. In order to address climate change and sustainability matters, conditions restricting water use, the feasibility of a hybrid blue/green roof and a ground source heat pump, the installation of photovoltaic cells, waste management and recycling are necessary (conditions 13, 16, 23, 24 and 33). In the interests of accessibility and to ensure that the residential units are adaptable to meet the future needs of occupants, conditions 17 and 18 are required.

40. So that structural stability is ensured, I attach conditions 19 and 20 requiring that the development takes place in accordance with the submitted Basement Impact Assessment and that these works are monitored by a suitably qualified engineer. I also impose condition 25 to require a piling method statement to safeguard below ground public utility infrastructure.
41. In the interests of biodiversity, conditions regarding the submission of a lighting scheme minimising the impact on wildlife, the provision of bird and bat boxes, a pre commencement nesting survey and landscaping to promote biodiversity are required (conditions 26, 27, 28 and 29).

Conclusion

42. For the reasons given above, and having regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E_00 rev A; E_20 rev A; E_21 rev B; E_22 rev A; E_23 rev A; E_24 rev A; E_25 rev A; P_20 rev C; P_21 rev D; P_22 rev C; P_23 rev C; P_24 rev C; P_25 rev A; P_30; P_31; P_32; P_33; P_34; P_35; P_36; P_37; P_38; P_39; P_51; P_52; P_56 and 1774-300 rev A.
- 3) No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.
- 4) Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:
 - a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;
 - b) Notwithstanding the approved plans, samples and manufacturer's details at a scale of 1:10, of all facing materials including windows and door frames, glazing, balustrades, aluminium fins, all privacy screens, lightwell grilles/balustrades and brickwork with a full scale sample panel of brickwork, and glazing elements of no less than 1m by 1m including junction window opening demonstrating the proposed colour, texture, facebond and pointing;
 - c) A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given. The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.
- 5) Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).
- 6) Prior to commencement of the superstructure, details of the sound insulation of the floors and walls separating the roof top plant areas from adjacent residential uses (habitable rooms) shall be submitted to and approved in writing by the local planning authority. The details as approved shall be implemented prior to first occupation of the residential development and thereafter be permanently retained.

- 7) Prior to occupation of the new units the bedroom and bathroom windows of the flats at first, second and third floor levels on the northern and southern side elevations of the development, and glazed core, shall be fitted with obscure glazing in accordance with details to be submitted to and approved in writing by the local planning authority, and include directional anodised aluminium fins as shown on the drawings hereby approved. The obscure glazing and directional fins shall be permanently retained thereafter.
- 8) No development shall take place until full details of hard and soft landscaping have been submitted to and approved by the local planning authority in writing. Such details shall include a) any proposed earthworks including grading, mounding and other changes in ground levels. b) the tree pits including sectional drawings showing the use of soil cells. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
- 9) All hard and soft landscaping works shall be carried out in accordance with the approved landscape details not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 10) Prior to commencement of any works on site, a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing. The site investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing. The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.
- 11) The development shall not be occupied until the whole of the car parking provision shown on the approved drawings is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupiers and users of Barrie House.
- 12) The secure and covered cycle storage area for 22 cycles (18 long stay spaces and 4 short stay spaces) shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.
- 13) The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day. None of the dwellings shall be occupied until the Building Regulation optional requirement has been complied with.

- 14) All non-road mobile machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and/construction phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the construction phase of the development.
- 15) No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.
- 16) Prior to commencement of development other than site clearance and preparation, a feasibility assessment for a hybrid blue-green roof should be submitted to the local planning authority and approved in writing. If a blue/green roof or green roof are considered feasible, details should be submitted to the local planning authority and approved in writing. The details shall include the following:
 - a) detailed maintenance plan;
 - b) details of its construction and the materials used;
 - c) a section at a scale of 1:20 showing substrate depth averaging 130mm with added peaks and troughs to provide variations between 80mm and 150mm;
 - d) full planting details including species showing planting of at least 16 plugs per m². The development shall thereafter be constructed in accordance with the approved details.
- 17) Units 1, 2, 3, 4, 5, 7, 8, and 9 as indicated on the plan numbers hereby approved shall be designed and constructed in accordance with Building Regulation Optional Requirements Part M4 (2). The units shall thereafter be retained as such.
- 18) Unit 6, as indicated on the plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Optional Requirement of Part M4 (3) (2a). The unit shall thereafter be retained as such.
- 19) The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any

subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

- 20) The development hereby approved shall be carried out strictly in accordance with the Basement Impact Assessment (and other supporting documents) compiled by Parmarbrook, as well as the recommendations in the Basement Impact Assessment Audit Report Rev. F1 prepared by Campbell Reith, dated July 2018.
- 21) Prior to commencement of development, details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Such system shall be based on a 1:100 year event with 30% provision for climate change and shall demonstrate that green-field run-off rates (5l/s) shall be achieved (unless otherwise agreed). The system shall include green and brown roofs and below ground attenuation, as stated in the approved drawings and associated documents. This should be enhanced to specify the point(s) of connection and peak discharge rates into the public sewer system for surface water and demonstrate how the surface water disposal hierarchy has been implemented for the site and why connection to the combined sewer is the preferred option.

Prior to occupation of the development, evidence that the sustainable drainage system has been implemented in accordance with the approved details shall be submitted to the local planning authority and approved in writing in consultation with Thames Water. The system shall thereafter be retained and maintained in accordance with the approved maintenance plan.

- 22) Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the tree protection plan dated 24th September 2018 ref. 1-38-4326/2 by John Cromar's Arboricultural Company Ltd. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist.
- 23) Prior to commencement of development other than site clearance and preparation, a feasibility assessment for ground source heat pumps should be submitted to the local planning authority and approved in writing. If ground source heat pumps are considered feasible, details should be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.
- 24) Prior to first occupation of the development, detailed plans (floor plans and sections) showing the location, extent and degree of pitch of the photovoltaic cells to be installed on the building shall have been submitted to and approved by the local planning authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the local planning authority and permanently retained and maintained thereafter.

- 25) Prior to commencement of any impact piling and/or excavation work, a Method Statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in consultation with Thames Water or the relevant statutory undertaker, and shall detail the depth and type of piling and/or excavation to be undertaken and the methodology by which such works will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling and/or excavation must be undertaken in accordance with the terms of the approved Method Statement.
- 26) Prior to commencement of development, full details of a lighting strategy shall be submitted to and agreed in writing by the local planning authority. The strategy should demonstrate how it will minimise impact on wildlife in line with best practice outline in the Institute of Lighting Professionals & Bat Conservation Trust Guidance Note 8/18 Bats & Artificial Lighting in the UK, and with the recommendations in 3.9 of the Ecological Appraisal.
- 27) Details of bird and bat nesting features (boxes or bricks) shall be submitted to and approved in writing by the local planning authority prior to works commencing on site. Features should be integrated into the fabric of the building, unless otherwise agreed by the local planning authority. Details shall include the exact location, height, aspect, specification and indication of species to be accommodated. Boxes shall be installed in accordance with the approved plans prior to the first occupation of the development and thereafter maintained. Guidance on biodiversity enhancements including artificial nesting and roosting sites is available in the Camden Biodiversity Action Plan: Advice Note on Landscaping Schemes and Species Features.
- 28) Prior to commencement of works, buildings shall be inspected to confirm if any active birds' nests are present and any areas not in use by birds should be blocked or covered with netting to prevent birds returning to use them. Wherever possible, works shall be undertaken between September and February inclusive to avoid the main bird breeding season. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest building birds are present. If any nesting birds are present, then the works shall not commence until the fledglings have left the nest.
- 29) No development shall take place until full details of landscaping for biodiversity have been submitted to and approved in writing by the local planning authority. Such details shall include planting and habitat features for biodiversity, and a maintenance plan, to enhance the strategic wildlife corridor associated with the railway to the south of the site, and the corridor of mature trees and green spaces along Highgate Road. Guidance on landscape enhancements for biodiversity is available in the Camden Biodiversity Action Plan: Advice Note on Landscaping Schemes and Species Features. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

- 30) Notwithstanding any terraces/amenity spaces labelled as such on the approved plans, the flat roofs of the four-storey extension shall be accessed for maintenance purposes only and shall not be used as a roof terrace associated with the new residential dwellings hereby approved.
- 31) Notwithstanding the details shown on the approved plans relating to boundary treatment, details of the boundary treatments shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant works. The flats shall not be occupied until the boundary treatments are completed and they shall be retained for the duration of development
- 32) The 1.8 metre high privacy screens to be approved subject to condition 4 shall be erected on the northern and southern side elevations at third floor level prior to commencement of use of the roof terrace and shall be permanently retained.
- 33) Prior to occupation of the hereby approved development, details of the location, design and method of waste storage and removal including recycled materials shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.
- 34) Before the occupation of the development, the air-conditioning plant shall be provided with acoustic isolation, and anti-vibration measures in accordance with a scheme first approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.