
From: Jean-Sébastien Pelland
Sent: 20 October 2024 13:10
To: Planning
Cc:
Subject: RE: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT (2023/0692/P)
Attachments: 13 Belsize Crescent CMP review v1.1.pdf

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Dear Planning Team

As advised in my email below dated 1 October 2024 15:07 (i.e. during the consultation process), the local residents commissioned their own independent professional review of the CMP. Please find attached a copy of the report. I trust you will note the candid and balanced approach taken by independent and reputable traffic management experts. As importantly, I trust the condition attached to 2023/0692/P won't be deemed by the Council to have been satisfied without following due process.

In light of the failings previously highlighted, the local residents reasonably requested further consultation before a decision is reached by the Council to ensure a robust consultation process. Whilst our multiple requests, including from my solicitor in copy, have so far been rejected via the official channels, local residents were informed this weekend by a Councilor, also in copy, that following a recent meeting with the property developer, further consultation is now planned. Naturally, the local residents look forward to engaging with the relevant parties again in due course.

Kind regards

Jean-Sebastien Pelland

Subject: FW: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT

Dear Planning Team

As RGP refused to confirm receipt of my below contribution to the CMP consultation process for the proposed developments at 13 Belsize Crescent, I forward it to you directly to ensure that it is considered as part of your forthcoming review of the condition attached to 2023/0692/P under a S106 agreement.

Meanwhile, I refer you to clause 6.3 of your Members Pack which reads as follows:

“The purpose of a CMP is to ensure public safety alongside development projects, and to ensure that construction traffic does not create or add to congestion in the local area. To ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network, a CMP will be required prior to the implementation of the development. This will be secured via a S106 legal agreement.”

In light of the consultation process, I trust that it is now becoming evident to the Council that the condition cannot be reasonably satisfied.

The door was certainly left open to that eventuality by the Council through clause 4.2.3. of the S106 Agreement which states that “The Owner acknowledges and agrees that the Council will not approve the CMP unless it demonstrates to the Council’s reasonable satisfaction that the Construction Phase of the Development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network”.

I remain at your disposal should you wish to clarify the content of my below response to the consultation or any other aspects of the impact it is already having on the local community before the development has even started.

Kind regards

JS Pelland

Subject: RE: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT

Dear RGP

Further to our videocall with members of the community yesterday evening, I would like to document the following:

- 1) you repeatedly attempted to argue that your consultation process was “robust”, yet it was noted that you only sent out 75 consultation letters (2 of which ended up in my letterbox!). Whilst it may sound like a large number of letters to the untrained eye, it only represents 37 letters on each side of the streets (assuming I was the only one to receive 2 or your 75 letters). As most properties consist of 5 flats, it means c. 7 to 8 properties on each side of the street. **You have only therefore reached a maximum of 3-4 properties to south of 13 Belsize Crescent and 3-4 properties north of the site on both sides of the street. Given that the project will impact Belsize Crescent and the streets beyond, it should now be obvious for all to see that you have not made meaningful efforts to serve notice on the local residents impacted by the project.**
- 2) you sarcastically thanked me for helping raise awareness to the matter by distributing information through the Belsize Neighbour WhatsApp group. For the avoidance of doubt, the group only includes a small portion of the residents on Belsize Crescent;

- 3) I offered to go through the concerns raised in my previous dated email Fri 27/09/2024 14:59 point by point, however you confirmed that it was not necessary as every point would be documented as part of your consultation whether read on the videocall or not;
- 4) notwithstanding the above, we took the time to expand on some of the concerns raised previously:
 - a. you confirmed that you were not aware of the two live construction projects on Belsize Crescent despite the scaffolding covering the properties both of which are visible from 13 Belsize Crescent's living room. You also confirmed that you had never heard of the Belsize Terrace consultation, a high profile local project that attracted hundreds of signatures to a petition by the local community. When challenged, you appeared quite indignant that we would expect you to have a good grasp of local construction activity, let alone that we would expect you to fulfil your duty to mitigate its cumulative impact on us
 - b. in light of the above, it is noted that you had not taken the street design changes to Belsize Crescent itself from the Belsize Terrace project, including a material reduction in the number of parking bays on the street
 - c. **you could not categorically confirm that you had taken into account the scope of the work entailed in relation to a second planning permission for further large scale development work at 13 Belsize Crescent (2023/0693/P), appearing to focus exclusively on 2023/0692/P. It would be highly misleading for the scope of all work on that site not to be included as part of the Construction Traffic Management Plan. Furthermore, it would be maladministration on the part of Camden Council not to seek assurance that all construction traffic associated with 13 Belsize Crescent has indeed been captured and that plans will not change materially once the project starts, particularly given the owners' history of withdrawing a request to cut down trees as part of their original application (2023/0692/P) only to re-apply for the same trees to be cut down under a new planning application (2024/3790/T) immediately upon securing approval for the original one. Camden Council must take into account the obvious risk that such an approach is paving the way for further changes when assessing the plans**
 - d. the concern previously raised in relation to the risk of structural damage to coal rooms under the pavement was illustrated by the need for Camden Council to install bollards outside 20 Belsize Crescent, following the matter escalating from a civil matter to a criminal one
- 5) **you have acknowledged that your report would require revisions and you committed to circulating a revised draft to the community as part of the consultation process; and**
- 6) **everyone in attendance commented on RGP's poor grasp of the details and on the glaringly obvious box ticking nature of this Consultation Traffic Management Plan. Consequently, the local residents have decided to commission their own review of the plans by an independent traffic management consultants.**

Given the inadequacies of the Construction Traffic Management Plan and of the measures it is forcing local residents to take, we would expect RGP to await the findings of our independent traffic management consultants before submitting their "final" draft. Alternatively, as we intend to have our report published at the earliest possible opportunity and to avoid maladministration, we would expect the Council to await the same before concluding its review of the condition attached to 2023/0692/P.

Regards

JS Pelland

From: Jean-Sébastien Pelland
Sent: 27 September 2024 14:59
To:

Subject: RE: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT

Cc:

Bcc:

180+ members of the Belsize Neighbours WhatsApp chat

Dear RGP

As you are no doubt aware, planning permission 2023/0692/P (basement excavation at 13 Belsize Crescent) is conditional on Camden Council approving a Traffic Construction Management Plan. We are therefore somewhat surprised that RGP, a self-professed “global consultancy specialising in large scale projects for multinationals” would treat this engagement on a high end residential development as a mere box-ticking exercise. That being said, given the community’s keen interest in the matter, we are not entirely disappointed by your approach as **it supports our argument that issuing a planning permission subject to a condition which could not reasonably be satisfied would be misguided and it could be challenged in a court of law.**

Whilst the below is not meant to provide you with an exhaustive list of points in support of our above argument, here are a number of glaring inadequacies contained within your plan:

In reference to the relevant pages of your document

- 1) Page 8 – the Traffic Construction Management Plan was developed independently from the (yet to be appointed) Main Contractor thereby raising questions concerning its validity
- 2) Page 9 – the plan refers to the following timescales

Basement excavation: (Jan25 to May25)

New basement building: 8 months (June25 to December25)

Further work: 5 months (January26 – May26)

Total: A MINIMUM OF 17 MONTHS OF HEAVY WORK

The plan also refers to anticipated traffic levels by types of vehicle, however it contains no assumptions in relation to materials volumes/quantities enabling a third-party assessment of the feasibility of the Construction Traffic Management Plan, a fundamental aspect of the condition.

Not only does the above omission render the Construction Traffic Management Plan inadequate, electing not to share this crucial information with the local community effectively makes the consultation meaningless.

- 3) Page 11 – as pointed out in my earlier email to you (20 September 2024 16:48), the consultation process is grossly inadequate (and therefore meaningless) for many reasons, including:
 - a. community reach – the awareness campaign was limited to an innocuous single folded A4 size letter akin to junk mail dropped through letterboxes without regards to the number of residents per property and limited to a small portion of the local community (and excluding the local businesses)

- b. informational distribution – you require individual members of the local community to email you in order to request a copy of the Construction Traffic Management Plan thereby restricting access to information and impeding our ability to respond. Furthermore, you only invited those requesting a copy of the plan to your sole scheduled consultation event
- c. timeline - 2 weeks from start to finish and sending your limited invitations to the consultation event at short notice (3 business days)
- d. technology barrier – avoiding face to face meetings and using a videoconferencing technology which is not accessible to many interested members of the local community

The following extract from the guidance accompanying Camden Council’s Construction Traffic Management Plan template is duly noted:

“The Council expects meaningful consultation”

- 4) Page 12 – when considering “affected receptors” the plan fails to acknowledge the construction traffic impact on the community beyond the “residential properties located immediately to the north and south of the site”. It therefore fails to consider a large number of residents and businesses who rely on the free flow of traffic and parking bays on Belsize Crescent. Again, this makes your plan and consultation meaningless
- 5) Page 12 & 13 – the validity of your construction traffic management plan is undermined by the dismissive nature of your comments throughout the document including; “This CMP has been prepared despite the relatively small nature of works”, “no formal consultation events are currently planned owing to the relatively small scale of the works” and “given the relative simplicity of the scheme and the limited quantum of development the construction phase is not considered to be sensitive or contentious and consequently a Construction Working Group is not considered necessary”
- 6) Page 13 – you have elected not to answer Camden Council’s request to provide details of your Considerate Constructors Scheme (CCS) registration which Camden Council clearly set out as a condition to be fulfilled
- 7) Pages 14 & 21 – no apparent measures have been taken to identify existing or anticipated construction sites in the local area in order to mitigate the cumulative impacts of the construction in the vicinity of the site, instead relying on the “project team [simply being] unaware of nearby construction works”
- 8) Page 15 – a claim is made that the principal contractor has confirmed that they do not use vehicles over 3.5 tonnes despite the principal contractor having yet to be appointed...
- 9) Page 17 – **the plan contains no practical feasibility assessment of the proposed routes based on actual vehicle dimensions with obvious pinch points located at the bottom of Belsize Crescent and in the bend towards the top of the street. The local community’s experience of the area is that large vehicles invariably get stuck in those two locations when attempting to use our busy, narrow and bending single lane street. The local community’s experience is that based on the proposed plans we will suffer permanent road congestion, daily road blockages and frequent damage to our vehicles while also facing non-negligible risk to our health and safety. Such as feasibility assessment is fundamental to the condition being satisfied, if it is even capable of being satisfied**
- 10) Page 20 – Whereas the Traffic Construction Management Plan proposes for the site traffic to operate from 9.30am to 4.30pm, Camden Council clearly and unambiguously requires deliveries to be restricted to the hours of 9:30am and 3pm on weekdays during term time when there is a school on the proposed access and/or egress routes or in the vicinity of the site. **There are several schools located along your proposed route which you have failed to identify. Furthermore, should the route be amended, there are also multiple schools that fall within the legal definition of vicinity of the site. The fact that this has not been taken into account serves to highlight the inadequacy of the**

Construction Traffic Management Plan as well as to demonstrate complete disregard for the community's health and safety

- 11) Page 21 – as per point 2) above, the Construction Traffic Management Plan asserts that the basement excavation period will be limited to 4 months (January25 to April25), a period containing 120 working days when vehicle access is possible. You also claim that the development will require 1 muck away skip per day every day. Whilst this is already an enormous amount of traffic, please share the detailed calculations in support of the anticipated “maximum of 120” loads together with contingencies (e.g. in relation to sustained periods of rain)?
- 12) Page 23 – the plan incorrectly suggests that a traffic marshal would be positioned “to the rear of the vehicle, on the footway immediately north of the site”. Based on the proposed direction of access, this would position the traffic marshal at the front of the vehicle rather than its rear for pedestrian safety
- 13) **Page 28 – contrary to the plan's repeated assertions in relation to the “small nature” of the development, it is noted that the basement excavation would block 3 parking bays. This is more than the number of bays available on the street throughout most of the day (each and every day), which represents a major concern for local residents with reduced mobility bearing in mind the sloping nature of the street. For the avoidance of doubt, parking further from their property would increase the risk of injury, particularly in wet and/or icy conditions, or when the street is covered with dust, leaves or other detritus (construction related or otherwise).**
- 14) Page 29 – you have elected not to answer Camden Council's request for you to provide details of your discussions with utilities providers with respect to the development's requirement for new “incoming electric, gas, water, telecoms connections” which is unacceptable
- 15) Page 32 – you have elected not to answer Camden Council's request for a “predictions for noise levels throughout the proposed works” which is also unacceptable
- 16) Page 32 – given that the Main Contractor has yet to be appointed, please explain your claim that “onsite training given with regards to assessing noise and vibration levels on site”
- 17) Page 24 & 33 – there appears to be a conflict between the two separate sections of your plan addressing wheel-washing (claiming not to wash the wheels when it suits you and then claiming to wash them when it does...). Assuming that wheel washing will indeed be required, what provisions have been made in relation to runoff water management given the streets history of flooding?
- 18) Page 33 & 34 – again, the local community notes with great displeasure your dismissive tone concerning the scale of the project and its impact on the local community through the following assertions and proposed conduct:
 - a) “Noise, vibration and dust levels are unlikely to be material issues owing to the small scale of the development”
 - b) “The generation of any dust would be limited to the minor demolition at the onset of the works and not thereafter”
 - c) “The GLA guidance confirms that Air Quality (Dust) Risk Assessments apply only to “major” developments and therefore do not need to be completed for this site”
 - d) “Dust monitors and regular monitoring reports are not considered necessary for a development of this scale and nature”

The local community perceives the scale of the development completely differently to you and we care deeply about the anticipated levels of noise, vibration, dust and general impact on air quality. We would therefore expect a considerate property developer to insist on the same. As it is unfortunately not the case, the local community relies on Camden Council to ensure its planning decisions take the wellbeing of the local community into account.

19) Drawings – drawings are required in reference to various part of the construction traffic management plan and yours do not appear to be to scale in relation to the size of the construction vehicles accessing and leaving site. **The local community asserts that the narrowness of our busy sloping and bending single file street is an important reason why the planning condition cannot reasonably be satisfied.**

20) Drawings – no drawings have been provided in relation to the narrow pinch points at the bottom of the street and where it bends. **Again, the local community asserts that the narrowness of our busy sloping and bending single lane street is an important reason why the planning condition cannot reasonably be satisfied.**

In reference to concerns raised by a number of local residents

- 1) **As Belsize Lane and Ornan Road are prone to traffic jam when Belsize Crescent is obstructed, the local community is concerned with the impact of your plans on emergency services, including the London Fire Brigade and ambulances heading to nearby Royal Free Hospital amongst several other local medical and care facilities**
- 2) **The Construction Traffic Management Plan fails to address the risk of structural damage (and potential collapse) to coal storage rooms located under the pavement for properties alongside the terrace by providing details of survey and calculations in relation to the same. In fact, your own limited drawings clearly demonstrate that the project team intends for its construction traffic carrying heavy loads to drive and park directly on top of these structures for at least 4 of the local properties!**
- 3) **The plan fails to address the impact on local businesses. As we now know, none of the local businesses were even consulted, again making the consultation meaningless.**

If you were serious about consulting with the local community, I would suggest that we agree to a suitable date and time for your project team, the local community and interested members of the Council to witness a mock operation of your construction fleet accessing and departing from 13 Belsize Crescent on a typical day. The local community has no doubt that this would allow everyone, including the Council, to witness why the Construction Traffic Management Plan condition attached to 2023/0692/P could not reasonably be satisfied. If you are looking for suggestions on dates and times, I would propose 31 October (naturally outside of the busy school runs) as Halloween would be an ideal date to preview your proposed horror show!

Regards

JS Pelland

jspelland@elandcables.com

Subject: RE: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT

Hello,

Many thanks for your correspondence regarding Belsize Crescent, Camden, your comments shall be reviewed by the project team.

Also attached is a copy of the draft Construction Management Plan for your information.

If you would like to ask any questions of the project team, or to find out more, we are hosting an online event on Monday 30th September 2024 20:00-21:00 hosted online via the meeting link below.

Subject: CONSULTATION LETTER FOR CONSTRUCTION TRAFFIC MANAGEMENT PLAN – 13 BELSIZE CRESCENT

Importance: High

Cc:

Liberal Democrats Councillor, Leader of the Opposition & Member of the Planning Committee
Belsize Conservation Area

Bcc:

180+ members of the Belsize Neighbours WhatsApp chat

Dear RGP

Thank you for your attached letter dated 17 September and for your invitation to comment on your Construction Traffic Management Plan. To that effect, please send me a copy of the same for review.

Your proposed deadline of 4 October is noted, however it would be entirely unreasonable to expect interested parties to comment comprehensively on such an important document the existence of which was only revealed through your letter dated 17 September and a copy of which we have yet to receive from you. Furthermore, as you elected to deliver your consultation letter to some rather than all interested parties, the neighbourhood is having to rely on WhatsApp channels for distribution, introducing further delays in our responses.

Notwithstanding the fact that a response to your consultation could not genuinely be expected from us until such a time when we have all been given the opportunity to fully consider your Construction Traffic Management Plan, here are some preliminary concerns in no particular order which we will be looking to address with you and the Council as part of the process.

- 1) Belsize Crescent and some of the surrounding streets you are proposing to use are narrow and therefore only allow for the movement of one vehicle at the time. Consequently, it is essential to fully understand the level of anticipated traffic disruption in the context of the proposed level of activity (number of loads, frequency, hours of work and timeline).
- 2) As Belsize Lane and Ornan Road are prone to traffic jam when Belsize Crescent is obstructed, we must understand the impact of your plans on emergency vehicles, including ambulances heading to nearby Royal Free Hospital
- 3) We look forward to reviewing details of anticipated blocked parking bays versus the limited stock of available parking space and to assess basic feasibility of vehicle movement in the context of the risk of damage to cars parked in the area with the help of illustrations drawn to scale

- 4) We also look forward to reviewing the result of your survey, drawings and calculations in relation to the risk of structural damage (and potential collapse) to coal storage rooms located under the pavement for most properties alongside the terrace
- 5) We most eagerly await details of your risk assessments pertaining to the environment (noise, pollution, dust, CO2 emissions, etc) and health & safety for motorists, cyclists, pedestrians, and above all in relation to our young children whose safety should trump any property development aspirations

Naturally, beyond the above, we expect to be presented with all standard information expected of a construction traffic management plan prepared to a professional standard.

For the avoidance of doubt, this construction traffic management plan cannot be treated as a mere paper exercise. On the contrary, it must aim to demonstrate that the traffic management condition set by the Council in relation to planning permission 2023/0692/P is capable of being satisfied in the first place. This remains to be demonstrated.

We look forward to hearing from you in due course.

Regards

JS Pelland

CMP Review

Client: Jean-Sebastian Pelland

Project: 13 Belsize Crescent, London, NW3 5QY

Ref: 15172

 8th October 2024

 Version: V1.1



This report was prepared for the sole use of Jean-Sebastian Pelland for the project hereby referred to as 13 Belsize Crescent and shall not be relied upon or transferred to any other party without the express written authorisation of WPS Compliance Consulting Ltd (WPSCC). It may contain material subject to copyright or obtained subject to license; unauthorised copying of this report will be in breach of copyright/license. The findings and opinions provided in this document are given in good faith and are subject to the limitations imposed by employing desktop, site assessment methods and techniques, appropriate to the time of investigation and within the limitations and constraints defined within this document. The findings and opinions are relevant to the dates when the assessment was undertaken but should not necessarily be relied upon to represent conditions at a substantially later date.

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Introduction

WPS Compliance Consulting Ltd have been procured by Jean-Sebastian Pelland on behalf of the residents of Belsize Crescent, NW3 5QY, to review an existing Construction Management Plan (CMP), produced for the proposed development at 13 Belsize Crescent, London, NW3 5QY and submitted for consultation from local residents.

The proposed development at 13 Belsize Crescent seeks to provide an upper ground floor refurbishment, with new single level basement. The proposal has been granted planning permission (2023/0692/P) subject to a S106 agreement by Camden Council.

The purpose of this review is to assess the success of the existing CMP in achieving the criteria set out by Camden Council in the S106 agreement. This report will also determine whether the criteria can feasibly be met, given the challenges and constraints on the project posed by its location.

The report will consider the CMP both in its content, and the way it has been consulted upon. The findings of the report will be made available to all concerned parties as part of the ongoing local consultation.

There are elements of the CMP that meet both Camden Council, regional and national policy requirements. For example, it is mandated that both the Considerate Constructors Scheme and FORS/CLOCS will be implemented for the duration of the project. Additionally, the CMP correctly asserts that in line with national air quality guidance, the site is considered 'minor risk', and no further dust risk assessment or monitoring would ordinarily be required. The CMP also addresses requirements for construction vehicle routing, deliveries and site management at a basic level. Training and communication to staff regarding noise, dust and vibration is satisfactory, although specific evidence is omitted.

Context & Considerations

The proposed site at 13 Belsize Crescent forms part of a traditional terrace originally built in the late 19th Century. The terraces are positioned along the natural curve of Belsize Crescent, descending down the hill. The area has a significant heritage and cultural history and has been part of the Belsize Conservation Area since 1985. As such, it is subject to additional guidance regarding development works.

Belsize Crescent is a narrow street with parking bays along both sides. As such, despite being designated a two-way street, practically vehicles can only travel in one direction at a time. It is well noted by residents that Belsize Crescent, along with neighbouring streets get easily congested during busy periods, and particularly so when large vehicles are attempting to navigate the area.

The development at 13 Belsize Crescent includes the excavation of a new basement and is therefore subject to the Camden Council Basement Development Guidance 2018. This guidance requires the production of a Technical Statement detailing impacts on drainage, flooding, groundwater conditions, and structural stability. It is this guidance that also stipulates the requirement for a S106 agreement including the provision of a Construction Management Plan.

In line with the guidance, the CMP must be communicated to all local residents and businesses that may be impacted by the proposed works, by way of formal consultation. Evidence of this consultation is to be provided.

Legislative & Policy Context

Camden Council Basement Guidance 2018

Outlines the requirements for all developments involving the creation of new, or extension of existing basements. Requires the developer to provide additional detailed information about the impacts that basements works will have on natural and physical features. Also provides framework for S106 agreements pertaining to basement developments.

National Planning Policy Framework

Sets out guidance for all Local Authorities with regards to planning requirements. In relation to this project, the NPPF specifically promotes the use of sustainable transport, safe road design and efficient delivery of materials and supplies.

Traffic Management Act (2004)

Part 2 of the Traffic Management Act sets out the responsibility of local authorities to manage traffic networks within their geographical area of responsibility. This includes efficient use of the network and the requirement to take measures to avoid contributing to local traffic congestion. Part 5 outlines the responsibility of local authorities in Greater London to manage the strategic road network. This includes TfL's role to manage certain areas of the Greater London route network.

Camden Local Plan 2017

Policy A5 refers to Basements and sets out the requirements for all proposed basement excavations in the borough.

The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a. neighbouring properties;*
- b. the structural, ground, or water conditions of the area;*
- c. the character and amenity of the area;*
- d. the architectural character of the building;*
- e. the significance of heritage assets.*

The policy also sets out the need for a Basement Impact Assessment, and Construction Management Plan among others. It also outlines maximum and minimum requirements for any basement excavation, all of which will be considered by the council when determining a planning application.

Control of Pollution Act

Construction impacts including noise, dust and vibration are controlled by the above legislation. It sets out specific thresholds for all developments. All construction projects, regardless of size, need to consider this legislation, although the level of monitoring, mitigations and considerations does vary.

Methodology

A desktop review of the existing CMP was carried out, in comparison to Camden Council guidance. Feedback and correspondences from local residents, both within and outside of formal consultations, was also reviewed. All relevant legislation was considered although it should be noted that this report focusses solely on the validity of the CMP, not the overall planning application.

This document will be shared with all relevant parties as part of the ongoing consultation and discussions.

Community Concerns

The proposed development at 13 Belsize Crescent has generated considerable local interest and concerns for the safety of both the community and the existing built environment. This section will outline the primary concerns surrounding the development.

Traffic

The principal concern of the local residents of Belsize Crescent is the impact that this development will have on the local road network. Belsize Crescent is a narrow street with parking bays along both sides, making the road difficult to navigate. It is reported that it is often the case that only one vehicle can pass at one time.

The proposed development would see a significant increase in the volumes of large construction vehicles using Belsize Crescent and the surrounding area. Residents have identified that larger vehicles often struggle with the tight access to Belsize Crescent, causing bottlenecks. This then has an impact on the wider road network, particularly Belsize Lane, Akenside Road and Lyndhurst Gardens.

The proposal also requires the suspension of three parking bays outside of 13 Belsize Crescent for the use of delivery vehicles. This will reduce the amount of available parking spaces on an already limited street. Concerns regarding the safety and accessibility for elderly and disabled residents have been raised.

Flooding

Basement excavations require the removal of significant volumes of sub-surface material. Such excavations can increase the risk of flooding by altering the water table and permeation capacity. Much of the Belsize area is built on soft clay.

Several residents have raised concerns about flooding throughout the planning process, with some stating that their properties already experience minor flooding during heavy rainfall periods and are concerned that this development will exacerbate the issue.

Heavy rainfall also has the potential to delay excavation works and potentially exacerbate traffic issues.

Subsidence/Damage

The other main concern regarding the proposed development is potential damage to neighbouring properties from excavation works, and the risk of subsidence. Basement excavations will see the use of power tools and small plant machinery, which will generate vibrations. Ground vibrations have significant potential to cause damage to buildings and infrastructure.

Residents are concerned that these vibrations will not only be felt through their houses, but also pose a risk to the structural integrity of the existing buildings. It is important to consider that these buildings are over 140 years old and most have not been significantly altered in that time.

Some residents have also experienced minor subsidence of their properties, and whilst not unexpected, given the incline and local geomorphology, some are worried that the proposed excavations could enhance the risk of subsidence.

Other concerns

Other concerns surrounding the proposed development include:

Noise – along with vibrations, excavations are typically noisy. The council defines the hours in which ‘noisy’ works can be carried out. Much of the works will take place internally which will help to limit, if not eliminate noise disturbance. Residents are particularly concerned that there is a distinct lack of intent with regards to noise monitoring, although a pre-construction noise survey has been conducted.

Dust – dust is also a major concern with all construction projects. Excavation works have the potential for significant dust generation. Residents are worried that such works will increase the volume of dust present on pavement and road services, and there are contradictions in the way dust emissions will be controlled.

Consultation – The residents of Belsize Crescent do not feel they have been adequately consulted regarding either the development or the CMP. Camden Council and the S106 agreement in place requires the party responsible for the CMP to consult with local residents and businesses prior to submission to the Council.

Construction Management Plan Review

This section will review the first draft CMP as submitted to the local residents as part of the consultation process. This draft is yet to be submitted to Camden Council for review. The section will outline if and how the CMP meets the council requirements.

The S106 agreement for the development outlines the following criteria that the CMP must include:

- a) *A statement provided to Council giving details of the environmental protection, highways safety, and community liaison measures proposed to be adopted by the Owner in order to mitigate and offset potential or likely effects or impacts arising from the demolition of existing buildings or structures on the Property and the building out of the Development*
- b) *Proposals to ensure there are no adverse effects on the Conservation Area*
- c) *Amelioration and monitoring effects on the health and amenity of the local residence, site construction workers, local businesses and adjoining developments undergoing construction*
- d) *Amelioration and monitoring measures over construction traffic including procedures for notifying the owners or occupiers of the residences and businesses in the locality in advance of major operations, delivery schedules and amendments to normal traffic arrangements.*
- e) *The inclusion of a waste management strategy for handling and disposing of construction waste*
- f) *Identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required.*

The CMP document was compiled by filling out the Camden Council approved proforma.

S106 commitments

- a) – Current CMP gives details as required by proforma, although detail is often scarce. Environmental protections are largely dismissed given the ‘small nature of the site’. Noise, dust, and vibration issues are addressed but only to the purpose of identifying potential sources. Some contradictions surrounding the provision of wheel-washing.

Highways safety is covered in multiple sections of the Proforma, covering routing, deliveries and site management. A controversial topic locally, road routing gives little provision for the practicality of large vehicles (an HGV is any vehicle over 3.5 tonnes), accessing Belsize Crescent and the surrounding area. There is concern that even larger vans can cause disruptions. There is a lack of clarity regarding the anticipated vehicle types and frequency of deliveries, particularly given the contradictions around the appointment of a Principal Contractor.

The CMP fails to identify multiple schools along the access and egress routes that would result in the development having tighter delivery scheduling. The failure to recognise this has the potential to pose significant risk and disruption.

Additionally, the suggested suspension of three parking bays and the provided Swept Path Analysis appear to give a false representation of reality. Specifically, the suspended bays are only 2 metres wide, yet the average width of the largest anticipated vehicles is >2.5 metres, suggesting vehicles would encroach onto the highway by at least 50cm. The provided SPA also only shows a 3.5t van accessing the site, whilst the largest vehicle anticipated could exceed 18 tonnes. It is stipulated that such vehicles will be accessing the site every day during the works period. When trying to recreate the Swept Path using a similar vehicle, the presence of a skip in the middle of the loading bay proved challenging.

Community liaison is a significant area of contention surrounding the CMP. The CMP notes that properties to the immediate north and south of the development will be affected, but fails to acknowledge the wider area, particularly in terms of traffic disruption. The CMP alludes to a future letter drop (has since happened) but again reaffirms that the ‘small scale of the works’ renders formal consultation events unnecessary. Despite the obvious local sensitivity of the proposed development, the provision of a Construction Working Group has been ruled out.

- b) It is unclear what the exact requirement of this clause is, but the existing CMP makes no direct attempt to address it.
- c) The CMP addresses health and amenity as required by the proforma, but often with limited detail.

Site construction worker health is addressed only by a simple sentence stating that ear defenders will be worn during noisy activities, but no consideration of wider site safety is provided, other than to say operatives will be suitably trained. More detail should be provided, with evidence of training. There is no acknowledgement of local businesses, and the CMP states there are no active construction projects elsewhere in Belsize Crescent, which is disputed. Several approved planning permissions are in place in Belsize Crescent and surrounding areas.

- d) Traffic management is the biggest area of concern, particularly given the assertion that as many as 120 muck lorries will be utilised during the excavation, anticipated to be at least one per day, along with skip lorries, flatbed delivery vehicles etc. The CMP appears to imply that these vehicles would

have little impact on the road network given their apparent infrequency and the use of suspended parking bays. It does imply, however, that parking bays would be suspended as necessary. This is in contradiction to Camden Council policy, which states suspensions are issued for 6 months at a time, or if longer, a Temporary Traffic Restriction would be needed. Given the anticipated project length, a TTR seems the only valid solution. 'As and when' would not be acceptable.

The CMP also fails to acknowledge several schools in proximity to the site and along proposed access/egress routes. This is important as it not only creates an additional sensitivity but also alters the approved delivery times as per Camden Council guidance.

Provided Swept Path Analysis does not provide sufficient detail as to the practical access of larger vehicles. The vehicle chosen is a 3.5t van, whilst the largest vehicles predicted could be as much as 18t. Additionally it appears to suggest that vehicles will reverse into a space behind the skip. This seems both impractical and unsafe given the presence of a single traffic marshal and would be in contradiction to CLOCs guidance and the New London Plan, which both seek to eliminate vehicles reversing on public highways. These manoeuvres would also likely cause significant disruption, consideration of which has not been addressed.

- e) The CMP makes little mention to a specific waste management strategy other than reference to muck away lorries and the presence of a skip in the suspended bays (in drawings only). No mention is given to any formal waste management plan, nor the types or volumes of waste anticipated. It is also unclear how waste vehicles will access the site given the limited space available.
- f) Little information is given as to how the CMP will be communicated to Camden Council, both pre-approval and during the construction phases. CMPs should be considered as live documents and should be consistently reviewed to ensure their compliance and success. No evidence is given of how CMP performance will be monitored.

Additional comments

The provided CMP features several contradictions regarding site traffic, site management and environmental considerations. These are detailed below.

- Principal/Main Contractor – Sections 5, 13, & 15 clearly state that no Principal Contractor has been appointed, yet Section 16 claims that the Principal Contractor has confirmed the vehicle types and frequency. Clarity over the appointment of a PC needs to be finalised.
- Vehicle size – it is regularly stated that the anticipated vehicle size will not exceed 3.5t (and indeed this is the size used for the Swept Path), but other sections make reference to much larger vehicles. Given the nature of the works, it is highly likely that large waste management vehicles will be required. Swept Path Analysis should be revised to demonstrate the largest anticipated vehicle.
- Section 10 states that the development “*will implement suitable mitigation and management measures to minimise the impact on these receptors*” in regard to the impacts on local residents. A key requirement of any CMP is to identify such measures in detail, which in its current form, this CMP fails to do.
- Wheel Washing – Section 20 states that wheel washing facilities will likely not be needed, yet wheel washing is listed as a dust mitigation method in Section 33. There is significant resident concern over potential wheel washing facilities and the potential for wet pavements and roads.

- Temporary Traffic Restrictions – Section 22 details that no temporary traffic measures are required yet given the Camden Council guidance regarding parking suspensions and TTRs, it is highly likely a TTR will be needed for the duration of the project.

Communications

There is limited evidence of communication between the CMP authors, developers and affected parties.

Residents – Appendix A contains a copy of the consultation letter distributed to residents of Belsize Crescent. It appears distribution was insufficient given the nature of many of the properties. It also appears only Belsize Crescent was targeted, yet the consultation should have included the wider area, particularly those roads that serve as access and egress routes.

Local Authorities – The CMP is yet to be submitted to Camden Council, per the consultation requirements, but it contains no detail of how changes or potential issues with the CMP will be communicated post-approval.

Services – Camden Council require the CMP to detail all parties involved with the provisions of new services if applicable. It also stipulates that services providers should share excavation and traffic management proposals. The CMP clearly states that new electric, gas, water and telecoms services will be installed but gives no evidence of communication with any such providers.

Conclusions

WPS Compliance Consulting Ltd are of the opinion that in that in its current form, the Construction Management Plan fails to satisfy the requirements laid out in the Section 106 Agreement as defined by Camden Council.

Given the inconsistencies around traffic management, site management and community liaison, coupled with the omission of key requirements surrounding waste management, building services, and local sensitive receptors, it is recommended that Camden Council reject the CMP, and do not consider the S106 agreement satisfied.

The 13 Belsize Crescent development is highly sensitive to local residents, who feel that they have been overlooked during the production of the CMP. It is recommended that Camden Council facilitate greater consultation between themselves, the developers, and local residents to properly address legitimate concerns regarding the CMP. This consultation should include all residents along Belsize Crescent, paying particular attention to the multiple occupancies of some properties, as well as surrounding roads, particularly those to be used for access and egress.

It is also suggested that, despite not being strictly necessary given the small size of the site, Camden Council stipulate the need for additional air quality and noise assessments to provide a more robust analysis of possible disruptions.

Under their own Local Plan and Basement Guidance, Camden Council are obligated to mandate a CMP as part of a S106 agreement for all developments featuring the creation or extension of a basement. In this regard, Camden Council have not acted unlawfully. Section 106 agreements can be challenged if they are considered to not have a 'useful purpose', but in this case there is mandated precedent for its inclusion.

WPS Compliance Consulting Ltd conclude that whilst the Section 106 agreement will be difficult to legally challenge, it will also be extremely difficult to successfully fulfil. The site is highly sensitive, and the current Construction Management Plan is a long way from satisfying the terms of the agreement. It is therefore recommended that Camden Council continue to reject both the CMP and the S106 agreement, unless meaningful consultation is implemented and solutions satisfactory to all parties can be determined.

Should Camden Council determine that the S106 agreement has not been satisfied within the planning application timeline, they will have no choice but to refuse the application.