

CMP Review

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Project: 13 Belsize Crescent, London, NW3 5QY

Ref: 15172

 8th October 2024

 Version: V1.2



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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 the 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 basement 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.

An updated Swept Path Analysis (SPA) was produced (shown in Appendix 1) in order to exhibit the (in)feasibility of an 18t tipper vehicle (the largest anticipated vehicle) according to the existing CMP, accessing the loading area. It also shows the proposed skip location located in front of 13 Belsize Crescent, in the proposed suspended parking bays, and the difficulties this would pose to any vehicle movements.

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.

There have been past incidents of vehicle collisions along Belsize Crescent due to the narrow passage that is available. This implies that the larger construction vehicles will cause significant disruption on Belsize Crescent due to the dimensions of the road (shown in Appendix 1).

The roadway is approximately 7m wide with 2m either side allocated as parking bays, leaving only 3m for vehicles travelling along the road. Although, a 'two-way street', these dimensions explicitly show that two vehicles cannot safely pass each other at the same time, one of the vehicles will be required to pull to the side of the street either at the top or bottom of Belsize Crescent in the lay-by. In addition to this, Appendix 1 shows that the larger construction vehicles (>3.5t) exceed the width of the parking bays, which will make the available passage even tighter for vehicles to pass along Belsize Crescent.

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 surfaces, 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.

Figs 4 & 5 demonstrate the infeasibility of an 18t tipper vehicle, the largest anticipated vehicle according to the existing CMP, accessing the proposed loading area. The loading bays are stated as 2m in width, which is 55cm less than the width of such vehicles.

Additionally, the proposed skip location renders the required manoeuvre impossible without either encroaching on the parking bays and/or pavements or striking the skip itself.

Further analysis has shown that any vehicle greater than 3.5 tonnes will struggle to make this manoeuvre.

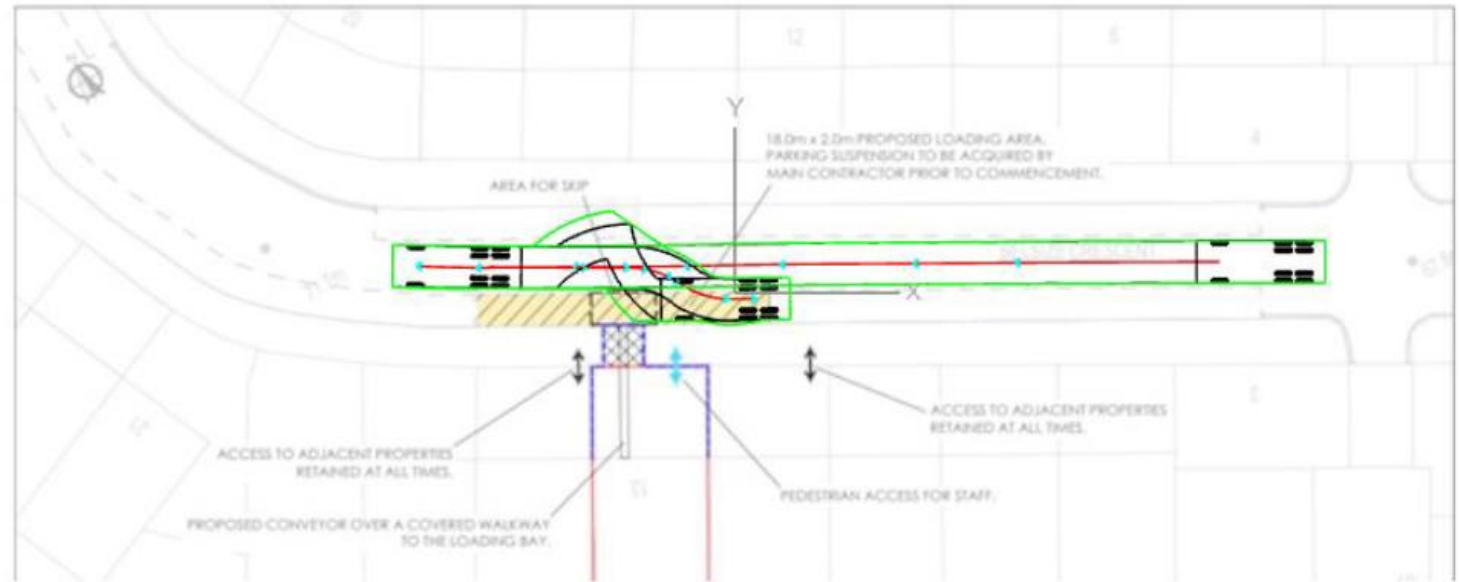


Fig. 4.

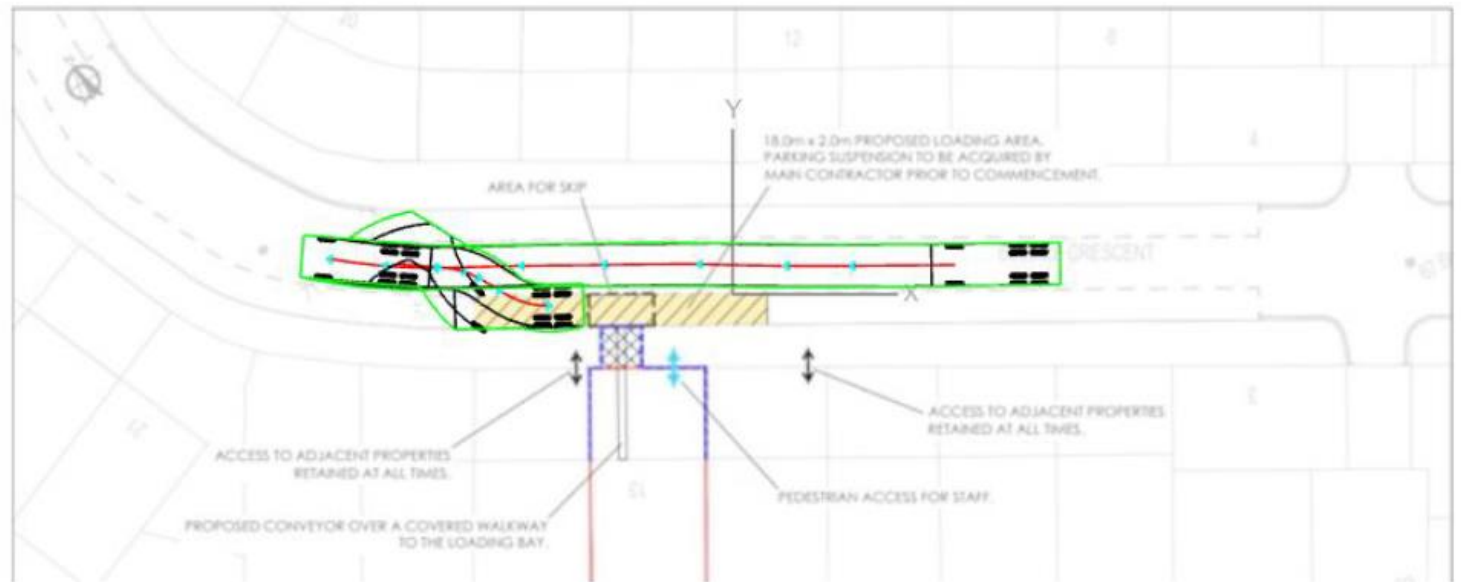


Fig.5