

## 100 Avenue Road Construction Management Plan – Revised 10/07/2018

**UPDATE 10/07/2018** – Report to Planning Committee expected 19/07/2018

On the 28/03/2018 a revised CMP was submitted to the council following the consultation on the December 2017 version which took place from the 15 December 2017 through to the end of February 2018. Council officers are reviewing the submission. Please the **'what happens next section'** for future actions.

### What is a Construction Management Plan (CMP)?

A CMP sets out the approach that a developer and their appointed contractors will take to help minimise the impact of construction on-site and the associated transport arrangements for servicing. The CMP is a technical document covering aspects such as noise, air pollution and traffic impacts. Developers must consult the local community on the proposed CMP before and after submitting it to the Council and demonstrate that they have made reasonable attempts to remedy any valid concerns raised.

We have produced guidance on what we expect to see in a CMP and the minimum standards it must contain:

<https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-applications/making-an-application/supporting-documentation/construction-management-plans.en>

The CMP in this instance is a requirement of the bilateral [Section 106 legal agreement between the developer and Council](#). It is not a planning condition of the approved planning permission (ref: 2014/1617/P), so is technically not an application. As such there is no statutory consultation required by the Council nor is there a statutory decision making process.

### The role of the Council?

The Council's role in the consideration of a CMP is to assess whether the developer and appointed contractor are carrying out the approved works in such a way that it causes minimum impacts to the local community. The assessment of a CMP is a technical exercise, it cannot re-open a discussion on the merits of the proposals. Only in a very small number of circumstances is the Council able to decide to not approve a CMP. In these circumstances there must be clear evidence that the construction methods proposed would cause avoidable negative impacts.

Although the Council did not approve the application (see **Background** below), it must consider the CMP as well as all the other requirements agreed as part of the bilateral Section 106 Legal Agreement (link to document above). Under planning legislation, the Council can only make decisions on planning obligations (including the CMP) that are relevant within the context of the planning permission.

### The role of the developer

The legal requirement placed on the developer in the S106 Agreement requires the developer to submit to the council:

*"Details of consultation on a draft Construction Management Plan with local residents, business, local groups (e.g. residents/tenants and business associations) and ward councillors. Details should include who was consulted, how the consultation was conducted and the comments received in response to the consultation. In response to the comments received, the Construction Management Plan should then be amended where appropriate and where not appropriate a reason should be given why not. The revised Construction Management Plan should also include a list of all the comments received."*

The CMP can be found on the developer's website at:

<https://creeksidewharf.london/public-consultation/theatre-square/>

### What happens next?

We will assess the CMP against the Council's [standards, guidance and policies](#).

If required, the council will seek further amendments to the CMP with the aim of achieving a CMP that meets Camden's requirements, responds appropriately to consultation comments and demonstrates that all reasonable steps have been taken to minimise construction impacts. Subject to officers being satisfied with the CMP, we will produce a report summarising the objections received, how the CMP has addressed them and include a detailed justification as to why the CMP is considered acceptable.

Any positive decision would be reported to elected members of the Council through the Member's Briefing process with any comments taken into account in the discharged version of the CMP.

It is important to note that the CMP that is agreed prior to the implementation of the development will be a live document that requires active consultation and updating throughout the construction process. The developer is required to monitor the construction process and provide evidence that they are responding to comments made.

**Date of Members Briefing:** 22/06/2018 – matter referred to Planning Committee for decision

**Date of Planning Committee:** 19/07/2018 – <http://democracy.camden.gov.uk/ielistDocuments.aspx?CIId=120&MIId=7763&Ver=4>

### Background

On 19 February 2016, the Secretary of State for Communities and Local Government granted planning permission for the comprehensive redevelopment of 100 Avenue Road, Swiss Cottage, NW3 3HF. The application was originally refused permission by the London Borough of Camden's Development Control Committee on 11 September 2014. The Planning Committee's decision can be found at:

<http://democracy.camden.gov.uk/mgAi.aspx?ID=18293>

Following the refusal of planning permission by the Council's Planning Committee, an appeal was lodged by the applicant (Essential Living) to the Planning Inspectorate. Following a Public Inquiry during July and August 2015, the Inspector concluded that the development should be allowed subject to a series of conditions and legal obligations. The appeal was recovered by the Secretary of State for Communities and Local Government for determination in March 2015. A copy of the Inspector's report and the Secretary of State's decision can be seen at:

<https://www.gov.uk/government/publications/recovered-appeal-100-avenue-road-london-nw3-3hf-ref-3001616-18-february-2016>