

LBC LEGAL DUTIES and EXPECTATIONS REGARDING BUILDING CONSTRUCTION/DE-CONSTRUCTION SITES

Site: 51 Fitzjohn's Avenue, London, NW3 6PH

Planning number: 2013/7379/P

Date: 30th May 2018

Revision:

Camden's Minimum Requirements (CMR) number: 240632

I have read the CMP regarding the above site which is linked to planning application **2013/7379/P**.

I confirm that no visit has been made to this site in connection to this CMP

The site is located to the west of Fitzjohn's Avenue, where the surrounding land uses are predominantly residential with the exception of St Mary's School. The proposals comprise the conversion of the existing 13 self-contained apartments into 21 self-contained flats and includes the basement extension and the erection of an extension at 5th floor level. The nearest receptors likely to be affected by the construction activities are the adjoining residential 49 and 53 Fitzjohn's Avenue and St Mary's School.

The development proposals comprise of the following potential noisy operations:

- (i) Site Setup
- (ii) Demolition
- (iii) Excavation
- (iv) Structural Works
- (v) Non-structural Works/Internal Fit Out
- (vi) Site Clear Up.

Neither start date on site nor duration of the works have been provided. Moreover, a number of building construction works are being carried out in Fitzjohn's Avenue area. The submitted CMP does not provide enough information in a number of areas hence building construction /deconstruction works cannot commence.

The following is missing from the submitted CMP:

- Asbestos survey report
- A comprehensive noise report dealing with:
 - (i) ABC +5dB method according BS5228:2009+A1:2014
 - (ii) Prediction of the noise levels at worst affected noise receptor
 - (iii) Piling activities impact
 - (iv) Noise sources from plant/machinery/activity
 - (v) Noise type i.e. airborne, ground borne and structure borne (including causes)
 - (i) Impact of activities likely to be carried outside standard hours i.e. utilities connections, crane arrival and assemblage
 - (ii) Impact of concrete lorries during structural phase.
- A demolition Management plan dealing specifically with:
 - (i) Noise from demolition activities should include the most likely type of noise generated i.e. air borne, ground borne and structure borne.
 - (ii) Identification of the nearest worst affected receptor (including St Mary's School)

- (iii) Dust suppression/mitigation measures
 - (iv) Rats/mice control extermination program before demolition works
- Identification of the type of piling operations and its impact to the neighbouring receptors.
 - Identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR 240632) if applicable
 - Philosophies to be incorporated, maintained, improved and enforced in:
 - (i) Noise/vibration reducing throughout the site and the life of the project.
 - (ii) Prevention of dust formation in the first place, throughout the site and the life of the project.
 - Actions to be taken in cases where these noise levels exceed the predicted noise and vibration levels.
 - A report from a British Pest Control Association (BPCA) company demonstrating existence /non-existence of rats and mice by using baiting techniques.
 - Action taken to prevent the rodents living in the site escaping the site prior commencing the works and during the works.

For the re submission of the CMP the following is also required to be taking into account:

NB Documents to take into account when revising CMP, procedures, etc.

- Camden's Minimum Requirements (CMR240632, attached)
- Addendum240632 CMR240632, attached)
- British Standards BS5228:2009+A1:2014 (ABC +5dB method)
- "Pest minimisation Best practice for the Construction Industry" for eradication of rats/mice before works commence (attached)
- The Control of Dust and Emissions During Construction and Demolition (SUPPLEMENTARY PLANNING GUIDANCE) 2014 (attached)
- Noise/vibration reduction and visible dust prevention philosophies Documents to be produced, submitted and approved
- The most up to date Noise and vibration reports specific to the site to be produced, submitted and approved
- Demolition Management Plan (DMP) Document Reference: to be produced, submitted and approved

Once all of the above is provided and approved the proposed noisy building construction /demolition works could commence with the following signed and dated general and specific understandings:

1. GENERAL UNDERSTANDINGS

- London Borough of Camden under the Control of Pollution Act 1974, Environmental Protection Act 1990 and Prevention of Damage by Pest Act 1949, has the legal duty to protect from the effects of noise (including vibration), statutory nuisances and pest prevention from rodents to those who are living in the proximity of the proposed works.
- The Council expect to receive no valid complaints during the entire duration of the proposed works to be undertaken at, **51 Fitzjohn's Avenue, London, NW3 6PH.**
- The CMP shall be a living document to be reviewed/modified as soon as problems arise or when it is required.

- Noise and vibration monitoring shall be carried out. (See CMR 240632) Camden's Minimum Requirements attached)
- A philosophy of reduction noise/vibration levels throughout the site shall be implemented, maintained and improved throughout the duration of these works.
- Where noise exceeds noise limits for a period of 10 or more days of working in any fifteen consecutive days or for a total number of days exceeding 40 in any 6 month period provisions for temporary respite accommodation will be offered.
- A philosophy for the prevention of dust formation in the first place shall be adopted, implemented and enforced during the duration of these works.
- Full adherence and compliance and implementation with the 240632 CMR for the site.
- Where practicable, to prevent vibration during excavations works, most modern excavating equipment and the most modern excavation techniques shall be used.
- No demolition works shall be commenced without an adequate water supply to cover the whole working areas.
- Prior any building construction demolition works the presence of rats and/or mice should be ascertained and the contractor shall employ a British Pest Control Association (BPCA) company to eradicate the rodent infestation.
- At all times the site shall be kept free, so far as is reasonable practicable, from rats and mice. (Prevention of Damage by Pests Act 1949, part 'H' of the Building Regulations (Drainage & Waste Disposal)).
- Continuous liaison with the local community, before works commence, during the works and in particular in case of exceedances and/or change of techniques or methodology and or complaints/concerns.
- Full adherence and compliance and implementation with the CMR for the site.

2. SPECIFIC UNDERSTANDINGS.

1. In the case, that Structure borne noise likely to occur at party walls and/or tall/connected buildings in close proximity.

- A noise report dealing with the effect of structure borne noise from the building de-construction and construction activities shall be required before any proposed works commence. The noise report shall deal with the provision of suitable respite accommodation to those who are being affected. Refer to BS 6472-1:2008, BS5228: 2009+A1:2014.
- The prediction of noise levels (including structure borne noise) at the potential noise receptors (including any person residing/working inside the building or sharing party wall) shall be made before the proposed works commence.
- Prior any de-construction/construction works commence but no less than (28 days of the proposed works commence), the resident and/or the residents, living at the sharing party

wall shall formally be offered in writing an appropriate suitable respite alternative accommodation for the whole duration of these construction/deconstruction works. The offer and details of the offer shall be confirmed in writing to the Council”.

- If the adjoining building is structurally connected and is occupied while the proposed works are in progress and should structure borne noise through party wall and/or other connected part of the building occurs, then a respite scheme shall be required to provide to those who are directly affected by the works that is causing the structure borne noise.
- No dweller should remain in their dwellings without a properly suitable respite accommodation being offered while noisy structure borne works/activities are being carried out.

2. Identification of worst affected property.

- Prior any construction/deconstruction works commence identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR 240632) shall be required.
- Prior any construction/deconstruction works commence full details describing mitigation measures to be incorporated during the construction/demolition works to prevent noise and vibration disturbances from the activities on the site to the main identified receptors.

3. Noise monitoring

- Noise and vibration monitoring shall be carried out. (240632 Camden's Minimum Requirements attached).
- State the actions to be taken in cases where these exceed the predicted noise and vibration levels.

4. Respite accommodation for non-party wall/adjoining properties (Airborne noise).

- Where noise exceeds noise limits for a period of 10 or more days of working in any fifteen consecutive days or for a total number of days exceeding 40 in any 6 month period provisions for temporary respite accommodation will be offered.

5. Rats control/extermination

Before any construction/deconstruction works commence Contractors, builders, etc. have to keep sufficient evidence and make such evidence readily available on request by an authorised Officer of the Council the following:

- Any existing drainage serving the site is secure. This means locating the interceptors of the existing buildings and making sure that the drains are currently running free and that any interceptor (Rodding Eye) caps are in place. For straight through systems a rat block device should have been installed before any work starts.
- If the existing drains are not to be used for the new development then these have been cemented and sealed.

A copy of this document shall be made available to the appointed Building Contractors and their sub-contractors.

- Any additional drainage leading back from the interceptor left open, the corresponding interceptor interceptor/s are sealed.
- The rodents living in the site are being systematically destroyed and/or prevented escaping the site prior commencing the works and during the works.

6. Documents to take into account when revising CMP, procedures, etc.

- Camden's Minimum Requirements (CMR240632, attached)
- Addendum240632 CMR240632, attached)
- British Standards BS5228:2009+A1:2014
- "Pest minimisation Best practice for the Construction Industry" for eradication of rat/mice before works commence (attached)
- The Control of Dust and Emissions During Construction and Demolition (SUPPLEMENTARY PLANNING GUIDANCE) 2014 (attached)
- Noise/vibration reduction and visible dust prevention philosophies Documents to be produced, submitted and approved
- The most up to date Noise and vibration reports specific to the site to be produced, submitted and approved
- Demolition Management Plan (DMP) Document Reference: to be produced, submitted and approved

Signed: J F Haynes

Date: 4th September 2018

Print Name: J F Haynes

Position: Quantity Surveyor