
From: Thuaire, Charles
Sent: 24 June 2019 13:43
To: Planning
Subject: FW: 53 Fitzroy Park - 2019/0855/P - Condition 14 demolition
Attachments: 53 Fitzroy Park - SPA Appraisal Letter inc Drawings.pdf

Objection from FPRA

Charles Thuaire
Senior Planner

Telephone: 020 7974 5867



From: Karen Beare [REDACTED]
Sent: 24 June 2019 10:57
To: Thuaire, Charles [REDACTED]

[REDACTED]

Subject: Re: 53 Fitzroy Park - 2019/0855/P - Condition 14 demolition

Charles

For fear of repeating what I have just said in my email about discharge of Condition 13 relating to SUDs on site and my email over the weekend about the discharge of Condition 7 relating to tree protection, please find attached a letter issued by WSP Global on Friday 21st at 4pm. In your absence it was sent to Alex Bushell as evidence of the developer's failure to disclose all construction impacts that include the ability to get HGVs on and off-site without felling any of the 5 trees remaining.

All you have to do is look at the right-hand SPA on Page 4 of the attached report to see how the active tactic to discharge conditions out of sequence, and specifically before a draft CMP is submitted is resulting in failure of process. A draft CMP will by definition detail how this development can be safely built, but without it the Council is not in a position to address all the construction impacts that have not been disclosed elsewhere. It's the equivalent of the Council discharging pre-commencement conditions with a blind-fold on.

In addition to the very serious construction issues WSP Global once again raises in their letter attached here, FPRA would add the following reasons for refusal based on Rev C of Oakbridge "Method Statement in relation to a Precautionary Approach to Demolition and Construction".

Point 2. Consultants Reports.

Oakbridge is relying on arboricultural reports that were issued almost 10 months ago, in August 2018, and have since been revised.

Point 3. Ecology Survey.

The suggestion that no evidence was found over 4 years ago in May 2015 of any sort of wildlife or evidence that they had been in occupation on the site is beyond incredible and totally unbelievable. The site is part of

the Hampstead Wildlife Corridor and unless there has been an exclusion zone in operation at 53FP, the connectivity of the site will be the same as has been found at the neighbouring site of 55 Fitzroy Park.

Point 4. Recommendations for Further Work.

FPRA read with interest and some incredulity, the commitment of Oakbridge to check the site and call an ecologist to come to site if nesting birds were found between March and August. This promise has already proven to be not worth the paper it is written on.

It is a matter of record, when Oakbridge came to site to attempt to start works on Friday 7th June, before pre-commencement conditions had been discharged including a CMP, they found nesting birds on site. But instead of calling for an ecologist, which would have prevented their attempt to break ground unlawfully, they chased the mother duck and her 4 ducklings off-site with a leaf blower.

This behaviour by Oakbridge not only brings this ecology "promise" into disrepute, it also questions the credibility of the May 2015 ecology report as we have already stated.

Point 5. Site Clearance

Oakbridge state their intention to remove the remaining five trees on site yet no authority for them to do so has been given.

Point 6. Demolition

It is incorrect for Oakbridge to state there is no evidence of animal species being present when on 7th June 2019 there clearly was. We urgently recommend an independent survey is carried out again to clarify the real situation on the ground and the dwelling that is still standing. Inevitable when a site is cleared and a house semi-abandoned, then wildlife, particularly small mammals, amphibians such as toads, all move in.

Points 7 through 9.

These are all CMP issues and must be considered as part of a comprehensive draft CMP - not out of sequence - in what is essentially supposed to be an ecology condition.

Point 10.

Given the unreliable record of Oakbridge to date, it is not unreasonable for FPRA to request full details of the "low level task lighting required within the dwelling as it is being completed". It would seem unlikely that H&S would agree to low-level lighting when operatives are working.

Points 11 through 18.

These are outside the scope of this Condition 14 and must be embedded as part of a draft CMP. FPRA considers this a blatant attempt to begin demolition using this condition as a "CMP-lite" and as such is totally unacceptable.

In particular drawing E-322-02 has been demonstrated by WSP Global to be untenable as drawn.

FPRA would also question the contractors parking next to the pond that drains into the Bird Sanctuary. No provision for bunding or pollution from wash-off or any other mitigation of the construction risks on the local environment has been considered.

We would therefore urge the Council not to discharge this Condition as submitted.

Kind regards
Karen
Chair FPRA

On 17 Jun 2019, at 09:45, Karen Beare [REDACTED] wrote:

Charles

FPPA has now heard back from WSP Global, and as expected our concerns have been confirmed by them. Their interim comments are copied to you here, but, as you can see, they are hoping to get a formal letter issued tomorrow to include accurate SPAs.

I would particularly draw Steve Cardno's attention to their comments. The draft CMP, that supported the DCC decision over 3 years ago, and the S106 agreement, was fundamentally flawed. The Council acknowledged, at the time, "various problems" existed. It would appear this new owner, with his new design and construction team, have not taken on board these issues and resolved them in any way at all. In fact they appear to have compounded them by intending to use larger HGVs.

We would therefore urge the Council to ensure this Condition is not discharged until such time as an accurate and workable proposals are submitted by the Applicant. The deadline of 4th July, whilst concerning for them, should not be a reason to overlook these issues. They have had over a year since they first met FPPA to work on this project, and it is therefore entirely their responsibility this hard deadline is looming in a few weeks.

Thanks
Karen

WSP have completed an initial review of the Oakbridge drawing, reference E-322-02 'Site Setup', submitted in accordance with development 2019/0855/P, planning condition 14. WSP will prepare a formal letter summarising our findings and observations on the revised submission early next week however in the interim we have summarised the salient points below.

- 1. The size of the largest proposed construction vehicle has increased since the previous 2017 CMP from an 8.4m concrete mixer to a 12m rigid truck. Our 2017 assessment observed an 8.4m concrete mixer would need to complete multiple manoeuvres to enter and exit the site in a forward motion, which would not only be exacerbated with a larger vehicle but potential unfeasible based on the existing constraints;**
- 2. The Swept Path Analysis (SPA) presented by Oakbridge appears to use dry steering to enable the vehicle to complete the proposed manoeuvre(s) entering & existing site;**
- 3. We intend to substantiate our initial views with our own swept path analysis to present, in our opinion, a more realistic movement consistent with previous assessments;**
- 4. The building footprint on the applicant's drawing shows the proposed development however there is no analysis for the demolition of the existing building which significantly reduces the available space and accessibility of the site;**
- 5. There are level differences of approximately 2.5m from Fitzroy Park to the ground level at the proposed development, from the submitted documents it is unclear how this would be addressed during the construction stage; and**
- 6. We have previously raised the above items in our July 2017 CMP review letter. Based on our initial assessment of the recent CMP all those observations & issues still appear to remain and have not been addressed.**

On 9 Jun 2019, at 21:03, Karen Beare [REDACTED] wrote:

Charles

Thanks for your help on Friday. It certainly looks like it was a wilful attempt to break ground before 4th July deadline and without a full and detailed CMP in place. For the avoidance of doubt, FPRA is objecting to Condition 14 - 2019/0855/P being discharged as presented for the following reasons. Our initial comments are as follows:

1. Given the actions of the contractors on Friday 7th June 2019, they are already in breach of this Condition having actively disturbed and displaced wildlife nesting on site.
2. After just a few hours on site the road was left covered in mud.
3. We note the intention to park large numbers of contractors on site by a new roadway penetrating this POS site along the boundary with No51 Fitzroy Park. This proposal does not take account of:
 - i) a 4m drop from the roadway to the back of the site and a gradient that are not tenable to manoeuvre without significant amounts of regrading of the site. The land drops from 84.2m to 80.2m in approximately 25m.
 - ii) the proposed site for this car park is only metres away from the historic pond in 55 FP which feeds directly into the Bird Sanctuary Pond. No drainage measures have been proposed for preventing pollution from all these contractors vehicles simply being washing into the pond and then into the BSP. The difficult is of course the pollution will be at the bottom of the site, a 4m drop from existing sewers etc.
 - iii) we had understood that as a designated POS site adjacent to the Heath, penetration of contractors vehicles on site in this manner is not permitted.
4. Drawing E322-02 wrongly shows the proposed footprint, not the existing footprint that will need to be demolished first. The methodology of how the existing dwelling will be first demolished safely and how the construction set up shown as shown on drawing E322-02 comes into being, is not addressed in any way at all.
5. No evidence has been provided that a rigid HGV can manoeuvre as per Oakbridge drawing E-322-02, showing vehicles leaving arriving and leaving in forward gear. We are contacting WSP Global urgently in an effort to get SPAs to show this is simply not possible as drawn and as such is extremely misleading.
6. The pedestrian footpath serving welfare facilities cuts directly through the root protection zone of two of only 5 trees being retained on the boundary with No55, one of which has a TPO on it.
7. The site has been previously cleared of 30+ trees (save the 5 mentioned above). It is now completely overgrown with dense ground cover. The last ecological report was carried out in May 2015. The fact that ducks are nesting

on site, it is highly likely frogs, snakes and hedgehogs (which have been found recently in Fitzroy Park) will also be found if the effort is made to look carefully.

8. This skimpy 4-page document purports to be a CMP in disguise. It lists working times, residential amenity, a sketchy programme of works, a construction sequence. As such it is entirely inadequate. A fully worked up CMP is required as part of the S106 legal agreement.

Once we hear back from WSP we will be in touch again.

KR Karen

<Screen Shot 2019-06-09 at 20.34.16.png>

On 7 Jun 2019, at 12:29, Thuaire, Charles
<Charles.Thuaire@camden.gov.uk> wrote:

Karen-

Yes, the S106 requires that a CMP is submitted and approved by the Council before the scheme can be implemented; the implementation date is defined in the S106 as the carrying out of a material operation on the site.

Charles Thuairé
Senior Planner

Telephone: 020 7974 5867

<image001.png> <image002.png> <image003.png> <image004.jpg>

From: Karen Beare [REDACTED]
Sent: 06 June 2019 21:37
To: Thuairé, Charles [REDACTED]

Subject: Re: 53 Fitzroy Park - 2019/0665/P

Charles

Thank you for this update. We note the time line you set out.

I will urgently review the documents again and take the appropriate action, but I suspect FPRA will need to formally object to Condition 14 over the weekend.

We have reason to believe what has been presented to the Council in this regard simply does not represent the reality on the ground.

Please can you also confirm that works cannot start without an agreed CMP in place? We have always been led to believe this was the case.

KR Karen

Sent from my iPhone

On 6 Jun 2019, at 19:33, Thuaire, Charles
<Charles.Thuaire@camden.gov.uk> wrote:

Karen-
I am required to determine these apps asap to meet their deadline for starting implementation on site before the parent permission expires on 4th July. As objections have been received, and assuming the details are to be approved, it means reporting these conditions to a Members Briefing panel by 1st July at the latest to meet this deadline. Thus I would encourage you to respond with any further comments asap.
Please note that the 2 documents you refer to relate to condition 14, ref 2019/0855/P and were submitted by the agents on 23rd May, unsolicited by us.

Regarding the CMP issue, I am advised that no draft CMP has been yet formally submitted to the Council for final approval nor has a CWG been set up as required by the S106.

Charles Thuaire
Senior Planner

Telephone: 020 7974 5867

<image001.png> <image002.png> <image003.png> <image004.jpg>

From: Karen Beare <karen.beare@camden.gov.uk>
Sent: 02 June 2019 21:19
To: Thuaire, Charles
<Charles.Thuaire@camden.gov.uk>

[Redacted]

[REDACTED]
Subject: Fwd: 53 Fitzroy Park - 2019/0665/P

Charles

I have this afternoon trawled through the 5 outstanding conditions (as part of the 8) that the Applicant tried to discharge back in March.

I note that the only documentation relating to these are two new documents relating to the demolition of the existing building that were uploaded a week ago on 23 May 2019. Please can you confirm a deadline for comments on these at your earliest convenience as I have just returned from an extended trip away.

I have copied in Steve Cardon into this email as FPRA is extremely concerned that the outline set up does not include any Swept Path Analyses and shows the proposed footprint, not the existing footprint as a back-drop. It would therefore be wholly inappropriate for the Transport Department to sign off on this.

Given the exceptional site constraints, that were the subject of an apparent attempt to mislead the Council by previous Applicants (with regard to SPA software being manipulated as Steve is aware) at first glance there are NO supporting technical documents to show how this rigid lorry will reverse into thin air (there is a 3m drop there) and then turn onto Fitzroy Park in one go. The idea that this is possible is utterly ridiculous.

Three years ago, when conditional consent was granted by the Council, we were given personal assurances, despite the draft CMP that supported the Application clearly having “problems”, that no work would be allowed on site until a CWG had been set up and details of a workable CMP had been thoroughly discussed that included demolition.

The idea that this new contractor can come to site and demolish the building based on the skimpy documentation provided to date is totally unacceptable and a risk to the Health & Safety of all the many users of FP. As we have previously told the Council, no fewer than 40,000 vehicle movements have been recorded on FP in a 3 month period at the Merton Lane

end of the carriageway. This does not include the 100s of pedestrians.

In the first instance please let us know how long we have to comment formally on these two new documents as I will need to contact WSP Global for their technical input.

KR Karen

Begin forwarded message:

From: Karen Beare

[REDACTED]

Subject: Re: 53 Fitzroy Park - Various

Date: 2 June 2019 at 20:59:58 BST

To: Majid Saadati

[REDACTED]

Dear Majid

I have been away the best part of May and returned home this weekend.

This afternoon I checked the outstanding Conditions Numbers: 0704/P SUDS; 0711/P Lighting; 0665/P Landscaping and 0666/P trees to find no further information has been posted on the LB Camden web portal. Along with other key local stakeholders we all await your further documents to support a successful discharge of these conditions.

However, I note that for Condition 0855/P, relating to an outline demolition plan, Oakbridge prepared two documents as part of a revised

plan on 2/4/19 that was only uploaded a week ago on 23 May 2019.

In this regard please can you confirm if Oakbridge has been instructed as your lead Contractor? We note you said a decision would be made by Easter but we have not heard from you or your Agent. No attempt has been made to set up a Community Working Group with a view to discussing a draft CMP that, by definition, will include an outline demolition plan which does not include Swept Path analyses for the rigid truck shown. We look forward to your providing SPAs and facilitating the CWG.

We would be most grateful for your urgent response.

Kind regards

Karen Beare
Chair - on behalf of FPRA

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