

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

Addendum 235118 to CMR 235118

Camden's Minimum Requirements (CMR) number: 235118

Site: The Garden House, Vale of Health, London, NW3 1AN

Planning number: 2016/2600/P

Date: 29th January 2018

I have read the submitted CMP dated January 2018 Issue 03 Updated after community consultation which is related to planning application reference 2016/2600/P.

The site is located along Vale of Health, a residential road to the north of Hampstead and south of Hampstead Heath. The works consist of the refurbishment of an existing two storey, brick built, 1960's house. The works include the creation of a new basement under the existing footprint and the construction of an extension to the back of the house. In addition, the works will also include the excavation of a new light-well to the front of the house, upgrading the thermal performance including replacing windows, recladding the exterior, and general internal refurbishment.

The nearest receptors are the adjacent properties, Upfleet , 7- 12 Heath Villas, and 1-4 Athenaeum Hall which adjoin the site.

A number of noisy operations activities were identified, however, the CMP does not mention whether these operations are likely to generate structure borne noise, particularly to the adjoining noise receptor properties.

The noise report undertaken on 21/9/2016 by Idom Merebrook Ltd. has not been incorporated with the CMP.

The submitted CMP lacks information in a number of highly impacting areas and no Contractors have been appointed.

In views of these issues S106 should not be discharged and no works in connection with this CMP should commence until such information is provided and approved.

What it is required to be provided:

- Full details of the main appointed contractors
- Full description of the noisy operations and their impact i.e. airborne, structure borne, vibration, etc.
- A noise report dealing with the effect of noise from the building de-construction and construction activities using the ABC & + 5 dB methods
- The prediction of noise levels (including structure borne noise) at the nearest noise receptors.
- Philosophies to be incorporated, maintained, improved and enforced in:
 - (a) Noise/vibration reducing throughout the site and the life of the project.
 - (b) Prevention of dust formation in the first place, throughout the site and the life of the project.

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- Identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR 235118)
- Provide 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 nearest receptors (structure borne noise should be included).
- State the actions to be taken in cases where these exceed the predicted noise and vibration levels.
- Evidence from a British Pest Control Association (BPCA) company is required to demonstrate existence/non-existence of rats and mice by using baiting techniques. How the rodents living on the site are being prevented escaping the site prior commencing the works and during the works.
- Evidence before works commence Contractors, builders, etc. have taken reasonable steps to ensure that 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.
- Before any building works commence provide evidence if the existing drains are not to be used for the new development then these have been cemented and sealed.
- Before any building construction/de-construction works commence evidence should be provided that any additional drainage leading back from the interceptor left open, the corresponding interceptor/interceptors are sealed.

In order to help the authors of the CMP I have also attached the Camden's legal duties and Camden's expectations (Addendum CMR 235118) and the Camden's Minimum Requirements (CMR) 235118.

The Contractors are reminded that London Borough of Camden expect that, when carrying out the proposed works there will be full adherence and compliance with the following specific and general understandings stated below:

1. GENERAL UNDERSTANDINGS.

- (b) 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.
- (c) The Council expect to receive no valid complaints during the entire duration of the proposed works to be undertaken at, **The Garden House, Vale of Health, London, NW3 1AN.**
- (d) The CMP shall be a living document to be reviewed/modified as soon as problems arise or when it is required.


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- (e) Noise and vibration monitoring shall be carried out. (See CMR 235118) Camden’s Minimum Requirements attached)
- (f) A continuous philosophy to be incorporated, maintained, improved and enforced in:
 - (a) Noise/vibration reducing throughout the site and the life of the project.
 - (b) Prevention of dust formation in the first place, throughout the site and the life of the project
- (g) Full adherence and compliance and implementation with the 235118 CMR for the site.
- (h) Where practicable, to prevent vibration during excavations works, most modern excavating equipment and the most modern excavation techniques shall be used.
- (i) No demolition works shall be commenced without an adequate water supply to cover the whole working areas.
- (j) 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)).
- (k) 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.
- (l) Full adherence and compliance and implementation with the 235118 CMR for the site, Addendum 235118 and BS5228:2009+A1:2014.


2. SPECIFIC UNDERSTANDINGS

When reviewing the CMP, the Contractors shall have regard and shall be consistent with the following documents, policies, and procedures:

- Camden’s Minimum Requirements (CMR235118, attached)
- Addendum233820 CMR233850, attached)
- British Standards BS5228:2009+A1:2014 including ABC and +5dB methods
- “Pest minimisation Best practice for the Construction Industry” for eradication of rat/mice before works commence
- The Control of Dust and Emissions During Construction and Demolition (SUPPLEMENTARY PLANNING GUIDANCE) 2014. (For visible dust)
- Noise/vibration reduction and visible dust prevention philosophies
- The Suitable Noise & Vibration Report reference ----- dated ----- produced by -----
- Construction Dust Assessment, document number ----- dated -----

1. In the case, that structure borne noise is likely to occur at party walls or tall and connected buildings.

- (a) 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 areas/accommodation to those who are being affected. Refer to BS 6472-1:2008, BS5228: 2009+A1:2014, CMR235118.


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- (b) 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.
- (c) Limit the internal noise level limit to 50 dB(A). Although this level is based on the onset of speech disturbance and it should be used as an initial marker of the onset of annoyance. These limits shall be monitored against 15 minute and 1 hour time periods. Due to the subjective nature of annoyance caused by structure-borne noise, continuous contact shall be maintained with the affected neighbours during key works to ensure that adverse disturbance is minimised and action is taken when required.

2. Identification of worst affected property.

- (d) 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 235118) shall be required.
- (e) 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

- (f) 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.

- (g) 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

- (h) Before the works commence a rodent assessment report shall be issued and the site shall be baited to ascertain the degree of rat/mice infestation.
- (i) A British Pest Control Association (BPCA) company shall produce the rodent assessment report. The report shall demonstrate existence/non-existence of rats and how the rodents living on the site are being prevented escaping the site prior commencing the works and during the works.
- (j) 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

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

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.
- 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.

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