Proof of Evidence for Covent Garden Community Association
re problems with Servicing requirements of the development
and issues related to the Draft Construction Management Plan

Document ref. no. 2.1a

Submitted by:	David Kaner for Covent Garden Community Association (CGCA).
Appeal References:	APP/X5210/W/19/3243781 & APP/X5210/Y/19/3243782.
Site:	Odeon Cinema, 135-149 Shaftesbury Avenue, London WC2H 8AH.
Proposal	The comprehensive refurbishment of the existing Grade II listed building and the provision of a new two storey roof extension and new basement level, providing a new four-screen cinema (Class D2) and spa (sui generis) at basement levels, a restaurant/bar (Class A3/A4) at ground floor level, a 94-bed hotel (Class C1) at part ground and first to sixth floors and associated terrace and bar (Class A4) at roof level, together with associated public realm and highways improvements.
Appellant:	Capitalstart Limited.
Planning Authority:	London Borough of Camden.
Application references:	2017/7051/P & 2018/0037/L.

1. Qualifications and experience

1.1. My name is David Kaner. I am a Consultant specialising in Operations, including Logistics.

1.2. I am a member of the CGCA and chair the Licensing Sub-Committee and am a member of the Planning Sub-Committee.

1.3. I am a Board Member of the West End Partnership (WEP). The West End Partnership includes Westminster and Camden Councils, landowners, Business Improvement Districts, Transport for London, Metropolitan Police and the Greater London Authority as well as residents. For WEP I take the lead in the area of Delivery and Servicing. In this role I was a member of the team which produced the WEP Delivery and Servicing Strategy which was published in May 2018.

1.4. I have reviewed a large number of Delivery and Servicing Plans when reviewing Planning Applications in both WCC and LBC. I have also participated in discussions with TfL, LBC, WCC and the City of London on how to improve the Delivery and Servicing Planning process.

1.5. I have lived in the Covent Garden area since 1993 and have been a member of the CGCA since 1995.

1.6. The evidence which I have prepared and provide for this appeal in this proof of evidence is true.

2. CGCA Statement of Case

2.1. The CGCA, in its Statement of Case, makes clear that one concern is the impact on residents in the vicinity on the servicing requirements of the development. There are 3 areas of concern in the CGCA's Statement of Case.

- The number of deliveries and their timings assumed in the Servicing and Management Plan is unrealistic
- The use of a 20m2 "loading bay area" within the building at the rear together with an on-street 10m loading bay is not sufficient for the intended use
- The local planning authority is unable to enforce a Service and Management Plan even if one was agreed which would prevent harm to residential amenity.

2.2. In addition the CGCA said that even with a Construction Management Plan the proposal would lead to conflict and detriment to amenity. Part of this detriment comes from the inadequate consideration of the traffic impacts associated with the development.

2.3. This document sets out evidence to support this position

3. Number of Deliveries and their times

3.1. The Draft Delivery and Service Management Plan produced by Iceni Projects to support the application estimates the number of deliveries in its table 3.1. This shows that the number of deliveries will be 9 per day.

3.2. The plan does not provide any reasoning for this estimate. It is my experience that Transport Consultants will usually support their estimate of the servicing requirements by referring to the TRICS database or to their own surveys or internal data. This has not been done here.

3.3. I have looked at the estimates provided by Transport Consultants for other developments in London which involve similar uses. Like those provided for this development, these have been provided by the developers themselves and have been published as part of the Planning Application process.

3.4. These estimates are usually generated by using a "trips per 100m2 GIA" figure and then multiplying by the proposed GIA of the development.

3.5. I have used figures from reports provided by Arup and Steer (SDG), both well known consultancies with expertise in this area. The relevant sections of these reports are attached as Appendices 1 & 2.

3.6. Arup uses 0.25 trips per 100m2 GIA in their calculations for Hotel use. Steer uses 0.3. Arup uses 2.2 for A3/A4 use, and 0.1 for D2 uses.

3.7. Using these figures and the GIA of each use in the proposed development gives a figure of 29 daily trips, which is 400% of the figure assumed in the Planning Application.

3.8. As a comparison I have also compared with the Delivery and Servicing Plan produced by JMP Consultants for a Hotel Development in Ludgate Hill (attached as Appendix 3). The development is similar in size to that proposed on this site (6370m2 GIA rather than 6652m2

GIA). The figures for servicing trips were generated from surveys of other hotels in the City of London. The number of trips assumed in the Delivery and Servicing Plan was 23 daily.

3.9. A table showing the calculation of these figures is included as Appendix 4.

3.10. Based on these estimates of daily servicing trips I believe that the number of trips assumed in the Planning Application for this site significantly understates the actual number which will take be required to service the development, and so there will be much greater impact on the road network and the streets and residents in the vicinity than is assumed by the applicant.

4. Proposed Loading Bay is not sufficient

4.1. The proposed development has a 20m2 "loading bay" or receiving area at the rear of the building on New Compton Street. This works together with a new on-street loading bay of 2.5m width on the South side of New Compton Street.

4.2. There are 2 issues with the on-street loading bay:

- The loading bay will narrow the road too much to allow it to remain passable, and
- The loading bay does not provide sufficient capacity.

To take these points in turn.

4.3. To make space for this bay the footway on both sides of the street will be narrowed to 2m and the existing residents bays will be moved to the North side of New Compton Street which requires 3 existing residents bays to be moved to the opposite side of the street. This is shown in Figure 6 of the Delivery and Servicing Plan and in section A2.

4.4. The widths of the proposed pavements and the residents bay are shown but the width of the loading bay and the available kerb to kerb distance have not been marked. It is therefore not possible from the drawings to determine the available width for vehicles to pass when the residents bays and loading bays are both occupied.

4.5. I have measured and calculated the available width at the West and East end of the proposed loading bay. The calculation is shown at Appendix 5, and a drawing of the area at Appendix 6. On the basis of this calculation I have concluded that at the West End of the proposed loading bay there will only be 2.3m of available road width. This is not sufficient for a vehicle larger than a light goods vehicle to pass this point. Even smaller vehicles are likely to slow to pass and may manoeuvre in low gear. This increases noise and reduces air quality.

4.6. The drawings provided regarding the road layout omit 3 trees which would need to be removed to narrow the pavement. There is no mention of this in the application.

4.7. The loading bay and road layout proposed are not suitable and will result in noise, traffic and pollution associated with the servicing of the development.

4.8. In addition to the bay at the rear, the proposal includes an on-footway layby facility on Shaftesbury Avenue which it suggests can be used for servicing.

4.9. This layby has no direct access to the receiving area at the rear and any deliveries made here will need to be transferred to the rear of the building. This is a distance of 50m. This does not

appear to be a practical solution and so I consider that deliveries will need to be made to the bay on New Compton Street only.

4.10. The on-street loading bay at the rear and the receiving area need to work in conjunction with each other, as the rate at which deliveries can be accepted has an impact on how long delivery vehicles remain in the bay.

4.11. The receiving area is about 20m2. There is a small 12 m2 storage area on the ground floor and an area described as cinema storage in B1 and bin storage at B2. Each upper floor has a 5m2 Back of House area and the roof top bar appears to have no assigned storage. The small amount of storage space provided means that distributing deliveries between these spaces, using the single service lift, will be a lengthy process and it seems likely that the receiving area will become congested. This will reduce its capacity to receive deliveries and so increase the dwell time for the delivery vehicles.

4.12. In the Delivery and Servicing Plan the dwell time for each delivery (other than the waste collection and the postal delivery) is assumed to be between 10 and 60 minutes. If we assume the same number of deliveries as the similar size development at Ludgate Hill (23) and if we assume a dwell time of 20 minutes, then the single loading bay proposed will be occupied for more than the 7 hours during which the applicant claims that deliveries will be made (09:00-16:00 daily).

4.13. The predicted usage of this bay is already in excess of its theoretical capacity. Given the difficulty with predicting journey times in London it is not possible to ensure that a delivery will always arrive only when the bay is free. It is very likely that delivery vehicles will need to stop elsewhere in the area in order to unload and will then need to make their deliveries to the receiving area "loading bay" at the rear of the hotel. This will add to traffic and kerbside congestion in the area.

4.14. The issues with managing this number of deliveries to a single bay will mean that delivery vehicles are likely to make deliveries to the hotel outside the hours proposed in the Delivery and Servicing Plan. This will have an impact on the amenity of residents living in close proximity to the site. This impact comes from both the additional noise and the harm to air quality associated with the deliveries and the related traffic congestion.

4.15. The combination of the small internal receiving area and the limited associated storage areas internally, together with the over-utilised loading bay at the rear means that residents will suffer from increased noise, traffic and pollution associated with the servicing of the development.

5. Inability to enforce a Delivery and Servicing Management Plan

5.1. Even if it was possible for the applicant and the Planning Authority to agree on a Delivery and Servicing Plan which would mitigate the impact on residents in the vicinity it is extremely unlikely that activities which were not compliant with the plan would be enforced against.

5.2. It is usual for the requirement to have a Delivery Servicing Plan to be included in the S106 legal agreement between the Applicant and the Planning Authority.

5.3. If the applicant subsequently failed to follow the Delivery and Servicing Plan he would be in breach of this agreement.

5.4. Clauses in S106 Agreements tend to assume that the Developer will follow the Plan and will ask to modify it if it cannot be followed. S106 agreements usually do not include any penalty or sanction for a failure to comply with the Delivery and Servicing Plan. As an example I have reviewed the template S106 agreement used by the City of London [CGCA S4]. This does not contain any provision for enforcing against a failure to follow the plan other than in clause 11.14.2 which says that the City can "recover from the Owner any costs and expenses reasonably incurred by the City Corporation in remedying such breach or non-compliance." However, if the breach is that deliveries are being made after the time agreed, resulting in an impact on the amenity of residents, it is unclear how this can be remedied.

5.5. I have participated in discussions with officers from the City of London and City of Westminster where the topic of using performance bonds to enforce against a failure to comply with Delivery and Servicing Plans has been discussed. However, I am not aware that this has yet been done by any Planning Authority.

5.6. Given the difficulty of enforcing against a failure to follow the provisions of a Delivery and Servicing Plan secured as part of a Legal Agreement it is very likely that servicing of this development will cause ongoing harm to the amenity of residents living in the area.

6. Issues with the traffic aspects of the Construction Management Plan

6.1. The CMP proposes to use the loading bay on New Compton Street during the demolition and construction phase of the development.

6.2. The CMP (para 6.6) also states that it will be necessary to suspend the parking bays on New Compton Street for the 2 year duration of the works. It is not clear if the road will still allow the free movement of traffic and to where the existing bays would be relocated. The area proposed has not been marked on the plan.

6.3. It is unclear from the CMP how loading and unloading the vehicles will be carried out. There is no space for an area shown of the pavement or roadway which would allow vehicles to be offloaded. The CMP talks about installing a gantry but this is not shown on the plan. Any gantry which overhangs the roadway will require a supporting structure and none is marked on the plan.

6.4. CMP (para 5.3) says that there will be up to 30 vehicles per day at the site. Vehicles will be scheduled 30 minutes apart (para 3.29) and HGV's will come to the site only between 09:30 and 14:30 (para 5.3). The 30 minute gap and the time limit on HGV movements means that there is a maximum of 11 HGV's per day. During the demolition phase the CMP (p23) states an average of 15 movements per day. As the majority are likely to be HGV's this is not feasible within the time window proposed.

6.5. The same 30 minute window applies to other vehicles in addition to HGV's. CMP para 3.14 limits deliveries to the site to between 09:00 and 17:00, with no deliveries between 14:45 and 15:45. This means that there can be a maximum of 15 deliveries to the site. The CMP (para 4.7) says that there will be a maximum of 30 vehicles coming to site each day. This is double the number feasible under the CMP.

6.6. The CMP (para 5.11) says that construction vehicles will not use residential side streets. However New Compton Street is in residential use on the North West side along its full length from St. Giles High Street to the site, with additional residential uses on the other side. This

street is the only feasible access route, and its use will cause significant disturbance to residents throughout the construction phase.

6.7. The CMP proposed for the development appears to omit crucial information which would be required to assess the impact of the proposal on the road network, namely the impact of the proposed suspension of part of New Compton Street.

6.8. The CMP directs up to 30 large vehicles a day, many of which will be HGV's, along a heavily residential street which currently carries little regular traffic as it runs parallel to Shaftesbury Avenue. This will cause significant harm to the amenity of residents and this point is not addressed or mentioned in the CMP.

Arup Trip Generation data by Use Class

4.3 VEHICLE GENERATION

4.3.1 The estimated daily delivery and servicing trips to the Development have been calculated using an Arup in-house vehicle generation tool developed to utilise Arup research and other survey information from similar developments in the United Kingdom. The generation tool applies a delivery and servicing vehicle trip rate for each of the proposed building uses to the relevant gross internal area (GIA) for that building

use. The trip rates, which are expressed as vehicles per 100m^2 per day, have been derived from survey data from office, retail, and other facilities around London, as well as relevant design guidelines and local authority regulations. The surveys recorded vehicle arrival and departure times, vehicle type and size of goods vehicle use to make the delivery. The generation rates used to determine daily number of delivery trips are shown below:

- 0.52 vehicles/100m2/day for retail (A1);
- 0.18 vehicles/100m²/day for a large supermarket (A1);
- 0.20 vehicles/100m2/day for financial and professional services (A2);
- 2.20 vehicles/100m2/day for restaurants (A3);
- 1.60 vehicles/100m2/day for drinking establishments (A4);
- 1.20 vehicles/100m2/day for hot food takeaways (A5);
- 0.18 vehicles/100m²/day for workspace (B1);
- 0.25 vehicles/100m2/day for hotel (C1);
- 0.07 vehicles/100m2/day for residential (C2, C3); and
- 0.10 vehicles/100m²/day for community (D1) and leisure (D2).

Source: Framework Delivery and Servicing Management Plan for Canada Water

https://www.canadawatermasterplan.com/wp-content/uploads/2018/05/Masterplan-Transport-Assessment-May-2018-Part-7-of-7.pdf
(Appendix K)

Steer Trip Generation data for Hotel use

Serviced Apartments Servicing Trip Generation

3.14 For the purposes of determining the servicing trips associated with the Indicative Scheme, the service apartments are considered as hotel land use as this presents the worst-case servicing trip forecasts. The hotel servicing trip rates derived from Steer's database are presented below.

Hotel/Serviced Apartments Servicing Daily Trip Rate = 0.3 trips per 100sqm NIA

Highway Peak Period Distribution = 12% of trips arrive between 0800-0900

steer

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Source: North Quay Delivery and Servicing Plan for Canary Wharf Group

https://group.canarywharf.com/wp-content/uploads/sites/2/2020/07/NQ.PA_.13.Delivery-and-Servicing-Plan-July-2020.pdf

Trip Generation from Delivery and Servicing Plan produced by JMP Consultants for a Hotel development in Ludgate Hill

4 Survey & Trip Generation Analysis

General

4.1 This section provides a summary of the servicing trip generation analysis for the Proposed Development. Full results and methodology are available in the Transport Statement submitted with the planning application.

Trip Generation

Hotel Trip Generation

4.2 Video surveys were carried out at three hotels in the City of London for 24 hours per day, over seven days from Friday 26 July to Friday 2 August 2013. These sites were chosen for the location, lack of on-Site servicing and facilities matching those of the Proposed Development.

4.3 An average of 19 servicing trips to the hotel is predicted per weekday. The majority of these trips will be made using a transit type van, with a proportion of trips will be made using rigid vehicles. It is assumed that one refuse collection will be made daily.

Restaurant Trip Generation

4.4 The ground floor communal areas will be used primarily by hotel guests, and therefore trips to this floorspace are accounted for in the hotel trip assessment.

4.5 Of the 515m^2 lower ground restaurant, it is anticipated that a minimum of 70m^2 will be back of house and therefore has been discounted from the floorspace used to inform the trip assessment. The remaining front of house floorspace equates to 445m^2, on which the restaurant trip assessment has been calculated.

4.6 Predicted servicing at the restaurant (A3) land uses is taken from the TRAVL database, based on the results of one survey of a restaurant sized at 279 m^2 and factored up accordingly to account for the larger floor area.. The survey was carried out on a Friday, thus reflecting the busier weekend period.

4.7 The survey indicates three deliveries to the restaurant per day using transit type vehicles. It is assumed that the restaurant will also require a daily refuse collection.

Total Trip Generation

4.8 **Table 4.1** details the weekday vehicle distribution of servicing trips at the proposed development. Actual delivery patterns vary from day to day. These are intended as an approximate indication only.

Table 4.1 Servicing Trip Generation – Predicted Vehicle Type

Land Use		Vehicle Type - % of total recorded vehicles						Total Trips
		Motor-cycle	Car	Small Van	Transit	Rigid 2/3 axles	Refuse	
Hotel (C1)	%	6%	0%	20%	63%	10%	-	
	Trips			1	12	5	1	19
Restaurant (A3)	%	0%	0%	0%	100%	0%	-	
	Trips				3		1	3
Total Daily Trips				1	15	5	2	23

Source CoL Application 14/00300/FULMAJ
https://www.planning2.cityoflondon.gov.uk/online-applications/files/99A87AD08C8C548E56CDA372FE51EA71/pdf/14_00300_FULMAJ-DELIVERY___SERVICING_PLAN-264758.pdf

Estimate of Servicing Trips using trip generation assumptions as used by Arup

Trip Generation			**Servicing Trip Generation**	
	Odeon	**Ludgate Hotel**	**Arup Rates**	**Odeon**
Use Type	**GIA**	**GIA**	**Trips/100m2**	**Trips**
Hotel	4230	3035	0.25	10.6
Restaurant	764	1090	2.2	16.8
Cinema/other	1658	2245	0.1	1.7
Total	6652	6370		
Daily Trips	9	23		29.0

Data for Odeon development taken from Delivery and Servicing Plan for 2017/7051/P

Data for Ludgate Hotel from City of London Application - 14_00300_FULMAJ
Arup data taken from Framework Delivery and Servicing Management Plan for Canada Water - Appendix K

Steer data taken from North Quay DSP for Tower Hamlets Application PA/20/01421/A1

(Steer data used only to confirm Arup's Assumption for hotel trip generation)

Calculation of Road Widths on New Compton Street

Where	Section	Widths in metres		Calculation method	
		Current	**Proposed**	**Current**	**Proposed**
West End of Loading Bay	North Pavement	2.4	2	Measured wall to kerb	Drawing
	Roadway	6.1	6.8	Measured kerb to kerb	Total space minus pavements
	South Pavement	2.3	2	Measured wall to kerb	Drawing
	Total space for highway	**10.8**	**10.8**	Pavements + Roadway	As current
	Roadway	6.1	6.8	Measured kerb to kerb	See above
	Less:				
	Residents Bay	2	2	Measured	Drawing
	Loading Bay	0	2.5	N/A	Drawing
	Available Roadway	**4.1**	**2.3**	Roadway - bay width	Roadway minus bay widths
East End of Loading Bay	North Pavement	2.8	2	Measured wall to kerb	Drawing
	Roadway	6.3	7.4	Measured kerb to kerb	Total space minus pavements
	South Pavement	2.3	2	Measured wall to kerb	Drawing
	Total space for highway	**11.4**	**11.4**	Pavements + Roadway	As current
	Roadway	6.3	7.4	Measured kerb to kerb	See above
	Less:				
	Residents Bay	2	2	Measured	Drawing
	Loading Bay	0	2.5	N/A	Drawing
	Available Roadway	**4.3**	**2.9**	Roadway - bay width	Roadway minus bay widths

Layout of New Compton Street showing measured and calculated road widths

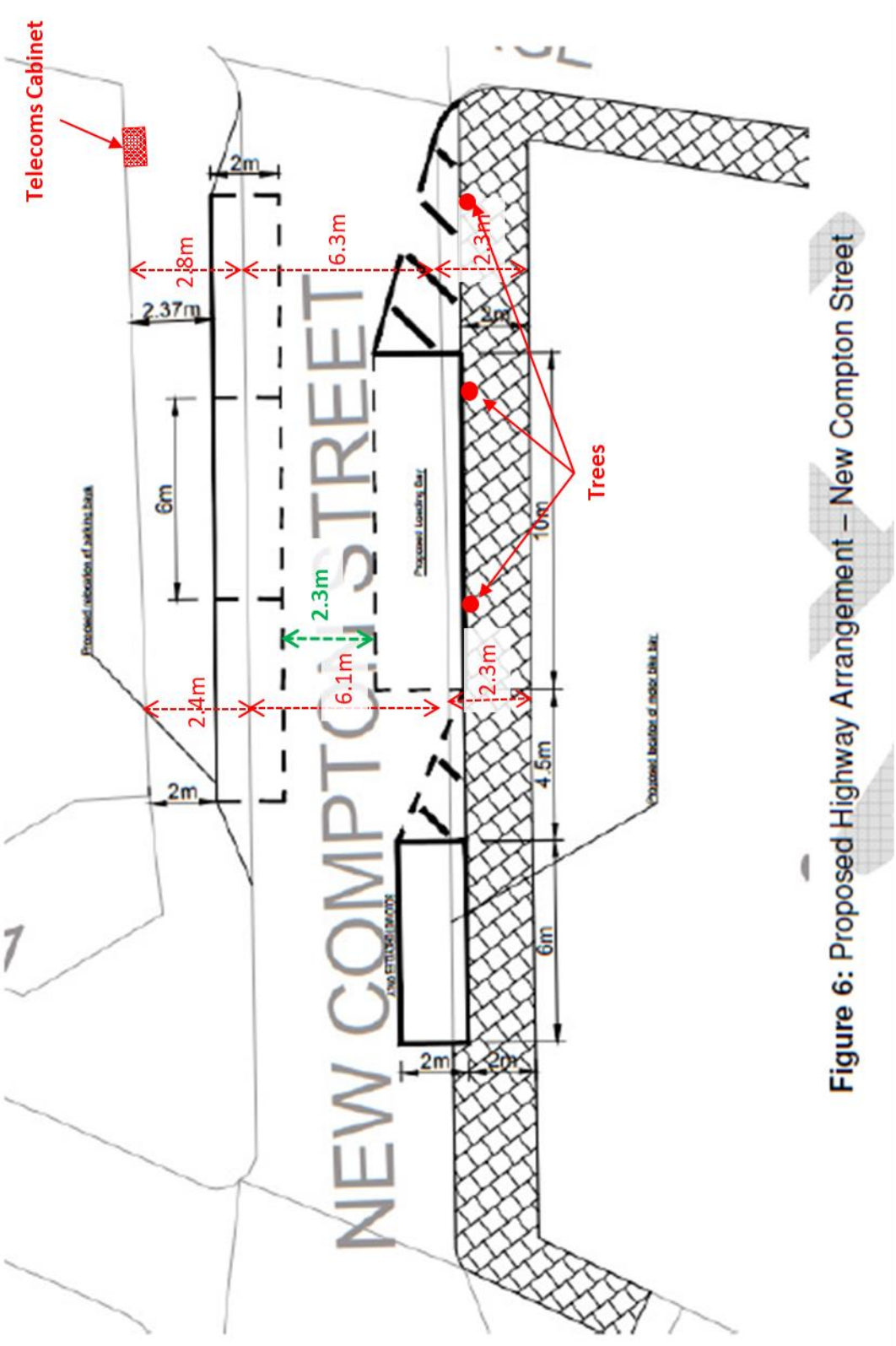

Figure 6: Proposed Highway Arrangement – New Compton Street

Drawing from Draft Delivery & Servicing Plan (Figure 6)

Measurements and observation 2/11/20

Calculated available width