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

Addendum to CMR 247945
Camden’s Minimum Requirements (CMR) number: 247945

Site: 15-17 Tavistock Place, London WC1H 9SH
Planning number: 2015/3406/P
Date: 21st March 2019
Revision: B

I have read the submitted CMP dated 25.10.18 Rev B. and produced by Justin Willison (Kier Construction) regarding the above site, which, is linked to planning application 2015/3406/P.

I confirm that I have not visited the site and the area in connection to this CMP.

The site is located in the King’s Cross Ward with an area of some 0.303 hectares. The site is within the Bloomsbury Conservation Area, however, the building itself is not listed. The development proposals comprise of the demolition of the structure located at the rear of the site including the portal shed which is part supported on steel columns and part supported off the perimeter walls. The 2 storey out buildings that are central to the site footprint that are also to be demolished. Once demolition is completed works will commence to build:

- A single basement level of 492m2,
- A ground floor level of 1,107m2,
- A first floor level of 970m2,
- A second floor level of 738m2,
- A third floor level of 300m2,
- Roof level provision for plant and equipment (140m2).

The following noisy works are envisaged:

(a) Enabling works
(b) Demolition
(c) Bulk Excavation, formation of Piling Mat
(d) Bored Concrete Piling
(e) Concrete foundations and pile caps
(f) Structural Concrete frame (setting of formwork, reinforcement, concrete pours and striking of reinforcement)
(g) Structural Steel frame
(h) Scaffold erection, adaption and dismantling
(i) External envelope – lightweight steel framing system with Cement particle board cladding.
(j) External envelope – curtain walling, windows and cladding, roof coverings
(k) Roof coverings – Hot melt system.
(l) External works – shallow excavation, drainage, services, paving and soft landscaping.
(m) General clearance of the site.
The project is in close proximity to residential properties on the west elevation with gardens and accessible roof terrace, hotels on the north side, commercial and residential properties on the east elevation and our Clients existing School building on the south elevation. The identified potential receptors might present conflicting interests and expectations during the works. Hence the contractors, have to have special care when devising their continuous community liaison programme. The duration of the demolition and building works, which are expected to be approximately 30 months.

In Q30, the proposed noise and vibration action levels at the boundary of 75dBA Leq(10 hour) Monday to Friday and 75dBA Leq(5 hour) for Saturday for noise and 3mm/s for vibration are not fully consistent with ACMR 247945 and BS5228:2009+A1:2014.

The submitted Noise Statement for Planning (Appendix F); Job No: P2008080, Document Reference No: REP(00)U001, dated 29 September 2017 is not suitable because it is only for planning purposes.

The following are missing from the submitted DMP/CMP:

- Identification of the type of noise generated (e.g. airborne, ground-borne and structure-borne) during the works and their impact to the noise sensitive neighbouring receptors.
- Vibration levels likely to impact to nearest identified receptors.
- Identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR 247945) if applicable.
- Justification for the lack of provision of respite areas and or/accommodation. This is required to be justified in terms of Noise type and noise levels as per CMR247945 and BS5228:2009 +A1:2014.
- Establish the 5dB(A) penalties for the different kind of activities likely to impact to the main receptors (see also *)
- Actions to be taken in cases where these noise levels exceed the predicted noise and vibration levels.
- 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 demolition works.
- Evidence from a British Pest Control Association (BPCA) demonstrating existence/non-existence of rats and mice by using baiting techniques.
- Evidence of how the rodents living on the site are being prevented escaping the site prior commencing the works and during the works

The following items listed below are being required to be submitted for approval before any deconstruction/construction works are carried out on site.

- The missing issues pointed out above should be addressed
- A noise report dealing with ABC +5dB method according BS5228:2009+A1:2014 (*see below of what it is required to be presented in this report for implementation).

- Philosophies to be incorporated, maintained, improved and enforced in:
  (a) Noise/vibration reducing measures to be used throughout the site and the life of the project. (*see below of what it is required to be presented in this report for implementation).
  (b) Prevention of dust formation in the first place, throughout the site and the life of the project. Submission of a Dust management plan for visible dust.

- Identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR 247945)

- 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 receptors (taking into account noise type and noise levels).

- State the actions to be taken in cases where these noise and vibration levels 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.

- Evidence of action taken to prevent the rodents living in the site are not escaping the site prior commencing the works and during the works (baiting results and drain capping, etc.).

**NB Note**

*When submitting noise report and producing the noise/vibration philosophies the following (i) to (xv) shall specifically be taken into account:*

(iii) Prediction of the noise levels at worst affected noise receptor
(iv) Full description of the noisy activities and/or operations
(v) Noise sources from plant/machinery/activity
(vi) Noise type i.e. airborne, ground borne and structure borne (including causes)
(vii) Noise impact of nearest building demolition works on existing residents.
(viii) Impact of activities likely to be carried outside standard hours i.e. utilities connections, crane arrival and assemblage, etc.
(ix) Impact of vehicles related to the site in terms of noise during the different working phases and according different times i.e. loading-unloading, etc.
(x) Identification of structure borne noise
(xi) Noise impact of nearest building demolition works on existing residents.
(xii) The prediction of noise (including structure borne noise) at the potential noise receptors.
(xiii) Identification of the worst affected property by the effect of noise/vibration (including structure borne) and 3D (see CMR) if applicable
(xiv) Full details describing mitigation measures to be incorporated during the deconstruction works to prevent noise and vibration disturbances from the activities on the site to the main receptors (including those who will remain in partial occupation during the works).
(xv) Full details describing mitigation measures to be incorporated during the deconstruction works to prevent noise and vibration disturbances from the activities on the site to the main receptors (including those who will remain in partial occupation during the works).
(xvi) Actions to be taken in cases where these noise levels exceed the predicted noise and vibration levels.
(xvii) Noise and vibration monitoring approach taking into account noise type and the nearest affected receptors

Once the above is provided and approved by the Council, then noisy building deconstruction/construction works could commence with the proviso that the Contractors also agree with the following understandings:

**SPECIFIC UNDERSTANDINGS**

In meeting these SPECIFIC UNDERSTANDINGS and/or reviewing the CMP, the Contractors shall have regard and shall be consistent with the following documents, policies, and procedures:

- Camden’s Minimum Requirements (CMR247945, attached)
- Addendum CMR 247945, attached)
- “Pest minimisation Best practice for the Construction Industry” (attached) for eradication of rat/mice before works commence
- The Control of Dust and Emissions During Construction and Demolition (SUPPLEMENTARY PLANNING GUIDANCE) 2014
- Noise/vibration reduction and visible dust prevention philosophies to be produced and approved to be implemented.
- Noise Vibration report produced according to BS5228:2009+A:2014 to be produced and approved for implementation.
- ABC method according BS5228:2009+A1:2014 to be produced and approved for implementation
- Noise/vibration reductions philosophies to be produced and implemented.

The Main Contractor also understand that the proposed works cannot commence unless the following SPECIFIC UNDERSTANDINGS are already in place, are ready to be implemented and their details are readily made available on request by an authorised Officer of the Council:

1. In case, structure borne noise at party walls or tall buildings is generated.

   (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 accommodation to those who are being affected. Refer to BS 6472-1:2008, BS5228: 2009+A1:2014, CMR247945.

   (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) 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”.

   (d) 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.

   (e) 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.

   (f) 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 247945) shall be required.
(g) 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

(h) Noise and vibration monitoring shall be carried out. (247945 Camden’s Minimum Requirements attached).

(i) State the actions to be taken in cases where these exceed the predicted noise and vibration levels.

4. Rats control/extermination

(j) Once main contractor has been appointed and at least 6 weeks 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. Please refer to Appendix P of the Construction Management Plan. As LSHTM are already maintaining baiting leading up to start of construction it is assumed that this clause has been addressed.

(k) 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. Please refer to Appendix P of the Construction Management Plan. As LSHTM are already maintaining baiting leading up to start of construction it is assumed that this clause has been addressed.

(l) 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.

- 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.

GENERAL UNDERSTANDINGS.

(a) 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.

(b) The Council expect to receive no valid complaints during the entire duration of the proposed works to be undertaken at, 15-17 Tavistock Place, London WC1H 9SH.

(c) The CMP shall be a living document to be reviewed/modified as soon as problems arise or when it is required.

(d) Noise and vibration monitoring shall be carried out. (See CMR 247945) Camden’s Minimum Requirements attached)

(e) 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

(f) Full adherence and compliance and implementation with the 247945 CMR for the site.

(g) Where practicable, to prevent vibration during excavations works, most modern excavating equipment and the most modern excavation techniques shall be used.

(h) No demolition works shall be commenced without an adequate water supply to cover the whole working areas.

(i) 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)).

(j) 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.

(k) Full adherence and compliance and implementation with the 247945 CMR, 247945 ACMR for the site and BS5228:2009+A1:2014.

STATEMENT OF COMMITMENT
Notwithstanding any noise levels specified in this CMP or supporting documents, **Kier Construction and the developer** intend to fully comply with Camden’s minimum requirements 247945 and to adhere to the principles stipulated in the Addendum of the Camden’s Minimum Requirements 247945 in terms of noise and vibration and to address any valid complaints.

1. We are committed to regular monitoring of noise and vibration levels on site during all phases of work. This will be undertaken as set out within the Environmental Management Plan.

2. The Construction Working Group/community liaison groups will be regularly updated in respect of the noise/vibration levels recorded on site.

3. In the event that the noise/vibration levels (i.e. Noise - Where the measured noise levels are more than 3 dB (A) above the predicted noise levels or in the event of a complaint of noise, and Vibration measured vibration trigger levels shall be amber warning of 3mms$^{-1}$ PPV and red warning of 5mms$^{-1}$ set out in Camden’s minimum requirements are exceeded then the developer will liaise with local residents and businesses with the view to as far it is reasonable possible and taking into account BPM to incorporate further mitigation measures.

4. Prior any works is being carried on this site, all reasonable steps shall be taken to ensure that any rodent population living or being harboured on the site, will be eliminated/and/or controlled to be prevented leaving the site.

Signed: ……………………………………………………………………………………………………………………………

Date: 21st March 2019

Print Name: Justin Willison

Position: Project Manager