

Friends of the Parkland Walk

Response to the new Construction Management Plan submitted for the proposed development of 3 Francis Place (HGY/2016/0666, 19 February 2016)

It should be noted, that whilst the Friends of the Parkland Walk understand that the Local Planning Authority has stated it will not consider items that reference the covenants in the deeds of the property, the Friends will continue to record objections on these grounds. This is due to our belief that the covenants constitute 'material considerations' as defined by section 70(2) of the TCPA 1990, and also because the Parks Department has regularly enforced the requirements of the restrictive covenants preventing vehicular access over that period.

The Decision Notice (14.04.15) for the planning application HGY/2015/0078 for this proposed development specifically acknowledges that there may be grounds for objection other than on planning grounds.

Note 2

This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under Building Regulations or any other statutory purpose.

We also note that there are many conditions specified in the Schedule of Conditions of the Decision Notice that have not been addressed in the current CMP (HGY/2016/0666). These omissions make the Plan unfit for purpose and warrant its rejection.

Condition 4 states

4. Prior to the commencement of development on the site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- a) Programme of works with specific information on the timing of deliveries to/ removal of material from the site;
- b) Size of vehicles accessing the site;
- c) Hours of operation;
- d) Storage of plant and materials on site;
- e) Boundary hoarding;
- f) Pedestrian and cyclist protection measures;
- g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- h) Method of prevention of mud being carried onto the highway;
- i) Measures for dust/ noise control;
- j) Arrangements for liaison with the Council's Park's Department.

- The current CMP gives no 'specific information on the timing of deliveries to/ removal of material from the site'.
- No detail is given of the size/weight or frequency of vehicles accessing the site.
- Hours of operation are incompatible with the Highgate Neighbourhood Plan
- Pedestrian and cyclist risks are not identified and protection measures unclear.
- There is no detail given of arrangements for 'liaison with the Council's Park's Department'.

The Friends of the Parkland Walk have outlined objections to the detail of the CMP (HGY/2016/0666) below

Statements from the CMP	Responses
Introduction	
1.1.2 The purpose of the CMP is to comply with Condition 4 of HGY/2015/0078 and to minimize the level of risk of adverse noise, dust and vibration effects which may be caused by construction activities associated with the works, and ensure that potential effects are appropriately controlled so that the project is delivered safely and with minimal disruption to local community and environment. It also seeks to ensure the safe and free flow of the users of the Parkland Walk ("PW") at any time.	The claim that users of the Parkland Walk will be able to freely access the Parkland Walk at any time during the works is incompatible with the need to ensure safety during vehicle movements. This statement is not defensible.
1.1.3 The content of this CMP has been developed in consultation with officers of Haringey Council ("HC")	Section 4 of the HGY/2016/0666 application form asks "has assistance or prior advice been sought from the local authority about this application?". The response was given as "no", which appears to contradict this statement. Haringey Council would be in breach of statutory procedures if the consultation on the CMP were not genuine. If the CMP was for information and the decision had already been made it would be grounds to have the case reviewed.
1.1.4 As a result of these additional considerations, the average size and types of the vehicles entering PW have been reduced	Average size and types is irrelevant. Actual size and types, and regularity of presence on PW is what should be considered and is required by the Decision Notice.
1.1.8 It is proposed to use a limited number of vehicles during the development in order to minimize the duration and disruption of the works.	Any use of vehicles on the Parkland Walk is contrary to the policy that has been adopted and applied by the Parks department since 1993, is contrary to the rights of access to the Nature reserve and public right of way and contrary to the covenant in the deeds. The document makes numerous references throughout to the use of vehicles on The Walk. It should be understood that any references to vehicles on the Parkland Walk in this document are not acceptable to the Friends in particular section 3.2. contravening covenants 2.1 and 2.9 in the title deeds. 'Limited number' is unacceptable and needs to be specific.
1.1.10 The Client will enter into a license agreement with the council in its capacity as the land owner of the PW as required and appropriate.	This clause is not specific about what the licence would be for and should be clear on the requirements.
1.1.12 The Parkland Walk will be open and fully accessible to the public and all pedestrians and cyclists at any time.	Given the access being requested this is not something that can be so easily guaranteed during times of proposed vehicle movement and deliveries if the safety of the public is to be assured. The applicant makes clear that there will be a considerable number of journeys between the road and the property using skip lorries. See response to 3.2.7
Site details and outline works programme	
2.1.1 No.3 Francis Place is located in a residential area within the administrative boundary of HC. The house is detached and faces onto residential amenity to the back and the PW to the front.	The property is not located in a residential area. It is located within the formally designated boundary of the Parkland Walk LNR and MOL. The property is surrounded on two sides by the Nature Reserve. And backs onto a residential area. This statement is contradicted in section 3.1.1
2.2.2 All materials and plant are required to be transferred via the PW. As such the type of plant and vehicles that can be used is limited by the size of entrance.	The covenant prohibiting all motor vehicle access is the key factor that restricts the use of plant and vehicles. Haringey Council would also be in breach of its statutory duty of care to allow the plant and vehicles on the Parkland Walk The Parkland Walk is not the

	<p>construction site, nor the Highway. It is a Haringey Council-owned workplace managed for public recreation and leisure. Therefore part 1 of section 3 of the Health and Safety at Work etc Act 1974 applies.</p>
<p>2.2.3 As outlined in Section 3, vehicles will travel in forward gear on the PW, escorted by banksmen.</p>	<p>The number of banksmen specified in section 3 is a reduction of the previous commitment required by Transportation and is not sufficient to guarantee public safety.</p>
<p>2.5.1 The development site will operate from 08:00 to 18:00 hrs weekdays and 08:00 to 13:00 hrs Saturdays. Activities that produce high levels of noise will be limited to 08:30 to 16:30 hrs weekdays only to reduce the impact during commonly habited times.</p>	<p>These hours include key times at the start and end of the school and working day when the use of the PW is at its highest, particularly by children and cyclists. The operational hours are not compliant with the Highgate Neighbourhood Plan negotiated with Haringey which limits all 'high impact works' (as defined within the code, and which includes all demolition and concrete breaking works) must be carried out within the restricted hours: 9.00am to noon and 2pm to 5.30 Monday to Friday and at not time Saturdays, Sundays and Public Holidays. Under the Neighbourhood Plan there will be no works at weekends of any sort. The concern noted is re noise, no mention is made of the potential disruption and risk/danger to PW users.</p>
<p>2.5.2 The overall construction programme is anticipated to take 61 weeks.</p>	<p>This is clearly an extended period of works from the previous CMP as is acknowledged later in the document by the applicant and therefore will result in an extended period of inconvenience to users of the Parkland Walk (Covenant 2.9)</p> <p>There are inconsistencies in the CMP. The gantt chart shows 62 weeks as the set up is week minus one, and the text in this section adds up to 68 weeks , a discrepancy of almost two months. There should be clarification.</p>
<p>2.5.5 The waste materials currently stored in the garden as a result if the internal works will be transported away from the site</p>	<p>Waste materials have been left on site around a holly tree for at least 8 months in contravention of notices served by an officer of the Planning Department. Waste (including soil) from excavations in the house has been left on the garden since the beginning of January, contravening covenants 2.5, 2.8, and 2.13. This indicates a disregard for environmental responsibilities and a failure to address instructions from the planning office.</p>
<p>2.5.7 The existing shed will need to be disassembled with the current lowered area made up temporarily with excavation material arising from the works to allow for vehicle movement. On completion the excavated material will be removed from Site and a new shed will be re-built in the same location once the works have been completed.</p>	<p>Removal of soil is contrary to the covenant 2.5.</p>
<p>2.5.11 concrete underpinning is proposed under the existing boundary wall and structural walls of the house</p>	<p>Excavation works and underpinning in anticipation of approval of the CMP have already taken place. Arguably this work is compatible with, and constitutes the part of the works, which the applicant claims has not been started on the application form.</p>
<p>2.5.19 The construction of the walls and stairs is likely to take 10 weeks. Concrete deliveries will be required on average twice a day for the construction of all the walls, stairs and roof. The concrete will be delivered in ready-mix lorries to a pump situated in one of the suspended parking bays on Holmesdale Road and delivered to Site via the pump.</p>	<p>The description of the arrangements for pumping concrete for over 150 metres along a public walkway is inadequate and requires further explanation. What will the pump consist of? How will the gateway accommodate this? What measures will be put in place to ensure the safety of users of the PW? How and where would the pipes be cleaned? How would spills and leaks be dealt with? This clause fails to meet the conditions required in the Decision Notice for safety and specificity.</p>

Transportation, safety and site access

Objections by Transportation in previous responses to past versions of the CMP are still not addressed by this submission. The 2nd Transportation consultation response states “no loading or unloading will take place from the Walk itself.” - The new CMP has all the construction vehicles for the first few months loading/unloading on the Walk. Transportation commented that the CMP should include - details of how pedestrian access will be maintained - details of appropriate measures to protect vulnerable road user groups such as pedestrians and cyclists from construction traffic. This CMP does not include that. Transportation write that it is unlikely that the footway has sufficient width or structural integrity to cater for 26 ton vehicles. Because of the lack of detail in the current CMP, the weight of all traffic that is proposed to use the PW is unknown – a failure to meet item (4b) of the Decision Notice. This lack of detail is a material consideration that should lead to the rejection of this CMP.

This entire section (3.2.1 – 3.2.19) fails to provide the detail required by the Decision Notice regarding the number of vehicle movements anticipated per day. These omissions are a further material reason for its rejection.

General references to pedestrians do not take account of the need to protect the safety and free movement of larger groups such as ramblers and children (including school parties).

The volume of vehicle movements over a prolonged period will cause significant inconvenience to residents at the top part of Northwood Road and the whole of Holmesdale Road with site traffic movements in very narrow and one-way streets. This will be further complicated by the suspension of up to six parking bays.

The applicant acknowledges previous objections to the use of large lorries being used to remove spoil and having access to the Walk. This proposal, using large skip lorries is no different in nature to the previous application requiring frequent movements of large vehicles and skips on a narrow path used frequently by large numbers of people.

If approved the CMP would put Haringey Council in breach of section 17 of The Workplace (Health, Safety and Welfare) Regulations 1992 because it cannot comply with the requirement to ensure that “there is sufficient separation of any traffic route for vehicles from doors or gates or from traffic routes for pedestrians which lead onto it; and where vehicles and pedestrians use the same traffic route, there is sufficient separation between them”.

<p>3.1.1 The Site lies in the PW with the only access point being from Holmesdale Road via the PW.</p> <p>This section has been written as a result of an onsite consultation on 10th July 2015, attended by the council’s Highway and Transportation department’s representatives and representatives of the council’s Parks and Nature Conservation departments and various further discussions between Adrian Cole of Steer Davies Gleave transportation consultants and Stephen Kelly, Assistant Director for Planning at HC, including a further on site consultation on 8th January 2016.</p>	<p>The opening sentence contradicts 2.1.1.</p> <p>The attendance of council representatives at a meeting cannot be taken to indicate their or the LPA’s approval .</p> <p>Section 4 of the HGY/2016/0666 application form asks “has assistance or prior advice been sought from the local authority about this application?”. The response is “no”.</p> <p>Haringey Council would be breaching statutory procedures if the consultation on the CMP were not genuine. If the CMP was for information and the decision had already been made it would be grounds to have the case reviewed.</p>
<p>3.2.1 The proposal is to use a combination of vehicles for the removal of soil, delivery of concrete during the Basement Construction Period and for general material deliveries and collections during the refurbishment works.</p>	<p>Owing to the difficulty of negotiating two narrow roads to reach the Parkland Walk entrance, and the narrowness and awkwardness of the approach to the site along the Parkland Walk path (which has flooding problems) it is essential that full detail of vehicle size, weight and frequency is supplied. Removal of soil contravenes covenant 2.5, and use of vehicles contravenes covenant 2.1.</p>
<p>3.2.4 The general site materials would be delivered at the entrance of the PW where it adjoins the Holmesdale Road. From there, they would be loaded onto a small 4 wheel trailer and pulled into the site with a small 1 ton 4 wheel drive vehicle. Plant will be delivered as for materials but will then be driven onto the Site under its own power if available. The tow vehicle and plant will be stationed within the confines of the Site when not in use</p>	<p>No detail is given of safety measures during such operations or the possible necessity to close the walk during vehicle movements.</p> <p>There is no indication of what scale of plant is envisaged contrary to the requirements of the Decision Notice.</p>
<p>3.2.5 Steer Davies Gleave transportation consultants have produced vehicle tracking plans in Fig A0 showing how the proposed vehicles can be accommodated during the Site works without the need to stray from the PW hard standing areas.</p>	<p>Both Figs A0 are not fit for purpose as they give no key to the symbols used and therefore the content is not transparent. There are no hard-standing areas on the PW. The pathway leading up to 3 Francis Place is mainly hoggin and as such would be severely damaged</p>

	<p>by vehicular traffic of the weight anticipated. The failure to acknowledge this indicates the inadequacy of the plan.</p> <p>The figs AO provide information on only two types of vehicle. Given the lack of specific information on the types of vehicles proposed for the works, these plans are unlikely to provide the adequate or comprehensive information required by the Decision Notice.</p>
<p>3.2.6 The PW will be open to its users at all times to all its users and no vehicles will be parked on the pathway at any time.</p>	<p>This clause contains no mention of the safety of users – the assertion that the PW would be ‘open’ does not mean that it can be assumed to be <u>safely</u> open. All vehicle movements on a public walkway constitute a potential danger to pedestrians. It is highly unlikely that this claim can be achieved.</p>
<p>3.2.7 To facilitate vehicular access to the PW, it will be necessary to temporarily remove the hanging post of the gate during this maneuver to prevent scuffing of the path surface from the tires of the vehicles and give a safe view for the driver. The post will be refitted after each vehicle movement and permanently refitted at the end of the project.</p>	<p>Section 2.2.2 states ‘type of plant and vehicles that can be used is limited by the size of entrance.’</p> <p>If approved, this intervention with the Holmesdale Road gate may put Haringey Council in breach of The Workplace (Health, Safety and Welfare) Regulations 1992 , section 18, Doors and gates, and section 3 part 1 of the Health and Safety at Work etc. Act 1974.</p> <p>Removal and replacement of the hanging post during manoeuvres, along with the manoeuvres themselves, cannot be safely achieved without restriction of movement by the public.</p> <p>Separation of pedestrians from vehicles in a workplace is required to be spatial. With the gatepost removed, the separation of the pedestrian entrance would however be lost. Approval without thorough detail of safety procedures could put Haringey Council in breach of Section 17 Organisation etc. of traffic routes of The Workplace (Health, Safety and Welfare) Regulations 1992.</p>
<p>3.2.8 As vehicles enter the PW from Holmesdale Road and vice versa, they will be escorted by a minimum of two banks persons, one at the front and one at the rear. This will ensure the safety of pedestrians on the PW and pedestrians and vehicles on Holmesdale Road. Once the vehicle has completed the maneuver, the double gates will be closed and locked.</p>	<p>Transportation comments on the previous CMP specified 4 banksmen would be necessary. This provision is therefore incompatible with Haringey Council’s Transportation planners stated requirements for the safety of the public. Banksmen with the vehicle at one location cannot respond to the arrival of persons at the other exit.</p> <p>The public approaching the exit onto Holmesdale Road from the Parkland Walk would be required to be kept away from such complicated manoeuvres. It is not at all unreasonable to assume that large groups of school parties, rambles, runners, dog walkers and cyclists could arrive at one of these times and there is no clear provision or acknowledgement of this eventuality. We have seen groups in excess of 20 on many occasions. Such failings constitute an extremely poor quality of risk assessment and a disregard of potential dangers.</p>
<p>3.2.19 Following completion of the works, the PW would be resurfaced between the Holmesdale Road entrance and the Site. This would improve upon its currently very muddy condition and would make this part of PW suitable for wheelchair access. Two electrical car charging stations would also be provided on Holmesdale Road by the PW entrance.</p>	<p>The applicant should be required to make good any damage done to Haringey Council property as a matter of course.</p> <p>Specification of path construction to be compliant with the Equality Act 2010 on access for those with disabilities should be submitted in support of this.</p> <p>No indication is given of the type of resurfacing envisaged – the claimed ‘improvements’ make it sound as though the developers do not intend to use hoggin,</p>

	<p>the agreed appropriate surface for the PW. Any resurfacing should restore the PW to its previous condition to an agreed specification</p> <p>The mention of electrical charging stations offers no benefit to users of the PW. This 'offer' has no place in a Construction Management Plan as it does not address the conduct of the works. It is not a material planning consideration and may be something required by the applicant rather than providing a genuine community facility.</p>
<p>3.3.2 The option of removing spoil by wheelbarrow to trucks waiting on Holmesdale Road as well as moving all materials from and to the Site by foot has also been considered. This would result in a higher number of movements (up to 60 per day) which is considered to impact upon pedestrian movement on the PW. For this option a total of six parking bays on Holmesdale Road would be required to accommodate skips. It would also extend the construction programme by around 30 weeks, thereby unnecessarily prolonging the impact of the works.</p>	<p>The FPW acknowledge that the owner has a right to use a wheelbarrow to carry out permitted works on the property that are not in breach of the covenant.</p>
<p>3.3.3 In close coordination with HC we have considered the advantages of the use of vehicles during the construction period as opposed to implementing the scheme without the use of vehicle on PW.</p>	<p>The only advantage of the use of motor vehicles instead of wheelbarrows is to the developer. This development will be an inconvenience to users regardless of how it is achieved. Only the complete absence of vehicles reduces risk to users and reduces nuisance.</p>
<p>3.3.4 It should be noted that in exchange for granting of a vehicle access license, the resurfacing of the pathway as well as the provision of electrical car charging stations as described in 3.2.19. will provide a benefit to the public as well as to the ecology.</p>	<p>This is not a material planning consideration and does not address the conduct or impact of the works.</p> <p>The proposal attempts to trade the damaging impact on the nature reserve for vehicle facilities completely irrelevant to the users of the PW. The so-called benefits are entirely subjective. Such arrangements and the proposed 'gifts' provide no significant benefit to the users of the PW and do not warrant the waiving of essential protections placed for the purpose of protecting assets and access to members of the general public who the Council is there to serve.</p> <p>In any event, the type of surface of the footpath along the Parkland Walk is as intended and agreed by the Council and is in keeping with its function as a path for walkers and cyclists. See response to 3.2.19</p>
<p>3.3.5 A method without vehicular access is still acceptable and the impacts are limited in both cases. However, the implementation of the CMP without vehicular access would only be chosen if a vehicle license was refused by the landowner.</p>	<p>The FPW are opposed to a CMP that requires the setting aside of the covenant, the granting of a licence that permits vehicle access, or one that depends on a failure by the landowner (Haringey Council) to enforce its terms in full. The option being considered here contravenes the covenant and we therefore ask for it to be rejected as failing to meet this material consideration. A hypothetical alternative CMP cannot be considered at the same time and should be made as a separate application in detail.</p>
<p>Noise dust vibration control measures</p>	
<p>4.4.1 plant which is considered to produce significant amounts of noise to be limited to working 08:00 – 16:30 hrs on weekdays only</p>	<p>This general reference needs to be clarified. It is incompatible with the limits in the Highgate Neighbourhood Plan for high impact construction works.</p>

Dust risk assessment

<p>6.3.6 The site is also within a designated local nature reserve. However, ecological air quality impacts are considered negligible.</p>	<p>This statement is unsupported by evidence. The Parkland Walk is a recognised feeding area and route for bats feeding between the Highgate tunnels and Finsbury Park. The bat roosts in the tunnels in Highgate are now recognised of national importance.</p> <p>This assumption should not be accepted and a proper survey carried out by an independent expert in bats, such as the London Bat Group who carry out regular surveys of the tunnels. The area to the west of the site is also home to a pair of nesting Grey Wagtails on the amber protection list.</p>
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Appendix A

	<p>Figure A0 in the appendix shows a DAF LF 220 FA Skip and access route via the Parkland Walk and onto the property of 3 Francis Place. A further diagram shows a 4x4 vehicle towing a twin axle trailer (overall length over 10m)</p> <p>These diagrams are unfit for purpose as there is no key to the symbols. It is unclear whether the vehicles cited are the only vehicles proposed to be used during the works.</p> <p>Large builder's skips carry up to 8 tonnes. The DAF LF 220 Skip lorry chassis weight unladen is 19 tonnes, skip lifting mechanism another 8 to 13 tonnes – Total over 30 tonnes</p>
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Appendix B

Table B1 Plant and vehicle assumption

These figures indicate an intensity of vehicle traffic that would severely disrupt access and enjoyment of the Parkland Walk by the public for prolonged periods. This would contravene both the covenant on the property and the Council's stated policies on the protection of open spaces.

1	Vehicles shown to be on the Walk: HGV 1 per day for one week – Total 5
2	Vehicles shown to be on the Walk: Skip lorries 3 per day for a period of two weeks - Total 30
3	Vehicles shown to be on the Walk: Skip lorries 3 per day for a period of five weeks - Total 75
4	Vehicles shown to be on the Walk: Skip lorries 3 per day for a period of 18 weeks Total - 270

This table includes many inaccuracies and contradictions that make it unfit for purpose. The location of many vehicle movements that would inevitably utilize the Walk are not logged as such. Every vehicle and item of heavy plant that is logged as accessing the site will have to travel along the PW. The pipe that is proposed to carry pumped concrete is not shown as located on the Walk. No details are given of the plant size, or material specification such as whether they would have tracks or wheels. The Parkland Walk surface, designed for walkers and cyclists, is vulnerable to being churned up by motor vehicles and heavy plant.

This document has been prepared by The Friends of The Parkland Walk

The Friends of The Parkland Walk
 45 Avenue Road
 Crouch End
 London N6 5DF