The Council’s role

The Council undertakes to:

• encourage applicants to keep informed and to consult adjoining owners or occupiers both while preparing their scheme and during construction.

• make available on the Council website all the information submitted with planning applications, including advice from consultees, as well as any objections as they come in, for residents to view and comment on.

• make applications for approval of the final versions of CTMPs available on-line and to allow for those affected to comment on them.

• notify adjoining residents by site notice and letter of applications as soon as they have been validated.

• notify people registered to receive email alerts on My RBKC of planning applications and applications for approval of the final version of CTMPs*.

• investigate any complaints about the construction process, including noise, and take action where expedient**.

• follow up any alleged breaches of the planning permission expeditiously.

• explain the reasons for its decisions.

* Anybody can sign up to receive alerts about planning applications for free. Alerts are issued weekly and recipients can select the area in which they are interested – e.g., they can choose to receive alerts only about planning applications in a particular street or selection of streets.

** [say where people can find a list of whom they should contact for the different sorts of problem. It is particularly important that an easy to understand list of this sort is available, as there are frequent complaints about it being difficult to find out whom to complain to. It
GUIDELINES FOR DEVELOPERS AND CONTRACTORS ON CONSULTING AND INFORMING RESIDENTS

[This bit could also be issued as a separate document. We have drafted it so that it could apply to all disruptive works, not just basements]

Any major building works in residential areas risk causing disturbance to neighbouring residents. This can be particularly severe in the case of the excavation of new basements or major refurbishments. Basements can take two or three years to complete and often cause damage to neighbouring properties. The noise, vibration, dust and dirt can also seriously affect the lives of those living next door.

Much of this disturbance may be unavoidable. But the experience of the neighbours - and the developer's relationship with them - can be considerably improved if they are consulted and kept informed at every stage. Even though the neighbours may (understandably) continue to oppose the works, there are often small things that can be done by agreement to make the situation more tolerable for them.

Liaison with neighbours before the start of the project is therefore crucial, and communication must continue throughout the works. The extent of the liaison will depend on the size and impact of the project [footnote with reference to noise impact categories]. Generally, the greater the impact, the more liaison with neighbours there should be.

The following guidelines set out ways in which those undertaking such works are recommended to consult their neighbours and suggest how to keep them informed.

Before submitting a planning application

- If what you are planning is likely to impact on the neighbours, at the conception stage write a letter (or ask your architect to write) to the immediate neighbours (or contact them personally) saying that you are planning to build a basement or other project and will be consulting them about your proposals. Offer them a chance to discuss the plans with your architect. Ask them to let you know about any immediate concerns that they
may have and to let you have an email address where you can contact them, for instance if they are away, when further details are available. Also give them your own contact details.

- For major projects, it is also worth involving amenity societies and residents’ groups from the beginning.

- If you are taking pre-application advice, show the pre-application advice officer any comments that you have received from neighbours. The more the officer knows about problems that the neighbours may have identified, the easier it is for them to advise you on what is likely to be acceptable to the Planning Applications Committee. It also is well worth inviting the neighbours to a meeting with the pre-application advice officer. (All of this can be organised by your architect.)

- Once your plans are finalised, inform your immediate neighbours and offer them a further chance to look at the plans, e.g. in your architect’s office or on a website, and to comment on them. We advise you to ask your neighbours for any comments before you submit your planning application, and consider if there are ways in which your proposal can be modified to meet at least some of any concerns expressed.

- As part of your application, you will need to submit a Construction Method Statement. This is a particularly important document for the immediate neighbours, as it details the measures that will be taken to protect their buildings from damage. You should, therefore, let them have a copy and offer them the opportunity to discuss it with your structural engineer. Draw their attention in particular to the mitigation measures that you are proposing to minimise damage, noise, vibration and other nuisance.

- As part of your application, you will also need to submit a draft Construction Traffic Management Plan (CTMP). This asks you to detail how neighbours have been involved in the development of the plan. For the CTMP it is important that you consult more widely than the immediate neighbours, as construction traffic can affect a whole street or indeed several streets. You should aim to ensure that all residents likely to be significantly affected by the construction traffic are contacted. In many cases, there will be one or more local residents’ associations who can act as a focal point – the Council can provide information about such associations. If there is not a residents’ group, it is worth encouraging the local residents to form an informal group that can be consulted about traffic problems, as it is always easier to consult a group than a lot of separate people. Where there is no existing group, you should consider putting a copy of the draft CTMP through the letter boxes of all the properties likely to be affected, with contact details where they can send comments, and a date by which they should do so. In some cases, it may be sensible to arrange a meeting with interested parties. Note that this whole exercise should be a genuine consultation. It is not enough simply to circulate the draft CTMP: you should consider whether it can be amended to eliminate or mitigate problems brought to your notice.
• [something about coordinating traffic and noisy work with other sites in the neighbourhood]

• [something about offering a meeting of the two prospective party wall surveyors]

Planning application stage

• When you submit your application, include details of how you have consulted the neighbours and how you have taken their concerns into account.

• If you submit any modifications to your application, even minor “non-material” ones, if they are likely to affect neighbouring properties or their residents, copy them to the neighbours at the same time as you send them to the Council.

After planning consent has been granted

• For basements, employ a builder or contractor experienced in the construction of basements similar to that being proposed on the site. Points worth considering (although none can be an absolute guarantee of quality) include whether the contractor belongs to a specialist body such as the Association of Specialist Underpinning Contractors; whether their site managers have completed an accredited Site Management Safety Training Scheme (as many basement problems arise from inadequate supervision); and whether the contractor has avoided prohibition notices or other warnings from the Health and Safety Executive [reference to relevant bit of the HSE website].

• If possible, retain the services of the same structural engineer throughout the project (preferably the one that designed the scheme).

• You will be required to submit a fully worked up CTMP to the Council for approval before you start work. It is important that those likely to be affected are consulted about this final version and that arrangements are put in place for ongoing consultation in the case of problems. For major projects it will usually be appropriate for the developer set up a formal liaison group and to hold regular meetings with residents.

• establish whether there there are any vulnerable persons among the neighbours for whom special measures may be necessary [this could be a legal issue under non-discrimination legislation]

• If your neighbours work from home, they may find it impossible to do so while the works are proceeding. Please consider offering to pay for alternative office accommodation during the noisiest part of the work.
• Before work begins, send letters round to the neighbours giving
  o a description of the project;
  o the hours of work; an outline of the phases of the work (e.g. demolition, ground works, construction) and their expected duration;
  o when any particularly noisy or disruptive operations are likely to be, how long they will take and why they are necessary and why quieter methods are not possible;
  o outline details of the mitigation measures proposed;
  o names and contact details of the site foreman or (for large projects) the community liaison officer. Include a 24-hour number for emergencies.

• Give your neighbours at least two weeks’ notice before the works start. Work cannot begin less than 14 days after conclusion of the party wall award, but quite often your contractor will not be ready until after this. It can be a big shock to the neighbours if contractors suddenly turn up one morning and start work close to their property or even on their party wall without notice.

• Ask your contractor to consult the neighbours about any small things that can be done to reduce the impact, both before the work starts and during the work. The contractor could for instance offer to board up chimneys and fireplaces in the neighbouring properties to curtail the dust; to move or cover garden furniture; and to regularly clean windows or wash cars in driveways or on the road outside.

• Display clearly on the site hoarding the contact details for the site manager, the duration of the project and site working hours [as proposed by Environmental health]

• In terraces of narrow houses, damage can be caused by basement works two or even three houses away. The occupants of those houses cannot rely on the Party Wall Act, but have to seek compensation under normal common law procedures. However, this is time-consuming and potentially costly for both parties. If there is any complaint that your works are causing damage to properties not covered by a party wall award, we suggest that you offer to abide by party wall dispute procedures, so that the two parties’ party wall surveyors can determine whether the damage is due to your work and how it should be rectified.

• Ensure that there is a notice on the site hoarding with contractor details; contact details for site manager; expected duration of the project; and site working hours.

• Ensure that all staff and sub-contractors are briefed on noise mitigation and permitted hours for noisy works.
• Ensure your foreman keeps in regular communication with the neighbours to let them know about start dates for different stages of the project, progress on the project; when any noisy work will take place; and when roads may be temporarily blocked, preferably giving them 48 hours’ notice so that they can plan their lives accordingly.

• Inform the neighbours when the work is completed.

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Guidance for residents

Before your neighbour obtains his planning application:

• If you hear that your neighbour is planning a basement extension, ask them to ensure that they consult you at an early stage as well as later about their worked up plans; and to keep you informed of progress on the project.

• Take advantage of any offers by your neighbours to let you see and discuss plans well before they seek planning permission.

• Sign up to “My RBKC” email alerts about planning applications in your area so that so that you know when a planning application that might affect you has been submitted. [footnote with web ref]

• When considering your neighbour’s proposals, look particular at the Construction Method Statement and draft Construction Traffic Management Plan, and work out how the project is likely to affect your property as regards:
  • Permanent visual or other post-construction impacts on your property (such as light pollution from lightwells or rooflights; long-term risks of flooding; noise from permanent machinery).
  • Problems during the construction phase – damage to your property, noise, vibration, dust, problems arising from the need for parking suspensions and from construction traffic.

• Discuss with your neighbour and/or his architect ways in which these problems could be minimised or even avoided.

• Since problems with construction traffic and parking can affect a number of local residents, try to work through your local residents’ association, or if there is none consider forming an informal group of residents, in order to provide a mechanism through which discussions with the contractor on traffic and parking issues can be conducted.

• Comment on your neighbour’s planning application in writing within consultation deadline deadline (usually 21 days from registration of the application) Remember that in considering planning applications the
Council can only take account of issues related to planning (for more details see [insert reference to IPIP]).

After planning permission has been granted

- Approach party wall surveyors who might act for you, so that you have a surveyor lined up when your neighbour serves a “party wall notice” on you. Ensure that the surveyor whom you select (who will be paid for by the applicant) is experienced in basement development.

- Get as much information as possible from the owner/applicant/site manager about when the works will begin and their likely duration.

- Discuss with the owner/applicant any particular need you may have for quiet working at certain hours, for instance if you work from home on certain days or at certain times, and how this might be accommodated without undue interference with the works.

- Tell the owner/applicant about any vulnerable people in your household who may have special needs.

- If you live two doors away in a narrow terrace and are not within the distance that triggers a party wall notice, but fear that your house may be damaged by the works, take photographs of your internal and external walls, so that, if cracks or other damage appear during the construction you can prove that it is new. Ask the person undertaking the works to deal with any dispute over damage under party wall procedures.

- During construction, keep in touch with the site foreman and let them know about any particular problems. It is usually best to try to sort things out on the spot before bringing a complaint to the Council.

- Where issues such as noise, dust, vermin, skips and construction traffic cannot be sorted out direct, approach the appropriate Council service (see [insert reference to list of services with contact details], to ensure that the rules (and any agreements relating to the project) on noise, vibration or dust, working hours and construction traffic are being complied with.

- If you notice that the development is in breach of the approved drawings or any conditions attached to the planning consent, or that the contractors are not abiding by the agreed Construction Traffic Management Plan, alert the Council’s enforcement team. [insert reference]

- All contractors undertaking basement developments must be signed up to the “Considerate Constructors Scheme”. This lays down a Code of Considerate Practice (for details see…. if you consider that the constructor has not followed the Code, you can use the Scheme’s complaints procedure.