



Stephen Taylor <stephentaylorfrsa@gmail.com>

FW: Party walls and Construction Management Plans comment on planning guidance basements

Oliver Froment <oliver.froment@blueyonder.co.uk>

22 December 2017 at 22:51

To: stephentaylorfrsa@gmail.com

Cc: Janine Griffis <grifkohl@aol.com>

Good evening Stephen,

It would be great if you would, please insert the email below into the Basement evidence file, in the subfolder entitled "Section 106 incorporating Party Wall Agreement – Downshire Hill"

Many thanks and wishing you a Merry Christmas and a happy New Year

Oliver

From: STEPHEN AINGER [mailto:stephen.ainger@btinternet.com]**Sent:** 11 December 2017 20:47**To:** planningpolicy@camden.gov.uk;**Subject:** Party walls and Construction Management Plans comment on planning guidance basements

Basements and Party wall comment on Basement Policy

It should be stated a section 106 must be entered into with the obligation that the Basement Construction Plan (BCP) will not be approved by the council until the Party Wall agreements have been signed and attached to the BCP. (unless proposed damage is zero). This is supported as it does not conflict with planning, which of course lies with the Council, but merely supports residents in their quest not to have their homes excessively damaged by neighbouring works. It gives the Council and residents equal ranking in the approving of a construction plan, a plan that impacts the structural integrity of the neighbour's home.

It should be noted that, not to have such a provision would mean that the Council would approve the Basement Construction plan without sight of an agreed PWA and hence fundamentally undermine the resident's ability to hold the developer to account under party wall legislation as the BCP would already have been approved by the Council. Once approved, changes to the BCP by the resident would be extremely difficult to pursue as the developer would just say the Council have approved it.

It is disingenuous for the Council to say that making the signed PWA a condition of approving the BCP is a Party wall matter and hence covered by non-planning legislation. The Council by agreeing to a BCP without a signed PWA fundamentally undermines the resident's ability to hold the developer to account and make the Developer do no more than what planning has allowed them as far as damage is concerned.

It should be noted that if a neighbour is unreasonable in signing the PWA, the party wall legislation has sufficient provisions to allow the developer to proceed on a strictly defined timeline.

S D Ainger
Chair Downshire Hill Residents' Association