

GUIDELINES

LICENCE TO MAKE ALTERATIONS

Commercial and residential property



These guidance notes have been prepared to assist in drafting an application to make alterations. You are reminded that no alteration work should be undertaken until a licence for alterations has been obtained.

GENERAL REQUIREMENTS AND COSTS

To enable alteration proposals to be considered, please provide the following information:

1. A set of 'as existing' drawing(s) to an appropriate scale.
2. A set of 'as proposed' drawing(s) setting out clearly the works proposed to an appropriate scale.
3. All drawings are to be provided with a title block, dated and individually numbered. All annotation is to be in English.
4. Where a head lease is in place, the consent of your landlord should be obtained. Enquiries for our consent should be made via the headlessor or Right to Manage Company in the first instance.

The costs involved in obtaining a licence to alter are as follows:

1. An undertaking will need to be provided for our legal and administrative costs incurred in considering the application. These are payable regardless as to whether the application proceeds to completion. Cadogan currently makes an administrative charge of £1,000 plus VAT. Our solicitors will charge on an hourly basis which will not typically exceed £1,000 plus VAT.
2. Depending on the scope of the works, the Estate may require a third party Structural Engineer, Building Services Engineer, Acoustic Engineer or other specialist to provide an independent review of the proposals. This will be assessed on an individual basis and any reasonably incurred fees will be re-chargeable to the applicant.
3. For the protection of both the Estate and the applicant, a schedule of condition of the common areas (and any other areas to be affected by the works) will be required, prior to works commencing. The extent of the schedule will be at the discretion of the Estate and dependent on the extent of the works proposed. The schedule should be prepared by an independent Surveyor and costs paid directly by the applicant. If a satisfactory schedule is not produced, the Estate reserve the right to appoint an independent Surveyor and re-charge the costs to the applicant.
4. The Estate reserve the right to appoint an independent third party monitoring Surveyor to regularly inspect the works on the Estate's behalf. This will be assessed on an individual basis and any reasonably incurred fees will be re-chargeable to the applicant.

5. If the building is managed by a managing agent, an administrative charge of £1,000 plus VAT may be required to cover the managing agent's costs.

6. Depending on the scope of works, a deposit to cover damage to the common parts or consequential damage may be required. The level of deposit required will be assessed on an individual basis.

GUIDANCE ON INFORMATION REQUIRED

The following information should be shown on the 'as proposed' drawing(s) to assist us in considering the application:

- (i) Any changes to above and below ground drainage, including waste pipe routes and connection points to existing soil pipes, (it should be noted that new external pipe-work will not normally be permitted).
- (ii) Any changes to extract and ventilation ductwork including point of termination on exterior (to be behind terracotta or painted cast iron airbrick).
- (iii) All proposed floor finishes. If hardwood floors are proposed, please refer to the guidance note appended to this document. It should be noted that where there are known issues with noise transference throughout a multi occupied building, permission for hardwood floors will be withheld. Buildings where hardwood floors are prohibited include (but are not limited to) Swan Court, Chelsea Towers and Oakley House.
- (iv) Where structural works are proposed, a report and calculations prepared by a suitably qualified engineer/surveyor should be provided. The structural works should clearly be shown on the plan/sections.
- (v) Whenever works affect the exterior of the property, photographs/elevation drawings setting out the effect of the proposals should be provided.
- (vi) Where air conditioning/comfort cooling equipment is proposed the position of all external items of plant should be provided. The application must be accompanied by an acoustic engineers' report to show how compliance with the noise level criteria demanded by The Royal Borough of Kensington & Chelsea will be met.
- (vii) Dependent on the scope of work, details of how the works will be facilitated (e.g by external scaffolding) and details of the protection measures to the common parts will be required.

(viii) Copies of any application forms made seeking consent for the following are to be provided to support the application:

- Planning
- Listed Building Consent
- Building Regulations Approval

(ix) Details of the contractor proposed to undertake the works. If works are significant, there will be a requirement for a full time foreman to oversee the works. The foreman's contact details should be provided to the Estate and the managing agent for the building.

(x) Details of your solicitors or legal advisers who will be instructed to consider and approve the licence to make alterations.

You should bear in mind these points when preparing an application:

A. Each application is judged on its individual merits. The primary point of reference is the alterations covenant contained within the individual lease.

B. If drawings are sent to us by e-mail, it should be noted that only drawings in .pdf format can be accepted.

C. Where a lease or underlease contains an absolute prohibition against alterations Cadogan might be prepared to give its approval to the alterations, on the basis that;

i) the alterations do not adversely affect the character of the building or the Estate, for example, undue sub-division or amalgamating of individual rooms.

ii) the alterations do not adversely affect our commercial interests, for example, the alterations do not result in our risking forgoing a financial return or do not damage value.

iii) the alterations do not adversely affect adjoining properties i.e. creation of wet areas over dry areas.

iv) if (i), (ii) and (iii) are met then in giving consent we may charge a premium based on a proportion of the net increase in the value of the property, less construction costs.

v) any proposal which seeks to extend the demise in any direction will be subject to consideration under (i), (ii) and (iii) but in addition will be subject to a premium based on the increase in value.

D. Noise and Working Hours

i) All works must be undertaken in accordance with RBKC Code of Construction Practice: www.rbkc.gov.uk/environment/code-construction-practice

ii) Dependent on the scope of the works, the Estate reserve the right to reduce the hours of high impact noisy works. The Estate's decision on this matter will be final.

iii) The Estate reserve the right to appoint an independent acoustic consultant and undertake noise monitoring of the works, costs for which will be rechargeable to the applicant.

E. Following receipt of all of the required information set out above, we aim to conclude all formal licences within 90 days. The process will involve the following steps:

(i) Acknowledgement of application to make alterations;

(ii) Estate consideration and comment on alteration proposals. We aim to provide all comments within five working days of receipt, but reserve the right to extend the timescales on more complex applications;

(iii) Once finalised plans incorporating Estate comments are received, the plans are circulated to the Estate Board for final approval. Once final approval is obtained, solicitors are instructed to prepare the draft licence; (iii) Draft licence to make alterations forwarded to your legal advisors;

(iv) Completion of licence to make alterations.

F. Where an application for a licence to make alterations is not completed within six months of instructions being placed with our solicitors, we reserve the right to consider the application withdrawn and we will collect our abortive costs. A fresh application will then have to be made.

Should you have any queries on the above document please contact Cadogan on 020 7730 4567 and ask to speak to Luke Hamilton-Jones. All information can be sent by e-mail to luke.hamilton-jones@cadogan.co.uk.

INSTALLATION OF
HARDWOOD FLOOR
or
HARD FLOOR IN FLATS

These guidelines have been prepared to assist in applying for 'Licence for Alterations' for the installation of hard floors where a lease requires fully fitted carpets over underlay.

You will need to satisfy the following minimum requirements to control impact and airborne sound to prevent a nuisance or annoyance. Any licence granted will include a nuisance clause that in the event that the hardwood floor or hard floors causes a nuisance or annoyance, the floor will be covered to comply with the lease terms.

Sound testing

- To establish a bench mark for the existing situation, sound tests to BS EN ISO 16283-1: 2014 airborne sounds and BS EN ISO 16283-2:2015 impact sound must be carried out before any refurbishment works are undertaken. The measurements are to be corrected to a reverberation time in the receiving room of 0.5s to produce a single figure, for comparison to a further test being carried out on completion of the hardwood/hard floor. A test is required in each area to receive hardwood/hard floors. A tolerance of field measurements of plus or minus 2dB between the test figures is permitted.
- The Building Regulations 2010 and Approved Document E 2015 requirements for sound insulation are 43db for airborne sound and 64dB for impact sound. To assist in understanding these set points for airborne sound insulation, a value higher than 43dB is better and for impact sound insulation a value lower than 64dB is better. The Building Regulations is only to be used as the minimum requirement and cannot be used where greater sound insulation qualities have been proven by the initial sound tests. An existing situation takes precedence over Building Regulation requirements, where sound insulation performances are greater.
- The acoustic test is to be undertaken by a member of a recognised professional body, either The Institute of Acoustics or The Association of Noise Consultants.

Design

- When granting a 'Licence for Alterations' for the installation of hardwood floors, we do not accept any responsibility in the design performance of insulation products or that the design chosen will satisfy the sound requirements to be achieved.
- Designers of wooden/hard floors will be required to design a floor that does not rely on any insulation treatment requiring access to the ceiling of the floor below where the hardwood floor is to be installed.
- Designers should also be aware that flanking transmission can be as important in determining the sound insulation of the floor and is often not quoted or shown by manufacturers' sales literature.
- The designed floor details are to be provided to us as part of the licence requirements.