

TERMS & CONDITIONS OF ENGAGEMENT

In these conditions the words, 'I', we, or us means the practice of The Kenefick Jones Partnership Limited.

The term 'you' or 'your' refers to the person(s) who has authorised the plans to be prepared.

SCOPE OF WORK

Most projects will include the following stages prior to commencement of building works:

A - Feasibility Consultation

Initial meetings(s) with client to discuss brief, assess physical site topography, likely Planning problems and advise on the need for independent consultants, such as engineers or other specialist consultants.

B - Measured Survey

Overall measurements of the site, levels of site related to either the Ordnance Survey datum or other suitable datum as may exist. Dimensions relating to existing buildings on site, ground / floor levels of buildings that exist and services into / away from those buildings, where apparent.

C - Preparation of Draft Plans

Preparation of drawings to enable more detailed discussion and development with client and as may be required for preliminary discussions with Local Authorities or other bodies, that may have an interest in the development site.

D - Client feedback and possible amendments to draft plans

Providing amendments to the drawings, if required by the client.

E - Finalising plans

Following on from feedback and amendments (if required) firming up proposals and adding further detail as may be required, including detail from other necessary consultants, to enable detailed discussions with Planners, other Local Authority agencies and other bodies that may have an interest in the development site.

F - Pre-planning meetings/discussions with Planning Department

When necessary, pre-planning meeting(s) with Planners, other Local Authority agencies and other bodies that may have an interest in the development site, reporting back to client with the observations of the aforesaid, amending proposals (if required) following on from pre-planning meetings.

G - Planning Submission

Drafting final application documents including other supporting documents as may be required, submitting formal Planning Application (normally by electronic methods) and checking that the Planning Authority has all documentation required. Following up the Planning Application on a regular basis, with the relevant Planning Officer, and attending Planning meetings, when required.

H – Amendments and/or further information requested by Planning Department

Submitting amendments or further information requested by the Planners, or other Local Authority agencies (such as Highways and Environmental Departments), relaying such changes to client, following up any amendments with the relevant Planning Officer.

J - Planning Decision

Checking the recommendation of Planning Officers prior to decision, attending and speaking (where required) at Committee meetings.

K - Preparation of detailed plans

Upon Planning Approval, preparation of detailed construction drawings, including additional information from other consultants (as and when required) and incorporating such other information into detailed construction drawings and other documentation required to conform with 'The Building Regulations 2000' (incorporating later amendments) Approved Documents A-P.

L - Building Regulations Submission

Drafting final application documents including other supporting documents as may be required, submitting formal Building Regulations Application (normally by electronic methods) and checking that the relevant Authority has all documentation required.

M - Building Regulations Approval

Follow up Building Regulations Application on a regular basis, with the Building Control Officer. Providing amendments to plans and attending meetings as and when required by Building Control Officers, in order to gain Approval. Issuing Approved documents to client for distribution.

Our plans are for use by professionals in the building trade and the Local Authority. Guidance and consultancy for non-professionals is an extra service.

Any estimate of building costs offered by us is given as a general guideline only.

MEASURED SURVEY

For extensions and conversions of existing buildings, a measured survey is required before drawings can be prepared. This needs to be done during daylight, and will take at least 2 hours. This is not a full structural survey. Its purpose is to show positions of walls, door and window openings to enable the existing details of the property to be drawn. Photographs of the property will also be taken to assist in the accuracy of the drawings.

In the case of new buildings, a full land survey of the plot will be required to establish site levels and boundaries, existing drainage flows and utilities (if any) provided.

BOUNDARIES

We prepare the drawings based upon dimensions taken on site. Where there are no obvious boundaries or they are hidden from view by debris, snow or existing buildings, we will agree the dimensions with you. Where fences and walls exist between properties, we accept these 'natural boundaries' as being correct.

If you have any doubt regarding the ownership of any land, we would advise you to speak to your neighbour and obtain a letter giving their consent to the proposals or contact your solicitor or Building Society for clarification.

You must notify all affected neighbours if you intend to carry out works that affect party/boundary walls, building on the boundary or excavations near to a boundary. Such works are covered by, **The Party Wall etc. Act 1996**.

We will advise if, in our opinion, the works envisaged will fall under the jurisdiction of the Act, if this is the case, we will act on your behalf, if requested, to notify your neighbour, under the provisions of the Act.

We recommend that, in the first instance, you contact your neighbour personally, before any contact between your neighbour and us, to discuss your proposals.

As our client, we have an obligation to you, and to avoid a possible conflict of interest, if a dispute arises, would recommend an Independent Surveyor be appointed as an "agreed surveyor" should the need arise.

You can obtain more information from the Local Authority Planning / Building Control Departments without charge.

PREPARATION OF DRAWINGS

DRAFT PLANS:

These are plans suitable for a Planning Submission and comprise of:

- Floor plans of all existing floors affected by the proposed works.
- Elevations of all existing elevations affected by the proposed works.
- Floor plans and elevations of all proposed works.

FULL PLANS:

These are plans suitable for submissions for Building Regulations approval and comprise of:

- Floor plans of all existing floors affected by the proposed works.
- Elevations of all existing elevations affected by the proposed works.
- Floor plans and elevations of all proposed works.
- Sections through the property, including details as necessary
- Location plan.
- Block plan (can be combined with the location plan).
- Specification

DIMENSIONS ON THE DRAWING(S)

Whilst every effort is made to ensure that the dimensions on the plan are accurate, errors can occur. As we are not a party to the contract between yourselves and your contractor, we make it a condition on our plans that your contractor accurately checks all dimensions on site, before

starting work or before ordering materials. This is specifically done to ensure that you and we are protected against the possibility of an error getting through the checking procedure.

We would stress that it is essential for you to insist that your contractor carries out these checks before carrying out any work. Should your contractor need to carry out any amendments, you should tell the Building Control Officer before carrying them out. We do not accept any claims for negligence or consequential loss with regard to incorrect dimensions shown on the plan as these could have been corrected, under the checking procedure, and the contractor has been specifically instructed on the plans to check all dimensions before proceeding.

FOUNDATION DETAILS

Dimensions given on foundations are only indicative for normal soil conditions. As trial holes have not been dug on site, it is impossible for us to do otherwise unless advised by you that you know of bad ground in the area. If it is necessary to revise the foundations on site once the works commence this is not a defect on the drawing(s) and the drawing(s) specifically advise the contractor to agree exact foundation details with the Building Control Officer. Should it be necessary to amend the drawing(s) in the light of on site excavation, then this would be an additional service and a charge would be made.

DRAINAGE DETAILS

All drainage shown on the drawing(s) is provisional and may require on-site agreement with the Building Control Officer.

DRAFT PLANS & AMENDMENTS

We will send you a draft of the plans for your approval prior to submission to the Local Authority.

It is important that you check the plans carefully to ensure you are satisfied with the proposals before they are submitted. In particular, you should check that the major dimensions are as you instructed. We will be happy to make *minor* amendments without further charge.

A draft plan will not contain all the information required by the Local Authority, but it will be sufficient for your approval.

Once you are satisfied with the draft plan, we will finalise the drawings in preparation for submission to the Local Authority.

DRAWING TIMES

All our projects are timetabled in the order they are surveyed. Approximate drawing times are given in good faith, by estimating the number of hours required to complete projects already timetabled.

Unforeseen delays may occur. Time is not of the essence of the contract. If this aspect is of particular importance to your project, this must be expressed in writing prior to acceptance of engagement.

LOCAL AUTHORITY APPROVALS

Normally (unless your property is listed or in a special area) the only approvals required when you build or extend are:

- Planning Approval

- Building Control Approval

When you are satisfied with the drawings, we will submit the plans for the relevant Local Authority Approvals on your behalf.

Submission for Listed Building Approval is an extra service.

It is your responsibility to inform us if your property is a listed building or in a special area or if there are tree preservation orders in force. It is essential that this be made clear during the original survey, so that the appropriate applications can be made on your behalf. If you are in any doubt, you must telephone your local council and let us know as soon as possible. We cannot accept responsibility for the consequences if this information is supplied after the initial survey.

Should the owner or contractor commence work without the relevant Planning & Building Regulations Approvals, they do so at their own risk.

SUBMISSION OF PLANS FOR PLANNING CONSENT

There are three possible types of planning consent:

1. ***Permitted Development*** may be allowable for building projects for certain projects, providing they meet certain criteria. We would advise, that for legal reasons an application for a Lawful Development Certificate is applied for, this can take from 2-4 weeks and there is fee, normally half the relevant Planning Fee of £150.00, therefore £75.00.
2. ***Planning Permission*** takes 6-8 weeks and there is a fee, currently £150.00
3. ***Outline Planning Permission*** allows a development 'in principle'. For example, Outline Permission may be gained for a '3-bed detached house', which shows only the footprint of the proposed dwelling. A full Planning Application will still need to be made showing design, specification and dimensions of the building works.

If we believe that your project may be allowable under *Permitted Development*, we will take this route. If the response is in your favour, it will save 4-6 weeks in time and half the Planning fee. If the response is not in your favour, it will delay the project by 2-4 weeks.

If you do not wish us to handle your application in this way, please let us know.

WE CANNOT OFFER A GUARANTEE OF PLANNING APPROVAL.

After obtaining Planning Permission, any alteration to the Approved plans must be re-submitted to the Planning Department prior to commencement of any building works.

REFUSAL OF PLANNING PERMISSION

In the event of a Planning Refusal, you have the option to Appeal the decision. Should you wish to take this route, and would like us to manage this process on your behalf, advice and quotations for this service are available on request.

Should you not wish to pursue an Appeal, then no Building Regulations Application, where applicable, will be made. In this event, this will amount to a cancellation of your instructions to us.

SUBMISSION OF PLANS FOR BUILDING REGULATIONS APPROVAL

Building Regulations applications are completely separate from Planning Applications. The Planning Application is made to the Local Authority in which the development is to take place, whereas the Building Regulations Application is made to Wirral Borough Council; this is because we have a '*Partnership Scheme*' with Wirral Borough Council.

We do not finalise the plans for Building Regulations until *after* gaining Planning Permission for the following reasons:

- If the Planning Permission is refused there is no Building Regulations Application to be made;
- If the Planning Department request a change in the design in order to grant Planning Permission, the Building Regulations Application would become invalid and need re-submitting.

Once the plans are submitted, the approval documents are usually received within 4-6 weeks.

WAITING FOR APPROVALS:

Time is not of the essence of the contract. Whilst approximate times are given, once the documentation is lodged with the Local Authority, we are powerless to speed up the approvals although we do try to contact the individuals concerned, on a regular basis, in order to assist progress.

We will normally contact you only when we receive the approvals from the Local Authority. Planning decisions take approximately 8 weeks. Once we have received Planning Permission or Permitted Development Confirmation from the Local Authority, we will forward this documentation to you.

OTHER SERVICES

- **On-site Supervision Service.**

We advise you to check the Contractor's work carefully as it progresses. If you are in doubt about any section of work, you must discuss this immediately with your contractor.

If you require a site visit, an additional charge will be made at our current hourly rate. We will inform you of this at the time of request.

- **Certification Service**

The Council of Mortgage Lenders requires new-build properties to have either an N.H.B.C. or a Professional Consultant's Certificate on completion of building works.

The Kenefick Jones Partnership Limited is a Chartered Building Consultancy.

We hold Professional Indemnity Insurance, with a claim limit of £500,000 for any one claim, currently with HCC Diversified Financial Products Limited.

We would visit the construction of the dwelling at agreed periods, and issue certificates at these stages and in accordance with the Council of Mortgage Lenders, we would issue a Professional Consultants Certificate on final completion of works.

- **Building Consultancy Service**

We offer technical advice and guidance to non-professionals who wish to manage their own building works. We charge an hourly rate for this service.

FEES

When we calculate our fees as an hourly rate, we will charge you an hourly rate in units of 1/10th of an hour, for the time spent on your project, plus expenses incurred. Time spent will include meetings with you and others; travelling; considering, preparing and working on drawings and calculations; correspondence; and making and receiving telephone calls, faxes and emails.

Projects for which we have agreed a fixed price, we estimate this price based on our hourly rate and the number of hours expected to complete the project; it is not intended to be fixed, although in the majority of cases, our fees will be capped at this estimated price. We will inform you if it appears that our estimate may be exceeded, or if any unforeseen extra work becomes necessary, for example, due to unexpected complexities or difficulties, or if your requirements alter, or the Local Authority requests amendments.

We will add V.A.T. to our charges at the rate that applies at the time of invoice.

We reserve the right to send interim bills every month if the work is of an ongoing nature.

We reserve the right to send a bill for services completed to-date, on an hourly basis, plus expenses, for projects that have been inactive for a period of more than 90 days.

PAYMENT TERMS

Payment is due within 14 days of our sending you the invoice. If you do not pay the invoice within this time, we will charge interest at 8% above the current Bank of England base rate from the date of the invoice.

Invoices that remain unpaid after 90 days will be passed to our debt collections agency being Daniels Silverman Ltd., after which a charge of 15% plus VAT on top of the initial invoice due will be added to the debt. You agree as part of this contract to pay this sum, which represents our reasonable costs in collecting unpaid amounts.

DISBURSEMENTS & EXPENSES

In order to obtain Building Control / Planning / HSE Approval, disbursements may include Local Authority charges for Planning Applications and Building Regulations Applications, specialist consultant's fees such as Structural Engineers, Arboriculture Engineers, Soil Engineers, Highway Engineers, Planning Consultants and Planning Supervisors.

Travelling costs for projects over a 25 mile radius of Heswall, Wirral, will be charged at £1.00 per mile in addition to our hourly rate.

Overnight stays may be necessary to avoid excessive travelling costs and time on certain long-distance projects. Our charges for overnight stays are £150.00 per night per person.

We will notify you in advance of any expenses as soon as we are aware of them.

CANCELLATION

You may terminate your instructions to us in writing at any time. We will decide to stop acting for you only with good reason and on giving you reasonable notice.

If we do not complete the work, we will charge you for the work completed to-date on an hourly basis plus expenses. Current hourly rates are available on request.

We are entitled to keep all your papers and documents while money is owing to us.

ARBITRATION (Arbitration Act 1979 or later amendments)

With the exception of you not paying your fee, if during the continuance of this contract or at any time thereafter, any dispute may be referred to The Faculty of the Architects' and Surveyors' Institute. The Arbitrators decision shall be final and binding.

COPYRIGHT

The plans are purely for the use of you or your builder and are not to be issued to third parties without permission. We will not be responsible for any alleged losses incurred should third parties act upon the details provided.

In accordance with the provisions of the Copyright Act 1988 or later amendments, copyright in all drawings prepared by us, and all intellectual copyright, remains the property of **The Kenefick Jones Partnership Limited** unless otherwise stated.