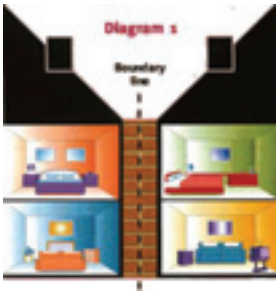
Construction site issues
A guide for residents

This guide aims to help you with the maze of issues that can arise from construction sites ranging from domestic extensions to large developments. It also gives contact details for the key agencies who can help.

ENCROACHMENT

If you feel that a development is encroaching onto your property it is a civil matter and you may wish to ask a solicitor for advice. The only people that can establish the position of a boundary are the respective owners affected by viewing the deeds of a property. When a planning application is made, the applicants have to give a statement about the ownership of the land where the development is going to happen. If all the land is not owned by the applicants, they have to confirm that notice has been given to the owner advising that a planning application is to be made. Beyond that, there is no more that the Council can legally do to prevent encroachment taking place.

PARTY WALL ACT



The Party Wall Act requires a person carrying out work to a party wall, or to other party structures, such as floors between flats, to legally notify the adjoining owner. There is no requirement for the local authority to be involved. The local authority only has the responsibility to check foundations, ensuring that they do not affect other properties. There is certain work that is allowed as a right, but if the work involves the construction of a new party wall, or the excavation of a foundation within 3 metres of the boundary then notice must be given and the adjoining owner must agree that the work can be done. If agreement is not given, or there is not a response to the notice within 21 days, then it is considered that a dispute has arisen and the Act requires the adjoining owners to appoint surveyors to resolve it. This is civil law and is not enforced by the Council, although you can find more information at **http://www.bexley.gov.uk/service/planning/building control/partywall.html**

BUILDING REGULATIONS

Building regulations will apply to the standards met in the construction, alteration or extension of buildings, whether domestic, commercial or industrial. You can access building regulations guidance, including the Approved Documents, and associated guidance from the Planning Portal at: **www.planningportal.gov.uk**

The regulations deal with the minimum standards a building must meet to protect people in or about the building.

If you have concerns that the requirements of the Building Regulations are not being met then please contact the Council's Building Control service.

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ASBESTOS ISSUES

The Health and Safety Executive are the principle regulators of safety on construction sites. If you are worried about asbestos on a construction site you should contact them. The Council's Environmental Health service will also investigate any problems or concerns about asbestos dust on construction sites.

DEMOLITION

Demolition will frequently involve several agencies who have responsibility for overlapping issues.

- **Site Safety:** If you have concerns over safety on a demolition site please contact the Health and Safety Executive who are the principle regulators. The Executive should also have been notified in advance about larger scale demolition/construction work.
- **Demolition Notices:** The Council's Building Control service should have been notified of all demolitions, **except** internal demolition in occupied buildings and small buildings less than 50m3. Greenhouses, sheds, conservatories, pre-fabricated garages and agricultural buildings are also exempt. When giving approval for demolition the Council will require certain conditions, including:
    - shoring, weatherproofing and repair of adjacent buildings;
    - removal of rubbish and disconnection of gas, electricity and water supplies and drainage;
    - safe handling and disposal of asbestos.
- **Listed Buildings/Conservation Areas:** Any alteration involving partial demolition requires Listed Building Consent. The substantial or complete demolition of larger extensions and buildings requires Conservation Area consent. Please contact the Council's Planning service if you have any queries.
- **Planning Permission:** Planning permission is required to demolish residential properties. It is not required for commercial buildings unless they are listed or in a conservation area or attached to residential properties. Please contact the Council's Planning service if you have any concerns.

CONSTRUCTION AND DEMOLITION NOISE AND DUST

The Council's Environmental Health service has powers to control nuisance caused by noise or dust from construction sites. Noisy construction work from tradesmen/builders should be carried out during the following hours applying best practical means: Monday to Friday 08.00 until 18.00; Saturday 08.00 until 13.00; Sunday and Bank Holidays at no time. DIY activity is not restricted to these hours and each case is judged individually, taking into account frequency and types of work and how late/early the work takes place. Any problems about hours of work, dust or noise from a building site should be referred to the Environmental Health service.

SITE SAFETY

Enquiries relating to site safety issues or concerns about unsafe construction processes and practices should be referred to the Health and Safety Executive.

LIGHT POLLUTION

The Council's Environmental Health service has powers that can be used to control nuisance caused by lighting on construction sites. If you have any problems about light intrusion please contact the Environmental Health service.

HIGHWAYS

Building materials, skips, hoardings, etc., cannot be placed on the public highway, without a licence. Licences are issued by the Council and if there is concern about anything such as skips, building materials or other obstructions being placed on the highway, the matter should be referred to the Enviro Crime Team.

If there is an issue concerning a new vehicle crossing, or the alteration/reinstatement of an existing one, the matter should be referred to the Council's Highways Street Services team.

Highways issues concerning the adoption of prospective highways, or the execution of works within the existing highway should be referred to the Highways Development service.

SCAFFOLDING

The structural safety and the safety in use of scaffolding is controlled by the Health and Safety Executive. The scaffolding contractor must issue a certificate to say that the completed scaffolding meets legal safety requirements. Scaffolding cannot be placed on the public highway without a licence and the Council may also impose conditions to require lighting and protection against accidental injury.

The erection of scaffolding is not included as part of any planning approval. Encroachment onto adjoining land is normally a civil matter, however if the scaffolding is standing on the public highway this matter should be referred to the Enviro Crime Team.

ENFORCEMENT OF PLANNING CONDITIONS

Conditions are often imposed on planning permissions to deal with specific issues. If you would like a copy of the planning conditions for a development proposal please contact Development Control Administration. The Planning Enforcement service ensures that these planning conditions are met. Please contact them if you have concerns or believe that any particular conditions have not been met.

PUBLIC SEWERS

Thames Water owns certain sewers that serve more than one property and they deal with conditions relating to the consent to build over or alter these sewers. During the processing of a Building Regulations application, Thames Water is notified of any proposed work, and they make an assessment of the impact and whether permission may be granted. Any concerns or queries should be directed to Thames Water.

Construction Site Issue	Information Source/ Key Contact	Telephone	E-Mail
Encroachment Party Wall Act	These are civil matters and you may wish to obtain your own legal advice. For more info on the Party Wall act see: http://www.bexley.gov.uk/service/planning/buildingcontrol/partywall.html	N/A	N/A
Building Regulations: - Further information - Complaints	Planning Portal at www.planningportal.gov.uk Building Control	N/A 020 8303 7777 Option 5	N/A building.control@bexley.gov.uk
Asbestos Issues	Health And Safety Executive at www.hse.gov.uk Environmental Health	0845 345 0055 020 8303 7777 Option 2	 eh.duty@bexley.gov.uk
Demolition: - Safety - Demolition Notices - Planning Issues	 Health And Safety Executive at www.hse.gov.uk Building Control Development Control	 0845 345 0055 020 8303 7777 Option 5 020 8308 7992	 building.control@bexley.gov.uk development.control@bexley.gov.uk
Noise, dust and light issues	Environmental Health	020 8303 7777 Option 2	eh.duty@bexley.gov.uk
Site Safety	Health And Safety Executive at www.hse.gov.uk	0845 345 0055	
Highways: - Obstructions - New Crossovers - Highways Works	 Enviro Crime Team Street Services Highways Development	 020 8294 6593 020 8303 7777 Option 1 020 8308 7804	 envirocrime@bexley.gov.uk worksdirect@bexley.gov.uk highway.development@bexley.gov.uk
Scaffolding: - Safety - - Public Highway	 Health And Safety Executive at www.hse.gov.uk Enviro Crime Team	 0845 345 0055 020 8294 6593	 N/A enviro-crime@bexley.gov.uk
Planning Conditions	Planning Enforcement Development Control Admin – for copies of conditions	020 8308 7773 020 8308 7992	development.control @bexley.gov.uk development.control @bexley.gov.uk
Public Sewers	Thames Water at www.thames-water.com	0845 9200800	N/A

If you would like to know more about the services the Council provides, or would like either a translation of this document or the information in a different format, please call our Customer Contact Centre on 020 8303 7777 and press 0, quoting reference: 602828/2.08

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