



JOHN LYON'S CHARITY

General Policy Guidelines for Subterranean Development on the Charity's St John's Wood Estate

1.0 INTRODUCTION

- 1.1 Freehold owners of properties which were formerly on the John Lyon's Charity St John's Wood Estate will be aware that a Scheme of Management was approved by the High Court in 1971 under Section 19 of the Leasehold Reform Act 1967. The Scheme of Management requires freehold owners to apply to the Charity for a Licence to carry out external alterations including basement development and changes of uses (for instance with respect to vehicle parking and any conversion to flats).
- 1.2 The Charity and its professional advisers are sometimes asked for guidance on development proposals and whether these would be acceptable, prior to a formal application to the Charity being made. The Charity's professional advisors will be pleased to assist owners and their professional teams in relation to the following specific areas:-
 - Subterranean development (that is at lower ground floor or basement level) and the extent and depth permitted.
 - Air-conditioning and air handling plant and ventilation equipment, particularly for swimming pools.
 - Trees and mature planting.
 - Above-ground development including terrace and patio areas.
 - Increases in levels of light pollution ("light spillage") for instance from skylights.
 - The sustainability of new construction, including the effects on drainage from, for instance, 'non-permeable' paved or hard landscape finishes, the specification of windows and glazing, and air-conditioning plant generally.
 - New construction along boundaries, including the design of railings and heights of walls.
- 1.3 The buildings subject to the Scheme of Management are quite varied in their age and character and the Charity's professional advisors will generally be pleased to assist in offering guidance on all aspects of the Scheme including the above.
- 1.4 These guidelines have been adopted by the Committee established under the Scheme of Management and the Consultative Committee is constituted by representatives of the Charity and the St John's Wood Society.

2.0 GENERAL PURPOSE

- 2.1 In establishing these Guidelines the Consultative Committee is mindful of the fact that a balance needs to be struck between, on the one hand, the wish of freehold owners to improve their properties and, on the other, limiting the extent of subterranean and above-ground development proposals to a reasonable degree to preserve the amenity of the Estate and to minimise the disruption to neighbours from the conduct of the works. There is accordingly a



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requirement for adequate information to be supplied to enable sound and informed judgments to be made by the Charity and its professional advisors in considering such applications.

- 2.2 The work of subterranean excavation and construction in particular must be carefully assessed by means of site investigation, monitored by a fully qualified engineer and measured with reference to such approved drawings in order to minimize the impact on the special features of the Conservation Area, in particular the substantial gardens on the Estate, and the immediate effects on neighbouring properties.

3.0 SUMMARY OF KEY REQUIREMENTS

- 3.1 These guidelines are to be read in conjunction with all other relevant documentation issued when consent is required under the Scheme of Management.
- 3.2 Detailed requirements covering basement (including lower ground floor) development are attached and to which applicants and their professional teams are referred.

4.0 NEIGHBOURS

- 4.1 Freehold owners are asked to confirm that they have made contact with their neighbours at the time of application, to consult with them on such measures which may mitigate the effects of the proposed development, particularly over the period of construction. Direct consultation with neighbouring owners is to be preferred; however, the Charity will accept correspondence between party wall surveyors in particular circumstances where neighbouring owners have been unable to engage in direct consultation.

5.0 PROFESSIONAL TEAM

- 5.1 The construction of basement development is of a much higher order of difficulty than above-ground alterations to residential properties and the applicant or agent is required to appoint a Chartered Structural Engineer with the relevant skills and a track record of successful basement projects in London. Most situations involving structural damage associated with residential subterranean construction will have arisen because of lack of a correct configuration or adequate temporary support to retaining structures and excavations during the construction process and there is therefore a further requirement for the appointment of a temporary works manager with responsibility for the design of the structural temporary works.

6.0 SEQUENCING OF PROJECTS

- 6.1 There are special considerations applicable to mews properties and to properties in cul-de-sacs or in similar circumstances and the Charity will have particular regard to all other work underway in the road and which may affect neighbouring owners and where there are competing uses for a restricted roadway.

7.0 LIMITATIONS ON DEVELOPMENT

- 7.1 In order to ensure the continued preservation of the Charity's St John's Wood Estate, one of the unique characteristics of which is the substantial size and maturity of many of the gardens of properties, particularly for example those in Hamilton Terrace, up to a maximum of 50% of the area of the front and rear gardens respectively, measured from the original historic building line of the main building, is to be allowed in principle to be developed with subterranean accommodation. This 50% limit is considered an appropriate balance between allowing



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development to enhance value whilst retaining enough deep garden in otherwise undisturbed ground to ensure garden areas and landscaping are capable of sustained growth in the medium to long term. For this reason, the extent of any impermeable finishes to areas of deep garden should be kept to a minimum.

- 7.2 Whilst there may be overlapping demands for the use of space in small front gardens, such as paving for vehicle parking, refuse and bicycle storage, and the requirements also for root protection for existing trees, freehold owners are asked to note that the 50% limit is also applied to front gardens.
- 7.3 The maximum number of additional floors to be provided as part of any proposal for subterranean habitable or living accommodation is to be limited to one, up to a depth of 4.5m below the existing garden level. Whilst a second floor for non-habitable floor space, such as plant rooms and a swimming pool, may be permitted up to a maximum depth of 7.5m, the allowance for such a second floor is not permitted beneath terraced properties.
- 7.4 Deeper basements of more than one storey may require full mechanical ventilation and the applicant must include a sustainability statement confirming the energy use is off-set by higher insulation and energy efficiency and which would not therefore contribute materially towards the effects of climate change.
- 7.5 Depth of top soil: A minimum soil depth of 1.2m is to be provided over any subterranean accommodation (whether or not the landscaping above the basement comprises planting or paved/hard landscaped areas). This is in order to provide an adequate soil volume for small-scale planting by present and future owners. This requirement does not detract from the 50% limit on the extent of development (see above) which is a separate requirement arising from the Charity's policy of maintaining a landscape which includes mature trees and for which a much greater soil volume is required. High quality landscaping with mature trees is a significant feature of much of the area within which the Scheme of Management applies.
- 7.6 The final ground level around retained trees should not be varied significantly from existing levels. Other than in exceptional circumstances, substantial changes to existing levels should be avoided because of the risk of damage to trees and disruption to drainage.

8.0 INFORMATION REQUIREMENTS

- 8.1 An application to the Charity will require supporting documentation and which is quite extensive (see Detailed Requirements attached). Where there are 'multiple' planning applications relating to the applicant's proposals, copies of all the relevant Planning Permission Notices are requested together with a commentary on how they relate to the application being made to the Charity. If the proposals are approved by the Charity, the approval will be by way of a licence issued by the Charity and it will be convenient for this to include all proposed alterations and additions covered by multiple planning applications. The licence should also include, for instance, extensions and terraces, boundary walls and lightwell railings, garden features, skylights, planter walls and hard landscaping (whether or not these are associated with the subterranean development), and details of "outside" mechanical plant.
- 8.2 The Charity will have particular regard to the following and its professional advisors should be consulted early on regarding:
 - Skylights in gardens (above basements)



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- Terraces particularly where raised above garden level
- Railings, railings gates and boundary walls
- Windows, where there is a requirement to balance energy efficiency with (where appropriate) traditional construction and appearance.
- Projections above roof line including satellite dishes and enclosures for any lift “overrun”.

8.3 At the time of application a structural methodology statement (SMS) from the applicant's structural engineer is required, addressing the potential impact of the basement development with respect to such matters as trees, drainage and flooding and also an assessment of ground movement expected or projected and how this will affect adjoining or adjacent properties. The effect of underpinning must be carefully considered, with particular reference to terraced or semi-detached houses and underpinning to in excess of one basement storey will generally not be permitted.



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Detailed Requirements

General

1. Neighbours

At the time application is made to the Charity for consent, the applicant or agents are required to make contact with any neighbours likely to be affected by the works. They should explain the proposals and identify what the implications might be and what mitigation measures might be appropriate and to take account of the concerns expressed where reasonably possible. The nature of the evidence of this consultation required is described below. Where neighbouring owners do not wish to engage directly with the applicant or agents, the Charity may accept substantive correspondence between surveyors appointed under the Party Wall etc. Act 1996 as sufficient evidence, but reference to Party Wall surveyors added).

2. Professional Team

The applicant or agent is required to appoint Chartered Structural (MIStructE) or Civil (MICE) engineers who have demonstrated the relevant skills with a track record of successful basement projects in London. The engineer is to be appointed by the applicant or agent in all cases of basement and subterranean excavation and construction. The engineer is to be retained throughout all of the pre- and post-contract phases of the project, with responsibility for a Structural Methodology Statement (see below).

The engineer should be retained in addition to review the contractor's Construction Management Statement covering the sequence of construction, Temporary Works proposals and other matters (see below) and in addition the applicant or agent shall ensure that there is appointed a Temporary Works Manager with responsibility for the design of the structural Temporary Works required in connection with the construction of the permanent works.

3. Sequencing of Projects

Depending on the number and programme of applications in any one locality, The Charity may require that certain projects are deferred in terms of sound Estate management practice so that local residents are not subjected to unnecessary disturbance or inconvenience. With respect to any application made affecting mews properties, cul-de-sacs or in similar circumstances, the Charity will have regard to all other work underway and which may affect neighbouring owners, and the use of the roadway.

4. Fees

A fee will be payable to The Charity (and its professional advisors) as part of its consent in relation to any application made in respect of basement and subterranean excavation and construction. A supplementary fee may also be required if there are substantive variations to the approved scheme or damage to persons or property or any other matter which causes The Charity or their advisors additional work. All fees payable are the responsibility of the applicant.



Development Criteria

5. Limitation on extent of development

Up to a maximum of 50% of the existing surface area of the front and rear gardens respectively, and measured from the principal front and rear main walls respectively of the original "historic" building, or of the "historic" front and rear building line as ascertained by the Charity's advisors, is to be allowed in principle to be developed with subterranean accommodation.

In relation to subterranean development of mews properties, the Charity will normally wish to appoint its own engineer to review the scope of the applicant's Structural Methodology Statement (SMS – see below).

6. Limitation on Depth of Developments and Sustainability Statement

The maximum number of additional floors to be provided as part of any proposal for subterranean habitable accommodation to be limited to one, up to a depth of 4.5m below ground level. Except with respect to terraced properties, where supported by a compliant Structural Methodology Statement (SMS) (see below) relating to measures proposed to safeguard the amenity of neighbouring properties, an additional floor may be permitted provided this contains non-habitable floor space such as plant rooms, swimming pool and associated or similar to a maximum depth of 7.5m. The SMS should include an assessment of the ground movements which may occur and assess the impact on adjacent buildings (see below). If the construction of more than one level is proposed, then the assessment of ground movements should be carried out by a Geotechnical Engineer with relevant experience of basement construction because of the significance of overall heave for basements of two-storeys and the need for ground heave to be carefully considered by the designers. (A comprehensive heave analysis will generally be required in such cases, showing the predicted contours of heave and lateral displacement radiating from the excavation. Deeper basements of more than one storey may require full mechanical ventilation and the applicant must include a Sustainability Statement confirming that the energy use is offset by higher insulation and energy efficiency and which would not therefore contribute materially towards the effects of climate change.

There are additional requirements relating to light pollution under Environmental Impact below.

7. Depth of top soil

A minimum soil depth of 1.2m (including drainage layer) is to be provided over any subterranean accommodation (including paved or hard landscaped areas).

Where trees will be planted in confined locations and the root growth will be impeded by new subterranean accommodation or here particularly large new trees are proposed, a minimum soil depth of 1.7m (including drainage layer) is to be provided over that accommodation (including paved or hard landscaped areas).

With respect to subterranean development of small front gardens, applications are to be accompanied by a planting scheme and site plan (see 12(iii) and (iv) below) indicating how overlapping demands for paved areas and vehicle parking, refuse and bicycle storage and root protection are proposed to be managed.



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All applications to which this requirement applies must be accompanied by a detailed drawing including a section (scale 1:10 – see below) sufficient to demonstrate indicatively the topsoil zone, drainage layer and permanent subterranean construction, the relationship between the components of the design including waterproofing and insulation requirements and their relationship to existing garden levels.

8. New Lightwells

Where new lightwells are being proposed applications are to show how they are to be designed to minimize their impact on the appearance of the building. Discreet locations adjacent to the rear of the building should be considered in preference to openings set away from buildings within the rear garden or to the front of buildings. Applications should show the size and depth of each lightwell and the size of the garden area where it is proposed.

New lightwells to the front of properties may be permitted if they follow an established pattern within the street, or where the front gardens are deep areas with a visual buffer between the front elevation and street. Any applications will be considered and assessed in relation to the characteristics of the street and their relationship with the existing building and garden area and applications should provide sufficient detail to allow this to be assessed.

Where open lightwells are proposed fall protection must be considered and applications should be designed so as not to be harmful to the appearance of the building and should not compete with other features and at the front of a building should follow an established pattern within the street scene.

Where new lightwells are proposed applications must show how it is proposed to minimize light pollution from open lightwells or skylights over lightwells within gardens.

Supporting documentation required

9. Planning

A copy of the relevant planning permission notice (and where relevant, Listed Building Consent notice) granted either by the City of Westminster or by an Inspector appointed by the Secretary of State following an appeal, either against refusal or on non-determination grounds is to be provided to the Charity with the application for a licence. Documentation is required to demonstrate that the relevant statutory consents have been secured. Where planning consent is pending, the application to the Charity should include a copy of the planning application.

In the case of multiple planning applications, copies of all other relevant planning permission notices shall be submitted together with a commentary on how they relate to the application to the Charity.

10. Drawings

Drawings are required so that the Charity and its advisors can fully understand what is proposed. A full pack of existing and proposed drawings of the proposals that are detailed enough so that the Charity and its advisors are able to understand the applicant's scheme is to be provided to the Charity with the application for a licence. In addition to the architectural general arrangement drawings, the plans must include:



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- (i) Dimensioned drawn engineering sections (preferably at scale 1:10) showing how the proposed basement structures including piling relates to foundations and footings of adjacent boundary structures sufficient to show (and annotated as necessary) areas of free drainage alongside the proposed basement structures and also areas to be made available for planting.
- (ii) Dimensioned drawn sections (preferably at scale 1:10) showing the topsoil zone and sufficient to indicate any paving, topsoil, free draining back-fill material other drainage provision and the relationship of the topsoil zone to the top of the proposed basement structures.
- (iii) Indicative planting scheme showing retained existing trees on the subject property and neighbouring properties where relevant (to scale 1:100 or 1:200).
- (iv) Site Plan (which may encompass the landscaping scheme previously referred to). Arboricultural Report with details of the proposed species of planting noted.
- (v) Site Plan (at ground level) (which may encompass the indicative planting scheme previously referred to) to scale 1:100 or 1:200 showing:
 - a. Outline of basement (to notional external face of main structure).
 - b. Tree planting (including those to be retained and removed), together with the outline of root protection zones and membranes (both to the subject property and relevant neighbouring properties).
 - c. Hard landscaping including paving (and whether laid over permeable or non-permeable substrate), steps, balustrading, railings, decking and planters.
 - d. Indication of topsoil depths above the proposed basement and indication of those areas on the site where drainage is unimpeded by basement development ("deep drainage areas") including any drainage curtain around the proposed basement development.
 - e. External mechanical plant (whether or not enclosed), and the location of ventilation terminals.
 - f. Ventilation inlet and outlet terminal grille positions.

Outline of basement (to notional external face of main structure).

11. Arboricultural Report

An arboricultural report is to be submitted with details of the proposed species of planting together with existing trees to be retained or removed. Details of protection measures during the construction phase should be indicated. The final ground level around retained trees should not be varied significantly from existing levels and the arboricultural report should include a statement confirming that the applicant's proposals in respect of available depth for planting is sufficient to support the planting proposals and the ability of trees to reach maturity or with respect to existing trees be unimpaired as the case may be. Applications for development should take into account, at the outset, the tree constraints upon development - all relevant trees within 15 metres of a proposal should be clearly identified on plan (Tree Constraints Survey) to



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inform the design. Risk of impact to such trees and other vegetation should be identified by a competent arborist in accompanying reports, which state clearly whether any damage/removal is likely (Arboricultural Impact Assessment) and what protective measures are to be taken (Arboricultural Method Statement) to ensure against damage during and after work. Protective measures should normally include the provision of site monitoring to ensure contractor compliance with those measures. BS 5837: 2012 shall be taken as the minimum required standard for protection of trees. The arboricultural report should include a statement confirming that the applicant's proposals, in respect of soil provision, are sufficient to support the planting proposals to maturity and / or to maintain existing trees in(to) maturity as the case may be.

12. Site Management

All applications for subterranean development should be accompanied by a Construction Management Statement (CMS) sufficient to establish how issues such as noise and vibration, the safe removal of excavated material from site, materials delivery and storage, vehicle movements and parking, site access, location of site welfare facilities and other aspects affecting the amenity of neighbouring owners will be addressed. The CMS shall address the Temporary Works and how these are to be sequenced. Where work relates to two separate buildings, e.g. the main property and a mews house to the rear, careful consideration must be given to ensuring that the management of traffic is sensitively handled, particularly where road space is limited.

13. Site Investigation

A site investigation report shall be submitted to provide information on the underlying sub-soils and ground water. The site investigation report must include bore holes on the site together with trial pits sufficient to show the existing foundations, both of retained structures on the subject site and of adjoining structures along boundaries (including party walls) and the material they are founded on; and must include all walls which may be impacted by the proposals. If ground water is identified in bore holes, the levels should be monitored for a period of time.

14. Contractors and Sub-contractors

All contractors and sub-contractors undertaking subterranean construction works must be sufficiently experienced and the Charity and its professional advisers may wish to see evidence of this including membership of trade bodies such as the British Structural Waterproofing Association.

The project or project contractors and sub-contractors (as the case may be) shall be members of the Considerate Constructors Scheme or an equivalent scheme. Membership of the scheme is considered necessary to demonstrate that contractors and sub-contractors and the applicant's professional team are reputable and are committed to following good practice.

15. Methodology

Full details of the basement excavation and construction are to be provided within a Structural Methodology Statement (SMS). This must include an indicative methodology which is site-specific sufficient to show the principal design concepts of both the temporary and permanent works. The SMS should be submitted in the form of a report and supporting indicative drawings. The SMS should address the following matters (13.2) as a minimum:

- (i) Ground conditions and ground water;



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- (ii) Trees;
- (iii) Drainage and flooding;
- (iv) Vertical and horizontal loading, predicted horizontal and vertical displacement and projected movement;
- (v) Structural temporary works.

A site-specific statement must be included with an assessment of ground movement expected or projected and how this will affect adjoining or adjacent properties with reference to both short-term and long-term effects due to work of demolition, basement excavation and new construction. Where there is a potential risk of damage to adjoining or adjacent properties, a comprehensive heave analysis may be required showing predicted contours of heave and lateral displacement radiating from the excavation. This should be accompanied by an interpretative report relating to projected movement affecting adjoining and adjacent structures including boundary walls. This should be quantitative in approach and projected damage categorized with reference to Table 2.5 of CIRIA Report C580 (Embedded Retaining Walls; Guidance for Economic Design). The effect of underpinning must be carefully considered with particular reference to terraced or semi-detached houses. Underpinning to in excess of one storey will generally not be permitted and deeper basements of two storeys would be considered only where they are formed using piled walls

16. Environmental Impact

Reports on measures to address noise particularly from all plant and machinery installations are to be included with the application for a licence and the positions of inlet and outlet ventilation grilles, the location of such plant including air-handling equipment shall be included with the licence application. This is in order that the Charity can consider the impact of the proposals with respect to noise.

Information with respect to external lighting and also the positions of skylights and other glazed structures above basements will be considered with reference to the impact on light pollution, and drainage with respect to skylights. A statement may be required confirming that lighting to external terrace areas, to garden courts and beneath skylights shall be designed, installed and maintained in order to minimize the extent of light spillage and in order to preserve the amenity of neighbouring properties.

General Conditions on Methodology

17. Health & Safety

All work must be carried out in accordance with all relevant and current Regulations requirements, bylaws, codes of practice of all local authorities and other statutory bodies with jurisdiction.

The health and safety requirements must be reflected in the CMS showing how the subterranean structures can be excavated and constructed with provision for the safe removal of excavated material, and which should describe the requirements or assumptions made by the designers including for the management of health and safety with respect to both structural Temporary Works and the construction of the permanent works.

18. Water in Sub-Soil



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The water in the sub-soil of the site is, as far as practicable, to be retained on the site and pumping of water is not permitted without express permission from the Charity or its agents except with respect to local pumping of excess water as may be necessary in excavations.

19. Double Underpinning

Basements formed by deep underpinning should be limited to one storey or approximately 3.0m (floor to ceiling).

The SMS must indicate the methodology with an assessment of the ground movement which may occur and sufficient to demonstrate the impact on adjacent buildings.

Where such deep underpins are to be carried out and in all cases where required in two lifts, the SMS must show an assessment of the risk and quantify the extent of structural damage expected or projected to occur with reference to the CIRIA report C580 (Embedded Retaining walls; Guidance for Economic Design, Table 2.5).

The durability of the underpinning detail must not be compromised in any way by the addition of construction joints.

20. Method of Demolition

The CMS shall contain a statement of the proposed method of any demolition. The method proposed shall have regard to the amenity of neighbouring properties and 'silent' demolition techniques, including the use of hydraulic shears and/or hydraulic bursting techniques where appropriate, or other methods which minimise the amount of ground or structure-induced vibration, shall be used where possible. Percussion hammers may only be used in exceptional circumstances identified in the CMS and where expressly approved by the Charity or its agents and following consultation with neighbouring owners regarding measures to mitigate inconvenience.

Compressors, generators and other items of mechanical plant shall be positioned where shown in the CMS and as far as practicable shall be located within existing retained structures or otherwise shall be acoustically enclosed.

The area of deep excavation shall be enclosing using a 2.0m high butt-jointed ply enclosure sufficient to contain noise and dust. The location of such enclosures shall be described in the CMS. Where plaster is to be removed from pre-20th Century brickwork, this is to be carried out by the use of hand-held hammer and bolster.

21. Careful Removal

The building owner during demolition or alterations to existing buildings, shall, by the proper use of screens, enclosed chutes, water and hose pipes, make every effort to eliminate nuisance, injury or damage to the public, the adjoining premises, their occupants or contents. The building owner shall ensure that all times any adjacent roadway is kept clear of mud, rubbish and other debris. Rubbish skips must be kept covered and lit and all debris must be removed in accordance with the Control of Pollution (Amendment) Act, 1989 and the Environmental Protection Act 1990. The burning on site of waste materials is not permitted.

22. Shoring and Supporting



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The method for supporting and restraining any structure or land adjoining or adjacent to the site shall be specified in the SMS. Such structures or land shall be supported or restrained with concrete, reinforced concrete and brickwork laid in cement mortar or such other materials to be specified in the SMS.

Where the proposals affect mews or terraced properties, the CMS must include evidence of opening-up and the proposals must be supported by an engineer's structural report.

Where underpinning is to be used for a basement, details of Temporary Works including lateral props must be shown in the SMS.

The cost of making good any damage caused to adjoining and neighbouring properties will be borne by the Building Owner for the purposes of the Party Wall etc Act 1996 or the Applicant, as the case may be.

23. Adjoining Buildings

Where basement excavations are carried out adjacent to a Charity freehold, it will be necessary for the applicant or agents to arrange for a Schedule of Condition, to be carried out of these premises prior to excavation. These schedules should encompass the entire building and not just the party wall.

The CMS shall specify a process for ongoing monitoring to an agreed methodology comprising periodic measurements of the main structure prior to, in the course of, and following the main phase of ground works. Such measurements shall be undertaken on a fortnightly basis, and continue for a period of six months following completion.

All results obtained from the monitoring process of the Charity's adjoining premises are to be made available to the Charity within seven days of the monitoring records being undertaken and shall be accompanied by an engineer's interpretive report. The extent and period of monitoring must be agreed with the Charity's advisors prior to commencement of the works. All costs associated with this requirement are to be the responsibility of the Applicant.

24. Underpinning and "Special" Foundations

Where the foundations of party walls, party fence walls, or independent walls adjoining the site may be undermined by adjacent excavations, they should be underpinned. The underpinning shall be executed to the satisfaction of the Charity and the requirements of the Local Authority's Building Control Officer or an approved inspector, as the case may be. 'Special foundations' as defined under Section 20 of the Party Wall etc. Act 1996 will not be permitted unless expressly approved by the Charity or its agents.

The SMS shall include an indicative annotated section as noted under Supporting Documentation Required sufficient to identify the Applicant's proposals with respect to waterproof tanking, damp-proof and cavity membranes at any abutment between the subterranean works and abutting or adjacent structures on neighbouring properties.