

Stephen Kavanagh Architects

An introduction for new clients



Introduction

This summary document has been put together to briefly explain the various stages of small building projects for the inexperienced client. We are aware that this process can seem overwhelming for many who have not done it before, and part of our role is to guide you through it, step by step. This guide is roughly broken down into 2 parts - the first part introduces the various RIBA stages and how a project is usually sequenced, while the second introduces some of the more common terms that you will encounter.

Stage 0 - Strategic Definition

Site Visit

A senior member of Stephen Kavanagh Architects will visit the property in question and meet the prospective clients to find out what the project involves. This will usually happen prior to formal appointment, and will act as the basis for the Architect's quotation.

Initial Brief

In preparing a quotation for services, the Architect will look to summarise the client's outline requirements, as this will also underpin the fee agreement. The brief will be quite open at this stage.

Budget

A key part of establishing the Architect's scope of services and the Initial Brief will be an understanding of the overall budget for the project.

Survey

A surveyor will be appointed to undertake a measured survey of the site and surrounding context, which will be necessary for all further drawing work to proceed. Depending on the nature of the project, soil investigation reports may also be necessary.

Stage 1 - Preparation and Brief

Feasibility

Once appointed, the architect will undertake a more detailed analysis of the site, its context and any apparent restrictions. Based on this research, a number of feasibility options will be produced, evaluating the pros and cons of each. The nature of the feasibility study will depend on the project in question - a commercial project may look at the best way of maximising floor space, while a low-energy house might focus on the best orientation to maximise solar gain and shading.

Developed Brief

The feasibility options will be presented to the client, and the preferred option can then be taken forward. The Initial Brief will be developed into a full project brief, which will underpin the project going forward.

Stage 2 - Concept Design

Concept Design

Concept design generally takes place after feasibility studies and options appraisals have been carried out and a project brief has been prepared. The concept design represents the design team's initial response to the project brief. The abstract feasibility study is developed into an early piece of architectural design and expression.

Cost Appraisal

Once a positive concept design has been achieved, it is usually advisable to undertake a cost review with a qualified QS. This will underpin the viability of the project before it has become too developed. If there is a need to make significant strategic changes, it is easier to do this early on.

Pre-Application

It is common practise to submit a concept design to the planning authority for Pre-Application advice. This will help gauge the Council's response and expectations, allowing time to change course before the full application is submitted. The Council will usually advise on the documentation that will also be required for a particular application.

Finalise Brief

Following the Cost Appraisal and Pre-Application meeting, the Architect and Client will review the project and agree on a course of action for the next Stage. The formal brief will be updated to reflect these changes.

Stage 3 - Developed Design

Developed Design

This phase of work mostly involves preparing the project for a planning application. Where no planning application is required, the project will be designed to a similar level of detail. This involves testing the concept design in more detail, speaking to specialists and authorities as necessary, to ensure that the contents of the planning application provide a viable project going forward.

Planning

Once the project is sufficiently prepared and the client is happy with the result, the plans are submitted to the Local Council for planning approval. There are many different types of application, dependant on the nature of the works, the location, the building use, etc., all of which will have an effect the documents required.

While each type of application has its own quirks, most schemes will need to apply for Full Planning permission. This type of application has a statutory deadline of 8 weeks from the moment the council "validates" the application, but may be extended by agreement if there are still some outstanding concerns. In the event of a Major Application, this period increases to 13 weeks. This timeline can be a source of frustration for many, but once the approvals come through it is a significant milestone for the project.

For projects availing of Permitted Development rules, it may be desirable to acquire a Certificate from the Council confirming a project's "Lawfulness". This process also takes 8 weeks.

Stage 4 - Technical Design

Technical Design

The technical design stage develops and coordinates the design in sufficient detail for packaged information to be issued to the contractor and their supply chain for tendering, and subsequently the construction of the project. It should also allow applications for statutory approvals to be completed. This stage will undoubtedly require the input of a number of technical consultant that will feed into the architect's overall design.

The more detailed the information at the end of this process, the more accurate the tender prices. Similarly, a detailed Stage 4 package should streamline the construction of the process.

Statutory Approvals

During this stage, it will be necessary to ensure that all remaining Statutory Applications are completed to allow the construction to proceed. The most common types of approvals required including Building Regulations, Party Wall Awards and Build Over Notices, but others can be required depending on the nature of the works.

Tendering

Once the detailed Stage 4 documentation has been prepared, it will usually be issued to a shortlist of tendering contractors. The tender period will depend on the size and complexity of the project, but a typical domestic tender might take 4 weeks. The tendering contractors will submit a programme and method statements in conjunction with a price breakdown. It is also common for the various contractors to visit the site in question and meet the clients, and this personal interaction can often play a big part.

In some cases, it is beneficial for clients to forego the tendering process and negotiate a price with a recommended contractor directly. This can save weeks on a tight programme.

Tender Review

It is not necessary, nor is it often advisable to choose the cheapest tender. The final choice of contractor should be a holistic decision, made in the interests of the project in the long term. The Architect will review the tenders and meet with the client to discuss. Once a contractor is chosen, this "preferred contractor" will work with the design team to prepare any relevant pre-construction documentation.

Value Engineering

It is very common for tenders to exceed the client's original budget. Sometimes, this is due to the client pushing the boundaries of what they can afford. Often it is due to changes in the market. In any event, the solution is straightforward. The Architect and Client will work together to determine the best use of the money available, achieving as much of the Client's original brief as possible.

This process is called "Value Engineering", and should always occur prior to Contract signing if needed. The amount of work involved in this process can vary quite a bit, depending on the price reduction required. For this reason, this service is not included within Architects' standard services.

Once completed, the client should be ready to move forward with an exciting and soon-to-be very real project.

Stage 5 - Construction

Contract

Once the price has been agreed, the tender documents will be updated and the contracts prepared. The glossary at the back of this document summarises some of the key terms of standard contracts.

Contract Administration

The project now moves to the construction stage, which can be both daunting and exhilarating for new clients. There are numerous ways that a project can be managed during the build, but most small projects follow a similar pattern.

The Contractor oversees the build, and is responsible for delivering the project in line with the Contract Documents. The Architect, acting in the role of Contract Administrator, will visit the site at regular intervals to inspect the works.

If something is incorrect, or defective, or simply needs to be amended, the Architect will issue an Architect's Instruction. The important point here is that, under traditional contracts, changes are allowable during the build, but can become costly if it results in abortive work.

Clients usually attend site meetings, particularly during private residential builds due to the personal nature of the project.

The contractor will be responsible for meeting the programme and completion date, but can be allowed an extension as a result of delays not of their own making.

Completion

The contract administrator certifies Practical Completion when all the works described in the contract have been carried out.

Once the Certificate of Practical Completion has been issued, the client takes possession of the site for occupation and half of the retained moneys are released to the Contractor.

The remaining retention is held for the duration of the Rectification Period, during which time the Contractor is responsible for making good any defects.

Stage 6 & 7 - Handover & In-Use

Stage 6

This stage has been summarised as, 'handover of building and conclusion of building contract' including updating 'as constructed' information, commissioning, training and would usually include tasks associated with the Rectification Period and issuing the final certificate.

Stage 7

Stage 7 is described by the RIBA as a new stage within the Plan of Work which includes post-occupancy evaluation and post-project review as well as '...new duties that can be undertaken during the In Use period of a building.' This Stage has particular relevance in the performance of larger or low-energy buildings.



Key Terminology

Key Terminology

Introduction

This short glossary explains some of the most common terms associated with a building project. If and when relevant, your Architect can explain these items and more in greater detail.

Design Team

This is a somewhat vague term referring to anyone who has a design input into the project. This may include the contractor, if they are responsible for some design, or it may even include the client if they are retaining some design duties. It is common for the Design Team to meet regularly pre-construction, to ensure their elements of design are being properly coordinated.

Lead Designer

The lead designer (sometimes referred to as the design co-ordinator), directs and co-ordinates other designers in the consultant team as well as any specialist designers that are appointed. It is typical for the Architect to perform this role.

Lead Consultant

The lead consultant is the consultant that directs the work of the consultant team and is the main point of contact for communication between the client and the consultant team, except for on significant design issues where the lead designer may become the main point of contact. It is very common for the Architect to perform this role.

Project Manager

A project manager is a specialist advisor that represents the client and is responsible for the day-to-day management of a project. They seldom participate directly in activities that produce the end result but rather strive to maintain the progress and mutual interaction of the project team in such a way that reduces the risk of failure, maximises benefits and controls cost.

Building Control

Building Regulations approvals can be sought either from the building control department of the local authority or from an Approved Inspector. We often recommend using the Approved Inspector route, as it allows for a dialogue and time to introduce necessary changes as part of a streamlined process. Building Control is a separate process to Planning, ensuring quality of construction rather than the permission to build.

Party Wall

The Party Wall etc. Act 1996 is an enabling Act, in so far as it grants the owner of a property the legal right to undertake certain works that might otherwise constitute trespass or nuisance. However, it also seeks to protect the interests of adjoining owners from any potentially adverse effects that such works might have by imposing a requirement that all adjoining owners be given prior notice of them.

Listed Building

Listed buildings are added to a register called the List of Buildings of Special Architectural or Historic Interest. There are special controls for the demolition, alteration or extension of buildings, objects or structures of particular architectural or historic interest. Listed building controls apply in addition to normal planning controls.

There are different grades of Listing -
Grade I: Buildings of exceptional importance.
Grade II*: Buildings of more than special interest.
Grade II: Buildings of special interest.

Conservation Area

Conservation Areas are areas that have been designated as being of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Planning (Listed Building and Conservation Areas) Act 1990 creates special controls for areas designated as conservation areas. Conservation area controls apply in addition to normal planning controls.

Permitted Development

In England and Wales, the Town and Country Planning (General Permitted Development) Order 1995 enables central government to permit certain types of developments known as permitted developments. These are generally minor changes to existing properties, and many residential extensions will qualify as permitted development.

Permitted developments do not require approval from the local planning authority as permission is granted by the Order, but it is common for clients to apply for a Certificate of Lawful Development to confirm compliance with the rules. The Local Council may issue an Article 4 Direction withdrawing certain PD rights for particular areas.

Prior Approval

In certain cases, even though a development is permitted, prior approval of some issues is required from the local authority. For example, there is presently a time-limited permission for larger extensions to terraced houses that expires in May 2019, but this is subject to a Neighbour Consultation Scheme. In spite of these added requirements, this process is usually far more permissive than Full Planning applications.

Planning Conditions

Permissions may be the subject of planning conditions, where, rather than refusing a planning application, a local planning authority will grant permission but might, for example, restrict the use of the site or, require additional approvals for specific aspects of the development.

Planning Appeal

If planning permission is refused, the applicant may lodge an appeal which will then usually be decided by an inspector acting for the Secretary of State. Time limits for appeals vary depending on the nature of the application. The inspector will tell the parties what the timetable is for this information to be provided. The inspector will usually visit the site, and may hold a hearing or inquiry.

Planning Consultant

It is common for clients to appoint a planning consultant on large, high risk or controversial projects to help navigate the system and reduce the risk of failing to obtain planning permission. Planning consultants are often appointed because they have an existing knowledge of the local area, local planning policy, local community groups and other stakeholder groups and they have an existing relationship with the local planning authority.

Planning Committee

Planning committees are established by local planning authorities to determine applications for planning permission. However, the majority of applications are assessed against council planning policies and decided by the head of planning services, under delegated powers, with approximately 10% of applications decided by committees.

Freeholder's Consent

Depending on the conditions of the lease and the nature of the alterations it is likely that a licence to alter will be required from the landlord giving the leaseholder permission to carry out the alterations. The Landlord and Tenant Acts require that permission is not unreasonably withheld, and in some situations, alterations which are necessary to comply with statutory requirements, cannot be withheld. As it is often difficult to predict how much work this process might entail, it is usually not included within an Architect's standard services.

CDM

The Construction (Design and Management) Regulations (CDM Regulations) are intended to ensure that health and safety issues are properly considered during a project's development so that the risk of harm to those who have to build, use and maintain structures is reduced. Historically, the majority of CDM requirements applied to non-domestic work, but in 2015 the Regulations were updated to include domestic projects. All participants in the build process have duties under CDM, including clients, so it is important that you discuss these responsibilities with your Project Architect.

Quantity Surveyor

Quantity surveyors provide expert advice on construction costs. They help to ensure that proposed projects are affordable and offer good value for money, helping the client and the design team assess and compare different options, and then track variations, ensuring that costs remain under control as the project progresses.

Bill of Quantities

The bill of quantities (sometimes referred to as 'BoQ') is a document prepared by the cost consultant (often a quantity surveyor) that provides project specific measured quantities of the items of work identified by the drawings and specifications in the tender documentation. The quantities may be measured in number, length, area, volume, weight or time. Preparing a bill of quantities requires that the design is complete and a specification has been prepared.

The bill of quantities is issued to tenderers for them to prepare a price for carrying out the works. The bill of quantities assists tenderers in the calculation of construction costs for their tender, and, as it means all tendering contractors will be pricing the same quantities. As such, a BoQ will be required on most projects, but it may be possible to tender smaller projects on the basis of a simplified schedule.

Client Supply

It is quite common for a client to propose supplying some of the materials for the build themselves, rather than through the contractor. While there are sometimes legitimate reasons for doing this, it brings with it a number of risks and contractual complications, and we would generally recommend avoiding Client Supply unless necessary. It makes the client directly responsible for part of the construction contract and, typically, it ends up costing the client more through time and fees.

Nominated Subcontractors

The historical use of client Nominated Subcontractors is less common these days, because of the contractual implications of a Main Contractor being responsible for the performance of a subcontractor they have not chosen.

It is possible for the client or Architect to "Name" or "List" subcontractors under certain rules, as long as the Contractor is aware of the relevant subcontractor before signing the contract.

Procurement

There are many different routes by which the design and construction of a building can be procured. The selected procurement route should follow a strategy which fits the long-term objectives of the client's business plan. The main considerations are usually time, cost and quality. For private residential projects, the majority would be carried out under a traditional route, as summarised by the Stages in the first part of this document.

JCT Contract

The JCT (Joint Contracts Tribunal) is the most common form of contract used for private contracts in the UK. Within their suite of traditional building contracts, there are various forms tailored to projects of varying scale - Minor Works, Intermediate and Standard Building Contract.

Variations and Instructions

A variation is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of works. These variations are formalised in the contract through Architect's Instructions. This mechanism allows for the Employer (Client) to request changes to the contract during the build, though these may be costly if they result in abortive work.

CDP

The Contractor's Designed Portion is an agreement for the contractor to design specific parts of the works. The contractor may in turn sub-contract this design work to specialist sub-contractors. CDPs are commonly used on residential projects where the contractor is asked to take design responsibility for specialist items beyond the expertise of the design team, such as Mechanical and Electrical Services.

Certification

Interim Certificates are issued by the Contract Administrator at regular intervals during the build, certifying the value of the work completed to date. This ensures that the Contractor receives a regular cash flow, while the Employer doesn't overpay for completed work.

Retention

As part of the certification process, a certain percentage (typically 5%) is retained by the Employer until the end of the build. This is to cover any defects that arise before and after completion.

Completion & Defects

At Practical Completion, when the Employer takes possession of the site, half of the retention is released to the Contractor. A Rectification Period follows Practical Completion, during which the contractor is responsible for making good any defects. A Final Certificate is then issued, whereby the final retention amount is released to the Contractor.

Specification

The specification is a written document that accompanies the Architect's Drawings, describing in detail the products and processes to be used, as well as the expected quality standards.

Adjudication

Should a dispute arise between the Contractor and Employer that cannot be resolved through mediation, this will be referred to adjudication. This statutory process is designed to ensure a quick decision on technical matters, which can be crucial if the project is still on site. The decision of the adjudicator, usually nominated by RIBA, will be binding.

Insurances

The contractor will often insure the works themselves, but it is typical for the Employer to insure any existing structures to be retained.

Rights to Light

Rights to light is a statutory concern, not a planning issue, and generally become an issue when a proposed development affects the access to light of an adjoining property. These rights are often acquired when a window has been present for 20 years or more.

The most likely remedy to a loss of a right to light is an injunction. Courts do not like to award damages in such cases, as this could be seen as a developer being able to 'buy' the rights of another, but it is often possible to negotiate compensation with the affected party.

Surveyors are usually appointed to assess the Rights to Light impacts of a proposed scheme.

Daylight/ Sunlight

Daylight and Sunlight concerns are more typically associated with planning applications. If necessary, a surveyor will be commissioned to assess the impact of the proposed project on the average daylight and sunlight entering surrounding buildings, make recommendations to the design team and ultimately argue the benefits of the proposed scheme to the Council as part of the planning application.

Build Over Application

If the proposed works require building over a public sewer, it will be necessary to submit an application to the relevant local water authority, accompanied by simple engineering details.

Further Reading

For those who are interested in reading about the process in more detail, there is a useful website at www.designingbuildings.co.uk. It is a comprehensive wiki site describing all of the fundamentals of the design and construction process.

Another useful source is the RIBA publication "A Client's Guide to Engaging an Architect".

If there are any particular aspects of the process you would like to discuss, we are happy for you to get in touch and tell us what's on your mind.

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