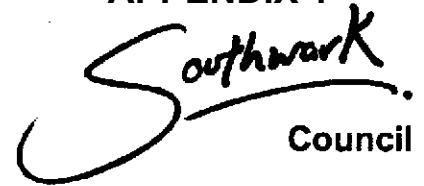


TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPENDIX 1



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PLANNING PERMISSION WITH LEGAL AGREEMENT

Applicant Mr Robert Pratt
Hyde Housing Association

LBS Registered Number 09-AP-1098

Date of issue of this decision 17/09/2009

Planning Permission was GRANTED for the following development:

Demolition of existing buildings and erection of a mixed use development comprising two 5-storey buildings to provide for 856 sqm of commercial floorspace (use classes A1-A5) at ground floor level, and 48 residential units (12 x 1 bed, 9 x 2 bed 3 person, 19 x 2 bed 4 person and 8 x 3 bed) above, cycle and car parking, amenity space and ancillary plant and equipment.

At: BERMONDSEY SPA SITE G, 82 - 118 SPA ROAD, LONDON, SE16 3QT

In accordance with application received on 02/06/2009 Your Ref. No.:

and Applicant's Drawing Nos. Connick Tree Consultants, Code for Sustainable Homes - Preliminary Assessment, Flood Risk Assessment, Planning Document, Transport Statement, Daylight and Sunlight Impact Assessment, Planning, Design and Assessment

Plans:- 0001, 0002, 0003, 0004, 0005, 0010, 0011, 0012, 0013, 0014, 0015, 0020, 0021, 0022, 0023, 0024, 0025, 0026, 0027, 0028, 0011 (wheelchair units)

Subject to the following twenty-four conditions:

- 1** The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2** Samples of the facing materials of the main building including brickwork, window frames, cladding, balcony materials, all ground level finishing material including those for shopfront and any other material to be used in the development shall be submitted to and approved by the Southwark Council as local planning authority before any work is commenced on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason

To ensure that the appearance of the development is satisfactory and that it contributes to the appearance the setting and its local environment and of the remaining Listed buildings. This is in accordance with policies 3.12 and 3.13 of the Southwark Plan [2007].

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

- 3 Samples and/or drawings at a scale of 1:1 of all vents, outlets, expansion joints which result in a break in the surface of the brickwork shall be submitted to and approved by the Southwark Council as local planning authority before any work is commenced on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason

To ensure that the appearance of the development is satisfactory and that it contributes to the appearance the setting and its local environment and of the remaining Listed buildings. This is in accordance with policies 3.12 and 3.13 of the Southwark Plan [2007].

- 4 Annotated drawings of the Spa Road, Dunlop Place, and Vauban Street elevations, to include details at a scale of at least 1:20 with details showing shopfront designs shall be submitted to and approved by Southwark Council as local planning authority before any work is commenced on site and the development shall not be carried out otherwise than in accordance with the details thus approved.

Reason

To ensure that the appearance of the development is satisfactory and that it contributes to the appearance the setting and its local environment and of the remaining Listed buildings. This is in accordance with policies 3.12 and 3.13 of the Southwark Plan [2007].

- 5 The shopfronts to each phase, including glazing, shall be constructed and completed prior to any occupation of the relevant phase.

Reason

To ensure the shopfronts to not remain boarded up and inactive in accordance with policy 3.12 Quality in Design of the Southwark Plan [2007].

- 6 Detailed drawings of a landscaping scheme (2 copies), including provision for the planting of suitable trees and shrubs, showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways) shall be submitted to and approved by the Council before the development hereby permitted is begun and the landscaping scheme approved shall thereafter be carried out in the first appropriate planting season following completion of the building works.

Reason

To ensure that the appearance of the development is satisfactory and that it contributes to the appearance the setting and its local environment in accordance with policy 3.12 and 3.13 of the Southwark Plan [2007].

- 7 Any tree or shrub required to be retained or to be planted as part of a landscaping scheme approved, either as part of this decision or arising from a condition imposed as part of this decision, that is found to be dead, dying, severely damaged or seriously diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of similar or appropriate size and species in the first suitable planting season.

Reason

To ensure the approved landscaping scheme is maintained for an adequate period of time following construction in accordance with policy 3.12 Quality in Design of the Southwark Plan [2007].

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

- 8 Details of the means by which the 4 existing Plane trees in Spa Road on the site are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted (2 copies) to and approved by the Local Planning Authority before any work is begun, and such protection shall be installed and retained throughout the period of the works.

Reason

To ensure the protection of the existing mature trees in accordance with policy 3.11 Urban Design and 3.12 Quality in Design of the Southwark Plan [2007].

- 9 The window glass of the shopfront/s to Spa Road along with the side returns shall not be painted or otherwise obscured and shall contain display which shall be permanently retained and maintained to the satisfaction of the local planning authority.

Reason

To safeguard the appearance and character of the development and to maintain vitality at ground floor level within the public square in accordance with policy 3.12 Quality in Design of the Southwark Plan 2007.

- 10 Details of the facilities to be provided for the secure storage of cycles for residents shall be submitted to and approved by the local planning authority prior to implementation and each residential core shall not be occupied until any such facilities as approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy 5.3 of The Southwark Plan.

- 11 Prior to occupation of each commercial unit, details of the facilities to be provided for the secure storage of cycles for employees shall be submitted to and approved by the local planning authority and each commercial unit shall not be occupied until any such facilities as approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy 5.3 of The Southwark Plan.

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TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

- 12 Before the use hereby permitted commences a Travel Plan shall be submitted in writing to the Local Planning Authority setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors, and shall include at the start of the second year of operation a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site.

Reason:

In order that the use of non-car based travel is encouraged in accordance with Strategic Policy SP18 'Sustainable Transport' and Policies 5.2 'Transport Impacts' and 5.3 'Walking and Cycling' of the The Southwark Plan [Revised Draft February 2005].

- 13 A Service Management Plan providing details to include service arrangements for residential, commercial, refuse (including tracking diagrams), shall be submitted to and approved by the Local Planning Authority prior to occupation of the development.

Reason

To ensure appropriate servicing to the development is carried out in accordance with policy 5.2 of the Southwark Plan 2007.

- 14 Before any work in connection with this development is carried out above grade, a Waste Management Strategy (to include full details of the development's refuse storage arrangements) shall be submitted to the Local Planning Authority for approval setting out the proposed management measures to be taken to facilitate the satisfactory servicing of the building including measures to control vehicular and pedestrian movement. The plan should include details of waste transfer from residential units to compactors (with internal refuse and recycling handling covered as part of the residential service charge), and the procedure for collecting separated recycling materials and commingled (possibly bagged) recycling. The development shall not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site and that the servicing of the building will be carried out in a satisfactory manner in the interests of amenity and highway safety in accordance with policies 3.2, 3.7 and 3.13 of the Southwark Plan 2007.

- 15 Prior to the first occupation of each phase, a certificated Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be provided, confirming that the development has achieved a minimum Code for Sustainable Homes Code Level 3 rating.

Reason

To ensure the proposal complies with Policy 3.4 of the Southwark Plan 2007.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

- 16** Prior to the first occupation of the commercial elements of each phase, a certificated BREEAM final certification (or other verification process agreed with the Local Planning Authority) shall be provided, confirming that the development has achieved a minimum 'Very Good' rating.

Reason

To ensure the proposal complies with Policy 3.4 of the Southwark Plan 2007.

- 17** The development shall not commence until details of an Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Environmental Management Plan shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site during demolition and construction and will include the following information for agreement

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 18** Full particulars and details (2 copies) showing a scheme for the ventilation (internal to the building), to an appropriate outlet level, for the ground floor units capable of being used for Class A3 restaurants, snack bars and café purposes, including details of sound attenuation for any necessary plant and the standard of dilution expected, shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant ground floor unit prior to its occupation in A3/A4/A5 use and the development shall not be carried out otherwise than in accordance with any approval given.

Reason:

In order that the Council may be satisfied that the ventilation ducting and ancillary equipment will not result in an odour, fumes or noise nuisance and will not detract from the appearance of the building, and to ensure that the necessary ventilation system is incorporated as an integral part of the development, in the interests of amenity in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Planning Policy.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

- 19 No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof or be permitted to project above the roofline of any part of the building[s] as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure[s] of any building[s] hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no additional plant etc. is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with Policy 3.12 Quality in Design of the Southwark Plan [2007].

- 20 The five wheelchair units hereby approved and shown on plan 0011 shall be constructed and fitted out to the standards set out in the South East London Wheelchair Design Guide.

Reason

To ensure the wheelchair units approved are delivered to the relevant standard in accordance with Policy 4.4 of the Southwark Plan [2007].

- 21 No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

Reason:

To ensure that the archaeological operations (programme of archaeological evaluation and subsequent mitigation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived.

- 22 Within six months of the completion of archaeological site works the applicants will supply an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive and this document has been submitted to the planning authority and approved in writing.

Reason:

To ensure that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived and the project is published in a suitable way. This will be demonstrated by the production of a document following the guidance of Management of Archaeological Projects II (MAP II assessment report).

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

23 The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures detailed within the FRA:

1. As per paragraph 4.6, an appropriate surface water management plan must be adopted, including the use of Sustainable Drainage Systems (SuDS) wherever practicable. The surface water regulation system should be designed to limit the run-off from the site to that which currently exists, reducing the rate to greenfield (8l/s/ha) where possible. The surface water design should accommodate any storm event up to the critical duration 1 in 100 year storm (plus 30% for climate change) event for the site without the flow balancing system being bypassed.
2. As detailed in paragraph 4.7, the proposed ground floor levels will not be lower than the existing levels (approximately 2.85mAOD) with commercial use only at this level. Residential uses will be located at first floor (approximately 6.55mAOD, i.e. above the 1 in 200 year flood level including climate change) and above.
3. Safe access, in the form of an internal staircase from the ground floor to the higher levels, will be provided, as described in paragraph 4.7.
4. Flood resilient measures will be used as described in paragraph 4.8.

Reasons:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk and impact of flooding on the proposed development and its future occupants.
3. To mitigate residual flood risk and ensure safety of the future occupants of the proposed development.
4. To reduce the impact of flooding on the proposed development.

24 Prior to the commencement of the development, the developer shall enter into an agreement, under section 278 of the Highways Act, with the Highway Authority to carry out highway works on Vauban Street and Dunlop Place and the development shall not be carried out otherwise than in accordance with this S278 agreement.

Reason: To ensure that the proposal will not compromise highway safety in accordance with policy 5.2 Transport Impacts of the Southwark Plan 2007 and to ensure that the works are carried out with the agreement of and to the relevant standards of the Highway Authority.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Policies 3.2 Protection of Amenity, 3.11 Efficient Use of Land, 3.12 Quality in Design, 3.13 Urban Design, 4.2 Quality of Residential Development, and 7.5 Bermondsey Spa Action Area of the Southwark Plan [July 2007].

Particular regard was had to the increased massing of the site as well as the mix of uses that would result from the proposed development but it was considered that this would be outweighed by the provision of affordable and private sale housing as well as the planning obligations that would follow from the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Reg. No. 09-AP-1098

Date of Issue of this decision 17/09/2009

Signed

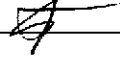
A handwritten signature in black ink, appearing to be "GR", written over a horizontal line.

Gary Rice
Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Regeneration and neighbourhoods, Planning & transport, Development management, PO Box 64529, London SE1P 5LX, or by email to planning.enquiries@southwark.gov.uk

UPRN: 200003405161

checked by  _____

TP/361-118

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Registered Number: 09-AP-1098

Date of issue of this decision: 17/09/2009



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INFORMATIVE NOTES TO APPLICANT RELATING TO THE PROPOSED DEVELOPMENT

- 1 Prior to the commencement of works you are advised that you must arrange a survey of the condition of the adjacent public highway. Please contact the Director of Regeneration Department, PO Box 64529, London SE1P 5LX (tel: 020 7525 5000).
- 8 At least 6 months before the occupation of the new buildings or units of accommodation hereby permitted you are advised that you must obtain the Council's approval for the numbering and naming of buildings and the naming of any new streets created by the development. Application forms can be obtained from the Street Naming and Numbering service at the Council's Regeneration Department, PO Box 64529, London SE1P 5LX (Tel: 020 -7525-5403).
- 2 You are advised that prior to the commencement of works you must obtain the approval of the Council for any changes, alterations or other works to the highway or footway. Please contact the Director of Regeneration Department, PO Box 64529, London SE1P 5LX. (tel: 020 7525 5000).
- 3 You are advised that a licence must be obtained from the Council prior to any hoarding or works adjacent to the public highway or footway. Please consult the Director of Regeneration Department, PO Box 64529, London SE1P 5LX. (tel: 020 7525 5000).
- 6 You are reminded that approval of the details of any matter reserved by condition can only be given by the Head of Regeneration Department is not formally given by any other Department of the Council regardless of whether you are advised to discuss your proposal with that Department.
- 4 The details and/or samples required by the Condition(s) above must be accompanied by a letter stating:
 1. the LBS Reference Number which appears at the top of this decision notice;
 2. the full address of the application site;
 3. which condition(s) you seek to discharge; and
 4. a list of all drawing numbers/ sample name and manufacturer, together with the condition(s) they relate to.
 5. Each condition being discharged should be accompanied by a separate covering letter.Please note that the approval of details are subject to the same eight week timeframe as a full planning permission.
- 9 The developer should consult the Environment & Leisure Department to agree how the Council's Code of Construction Practice will be applied to the proposed development. Please contact the Pollution section, Chaplin Centre, Thurlow Street, SE17 (tel: 020 7525 5000).
- 5 All samples submitted must be clearly labelled with the LBS Reference Number of the original application and the address of the application site.
- 3 The details required by condition 6 for the hard paved footways should match that of the approved adjoining Site O development to ensure consistency within the streetscape.
- 7 The Council's Archaeologist can, on request, provide an archaeological brief detailing the methodology of the archaeological programme and can also provide information on concerning archaeological organisations who work frequently within the Borough and who may be able to carry out the works.

The details required by condition 6 for the hard paved footways should match that of the approved adjoining Site O development to ensure consistency within the streetscape.

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Registered Number: 09-AP-1098

Date of issue of this decision: 17/09/2009



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IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION

- [1] **APPEAL TO THE SECRETARY OF STATE.** If you are aggrieved by this decision of the council as the local planning authority to grant permission subject to conditions you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you appeal you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pes. You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at www.planning-inspectorate.gov.uk. The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application form and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.
- [3] **PROVISIONS FOR THE BENEFIT OF THE DISABLED.** Applicants are reminded that account needs to be taken of the statutory requirements of the Disability Discrimination Act 1995 to provide access and facilities for disabled people where planning permission is granted for any development which provides:
- (i) Buildings or premises to which the public are to be admitted whether on payment or otherwise. [Part III of the Act].
 - (ii) Premises in which people are employed to work as covered by the Health and Safety etc At Work Act 1974 and the Management of Health and Safety at Work Regulations as amended 1999. [Part II of the Act].
 - (iii) Premises to be used as a university, university college or college, school or hall of a university, or intended as an institution under the terms of the Further and Higher Education Act 1992. [Part IV of the Act].
- Attention is also drawn to British Standard 8300:2001 Disability Access, Access for disabled people to schools buildings – a management and design guide. Building Bulletin 91 (DfEE 99) and Approved Document M (Access to and use of buildings) of the Building Regulations 2000 or any such prescribed replacement.
- [4] **OTHER APPROVALS REQUIRED PRIOR TO THE IMPLEMENTATION OF PLANNING PERMISSION.** The granting of planning permission does not relieve the developer of the necessity for complying with any Local Acts, regulations, building by-laws and general statutory provisions in force in the area, or allow them to modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities [including the London Borough of Southwark] entitled to the benefits thereof or holding an interest in the property concerned in the development permitted or in any adjoining property.
- [5] **WORKS AFFECTING THE PUBLIC HIGHWAY.** You are advised to consult the council's Highway Maintenance section [tel. 020-7525-2000] about any proposed works to, above or under any road, footway or forecourt.
- [6] **THE DULWICH ESTATE SCHEME OF MANAGEMENT.** Development of sites within the area covered by the Scheme of Management may also require the permission of the Dulwich Estate. If your property is in the Dulwich area with a post code of SE19, 21, 22, 24 or 26 you are advised to consult the Estates Governors', The Old College, Gallery Road SE21 7AE [tel: 020-8299-1000].
- [7] **BUILDING REGULATIONS.** You are advised to consult Southwark Building Control at the earliest possible moment to ascertain whether your proposal will require consent under the Building Act 1984 [as amended], Building Regulations 2000 [as amended], the London Building Acts or other statutes. A Building Control officer will advise as to the submission of any necessary applications, [tel. call centre number 0845 600 1285].
- [8] **THE PARTY WALL Etc. ACT 1996.** You are advised that you must notify all affected neighbours of work to an existing wall or floor/ceiling shared with another property, a new building on a boundary with neighbouring property or excavation near a