

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



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PLANNING PERMISSION WITH LEGAL AGREEMENT

Applicant Board of Trustees of the Tate Gallery
Date of issue of this decision 14/05/2009

LBS Registered Number 09-AP-0039**Planning Permission was GRANTED for the following development:**

Erection of an 11 level (70.4m AOD) 24,786 sqm (gross external area) extension to Tate Modern to comprise Class D1 (non residential institution) use including display and exhibition spaces, performance spaces, education and learning facilities together with ancillary offices, catering, retail and other facilities, landscaping, external lighting, servicing, vehicle and cycle parking and associated works including works to the public highway and necessary demolition of outbuildings, annexes and structures.

At: TATE MODERN, BANKSIDE, LONDON, SE1 9TG

In accordance with application received on 09/01/2009 **Your Ref. No.:**
and revisions/amendments received on 18/02/2009

and Applicant's Drawing Nos. Site plan, HDM-DR-A-263-3-0100, 0210, 0220, 0230, 0240, 0250, 0260, 0300, 0450, 1010/B, 1011, 1020/B, 1021, 1030/B, 1031, 1040/B, 1050/B, 1060/B, 1070/B, 1080/B, 1090/B, 1100/B, 1110/B, 1111, 1120/B, 2010/B, 2020/B, 2030/B, 2040/B, 2060/B, 2070/B, 3010, 3020/B, 3030/B, 3040/B, 3050, 3060, 3501, 4005, 4010, 4030, 4150, 4160, 4300, 4301, 4610, 5551,

0-VLA-DR-L-1290-4-GA-01 (Rev.B), GA-02 (B), GA-03 (B), GA-04 (B), GA-06 (B); PL-01 (B);

0-VLA-DR-L-1290-4-DT-01(Rev.B) DT-02, DT-03, DT-04, DT-05, DT-06, DT-07, DT-08, DT-09, DT-10, DT-11, DT-12, DT-13 (Illustrative plans: VLA-DR-L-1290-4-GA-OS, VLA-DR-L-1290-4-DT-18; HDM-DR-A-263-3-3011B, 3021B, 3031B, 3041B)

Transport Assessment, Outline Operational Waste Management Strategy, Supporting Statement, Environmental Statement - Non Technical Summary, Sustainability Assessment, Environmental Management Plan, Design & Access Statement, Energy Assessment, Environmental Statement - Volumes 1, 2, 3a, and 3b.

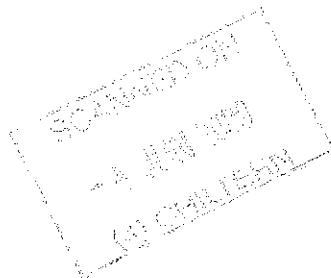
Subject to the following twenty-four conditions:

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

Reason

As allowed and required under Section 91 of the Town and Country Planning Act 1990, the standard 3 year period being inappropriate in this case because of the possible delays in commencing development involved in such a large and complex publicly funded development

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- 2 Sample panels of all external facing materials, and surface finishes at ground floor level, to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work on the façade commencing and the facade shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the external materials in the interest of the appearance of the building in accordance with Policies 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan (2007).

- 3 Constructional drawings of the tower building at a scale of 1:20 (unless otherwise stated) of the items listed below shall be submitted to and approved in writing by the Council before any work on the façade is begun and the works shall be carried out in accordance with the approved details:
- All new entrances and service doors, fascia signs;
 - 1:10 drawings of windows and recess details demonstrating the relationship of the window units with the brickwork;
 - 1:10 drawings of the level 11 terrace including skylights, glass balustrades, security cameras, and the underside of the soffit demonstrating its relationship to the façade;
 - 1:50 elevational drawing of main entrances at ground floor (up to second floor level of the tower); and
 - detailed drawings of louvers and the mechanical and electrical equipment demonstrating their relationship with the façade.
 - 1:10 drawings of the junction between the south face of the existing Turbine Hall and the west elevation of the proposed new extension.

Reason: To ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the area, in accordance with Policies 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan.

- 4 Except for the area of landscaping in the north west part of the site, details of the landscaping for the main site at a scale of 1:20 and 1:5 (as appropriate), fully annotated to demonstrate paving and all other types of surface materials (including the raised terrace above the former oil storage tanks), planting, external lighting design including floodlighting, seating, bollards, and security cameras shall be submitted (in phases if appropriate) to and approved in writing by the Local Planning Authority before work on the landscaping scheme for the main site commences and the landscaping scheme for the main site shall not be carried out otherwise than in accordance with the approved plans.

Reason

To ensure that the appearance of the landscaping scheme for the main site is satisfactory and that it contributes to the character and appearance of the area in accordance with Policies 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan (2007).

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- 5 Details of the landscaping scheme for the north west part of the site, at a scale of 1:20 and 1:5 (as appropriate), fully annotated to demonstrate paving and all other types of surface materials, planting, external lighting design including floodlighting, seating, bollards, and security cameras shall be submitted (in phases if appropriate) to and approved in writing by the Local Planning Authority and the landscaping scheme for the north west part of the site shall not be carried out otherwise than in accordance with the approved plans.

Reason

To ensure that the appearance of the landscaping scheme for the north west part of the site is satisfactory and that it contributes to the character and appearance of the area in accordance with Policies 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan (2007).

- 6 The landscaping and planting shown on the drawings approved pursuant to condition 4 shall be carried out in the first appropriate planting season following the completion of the building works.

Reason

To ensure that the landscaping is provided for the benefit of the area at the earliest opportunity, in accordance with Policies 3.2 'Protection of Amenity', 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan.

- 7 The landscaping and planting shown on the drawings approved pursuant to condition 5 shall be carried out in the first appropriate planting season following the transfer of the land to Tate by GC Bankside LLP.

Reason

To ensure that the landscaping is provided for the benefit of the area at the earliest opportunity, in accordance with Policies 3.2 'Protection of Amenity', 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan.

- 8 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 that the landscaping provided is retained for the benefit of the area, in accordance with Policies 3.2 'Protection of Amenity', 3.12 'Design Quality' and 3.13 'Urban Design' of the Southwark Plan.

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- 9 Details of the means by which the existing trees on or immediately adjoining 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 are to be carried out in accordance with the provisions identified in the Environmental Management Plan submitted by the applicant, and such protection shall be installed and retained throughout the period of the works.

Reason

To ensure that any trees to be retained are protected from damage during demolition and/or construction works, in accordance with Policies 3.2 'Protection of Amenity' and 3.13 'Urban Design' of The Southwark Plan.

- 10 Prior to the commencement of development works an archaeological evaluation shall be undertaken, according to the details submitted with this planning application. A report detailing the results of the evaluation will be submitted to and approved by the Local Planning Authority. Dependant upon the results of this evaluation a suitable programme of archaeological mitigation works will be agreed in writing with the Local Planning Authority. This agreement will include a timetable for undertaking the archaeological mitigation works and the production of a final report and publication.

Reason:

In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

- 11 Details of a post construction survey for impacts on television, radio and other telecommunication services shall be submitted to the local planning authority for approval of mitigation matters within 3 months of the completion of the Tate Modern 2 building and any necessary mitigation measures shall be carried out within 6 months of the completion of the Tate Modern 2 building.

Reason:

In order to ensure that any adverse impact of the development on reception by residential properties is identified and resolved satisfactorily

- 12 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 as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosure of any building 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 Policies 3.2 'Protection of Amenity' and 3.13 'Urban Design' of The Southwark Plan.

- 13 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted without the prior written consent of the Local Planning Authority.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Policies 3.2 'Protection of Amenity' and 3.13 'Urban Design' of The Southwark Plan.

- 14 The machinery, plant or equipment installed or operated in connection with the operation of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan and Planning Policy Guidance 24 Planning and Noise.

- 15 The management of ground based environmental risks during all phases of works, as identified in ES Volume 1 (Chapter 16: Ground Conditions and ES Volume IIIb Technical Appendices (Ground Conditions), shall be carried out in accordance with the Ramboll Whitby Bird "Ground Contamination Conditions – Schedule of Works" (subject to programme changes), to be submitted and agreed with the Local Planning Authority and the Environment Agency.

Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil, in accordance with Strategic Policies SP11 'Amenity and Environmental Quality' and SP12 'Pollution', and Policies 3.2 'Protection of Amenity' and 3.10 'Hazardous substances' of The Southwark Plan (2007).

- 16 Details of the facilities to be provided for the secure storage of bicycles including any structures for bicycle shelters shall be submitted to and approved by the local planning authority before work on the bicycle storage facilities is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the bicycle 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 'Walking and Cycling' in the Southwark Plan.

- 17 Details of the Servicing Vehicle Management Strategy for vehicles delivering goods to the proposed Goods Handling Zones shall be prepared in conjunction with key stakeholders (including GC Bankside) and submitted to, and approved by, the local planning authority in consultation with Transport for London before any service or delivery vehicles are allowed on the Tate Modern 2 site,

except for those service vehicles already serving the TM1 site. Use of the site by service or delivery vehicles shall not be carried out otherwise than in accordance with any approval given.

Reason

In order to protect the residential amenity for nearby properties, in accordance with Policy 3.2 'Protection of Amenity' of The Southwark Plan.

- 18 Details of the final waste management strategy shall be submitted to and approved by the local planning authority prior to occupation of the development.

Reason:

To ensure that the impact of the development is acceptable and in accordance with Policy 3.7 'Waste reduction' of The Southwark Plan.

- 19 Details of the Façade Cleaning and Maintenance Strategy shall be submitted to and approved by the Local Planning Authority before work on the façade is begun

Reason:

To ensure that the external appearance of the building is satisfactory and that it contributes to the character and appearance of the area, in accordance with Policies 3.12 "Design Quality" and 3.13 "Urban Design" of the Southwark Plan.

- 20 Details of how an accessible, inclusive design solution can be achieved between the Turbine Hall (level 1) and the Bridge at level 2, shall be submitted to and approved by the Local Planning Authority before work on the spiral stair between level 1 and the Bridge at level 2 is begun and shall not be carried out otherwise than in accordance with the approved plans.

Reason:

To ensure that access is provided for people with disabilities or those who are mobility impaired, in accordance with Policies SP 3 'Quality and Accessibility', 3.12 'Design Quality' and 3.13 'Urban Design' of The Southwark Plan (2007) and Policy 4B.5 of the London Plan (2008).

- 21 Details on the water usage to determine the existing capacity and proposed demand for the development, are to be submitted to the Council, for approval prior to the occupation of the development.

Reason:

To ensure that the impact of the development is acceptable, in accordance with Policy 3.9 'Water' of the Southwark Plan (2007) and Policy 4A.16 of the London Plan (2008).

- 22 The entrance threshold levels of the new development will be set no lower than 5.93m AOD, in line with the Flood Risk Assessment submitted with the planning application by URS Corporation.

Reason:

To minimise the risk of the new building being inundated by flood waters. (Condition required by the Environment Agency)

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- 23 The surface water drainage works shall only be constructed in accordance with the following approved drawings: RWB-DR-C-5122 - 221 Rev.P02; 222 Rev. P02; 223 Rev.P02, and 250 Rev.P02; or in accordance with a revised scheme of surface water drainage works which achieves less than 110 litres per second as the maximum discharge rate to the sewer system and no greater risk of flooding and has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage works once constructed will then be maintained as such thereafter.

Reason:

To minimise the risk of flooding due to surface water discharge from the development. (Condition required by the Environment Agency)

- 24 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

For the protection of controlled waters. (Condition required by the Environment Agency)

Reasons for granting planning permission.

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

- a] Policies SP 3 (Quality and Accessibility); SP 5 (Regeneration and creating employment); SP 7 (Arts, Culture and Tourism); 1.1 (Access to Employment Opportunities); 1.7 (Development within town and local centres); 1.11 (Arts, Culture and Tourism uses); 2.5 (Planning Obligations); 3.1 (Environmental Effects); 3.2 (Protection of Amenity); 3.3 (Sustainability assessment); 3.4 (Energy efficiency); 3.5 (Renewable Energy); 3.7 (Waste reduction); 3.8 (Waste management); 3.9 (Water); 3.10 (Hazardous substances); 3.11 (Efficient use of land); 3.12 (Quality in design); 3.13 (Urban design); 3.14 (Designing out crime); 3.18 (Setting of listed buildings, conservation areas and world heritage sites); 3.19 (Archaeology); 3.20 (Tall buildings); 3.22 (Important local views); 3.29 (Development within the Thames policy area); 5.1 (Locating developments); 5.2 (Transport impacts); 5.3 (Walking and cycling); 5.6 (Car parking); 5.7 (Parking standards for disabled people and the mobility impaired); 5.8 (Other parking); and 7.4 (Bankside and Borough Action Area.) of the adopted Southwark Unitary Development Plan [July 2007].
- b] Policies 1.1 (London in its global, European and UK context); 2A.1 (Sustainability criteria); 3B.8 (Creative industry); 3B.9 (Tourism industry); 3C.2 (Matching development to transport capacity); 3C.18 (Allocation of street space); 3C.20 (Improving conditions for buses); 3C.21

(Improving conditions for walking); 3C.22 (Improving conditions for cyclists); 3C.23 (Parking strategy); 3C.25 (Freight strategy); 3D.4 (Development and promotion of arts and culture); 3D.7 (Visitor accommodation and facilities); 4A.1 (Tackling climate change); 4A.2 (Mitigating climate change); 4A.3 (Sustainable design and construction); 4A.4 (Energy assessment); 4A.5 (Provision of heating and cooling networks); 4A.7 (Renewable Energy); 4A.8 (Hydrogen economy); 4A.9 (Adaptation to climate change); 4A.10 (Overheating); 4A.11 (Living roofs and walls); 4A.13 (Flood risk management); 4A.14 (Sustainable drainage); 4A.16 (Water supplies and resources); 4B.1 (Design principles for a compact city); 4B.2 (Promoting world class architecture and design); 4B.3 (Enhancing the quality of the public realm); 4B.5 (Creating an inclusive environment); 4B.8 (Respect local context and communities); 4B.9 (Tall buildings – location); 4B.10 (Large scale buildings – design and impact); 4B.16 (London View Management Framework); 5D.2 (Opportunity Areas in South East London); 5G.2 (Strategic priorities for the Central Activities zone); and 6A.4 (Priorities for planning obligations) of the London Plan consolidated with alterations since 2004 [Feb. 2008].

- c] Planning Policy Statements PPS1 (Delivering Sustainable Development), PPS6 (Planning for Town Centres), PPS9 (Biodiversity and Geological Conservation), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control) and PPS25 (Development and Flood Risk); and Policy Guidance Notes PPG13 (Transport), PPG16 (Archaeology and Planning), and PPG24 (Planning and Noise).
- (d) In coming to a decision on this application the Council took full account of the Environment Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999 and all submissions relating to considerations in the Environmental Statement. Particular regard was had to accessibility, traffic, views, flood risk, the impact on the local environment, including amenity for local residents and surrounding occupiers, and the proposed landscaping and amenity. It was considered that the benefit to the wider community and London as a whole, would outweigh any adverse impacts of the proposed development. It was therefore considered appropriate to grant planning permission having regard to the policies considered and any other material planning considerations.

Signed



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: 10000813334

checked by _____
TP/1519-53

PLANNING PERMISSION WITH LEGAL AGREEMENT

LBS Registered Number: 09-AP-0039

Date of issue of this decision: 14/05/2009



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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/pcs. 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

neighbouring building. An explanatory booklet aimed mainly at householders and small businesses can be obtained from the Department for Communities and Local Government [DCLG] Free Literature tel: 0870 1226 236 [quoting product code 02BR00862].

IMPORTANT: This is a PLANNING PERMISSION only and does not operate so as to grant any lease, tenancy or right of occupation of or entry to the land to which it refers.