

APPENDIX C

From:

Sent: Thursday, July 26, 2018 12:40 PM

To: Mills, Dorcas

Cc: Franklin, David; Shapo, Leidon

Subject: RE: Premises Licence Application - Unit 272 London Bridge Station London SE1 9SP

Importance: High

Dear Dorcas

Please find herewith our reply to those issues raised by the Jayne and the public health official. We have copied in David and Leidon.

We have carefully noted the points raised by Jayne Tear, Principal Licensing Officer with Southwark and those of the Public health official and would comment as follows.

The unit for which a premises licence is sought sits at the end of a spine of units at the base of the Shard and on the concourse of the new London Bridge mainline railway station owned by Network Rail. This is part of a substantial new development and the building works have been taking place for some time. The project is now approaching fruition and it is anticipated that if granted a premises licence this unit will open early in 2019.

The overall project was placed before the Planning Committee at Southwark. The first main planning permission was granted to Network Rail on 16 June 2015 and allowed for the erection of a two-storey restaurant (use class A3) at the upper concourse level as an external continuation of the station service/retail spine. The planning officer and the Planning Committee in reaching its decision would have been aware of the existing special policies with regard to the Borough and Bankside area. Nevertheless, the members of the Planning Committee determined that there should be a restaurant at this site and they did not seek to limit the hours of operation. Further, in 2016 Network Rail again applied for a variation to the planning permission granted in 2015 and such permission was granted by the Committee on 27 September 2016. This further planning permission allowed for the variation to the use of the unit as a restaurant (use class A3) to add an additional use - class A4, drinking establishment. Accordingly, the planning officer and Committee were again aware in reaching their decision at the end of 2016 of the special policy area in Borough and Bankside and determined that Network Rail should be permitted to allow restaurant and bar use in this unit.

Clearly, without a premises licence the planning permissions granted by Southwark in respect of this unit, and indeed of others, cannot be implemented and the substantial renewal project on the concourse of London Bridge Station would be deleteriously affected. The premises sit on the concourse of the new station and are a vital part of providing an offer to both the substantial number of commuters coming in to and leaving London every day and for the substantial tourist population in the area.

The ETM Group run by Tom and Ed Martin are experienced operators over many years in running high-end restaurants and bars. All the premises which they run are mixed-use restaurant with bar facilities. We attach, herewith, the web link to the ETM website which details all of the existing restaurants and bars within the group. It is envisaged that this premises will run in exactly the same way with a substantial food offering throughout, running over two floors, but with the ability also to allow customers to purchase alcohol without a meal.

<http://www.etmgroup.co.uk/>

Ms Tear's comments in the representation quite properly allude to the Council's licensing policy statement and the cumulative impact policy area. It is clear that an applicant should have regard to both policies and it is submitted that this has been considered during the course of the application, firstly the planning officers and Committee have now determined on two occasions to grant planning permission for the use of the unit on the concourse as both a restaurant and a bar, clearly indicating the use to which the premises should be put going forward. The officers and Committee carefully considered the issue of amenity and determined that the bar use should be limited to those hours between 6:00 am and 00:30 am, Mondays to Saturdays, with a slightly later opening hour of 7:00 am on Sundays. This licence application seeks to mirror those hours granted on the planning permission.

Licensing is also a separate regime and regard has been given to the four licensing objectives and a detailed set of proposed conditions has been submitted along with the application. As the premises will primarily be operated as a high-end restaurant, it is not expected that its activities will cause antisocial behaviour or crime and disorder and therefore contribute to cumulative impact within the area. It is submitted that there will be no impact upon crime or disorder or public nuisance in this respect because neither the Metropolitan Police nor the British Transport Police (the latter vested with supervision on all Network Rail's system) have made any submission in terms of crime or disorder. The applicant has benefited from meeting with a large number of stakeholders including the Network Rail officers as well as British Transport Police and the Metropolitan Police through the Southwark licensing Police officer. No representations have been made in respect of crime and disorder and it is submitted that if there is no such concern from the two Police forces then the application will not contribute to cumulative impact in the area.

The environmental health officer has also made submissions and suggested conditions, the vast majority of which are agreed. However, even he does not suggest that there be no grant of a premises licence but rather that the grant should be subject to conditions. Mr Richard Earis, who is the Principal Environmental Protection Officer, also attended a meeting with all the stakeholders during this application and did not suggest that it should not be granted on the basis of public nuisance. Mr Earis has suggested conditions, the majority of which are accepted but our client is unable to agree on the proposed hours of operation given that the planning permission runs to later hours, having had regard to all these matters, and it would severely impact the operation of our client's premises at the station.

Jayne Tear has suggested that details of the capacity limit be provided as well as a written dispersal policy. These are sensible recommendations. The first, it is submitted, is subject to a fire risk assessment being conducted which will then provide an idea of capacity at the premises and we will provide this figure shortly. Secondly, our client is responsible for running many similar establishments throughout Central London and has a dispersal policy in place, a copy of which we will also provide shortly.

Ms Tear's further request for a condition limiting the operation to the sale of alcohol ancillary to table meals only cannot be accepted. The nature of the operation in this case is that there will be a substantial restaurant at the premises and eating will be a primary part of the operation. However, as is seen in the revised planning permission, there is a requirement to allow customers to be able to either sit at the bar inside or stand at the tables outside in order to consume alcohol without the necessity of a full table meal. Again, our client's premises operating in Central London in the main have a substantial food offering with a high-end menu and also the ability to consume alcohol without the necessity for food. None of these premises has caused any trouble to local residents, Police or environmental health officers of any of the boroughs in which they are located.

We would maintain the request for hours as sought on the application form but agree with Jayne Tear's suggestion of a 30-minute drinking-up time and would suggest, therefore, that this be added as a condition to the licence and that sales will cease 30 minutes before the terminal hour for opening.

We trust that this addresses the issues raised by Jayne Tear but will be happy to answer any further questions that she may have.

The Public Health Authority has raised objections and makes the point that current premises within the cumulative impact area are having a negative impact on the crime and disorder and public nuisance licensing objectives and also contributes to alcohol-related health harms. However, we would again make the point as we have done above that the Police, who must be regarded as the experts on crime and disorder, raise no issues with this application and, indeed, make no representations. We have had the opportunity to speak with both Police forces, namely British Transport Police and the Metropolitan Police licensing officer, with regard to this application and neither raised any concerns. Further, the environmental health officer has also now attended at meetings with all the relevant stakeholders and suggests the policy core hours should be attached to the grant of any licence. For the reasons indicated above, this is not acceptable to Network Rail or the applicant operator, ETM.

Insofar as alcohol-related health harms is concerned, we would only make the point that there is no evidence to suggest that restaurants such as the one proposed here with a bar element attached lead in any way to alcoholism or serious illness. Having acted for our client for many years in relation to all their operations, we are not aware of any individuals being taken from the restaurants or the bars to hospitals via accident and emergency.

We take issue with the public health official suggesting that the start time for the sale of alcohol be put back to 11:00 am each day. Whilst significant numbers of people may not wish to take alcohol during the hours between 7:00 am and 11:00 am, there will always be customers who require a glass of champagne or wine with their breakfasts or brunch. There will also be many tourists passing through London Bridge Station who would also wish to have breakfast and brunch and have a glass of beer, wine or cider with those meals. We are not aware of any instances where those consuming alcohol with their breakfast or brunch have gone on to commit antisocial behaviour outside our client's restaurants.

For the same reasons as set out above, our client is unable to accept a condition which requires a table meal to be sold to a customer when they are purchasing a pint of beer or a glass of cider or wine. There will be many customers who wish, merely, to have a drink without taking a meal and our client seeks the ability to be able to satisfy this customer requirement.

We hope these comments address matters laid out by the officers but we remain happy to discuss any of these matters further should it assist.

Redwood Dispersal Policy

Introduction

Swift and quiet dispersal of our patrons throughout the night at Redwood is very important. All staff and patrons must respect our local residents. **Any disturbance or nuisance is not tolerated.**

Particular attention should be paid to avoid our customers who have been consuming alcohol entering London Bridge Station. Our Security Staff will encourage these individuals to use Taxi services for their own Safety.

Security will undertake the street dispersal to achieve a number of key aims:

- To ensure patrons of Redwood's leave the premises quietly
- To ensure patrons of Redwood's leave the premises trouble free and without incident
- To ensure that all patrons are walked without duress away from the entrance of the venue in either direction so they can make their journey home quickly
- To ensure patrons of Redwood's feel safe when leaving or outside the premises
- To aid patrons who may require a taxi
- To ensure a minimum of nuisance is caused by patrons leaving the premises
- To ensure patrons do not leave Redwood's with bottles, drinks or any other litter
- To operate hi-visibility patrols outside the vicinity of Redwood's to ensure patrons do not loiter around the immediate area

Patron Dispersal

Duke Street Hill

The smoking area will be closed a minimum of 15 minutes before the venue closes.

When the lights are up and the music has been turned off, the security and management will facilitate the exit only strategy by instructing patrons to collect their belongings from the cloakroom. Patrons should then be guided to the front door exit.

Two hi-visibility members of security will remain in position at the Duke Street Hill smoking area to facilitate the exit only strategy and help patrons continue their journey home as quickly and as quietly as possible.

Any Male patrons requiring assistance will be given by a Male member of security.

Any Female patrons requiring assistance will be given by a Female member of security

Security Role

There should be a minimum of one member of security on the front door, another member should position themselves halfway through the queue management or close to the edge of the pavement and Duke Street Hill.

- All door supervisors will be clearly identifiable by wearing a black high visibility jacket with silver reflective strips on it

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Network Rail

LBS Registered Number 15/AP/0576

Date of Issue of this decision 16/06/2015

Planning Permission was GRANTED for the following development:

Erection of 2-storey restaurant (Use Class A3) at upper concourse level as external continuation of station service/retail spine.

At: LONDON BRIDGE STATION, SITE BOUNDED BY TOOLEY STREET (INCLUDING 64-84) JOINER STREET ST THOMAS STREET AND BERMONDSEY STREET LONDON SE1

In accordance with application received on 19/02/2015 Your Ref. No.:

and Applicant's Drawing Nos. N420-COT-DRG-AR-506084 Rev B01; N420-COT-DRG-AR-506085 Rev B01; N420-COT-DRG-AR-506086 Rev B01; N420-COT-DRG-AR-506087 Rev B01; N420-COT-DRG-AR-506088 Rev B01; N420-COT-DRG-AR-506800 Rev B01; N420-COT-DRG-AR-506801 Rev B01; N420-COT-DRG-AR-506802 Rev B01; N420-COT-DRG-AR-506803 Rev B01; N420-COT-DRG-AR-506804 Rev B01; Design and access statement; Building Services Provision; Flood Risk Assessment.

Subject to the following three conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
N420-COT-DRG-AR-506086 Rev B01; N420-COT-DRG-AR-506087 Rev B01; N420-COT-DRG-AR-506088 Rev B01; N420-COT-DRG-AR-506800 Rev B01; N420-COT-DRG-AR-506801 Rev B01; N420-COT-DRG-AR-506802 Rev B01; N420-COT-DRG-AR-506803 Rev B01.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 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.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 15/AP/0576

Date of Issue of this decision 16/06/2015

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The rating noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

Statement of positive and proactive action in dealing with the application

Negotiations were held with the applicant to secure changes to the scheme to make it acceptable and the scheme was amended accordingly.

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, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN: 10009797364

TP/151-D

PLANNING PERMISSION

LBS Registered Number: 15/AP/0576

Date of issue of this decision: 16/06/2015



www.southwark.gov.uk

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 12 weeks 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.

--

Community Infrastructure Levy (CIL) Liability Notice



Regulation 65, Community Infrastructure Levy Regulations (2010) Southwark Council CIL

Date of Liability Notice: 16/06/2015

Issued by: Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX

To: Network Rail
c/o Agent

SE1 3QU

Liability Notice Reference: SCIL/15/AP/0576

For other recipients, see end of notice

• CIL Liability

This notifies you that you will be liable to pay £50,000.00 of Community Infrastructure Levy to The London Borough of Southwark as CIL collecting authority on commencement of development on planning permission:

Reference: 15/AP/0576

Site: LONDON BRIDGE STATION, SITE BOUNDED BY TOOLEY STREET (INCLUDING 64-84) JOINER STREET ST THOMAS STREET AND BERMONDSEY STREET LONDON SE1

Development: Erection of 2-storey restaurant (Use Class A3) at upper concourse level as external continuation of station service/retail spine.

This charge has been levied under Southwark Council CIL charging schedule and s211 of the Planning Act 2008. Further details on payment procedure can be found overleaf.

• How we calculated this figure

We calculated this figure from the following information:

Rate per square metre for Southwark CIL		<u>Charge type</u>	<u>£ per m2</u>
Indexation applicable: Zero			
Gross floor space of the development:	400		
Existing floor space:	0		
Chargeable area:	400		

Are you eligible for relief from CIL?

If you are a charity or intend to use the development for social housing you may be eligible for a reduction (partial or entire) in this CIL liability. Please see the document published by the Department for Communities and Local Government, "Information to assist collecting authorities in making arrangements for the collection and enforcement of the Community Infrastructure Levy" for more information.

When will this CIL amount be due for payment?

If the payment procedure is followed correctly, this CIL amount will be payable

There is currently no installment policy in place, however this may alter but we will contact you if this occurs.

Some, or the entire amount, may also be paid by transferring land to the CIL charging authority or another beneficiary agreed with the charging authority. See the accompanying note "Paying CIL in the Form of Land" for more information.

This payment procedure is to notify the CIL collecting authority before development commences of:

- Who will pay the amount, by assuming liability using CIL Form 1 "Assumption of Liability";
- The date on which you intend to commence development, by submitting a valid commencement notice.

A blank commencement notice for you to complete is enclosed with this notice.

Precise details of your payment arrangements and options will be contained in the demand notice that will be sent following submission of a valid commencement notice.

If this procedure is not followed, payment of the CIL amount will be due in full on the day that development commences. If a valid commencement notice has not been submitted before development commences, payment of the CIL amount will be due in full on the day that the collecting authority believes the development to have commenced.

Consequences of non payment

If you fail to follow the payment procedure described above, the collecting authority may impose surcharges on this liability. Persistent failure to pay CIL liabilities due may result in the collecting authority imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. Please see the document published by the Department for Communities and Local Government, "Consequences of failing to following the CIL Payment procedure" for more information.

The amount of CIL liability in this notice is a local land charge

This CIL liability has been registered as a local land charge against the land affected by the planning permission in this notice. This charge will be cancelled on full payment of this liability.

New liability notices may be issued

Any change in the details contained in this notice (including calculation of the chargeable amount or amount of relief granted) will lead to the collecting authority issuing a new liability notice.

Do you think we have made a mistake in our calculations?

You can ask us to review them. If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see enclosed note on "Appeals Procedure".

Community Infrastructure Levy (CIL) Liability Notice



Regulation 65, Community Infrastructure Levy Regulations (2010), as amended

Date of Liability Notice: 16/06/2015

Issued by: Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX

To: Network Rail
c/o Agent

SE1 3QU

Liability Notice Reference: MCIL/15/AP/0576

For other recipients, see end of notice

• CIL Liability

This notifies you that you will be liable to pay £16,008.00 of Community Infrastructure Levy to The London Borough of Southwark as CIL collecting authority on commencement of development on planning permission:

Reference: 15/AP/0576

Site: LONDON BRIDGE STATION, SITE BOUNDED BY TOOLEY STREET (INCLUDING 64-84) JOINER STREET ST THOMAS STREET AND BERMONDSEY STREET LONDON SE1

Development: Erection of 2-storey restaurant (Use Class A3) at upper concourse level as external continuation of station service/retail spine.

This charge has been levied under Mayor of London CIL charging schedule and s211 of the Planning Act 2008. Further details on payment procedure can be found overleaf.

• How we calculated this figure

We calculated this figure from the following information:

Rate: £35 per square metre

Indexation applicable: Yes, 223 November 2011: 255 November 2014

Gross floor space of the development: 400

Existing floor space: 0

Chargeable area: 400

Are you eligible for relief from CIL?

If you are a charity or intend to use the development for social housing you may be eligible for a reduction (partial or entire) in this CIL liability. Please see the document published by the Department for Communities and Local Government, "Information to assist collecting authorities in making arrangements for the collection and enforcement of the Community Infrastructure Levy" for more information.

When will this CIL amount be due for payment?

If the payment procedure is followed correctly, this CIL amount will be payable

There is currently no installment policy in place, however this may alter but we will contact you if this occurs.

Some, or the entire amount, may also be paid by transferring land to the CIL charging authority or another beneficiary agreed with the charging authority. See the accompanying note "Paying CIL in the Form of Land" for more information.

This payment procedure is to notify the CIL collecting authority before development commences of:

- a. Who will pay the amount, by assuming liability using CIL Form 1 "Assumption of Liability";
- b. The date on which you intend to commence development, by submitting a valid commencement notice.

A blank commencement notice for you to complete is enclosed with this notice.

Precise details of your payment arrangements and options will be contained in the demand notice that will be sent following submission of a valid commencement notice.

If this procedure is not followed, payment of the CIL amount will be due in full on the day that development commences. If a valid commencement notice has not been submitted before development commences, payment of the CIL amount will be due in full on the day that the collecting authority believes the development to have commenced.

Consequences of non payment

If you fail to follow the payment procedure described above, the collecting authority may impose surcharges on this liability. Persistent failure to pay CIL liabilities due may result in the collecting authority imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. Please see the document published by the Department for Communities and Local Government, "Consequences of failing to following the CIL Payment procedure" for more information.

The amount of CIL liability in this notice is a local land charge

This CIL liability has been registered as a local land charge against the land affected by the planning permission in this notice. This charge will be cancelled on full payment of this liability.

New liability notices may be issued

Any change in the details contained in this notice (including calculation of the chargeable amount or amount of relief granted) will lead to the collecting authority issuing a new liability notice.

Do you think we have made a mistake in our calculations?

You can ask us to review them. If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see enclosed note on "Appeals Procedure".

Appeal procedure

Introduction

Appeals can be made against all aspects of the CIL collection and enforcement system, from the CIL collection authority's calculation of the amount due to any enforcement actions it may take. This note sets out the procedure for making such appeals: how to make an appeal, when to make an appeal by, and who to make the appeal to.

Community Infrastructure Levy Appeals

Appeals can be made against all aspects of the Community Infrastructure Levy collection and enforcement system, from the levy collection authority's calculation of the amount due to any enforcement actions it may take. There are two exceptions where an appeal system does not exist, social housing relief and exceptional circumstances relief.

Appealing to the Valuation Office Agency (VOA) against a levy collecting authority's calculation of the levy chargeable amount in a liability notice

Seeking a review of this amount

If you feel that the amount of Community Infrastructure Levy set out in your liability notice has been calculated incorrectly, you can ask the levy collecting authority to review the calculation. Such a request must be made in writing and within 28 days of the date on which the liability notice was issued.

You may also submit whatever evidence in writing you may feel is appropriate to support your request to the levy collecting authority.

How the levy collecting authority will conduct the review and notify you of the outcome

When the levy collecting authority receives your request to review the amount, it must ensure that the person conducting the review is senior to the one who carried out the original calculation. The collecting authority must then notify you of the decision of the review within 14 days of receiving your request, including the reasons for the decision. However, where development is commenced before you receive notification of this decision, the review will lapse and the original amount will become due for payment in the manner set out in the demand notice.

Right of appeal against decision made by the collecting authority following a review of the chargeable amount:

If you are dissatisfied with the decision of the collecting authority's review or have not been notified within 14 days, you may appeal to the Valuations Office Agency (VOA). This appeal must be made no later than 60 days beginning with the day on which the liability notice was issued. However, you may not appeal to the VOA on how the Community Infrastructure Levy amount due was calculated if development has commenced. This appeal will also lapse if development commences before you have been told of the outcome of the appeal.

Appeals against the apportionment of liability for the levy

You may appeal to the VOA against any apportionment of liability carried out by the levy collecting authority. Any such appeal must be made within 28 days of receiving notice of such a decision by the levy collecting authority. Where an appeal is allowed, any demand notices (including surcharges) relating to the development in question will be suspended pending the outcome of the appeal.

Appeals to the Planning Inspectorate concerning enforcement actions regarding the levy

First steps – contact the collecting authority

If you feel that a levy enforcement action is unwarranted or has been taken in error, you are encouraged in the first instance to contact the levy collecting authority. This is because it may be a lot quicker and easier to resolve the issue by contacting the levy collecting authority first before taking more formal action. However, you should be aware that a formal appeal can be lodged no later than 28 days after the date of your notification by the collecting authority.

Formally appealing against a surcharge

Grounds for appeal:

You may appeal against a surcharge imposed by the Community Infrastructure Levy collecting authority on the following grounds to the Planning Inspectorate within 28 days of the surcharge being imposed:

- the claimed breach which led to the imposition of the surcharge did not occur;
- the collecting authority did not serve a liability notice in respect of the chargeable development to which the surcharge relates; or
- that the surcharge has been calculated incorrectly.

Appealing against a surcharge will suspend its effect until the Planning Inspectorate has decided the appeal in question.

Appeals against decisions by collecting authorities to deem that development has commenced

You may appeal to the Planning Inspectorate against any decision by the levy collecting authority to deem that development has commenced. This appeal must be made within 28 days of receiving notice of such a decision by the levy collecting authority. Where an appeal is allowed, any enforcement decisions relating to the deemed date of commencement, including the imposition of any surcharges, will be suspended pending the outcome of the appeal.

Community Infrastructure Levy (CIL)
Form 6: Commencement Notice



Please complete using block capitals and black ink.

Details of Development

A: Planning Application reference / Notice of Chargeable Development:

B: Development Commencement Date:

C: Liability Notice reference:

Development permitted by A will commence on B. This will trigger the levy liability described in C.

Site address:

Description of development:

Details of person sending this notice

Title: First name:

Last name:

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Address 6:

Postcode:

Telephone:

Email address:

Please state you interest in the site:

Liable Party Landowner Applicant Agent

Other (please give details)

Details of collecting authority to whom the notice is being sent

Title: First name:

Last name:

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Address 6:

Postcode:

Telephone:

Email address:

Declaration

By signing this I acknowledge that if the intended date of commencement changes, failure to notify the CIL collecting authority before development commences of this date with a new commencement notice will result in the CIL amount being due for payment in full on the date of commencement. I also acknowledge that failure to notify the CIL collecting authority of the intended date of commencement by submitting a commencement notice in advance of this date may result in the CIL collecting authority imposing a surcharge of 20% of the amount of CIL due for payment, up to a maximum of £2,500. I confirm that a copy of this notice has been served on all persons known to me as an owner of the land on which the chargeable development will be built.

For the purpose of CIL, an owner is an owner of a freehold interest in the relevant land or a leasehold interest in the relevant land of 7 years or more from the date planning permission first permits the chargeable development.

Signed:

Date (DD/MM/YYYY):

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/ 948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

Community Infrastructure Levy (CIL)
Form 1: Assumption of Liability



This form should be used to assume liability prior to commencement of development

Please complete using block capitals and black ink.

Details of Development

Planning Application reference /
Notice of Chargeable Development:

Site address:

Description of development:

Section A: Assumption of Liability

Party A Assuming Liability

Title: First name:

Last name:

Company:
(optional)

Position:

Company registration no:
(where applicable)

Unit: House number: House suffix:

House name

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Party B Assuming Liability

Title: First name:

Last name:

Company:
(optional)

Position:

Company registration no:
(where applicable)

Unit: House number: House suffix:

House name

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Party C Assuming LiabilityTitle: First name: Last name: Company: (optional) Position: Company registration no: (where applicable) Unit: House number: House suffix: House name Address 1: Address 2: Address 3: Town: County: Country: Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Party D Assuming LiabilityTitle: First name: Last name: Company: (optional) Position: Company registration no: (where applicable) Unit: House number: House suffix: House name Address 1: Address 2: Address 3: Town: County: Country: Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Party E Assuming Liability

Title: First name:

Last name:

Company: (optional)

Position:

Company registration no: (where applicable)

Unit: House number: House suffix:

House name

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Party F Assuming Liability

Title: First name:

Last name:

Company: (optional)

Position:

Company registration no: (where applicable)

Unit: House number: House suffix:

House name

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Agent Name and Address

Title: First name:

Last name:

Company: (optional)

Telephone number

Country code: National number: Ext. number:

Email address (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Declaration

I/we hereby assume liability for the Community Infrastructure Levy Charge for the above development. I/we understand that I/we must submit a commencement notice in order to secure the 60 day payment window or such time as the charging authority has allowed in its current payment instalments policy, as per the requirements of the Community Infrastructure Levy Regulations (2010) as amended. I/we am/are aware of the surcharges I/we will incur if I/we do not follow the correct procedures for paying the CIL charge. I/we understand any communication and actions and actions by the collecting authority to pursue me/us for the assumed liability will be copied to the site land owners (as defined in CIL regulations)

Signed - A Party Assuming Liability:

Date (DD/MM/YYYY):

Signed - D Party Assuming Liability:

Date (DD/MM/YYYY):

Signed - B Party Assuming Liability:

Date (DD/MM/YYYY):

Signed - E Party Assuming Liability:

Date (DD/MM/YYYY):

Signed - C Party Assuming Liability:

Date (DD/MM/YYYY):

Signed - F Party Assuming Liability:

Date (DD/MM/YYYY):

Or signed - Agent:

Date (DD/MM/YYYY):

Under regulation 37(2) of the Community Infrastructure Levy Regulations (2010) as amended, where two or more persons have assumed liability to pay CIL in respect of a chargeable development they shall each be jointly and severally liable to pay any CIL payable in respect of that chargeable development.

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/ 948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant - **LBS Registered Number** 16/AP/3211
Network Rail Infrastructure Limited
Mr Samuel Drown
Costain Limited
Network Rail

Date of Issue of this decision 27/09/2016

Planning Permission was GRANTED for the following development:

Variation of Condition 1 Approved Plans pursuant to planning permission 15/AP/0576 for: [Erection of 2-storey restaurant (Use Class A3) at upper concourse level as external continuation of station service/retail spine.] and to use the unit as a restaurant (Use Class A3) and/or drinking establishment (Use Class A4).

At: LONDON BRIDGE STATION, SITE BOUNDED BY TOOLEY STREET (INCLUDING 64-84) JOINER STREET ST THOMAS STREET AND BERMONDSEY STREET LONDON SE1

In accordance with application received on 04/08/2016 16:01:40 **Your Ref. No.:** Your Ref. No.:

and Applicant's Drawing Nos. N420-COT-DRG-AR-506086 Rev B02;

N420-COT-DRG-AR-506087 Rev B02;

N420-COT-DRG-AR-506088 Rev B02;

N420-COT-DRG-AR-506800 Rev B02;

N420-COT-DRG-AR-506801 Re B02;

N420-COT-DRG-AR-506802 Rev B02;

N420-COT-DRG-AR-506803 Rev B02.

Subject to the following four conditions:

Time limit for implementing this permission and the approved plans

1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

N420-COT-DRG-AR-506086 Rev B02;

N420-COT-DRG-AR-506087 Rev B02;

N420-COT-DRG-AR-506088 Rev B02;

N420-COT-DRG-AR-506800 Rev B02;

N420-COT-DRG-AR-506801 Re B02;

N420-COT-DRG-AR-506802 Rev B02;

N420-COT-DRG-AR-506803 Rev B02.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 16/AP/3211

Date of Issue of this decision 27/09/2016

2 The development hereby permitted shall be begun before 16 June 2018.

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 planning application 15AP0576 was granted planning permission on 16 June 2015 subject to condition 2 which is the standard 3 year time limit condition.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

3 The rating noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

4 Hours of Use - A4 Use

The A4 use hereby permitted shall not be carried on outside of the hours of 06.00am to 00.30am Monday to Saturday, and 07.00am to 00.30am on Sundays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Continued overleaf...

TP(VAR)(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 16/AP/3211

Date of Issue of this decision 27/09/2016

Signed *Simon Bevan*

Director of Planning

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 Director of Planning, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN: 200003359806

TP/ADV/2016/BT/GEN

PLANNING PERMISSION

LBS Registered Number: 16/AP/3211

Date of issue of this decision: 27/09/2016



www.southwark.gov.uk

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 12 weeks 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.

--

To Whom It May Concern

Dorcas Mills, Principal Licensing Officer

Gareth Hughes, Barrister and Consultant, Applicant's representative

Cc: David Franklin, Licensing Team Leader

Dear All,

We have reviewed the Applicant's representative response to our original representation. In principle, Public health has raised some similar and key comments as Licensing team (referring to CIP impact, opening hrs and license objectives. Please see below a list of comments we have as part of our representation:

- Whilst we understand that the Applicant has already been granted planning permission for both A3 (restaurant) and A4 (drinking establishment) uses, for all intents and purposes this new licensing application is to be considered on its own merit, regardless of the decision reached by the Planning Committee in September 2016;
- The Applicant's Representative states that their license application "seeks to mirror the opening hours granted on the original the planning permission dated September 2016". However, the Southwark's Statement of Licensing Policy has since introduced new recommended opening hours. The Applicant's proposal does not comply with these;
- That Applicant's Representative claims that:
 - "there is no evidence to suggest that restaurants with a bar element attached lead in any way to alcoholism or serious illness" and,
 - They are "not aware of any instances where those consuming alcohol with their breakfast or brunch have gone on to commit antisocial behaviour outside their other restaurants".

These claims are of an anecdotal nature and in contrast with recent scientific evidence showing that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015);

- As a Responsible Authority, Public Health has a statutory duty to independently submit representations relevant to all licensing objectives, where justified by adequate evidence. This includes the *Prevention of crime and disorder*, which is not exclusive to the Police. We feel the fact that neither the Metropolitan Police nor British Transport Police have made any representations so far needs to be looked jointly with the scientific evidence considered for this case based on national and local data;
- Finally, a point of conciliation could be restricting the sales of alcohol before 11am to be ancillary to a meal.

Dr Leidon Shapo | Head of Programmes for Health & Social Care (including mental health and substance misuse)