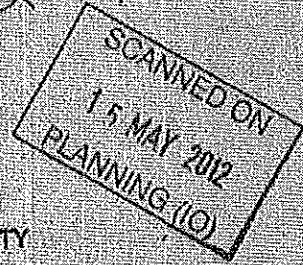


TP/1240-59.

HEN 0214.

Appendix 1a



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compulsory Purchase Act 2004)

STOP NOTICE

SERVED BY: THE LONDON BOROUGH OF SOUTHWARK herein after referred to as "the Council".

To

- (1) Europa Gold Ltd care of Ian Meaby, Meaby & Co Solicitors, 2 Camberwell Church Street London SE5 8QY
- (2) Managing Director, Europa Gold Ltd, Mr Paul Kythreotis, 14 Dimitriou Karaoli, Ormidhia 7530, Larnaca, Cyprus
- (3) Mr. Ray Johnson Europa Gold Ltd 1-20 Spurgeon Street, London SE1 4YP
- (4) Martin Cambridge, Barry Road Accomodation Services Ltd, Barry House, 261 Barry Road, London SE22 0JT
- (5) The Manager, Hotel London Bridge, 10 Spurgeon Street, London SE1 4YP
- (6) The Owner / Occupier, 1-20 Spurgeon Street and 58 Great Dover Street, London SE1 4YP

1. On 11th May 2012, the Council issued an enforcement notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control on Land at at 1-20 Spurgeon Street and 58 Great Dover Street, London SE1 4YP.

2. This Notice is issued by the Council, in exercise of their power in section 183 of the 1990 Act, because they consider that it is expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE LAND TO WHICH THIS NOTICE RELATES

Land at: at 1-20 Spurgeon Street and 58 Great Dover Street, London SE1 4YP on the first and second floors of the building, shown edged red and inclusive of a shared reception area on the ground floor in the hatched area on the attached Plan 1 ("the Land").

For the avoidance of doubt the Land does not include the properties known as Flats 1 and 2 on the second floor of 1-20 Spurgeon Street.

4. ACTIVITY TO WHICH THIS NOTICE RELATES

The Unauthorised use of the Land, namely:

Change of use from an Office building within (Use Class B1) to a Hotel (within Use Class C1), following a intervening period of sporadic unauthorised use as a Hostel (Sui Generis).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop the Unauthorised Use of the Land as a Hotel (within Use Class C1).

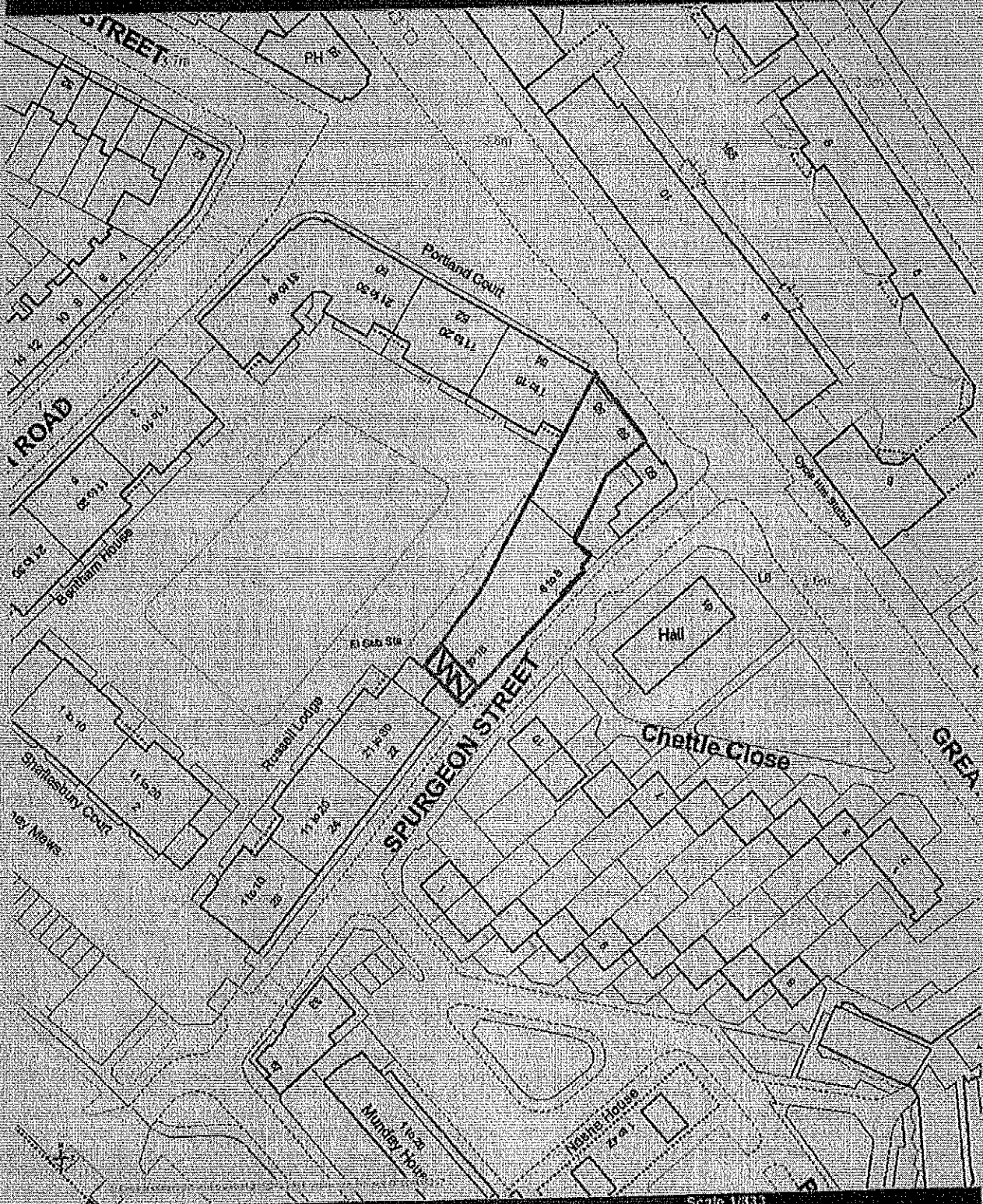
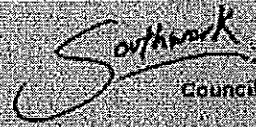
6. REASONS FOR ISSUING NOTICE

The Council's reasons for issuing the notice are:

A) The Unauthorised Use will operate outside of normal office hours. It is characterised by significant people movement and attendant noise and disturbance associated with that use, which will be harmful to the amenity of adjoining and nearby residential occupiers. The building has a flat roof which can be accessed from the second floor. In the absence of a condition this could be used as a roof terrace resulting in noise and disturbance which will be harmful to the amenity of adjoining and nearby residential occupiers. The Unauthorised Use is contrary to saved Policy 3.2 Protection of amenity Southwark Plan 2007 and paragraph 123 of the National Planning Policy Framework (NPPF), which refers to adverse impacts that planning decisions should seek to avoid. It is considered that the harm to amenity caused by the Unauthorised Use is contrary to paragraph 123 of the NPPF.

B) The proposal will establish a transient community on the southern side of Great Dover Street that will tend to be more active at night time and more disruptive, together with the cumulative impact of the student accommodation on the northern side of Great Dover Street this will detrimentally alter the predominantly residential character of the immediate area, contrary to saved policies 3.1 Environmental effects and 1.12 Hotels and visitor accommodation Southwark Plan 2007 and paragraphs 23, 26 and 27 of the NPPF. These paragraphs relate to Town Centre Vitality and support policy 1.12 which is in conformity with the NPPF in allowing flexibility in the

1-20 Spurgeon Street 58 Great Dover Street



Scale 1/333

location of certain uses subject to them being appropriate to the context and location, or an over dominance of visitor accommodation. In this location it is considered that this use is not appropriate, because of the cumulative impact of transient communities on the residential community in the immediate vicinity of the Site. Paragraph 123 of the NPPF, seeks to protect areas of tranquillity. In an urban context this location is considered to be tranquil.

C) In the absence of a Travel Plan and mitigation measures it is likely that the unauthorised use will have an adverse impact on parking and congestion in the vicinity of the Site, contrary to the following saved Policies of the Southwark Plan 2007: 5.2 Transport Impacts; 5.6 Car Parking, Strategic Policy 2 – Sustainable Transport Southwark Core Strategy April 2011; and Policies 6.3 Assessing effect of Development on transport capacity and 6.13 Parking of the London Plan July 2011; and paragraphs 32, 37, 39 & 41 of the NPPF. These policies support the need for transport impacts to be assessed for all developments that generate a significant amount of movement. The Unauthorised use is considered capable of generating 60+ people movements a day and therefore requiring assessment. The ground floor use of the site is subject to an enforcement notice relating to vehicles visiting the site and harming residential amenity. This additional Unauthorised Use is considered to further exacerbate that harm.

D) The authorised use of the site is as offices within Use Class B1. This site is within the Central Activities Zone and fronts onto a classified road. Saved Policy 1.4 of the Southwark Plan 2011 is engaged in respect of this site. The material change of use results in a loss of B class floor space. It is acknowledged that the Hotel use will provide some employment opportunities, however no assessment of the impact on local employment opportunities has been made, neither have any steps been taken to ensure that local people can access those opportunities. No evidence has been provided to show that the exceptions in policy 1.4 have been met. The change of use is contrary to saved policies 1.1 Access to employment opportunities and 1.4 'Employment uses outside of the preferred industrial locations and preferred office locations, Southwark Plan 2007. Saved policy 1.4 is flexible in allowing change from an employment use if certain exceptions are demonstrated. The policy is supported by paragraph 22 of the NPPF as it does not unreasonably protect the employment status of the site, but instead provides a means by which the site might be released. No attempt to comply with the exceptions in the policy has been evidentially demonstrated to the Council.

E) The Hotel is located on the first and second floors of the building and is accessed is by way of stairs. There are no lifts. Rooms vary in size, but an average double room would be about 10 sqm. No rooms have been specifically identified as being accessible, suitable or adapted for use by persons with a disability. The failure to ensure a facility is equally capable of use regardless of disability is contrary to saved policy 3.13 Urban design Southwark Plan 2007 and paragraphs 57 and 58 of the NPPF that relate to high quality inclusive design that is accessible. In addition the Local Planning Authority is required when carrying out its functions to have regard to equality of access for those with protected characteristics to buildings providing a service to the public by virtue of the Equality Act 2010.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 14th May 2012 when all the activity specified in this notice shall cease.

Dated: 11 May 2012

Signed:



Deborah Collins
Director of Communities, Law and Governance

On behalf of The London Borough Of Southwark

Nominated Officer: Gavin Blackburn (Senior Planning Enforcement Officer - Planning Enforcement) Deputy Chief Executives Department, London Borough of Southwark, 160 Tooley Street, PO Box 64529, London SE1P 5LX
Telephone Number: 020 7525 7007

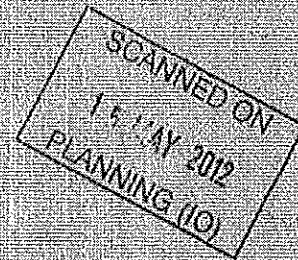
ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7. THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you. (Section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Gavin Blackburn, The London Borough of Southwark, 160 Tooley Street, London, SE1 2QH, Telephone: 020 7525 7007. If you need independent advice about this notice, you are advised to contact **urgently** a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

TIP/1240-59
HEN 0214.



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

MATERIAL CHANGE OF USE

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTHWARK LONDON BOROUGH COUNCIL

- TO:
- (1) Europa Gold Ltd care of Ian Meaby, Meaby & Co Solicitors, 2 Camberwell Church Street London SE5 8QY
 - (2) Managing Director, Europa Gold Ltd, Mr Paul Kythreotis, 14 Dimitriou Karaoli Ormidhia 7530, Lamaca, Cyprus
 - (3) Mr. Ray Johnson Europa Gold Ltd 1-20 Spurgeon Street, London SE1 4YP
 - (4) Martin Cambridge, Barry Road Accomodation Services Ltd, Barry House, 261 Barry Road, London SE22 0JT
 - (5) The Manager Hotel London Bridge, 10 Spurgeon Street, London SE1 4YP
 - (6) The Owner / Occupier, 1-20 Spurgeon Street and 58 Great Dover Street, London SE1 4YP

THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below.

The Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 1-20 Spurgeon Street and 58 Great Dover Street, London SE1 4YP on the first and second floors of the building, shown edged red and inclusive of a shared reception area on the ground floor in the hatched area on the attached Plan 1 ("the Land").

For the avoidance of doubt the Land does not include the properties known as Flats 1 and 2 on the second floor of 1-20 Spurgeon Street.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

The Unauthorised use of the Land, namely:

Change of use from an Office building within (Use Class B1) to a Hotel (within Use Class C1), following a intervening period of sporadic unauthorised use as a Hostel (Sui Generis).

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the preceding ten years.

It is expedient to take enforcement action because:

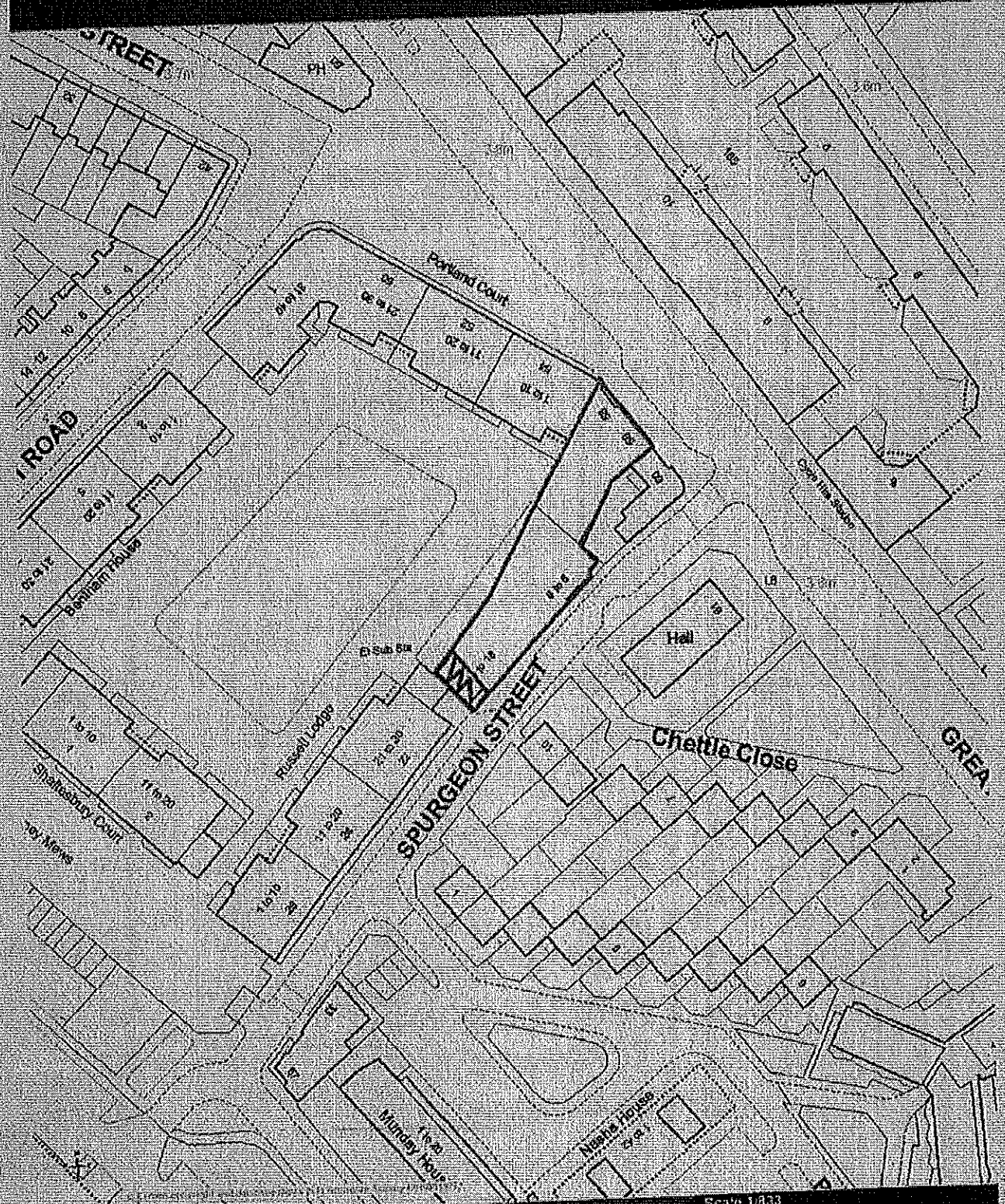
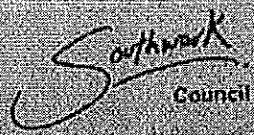
A) The Unauthorised Use will operate outside of normal office hours. It is characterised by significant people movement and attendant noise and disturbance associated with that use, which will be harmful to the amenity of adjoining and nearby residential occupiers. The building has a flat roof which can be accessed from the second floor. In the absence of a condition this could be used as a roof terrace resulting in noise and disturbance which will be harmful to the amenity of adjoining and nearby residential occupiers. The Unauthorised Use is contrary to saved Policy 3.2 Protection of amenity Southwark Plan 2007 and paragraph 123 of the National Planning Policy Framework (NPPF), which refers to adverse impacts that planning decisions should seek to avoid. It is considered that the harm to amenity caused by the Unauthorised Use is contrary to paragraph 123 of the NPPF.

B) The proposal will establish a transient community on the southern side of Great Dover Street that will tend to be more active at night time and more disruptive, together with the cumulative impact of the student accommodation on the northern side of Great Dover Street this will detrimentally alter the predominantly residential character of the immediate area, contrary to saved policies 3.1 Environmental effects and 1.12 Hotels and visitor accommodation Southwark Plan 2007 and paragraphs 23, 26 and 27 of the NPPF. These paragraphs relate to Town Centre Vitality and support policy 1.12 which is in conformity with the NPPF in allowing flexibility in the location of certain uses subject to them being appropriate to the context and location, or an over dominance of visitor accommodation. In this location it is considered that this use is not appropriate, because of the cumulative impact of transient communities on the residential community in the immediate vicinity of the Site. Paragraph 123 of the NPPF, seeks to protect areas of tranquillity. In an urban context this location is considered to be tranquil.

C) In the absence of a Travel Plan and mitigation measures it is likely that the unauthorised use will have an adverse impact on parking and congestion in the vicinity of the Site, contrary to the following saved Policies of the Southwark Plan 2007 5.2 Transport Impacts; 5.6 Car Parking; Strategic Policy 2 - Sustainable Transport Southwark Core Strategy April 2011, and Policies 6.3 Assessing effect of Development on transport capacity and 6.13 Parking of the London Plan July 2011; and paragraphs 32, 37, 39 & 41 of the NPPF. These policies support the need for transport impacts to be assessed for all developments that generate a significant amount of movement. The Unauthorised use is considered capable of generating 60+ people movements a day and therefore requiring assessment. The ground floor use of the site is subject to an enforcement notice relating to vehicles visiting the site and harming residential amenity. This additional Unauthorised Use is considered to further exacerbate that harm.

D) The authorised use of the site is as offices within Use Class B1. This site is within the

1-20 Spurgeon Street 58 Great Dover Street



Scale 1:833

Central Activities Zone and fronts onto a classified road. Saved Policy 1.4 of the Southwark Plan 2011 is engaged in respect of this site. The material change of use results in a loss of B class floor space. It is acknowledged that the Hotel use will provide some employment opportunities, however no assessment of the impact on local employment opportunities has been made, neither have any steps been taken to ensure that local people can access those opportunities. No evidence has been provided to show that the exceptions in policy 1.4 have been met. The change of use is contrary to saved policies 1.1 Access to employment opportunities and 1.4 Employment uses outside of the preferred industrial locations and preferred office locations, Southwark Plan 2007. Saved policy 1.4 is flexible in allowing change from an employment use if certain exceptions are demonstrated. The policy is supported by paragraph 22 of the NPPF as it does not unreasonably protect the employment status of the site, but instead provides a means by which the site might be released. No attempt to comply with the exceptions in the policy has been evidentially demonstrated to the Council.

E) The Hotel is located on the first and second floors of the building and is accessed is by way of stairs. There are no lifts. Rooms vary in size, but an average double room would be about 10 sqm. No rooms have been specifically identified as being accessible, suitable or adapted for use by persons with a disability. The failure to ensure a facility is equally capable of use regardless of disability is contrary to saved policy 3.13 Urban design Southwark Plan 2007 and paragraphs 57 and 58 of the NPPF that relate to high quality inclusive design that is accessible. In addition the Local Planning Authority is required when carrying out its functions to have regard to equality of access for those with protected characteristics to buildings providing a service to the public by virtue of the Equality Act 2010.

The Council do not consider that planning permission should be given because planning conditions could not overcome these objections to the unauthorised development.

5. WHAT YOU ARE REQUIRED TO DO

- 1) Stop and cease the Unauthorised Use of the Land completely
- 2) Cease advertisement of the Land for Use as a Hotel on the Internet
- 3) Remove partitions and bathrooms subdividing the Land into hotel rooms associated with the Unauthorised Use of the Land
- 4) Remove from the Land any materials and debris associated with compliance with the above requirements.

6. TIME FOR COMPLIANCE

In respect of requirements 1 and 2 within two days from the date this Notice takes effect.

In respect of requirements 3 and 4 within six months from the date this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15th June 2012, unless an appeal is made against it beforehand.

Dated: 11th May 2012

A handwritten signature in black ink, appearing to read 'D Collins', written in a cursive style.

Signed:
Deborah Collins - Director of Communities Law & Governance
On behalf of the London Borough of Southwark
160 Tooley Street, London, SE1 2QH

EXPLANATORY NOTE

YOUR RIGHT OF APPEAL

You can appeal against this notice but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice.

The enclosed Planning Inspectorate Information Sheet provides further information about your right of appeal against this Enforcement Notice.

If you are appealing under Ground (a), that you believe planning permission should be granted for what is alleged in the enforcement notice, you are required to pay a fee of £670.00. Of this amount, half (£335.00) is payable to the London Borough of Southwark and should be sent to the Planning Department, 160 Tooley Street, PO Box 64529, London SE1P 5LX together with a copy of your appeal form. You must send the remaining half, payable to the Department of Communities and Local Government, to the Planning Inspectorate, PO Box 326, Bristol BS99 7XF with your appeal form.

You must submit with your Appeal Form, or within 14 days from the date the Planning Inspectorate notifies you, a statement in writing specifying the grounds of the appeal and state briefly the facts on which you are relying to support of those grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

Enclosures:

Planning Inspectorate Information Sheet
Spare copy of Enforcement Notice

Informative

A appeal under ground (a) will create a liability for Mayoral Community Infrastructure Levy if it is successful at a rate of £35sqm (Square Metre) for each square metre of gross internal floorspace within the Planning Unit.

