

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE - BREACH OF CONDITION

TO:

Enforcement Reference: 22/E0298

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council under Section 187A of the above Act because it considers that certain conditions imposed on a grant of planning permission relating to the land described below have not been complied with. The Council considers that you should be required to comply or secure compliance with the conditions specified in this notice.

2. **THE LAND AFFECTED**

Land at 441 Commonside East, Mitcham, CR4 1HJ in the London Borough of Merton shown edged red on the attached plan ('the Land'). The Land is registered with HM Land Registry under title number P72907.

3. **THE RELEVANT PLANNING PERMISSION**

Planning permission (reference 21/P1863) was granted by the Council on the 22nd of June 2021 for the demolition of the existing single dwellinghouse and erection of 7 x two storey dwellinghouses, along with parking, hardstanding, landscaping, cycle and refuse storage ('the 2021 Permission'). Condition 6 attached to the 2021 Permission provides that:

'6 Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.'

Further planning permission (reference 22/P2691) was granted by the Council on the 09th of December 2022 for the discharge of conditions 3 (materials), 4 (cross section and elevational details), 6 (working method statement), 8 (boundary enclosure) and 9 (landscaping and planting scheme) attached 2021 Permission ('the 2022 Permission').

Copies of the following are attached:

- The 2021 Permission
- The 2022 Permission
- The Construction Environmental Management Plan (CEMP)

4. THE BREACH OF CONDITION

There is a breach of Condition 6 of the 2021 Permission that requires full compliance with the CEMP.

Paragraph 7 of the CEMP stipulates:

'The site is located at the furthest vehicle accessible point on Commonsides East. The entrance to the site, is by means of an access road 30m.'

Paragraph 7 of the CEMP has not been complied with due to the fact that the access route is not being utilised by vehicles for the purpose of deliveries.

5. WHAT YOU ARE REQUIRED TO DO

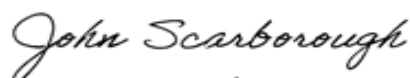
As the person responsible for the breach specified in paragraph 4 of this notice, you are required to comply or secure compliance with the stated condition by taking the following step:

Cease the use of the access road from New Barns Lane by all vehicles facilitating the development at 441 Commonsides East, CR4 1HJ.

Time for compliance: within one (1) month after this notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you.



Dated: 12th October 2023

Signed:.....
Managing Director of South London Legal
Partnership
On behalf of the London Borough of Merton

Address to which all communication should be sent:

Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: ABA-511/1468)

WARNING: THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should contact the Council's Planning Enforcement Officer, Luxmi Ghosh on 020 8545 3160.

If you do 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.

