

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**BREACH OF CONDITION NOTICE**

**TO:**

Enforcement ref: 22/E0156

Mr William Togher  
Managing Director  
Kidbrook Homes  
Frensham House  
Farnham Business Park  
Weydon Lane  
Farnham GU9 8QT

**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**

162 & 164 Hartfield Road, Wimbledon, London SW19 3TQ 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 SGL222932.

3. **THE RELEVANT PLANNING PERMISSION**

Planning permission (ref. 18/P2224) was granted by the Council on 28 August 2018 for the demolition of semi-detached properties and the erection of 8 x self-contained flats including a single storey basement on the Land, subject to conditions ("the 2018 Permission"). Condition 14 attached to the 2018 Permission provides that:

**14** The development shall not commence until details of the provision to accommodate all site workers, visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Further planning permission (ref. 21/P2385) was granted by the Council on 26 August 2021 for the approval of Condition 14 of the 2018 Permission ("the 2021 Permission"). The 2021 Permission confirms the acceptability of the Construction Transport Management Plan: August 2021 (the "CTMP") that included delivery times.

Copies of the following are attached:  
The 2018 Permission

The 2021 Permission  
The CTMP

#### **4. THE BREACH OF CONDITION**

There is a breach of Condition 14 of the 2018 Permission that requires full compliance with the CTMP for the duration of the construction process and paragraph b) of the CTMP has not been complied with:

**b) Deliveries:**

Deliveries will not take place in peak hours 07:00 – 09:30 and 16:00 – 19:00

#### **5. WHAT YOU ARE REQUIRED TO DO**

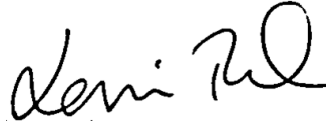
As the person responsible for the breach specified in paragraph 4 of this notice, you are required to comply or secure compliance with the stated condition by taking the following steps:

Cease all deliveries between 07.00 - 09.30 and 16.00 - 19.00.

**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: 18 April 2023

Signed:.....  
Managing Director of South London Legal Partnership

Address to which all communication should be sent:

Head of Legal Services, South London Legal Partnership, 67c St Helier Avenue, Morden  
SM4 6HY (Ref: CS/LEG/RO/511/1368)

#### **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.

