

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at 2A and 2B Robinson Road, London, SW17 9DJ in the London Borough of Merton shown edged red on the attached plan ('the Land').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the erection of a part 3 / part 4 storey (plus basement) mixed use building comprising a total of 12 self contained flats (including two in the basement), two commercial units on the ground floor with ancillary storage areas and a gymnasium in the basement on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

(a) It appears to the Council that the above breach of planning control has occurred within the last four years.

(b) In the absence of relevant planning conditions the development as constructed is unacceptable and detrimental to its current and future occupiers and neighbouring properties in terms of: inadequate boundary treatment, loss of privacy and overlooking, inadequate parking provision, lack of ground contamination survey and any mitigation measures, noise nuisance, lack of installation and maintenance of a "Green Roof System" or flood reduction measures, contrary to policies ST.1, ST.17, ST.22, HS.1, HS.2, LU.5, F.2, BE.15, and BE.2 of the London Borough of Merton Unitary Development Plan (October 2003). The development is also contrary to policies CS 2, CS 8, CS 9, CS 14, CS 15, CS 18 and CS 19 of the London Borough of Merton Core Strategy (July 2011).

(c) The development is defined by the Environment Agency as being within a Flood Zone 2. The basement flats are classified as Highly Vulnerable dwellings and unacceptable in this location contrary to policies ST.22, ST.23, and PE.5 of the London Borough of Merton Unitary Development Plan (October 2003) and contrary to policies CS 1 and CS 16 of the London Borough of Merton Core Strategy (July 2011).

- (d) The development provides a substandard form of accommodation by failing to provide adequate outside amenity space for the 2 bedroom flats or to provide an upgrade to nearby offsite amenity spaces. The development is therefore contrary to policy HS.1 of the London Borough of Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance – New Residential Development.
- (e) The development is likely to result in an increase in on-street parking, adversely affecting the safety and convenience of local residents and the quality of environment, contrary to policies PK.3 and PK.6 of the London Borough of Merton Unitary Development Plan (October 2003) and CS 20 of the London Borough of Merton Core Strategy (July 2011).
- (f) The development fails to provide additional educational provision despite creating a need for improved educational facilities, contrary to policy C.13 of the London Borough of Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Document - Planning Obligations (2006).
- (g) The development fails to provide the required affordable housing element or affordable housing contribution contrary to policy CS 8 of the Merton Core Strategy (July 2011).

Copies of the above policies are attached.

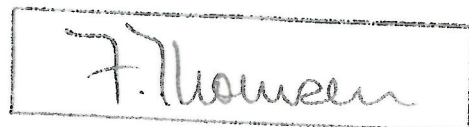
5. WHAT YOU ARE REQUIRED TO DO

- (a) Permanently demolish the part 3 / part 4 storey (including basement) mixed-use development constructed on the Land.
- (b) Remove all debris and waste resulting from compliance with paragraph 5(a) above from the Land.

Time for Compliance: within **9 MONTHS** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **14 OCTOBER 2011** unless an appeal is made against it beforehand.



Dated: **9 September 2011**

Signed.....

Head of Legal Services
London Borough of Merton

Address to which all communication should be sent:-
Head of Legal Services, London Borough of Merton, Merton Civic Centre, London Road,
Morden, Surrey SM4 5DX (Ref: CS/LEG/AW/448/65)

YOUR RIGHT OF APPEAL

You can appeal against this notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

FEE PAYABLE FOR THE DEEMED APPLICATION

If your ground of appeal is, or includes ground (a) that planning permission should be granted, you must include with your appeal a fee, which is double that payable for a normal planning application. The total fee payable is **£8,710**.

Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore include:

One cheque for **£4,355** payable to The Department for Communities and Local Government

One cheque for **£4,355** payable to the London Borough of Merton

The fee can be sent with your appeal form.

WHAT HAPPENS IF YOU DO NOT APPEAL

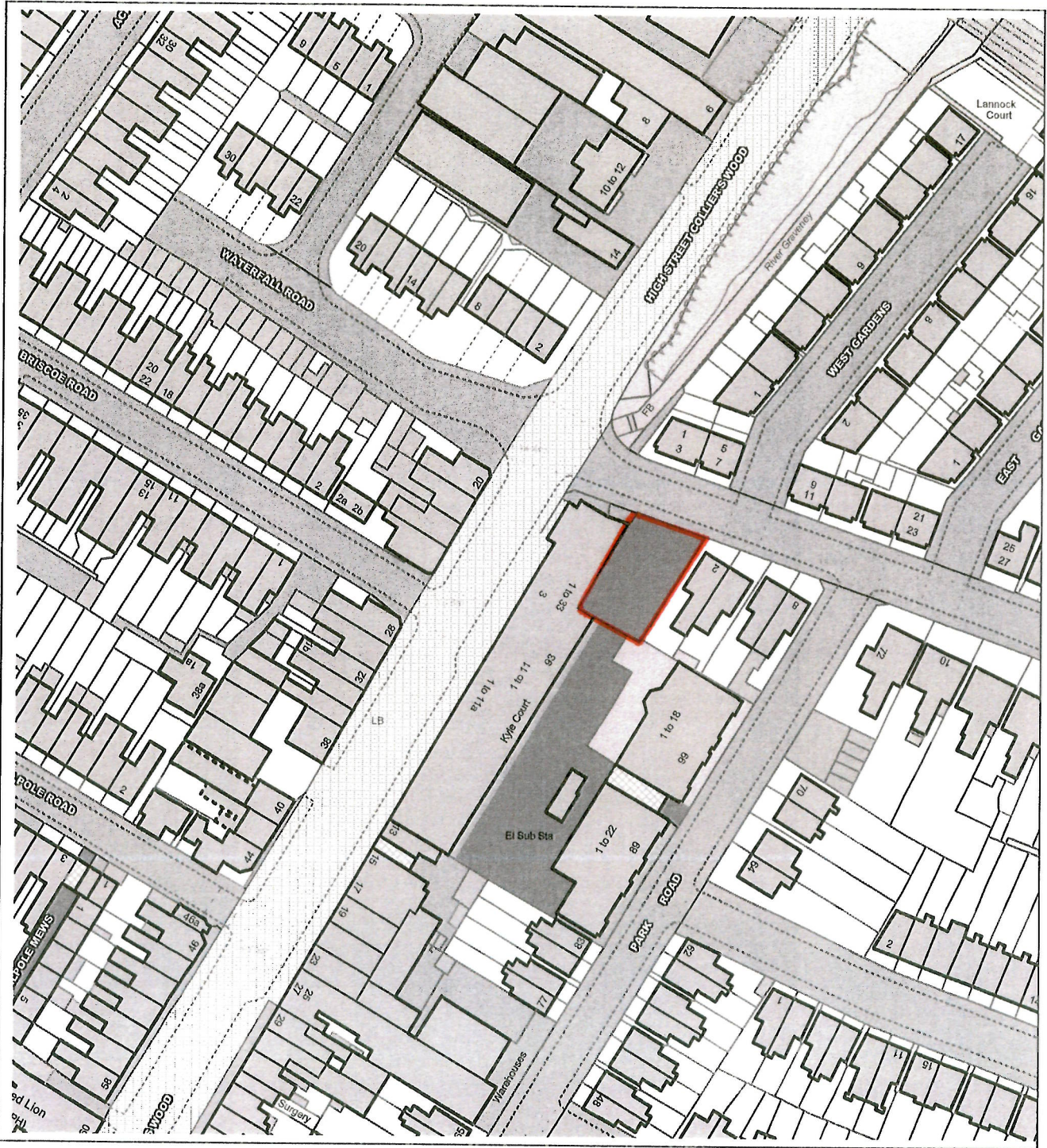
If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. The Secretary, Simply Letting London.com Limited, 26 Tooting Bec Road, London, SW17 8BD
2. The Secretary, Simply Letting London.com Limited, 114 Tooting Bec Road, London, SW17 8BQ
3. Brian Craine, 2A Robinson Road, London SW17 9DJ
4. Jack Craine, 2A Robinson Road, London SW17 9DJ
5. Raja & Co Solicitors, 2A Robinson Road, London, SW17 9DJ
6. The Trustees, Humanity Care International, 2B Robinson Road, London, SW17 9DJ
7. Arun Morjaria, care of Beachcroft LLP, Portwall Place Lane, Bristol BS99 7UD
8. The Secretary, National Westminster Bank PLC, care of Credit Documentation, P.O. Box 339, Manchester M60 2AH
9. Miss K. E. Allingham, Miss D. Mantrip and Miss N. Berry, Flat 1, 2A Robinson Road, London, SW17 9DJ

10. The Owner / Occupiers, Flat 1, 2A, Robinson Road, London, SW17 9DJ
11. Mr K. Southgate and Ms S. Acres, Flat 2, 2A Robinson Road, London, SW17 9DJ
12. The Owner / Occupiers, Flat 2, 2A, Robinson Road, London, SW17 9DJ
13. Mr G. Curley and Miss N. Lewis Speight, Flat 3, 2A Robinson Road, London, SW17 9DJ
14. The Owner / Occupiers, Flat 3, 2A, Robinson Road, London, SW17 9DJ
15. Mrs C. Durrell and Mr. P. Durrell, Flat 4, 2A Robinson Road, London, SW17 9DJ
16. The Owner / Occupiers, Flat 4, 2A, Robinson Road, London, SW17 9DJ
17. Mr C. J. Fitch, Miss R. Smith and Miss S. Gordon, Flat 5, 2A Robinson Road, London, SW17 9DJ
18. The Owner / Occupiers, Flat 5, 2A, Robinson Road, London, SW17 9DJ
19. Mr D. Knight and Mr M. Young, Flat 6, 2A Robinson Road, London, SW17 9DJ
20. The Owner / Occupiers, Flat 6, 2A, Robinson Road, London, SW17 9DJ
21. Mr P. Scheppingen and N. Scheppingen, Flat 7, 2A Robinson Road, London, SW17 9DJ
22. The Owner / Occupiers, Flat 7, 2A, Robinson Road, London, SW17 9DJ
23. Mr M. J. Connor, Mr A. B. S. Vyas, and Mr W. Farkas, Flat 8, 2A Robinson Road, London, SW17 9DJ
24. The Owner / Occupiers, Flat 8, 2A, Robinson Road, London, SW17 9DJ
25. Miss S. Nacey, Flat 9, 2A Robinson Road, London, SW17 9DJ
26. The Owner / Occupiers, Flat 9, 2A, Robinson Road, London, SW17 9DJ
27. Mr P. Detlaff, Miss D. Zdunska, Flat 10, 2A Robinson Road, London, SW17 9DJ
28. The Owner / Occupiers, Flat 10, 2A, Robinson Road, London, SW17 9DJ
29. Mr J. Olexa and Miss Z. Triznova, Flat 11, 2A Robinson Road, London, SW17 9DJ
30. The Owner / Occupiers, Flat 11, 2A, Robinson Road, London, SW17 9DJ
31. Miss E. Antonio, Mr E. Antonio and Mrs G. Antonio, Flat 12, 2A Robinson Road, London, SW17 9DJ
32. The Owner / Occupiers, Flat 12, 2A, Robinson Road, London, SW17 9DJ

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