

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

BREACH OF CONDITION NOTICE

TO: Mr Robert Harverson
J & R HARVERSON T/A RAPID READYMIX (A PARTNERSHIP)
AT: Rapid Readymix
Alpha Place
Garth Road
Morden
SM4 4LT

ISSUED BY THE LONDON BOROUGH OF MERTON (“the Council”)

1. **THIS IS A FORMAL NOTICE** issued by the Council under Section 187A of the above Act, because it considers that a condition imposed on a grant of planning permission relating to the land described in paragraph 2 below has not been complied with. The Council considers that you should be required to comply or secure compliance with the condition specified in this notice.

2. **THE LAND AFFECTED**

The land at Rapid Readymix, Alpha Place, Garth Road, Morden, SM4 4LT shown edged in red on the plan attached hereto (‘the Land’).

3. **THE RELEVANT PLANNING PERMISSION**

Planning permission (Ref: 11/P2523) was granted by the Council on 02 August 2013 for the change of the use of the site from use within Class B2 (Industrial) with ancillary offices to use of site for storage and distribution (B8) of aggregates in connection with the bulk delivery of cement with ancillary offices including the erection of a canopy (“the Planning Permission”)

A copy of the decision notice relating to this planning application is attached hereto.

4. **THE BREACH OF CONDITION**

Planning Permission was granted subject to conditions, the following condition has not been complied with:

“6. The use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays”

5. WHAT YOU ARE REQUIRED TO DO

As the person having control of the land, you are required to comply or secure compliance with the condition specified in paragraph 4 of this notice by taking the following steps:

- i) That the use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.

6. PERIOD FOR COMPLIANCE

The period for compliance is **28 days** beginning with the day on which this notice is served upon you.

Dated: 23 June 2014

Signed.....

Paul Evans, Head of South London Legal Partnership

Address to which all communication should be sent:-

Paul Evans, Head of South London Legal Partnership, Gifford House , 67c St Helier Avenue, Morden, SM4 6HY (REF: CS/LEG/AN/511/397)

WARNING: This notice takes effect immediately on the date it is served on you in person (i.e. on the 23 June 2014).

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 (i.e. after 20 July 2014).

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 arising from non-compliance with any further notices

If you are in any doubt about what this notice requires you to do, you should contact Sam Amoako-Adofo, Enforcement Team Leader on 020 8545 3111.

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.

Miss Samantha Swallow
Robert Davies John West Ltd
Lawford House
Leacroft
Staines
Middlesex
TW18 4NN

Planning Department
London Borough Of Merton,
Civic Centre,
London Road,
Morden
Surrey
SM4 5DX

TOWN & COUNTRY PLANNING ACT 1990

Planning Permission Decision Notice 11/P2523

The London Borough of Merton, as Local Planning Authority, hereby **GRANTS Planning Permission** for the works specified in the First Schedule below subject to the conditions specified in the Second Schedule below.

First Schedule - Particulars of application

Application Number: 11/P2523

Location: Rapid Ready Mix
Alpha Place
Garth Road
Morden
Surrey
SM4 4LT

Proposal: Change of use of the site from use within Class B2 (Industrial) with ancillary offices to use of site for storage and distribution (B8) of aggregates in connection the bulk delivery of cement with ancillary offices including erection of a canopy.

Approved Plans: Site location plan.
L1834/01H, 04D and 05.
Dust Management Procedure by Phlorum Ltd 14/05/13

Second Schedule - Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: L1834/01H, L1834/04D & L1834/05.

Reason: For the avoidance of doubt and in the interests of proper planning

2 Within one month of the date of this permission, details of the boundary treatments to prevent the movement of materials towards the Pyl Brook as shown on the approved drawings shall be submitted to the local planning authority for approval and implemented within one month of the date of being approved.

Reason. To prevent materials migrating towards or entering the Pyl Brook and to comply with policy PE.2 and PE.6 of the Merton Unitary Development Plan (2003).

3 No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy PE.3 of the Adopted Merton Unitary Development Plan 2003.

- 4 Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.3 of the Adopted Merton Unitary Development Plan 2003.

- 5 Within one month of the grant of planning permission, a Delivery and Servicing Plan shall be submitted to the Local Planning Authority for approval. Any approved measures shall be implemented within one month of the date of approval or within 6 months of the date of this planning permission whichever is the sooner and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

- 6 The use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.

- 7 Any vehicle removing materials used for the manufacturing or processing of cement based products from the site shall have those materials either enclosed within the body of the vehicle or totally covered with a suitable screen or tarpaulin to prevent those materials falling from the vehicle onto the public highway.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.

- 8 Within 3 months of the grant of planning permission the sound insulation canopies shown on drawings L1834/01H & L1834/05 shall be erected and shall remain and be maintained so as to ensure their acoustic integrity for so long as the use of the site hereby approved continues. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.


- 9 The use hereby approved shall be managed and operated in accordance with the recommendations included in the 'Dust Management Procedure' document produced by Phlorum Ltd and dated 14 May 2013.
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Merton Unitary Development Plan (2003).

- 10 In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by: Offering a pre-application advice and duty desk service. Where possible, suggesting solutions to secure a successful outcome. As appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance: Council officers engaged with the applicant to resolve issues including noise, air quality and the design of canopies. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

11 INFORMATIVE: The Council encourages the enhancement of Open Spaces and Green Corridors under the provisions of policy NE.8 of the Council's Unitary Development Plan (2003) and seeks financial contributions to secure improvements to the nature conservation value of those areas via Unilateral Undertakings under Section 106 of the Planning Act. Lynmouth Avenue Open Space is a designated Green Corridor and the Council would welcome a contribution towards improvements including tree planting to the nature conservation value of the open space. For further advice on Unilateral Undertakings, their format and function, the applicant should contact the Development Control section of Merton Council.

Date of Decision:

02 August 2013

Signed 

For 1 on behalf of the Head of Public Protection & Development (Planning).

Note: This approval confers permission under the Town and Country Planning Acts only. It does not confer consent or approval under any other statutory enactment; including the Building Regulations. Failure to obtain all necessary consents may result in enforcement action. It is emphasised that no variation from the deposited plans or particulars will be permitted unless previously authorised in writing by the London Borough of Merton

Please read attached notes.