

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**BREACH OF CONDITION NOTICE**

**TO:**

Mr Shariff Uddin, URM Services Ltd, 41 Thornhill Road, Croydon, Surrey CR0 2XZ

Mr Sharif Uddin, SSJ Accountants Ltd, 173a High Street, Beckenham BR3 1AH

Mr Lee Murphy, W&M Development Ltd, 173a High Street, Beckenham, Kent, BR3 1AH

Mr Lee Murphy, LMB Group Ltd, 167 Shirley Road, Croydon, CR0 8SS

The Secretary, Cyntra Properties Ltd, 133 Hammersmith, London W14 0QL

The Secretary, Elmdon Real Estate LLP, 133 Hammersmith Road, London W14 0QL

The Secretary, LPV Carelse South Park Ltd, 60 Gray's Inn Road WC1X 8LU

**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 8 A-F South Park Road Wimbledon London SW19 SST** in the London Borough of Merton shown edged red on the attached plan ('the Land').

**3. THE RELEVANT PLANNING PERMISSION**

Planning permission (ref. 21/P3487) was granted by the Council on 23 February 2022 for prior approval for erection of additional floor comprising 3 x self-contained residential flats, subject to conditions.

Further planning permission (ref. 22/P1840) was granted by the Council on 8 August 2022 for approval of Condition 6 of prior approval ref. 21/P3487, confirming the acceptability of the following: Details submitted in Construction Logistics Plan (amended 21st July 2022)

Copies of the following are attached:

Planning permission ref. 21/P3487

Planning permission ref. 22/P1840

Construction Logistics Plan

#### 4. THE BREACH OF CONDITION

The following conditions attached to planning permission reference 21/P3487 have not been complied with:

**Condition 4:**

No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy OM EP2 of Merton's Sites and Policies Plan 2014.

**Condition 6:**

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. The details shall include how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy OM T2 of Merton's Sites and Policies Plan 2014.

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

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

- (a) Comply with the hours of works as specified in Condition 4 of planning permission ref. 21/P3487 by ensuring that no demolition or construction work or ancillary activities such as deliveries take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
- (b) Implement the dust control mitigation scheme and put the polythene sheets around the scaffolding as specified in the Construction Logistics Plan submitted by the developer and approved by the council ref. 22/P1840
- (c) Put up the hoarding as specified in the Construction Logistics Plan submitted by the developer and approved by the council ref. 22/P1840.

- (d) Keep all access areas clear of material, debris and vehicles by placing only within the designated area as per Construction Logistics Plan submitted by the developer and approved by the council ref. 22/P1840

Time for compliance: within 21 days after this notice is served on you.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect immediately it is served on you.



Dated: 13 September 2022

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/511/1340)

**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.

HM Land Registry  
Current title plan  
**HM Land Registry**  
Current title plan

Title number **SGL782606**  
Ordnance Survey map reference **TQ2570NW**  
Scale **1:1250**



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Administrative area **Merton**



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 01 May 2012 at 15:22:55. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Croydon Office.

This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 11 May 2022 at 13:22:23. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Croydon Office.

**SUSTAINABLE COMMUNITIES DIVISION**

Head of Sustainable Communities - James McGinlay



CSJ Planning Consultants  
1 Host Street  
Bristol  
BS4 4EG

London Borough of Merton  
Merton Civic Centre  
London Road  
Morden, Surrey SM4 5DX  
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Fax: 020 8543 6085  
Direct Line: 020 85453115  
E-mail: [planning@merton.gov.uk](mailto:planning@merton.gov.uk)

Date: 23 February 2022  
Our Ref: 21/P3487

## **PRIOR APPROVAL GIVEN**

Determination as to whether the prior approval of the local planning authority is required under condition A.2. and the process set out in paragraph B of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

### **Address of the proposed development:**

BA- F South Park Road, Wimbledon, London, SW19 SST

### **Description of the proposed development:**

APPLICATION FOR PRIOR APPROVAL FOR ERECTION OF ADDITIONAL FLOOR COMPRISING 3 X SELF-CONTAINED RESIDENTIAL FLATS.

### **Information that the developer provided to the local planning authority:**

1020.000, 102,103,104,111,112,113, 114&200.

## **DECISION**

In accordance with section 60 (28) and (2C) of the Town and Country Planning Act 1990 (as amended by section 4(1) of the Growth and Infrastructure Act 2013) Merton Council, as local planning authority, hereby confirm that their **prior approval is given** for the proposed development at the address shown above, as described by the description shown above, in accordance with the information that the developer provided to the local planning authority and subject to the following conditions.

- (1) It is a requirement of part A.2 that development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
- (2) It is a requirement of part A.2 that the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (3) The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance of the development and to comply with policy CS14 of Merton's Core Planning Strategy 2011 and policies OM, D2 and D3 of Merton's Sites and Policies Plan 2014.

- (4) No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy OM EP2 of Merton's Sites and Policies Plan 2014.

- (5) The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy OM T1 of Merton's Sites and Policies Plan 2014.

- (6) 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. The details shall include how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy OM T2 of Merton's Sites and Policies Plan 2014.

/A . A a

Signed.....

Lesley Barakchizadeh– Interim Development Control Manager  
For and behalf of the Head of Sustainable Communities.

### **Community Infrastructure Levy**

If permission is granted for the development of any new dwelling(s) or at least 100 square metres of new-build gross internal area (GIA) (including replacement of existing GIA), into which people normally go, it will usually become liable for a Community Infrastructure Levy (CIL) payment under Merton and Mayor of London CIL charging schedules.

If your development is liable, you will be sent a liability notice that will provide details of the charge. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process (including penalties) will be provided with the liability notice or upon request.

If your development is likely to be CIL liable and you have not already done so, please complete and return to us an additional information form, available at [http://www.planningportal.gov.uk/uploads/1app/forms/cil\\_questions.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/cil_questions.pdf). Failure to do so will mean we will perform the calculation of the charge solely on the basis of the information already provided with the planning application which might result in you being overcharged.



This will affect planning applications which receive planning permission on or after the date the CIL charge comes into effect. For more information please visit <http://www.merton.gov.uk/cil> or email [CILevy@merton.gov.uk](mailto:CILevy@merton.gov.uk)

**The Mayor of London has adopted an updated CIL charge of £60/sqm for developments in Merton, which is effective to developments granted planning permission from 1 April 2019. This is an increase from the £35/sqm charge on developments effective prior to 1 April 2019. For more information visit: [www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy](http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy)**



**SUSTAINABLE COMMUNITIES DIVISION**  
Head of Sustainable Communities - James McGinley



Mr Ciaran Treanor  
Clements & Porter Architects Ltd  
63 Rivington Street  
London  
EC2A 3QQ

London Borough of Merton  
Merton Civic Centre  
London Road  
Morden SM4 5DX

*Direct Line:* 020 8545 3115  
*Fax:* 020 8543 6085

*My Ref:* 22/P1840  
*Please Ask For:* Mr David Gardener  
*Date:* 08 August 2022

Dear Mr Treanor,

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**  
**RE: Approval of condition 6 of prior approval LBM Ref: 21/P3487, 8A–F South Park Road, Wimbledon, SW19 8ST**

Details of conditions from prior approval LBM Ref: 21/P3487 to be approved:

**Condition 6**–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. The details shall include how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

I can confirm the acceptability of the following:

- Details submitted in Construction Logistics Plan (Amended 2P July 2022)

Condition 6 of prior approval 21/P3487 is hereby approved.

Yours Sincerely

Tim Bryson  
Team Leader, North Team (email: [tim.bryson@merton.gov.uk](mailto:tim.bryson@merton.gov.uk))

# Construction Logistics Plan

8A-F South Park Road

Wimbledon

London

SW19 8ST

**Contractor:** LMB Group Ltd

**Planning Permission reference:** 21/P3487



Report date: 1<sup>st</sup> June 2022 (updated 21<sup>st</sup> July 2022)

Author: Lee Murphy

Contact: [enquiries@lmbgrouppltd.co.uk](mailto:enquiries@lmbgrouppltd.co.uk)

Phone: 020 8406 9907

## Introduction

The Construction Logistics Plan for this project is to help minimise disruptions to the public because of site traffic and pollution; and any further nuisances to the local community in Merton. This will be carried out by reducing the number of deliveries where practical, including staging and consolidation of deliveries such that the volume of traffic is kept to a minimum and avoiding peak times.

This document aims to comply with planning condition 6 of the planning consent issued.

No development or site works shall take place on site until a 'Construction Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 'Construction Logistics Plan' submitted shall include, but not be limited to, the following:

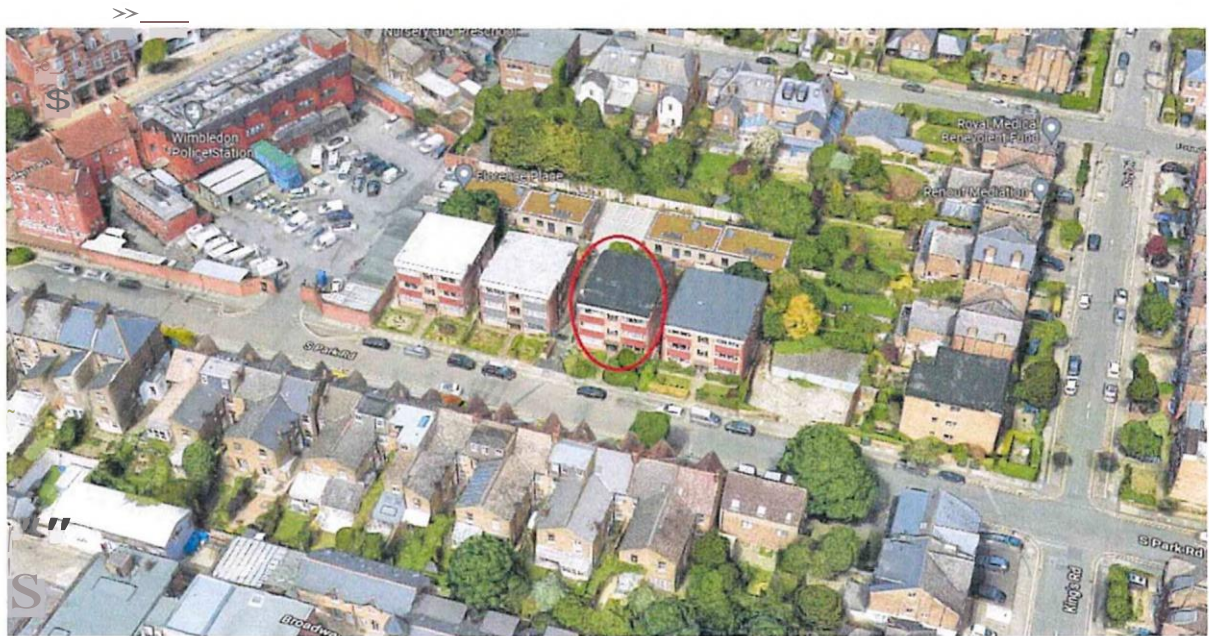
- a) Provision to accommodate all site workers and visitors
- b) Provision to accommodate construction vehicles
- c) Loading/ unloading arrangements during the construction process
- d) How the adverse impact of noise, dust, vibration, and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

Site Location

8A--F South Park Road, Wimbledon, London SW19 8ST



Courtesy Google Maps

Description of work

Erection of additional floor comprising of three self-contained residential flats

Construction Programme

The whole project to build the additional floor comprising 3 self-contained residential flats will take an estimated 6 months to complete.

Site Working Hours

Planned working hours

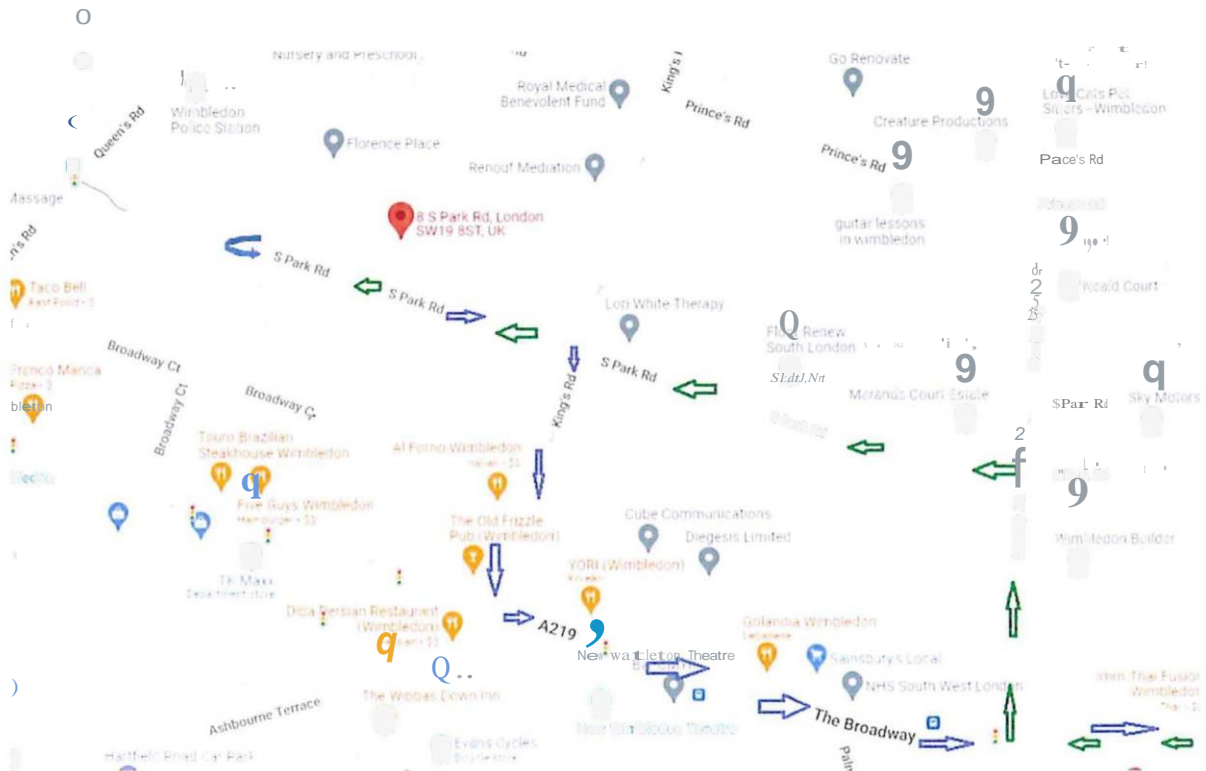
Monday to Friday 08:00 18:00pm

Saturdays 08:00 -- 13:00pm

Sunday and Bank Holidays, no working.

Access to site

All vehicles servicing the site will be instructed to use Stanley Road on entry to site and King's Road upon exit. There is an adequate turning circle on South Park Road for vehicles to turn and exit.



Green Arrows: Entry route

Blue Arrows: Exit Route

Blue Arrows: Exit Route

### General Monitoring

The Council Highways Team to be contacted to ensure all relevant highway licences are in place prior to any works starting, including hoardings and delivery area

### Deliveries and Loading

Traffic management will be controlled directly by senior site staff, a project manager and a construction manager. In agreement with the council, the parking bay directly outside the property, as shown above, can be suspended during the course of works and all delivery vehicles will be coordinated with times arranged to prevent queuing on the public highway and conflict with adjacent properties. Together they will monitor the activity daily, sharing information and holding meetings with suppliers and subcontractors as required to maintaining a good standard of traffic management. All subcontractors and third-party delivery companies and material suppliers will be briefed on the key points of the traffic management plan prior to placing any orders or starts on site. This will be carried out in both a written and verbal capacity (pre-start meeting). A copy of the site route will be provided by the principal contractor and all visiting vehicles will be made aware of the strict instruction relation to delivery time and access to site. Access for emergency vehicles will be maintained at all time and public footpaths will remain open, with a minimum footway of 1.5m. All delivers will take place outside of peak hours 07:00-09:00 and 16:00-19:00.



Loading area for deliveries blue above.

Loading area for deliveries blue above.



### Sizes of all vehicles and schedule of when they will need to access site

Below list of estimated vehicles and vehicle sizes that will be used in the construction phase.

- Ford Transit Van. Height 2.1 m. Length 5.3m, Width 2.3m (estimated twice weekly throughout the course of the project)
- Skip truck 1.5tonne. Height 2.9m, Length 5.95m, width 2.3m, (estimated as 1 per day as required.)

All vehicles coming to site for loading and/or offloading of material to and from high level bedded vehicles will be equipped with suitable guard rail protect. Vehicles moving dust generating material or construction waste are to be completely sheeted with tarpaulin or sheeting/netting to avoid and debris falling on public highways.

### Parking and loading arrangements of vehicles and deliveries of material and plant

Deliveries to site will be managed and arranged so that only one construction vehicle will stop for loading or offloading on site at any one time. Loading area is located outside the site at the front of the property where all delivery companies and visitors will be notified of the site access routes.

There are no allocated spaces onsite for stacking of vehicles. Vehicles will have predetermined delivery time and called down to site by telephone. If outside of these times or not previously arranged, then they will be turned away if their presence affect ability to safeguard the amenity of the area.

Any deliveries of abnormal/exceptional loads will be highlighted and booked in sufficient time to allow the project management team to check that the access and offloading routes and processes are sufficient for the delivery or alternative can be arranges. The management team will also check with local authority of any event day that may cause for the public highway to be busier than normal.

Where possible, bulk deliveries will be made to minimise traffic disruption. Material must be loaded and off-loaded mainly by truck crane with truck/ lorry standing within the delivery bay.

All construction materials generally be ordered on a just in time basis, particularly during the groundworks and frame / facade period. Once the building is constructed and watertight, internal building space will be able to be utilized for storage of appropriate materials.

Site visitors and site personnel will be encouraged to use public transport due to the lack of parking facilities on site and surrounding areas. Parking suspensions may be required to facilitate the delivery bay. This will be organized in due course as and when required by the main contractor in due course.

### Waste Storage

The site is limited in terms of space and working conditions may be restricted if waste is stored on site. It is therefore intended that all waste be removed from site on a regular basis keeping the site clear of obstacles. If any, waste will be located in a suitable location, ensuring the site maintains a good clear working condition and avoiding blocking on neighbouring properties. Construction waste will be stored in waste skips sited next to the loading area. Skip time will be arranged as to cause minimal disruption.

### Site Access and Hoarding requirement

Site notice boards will be displayed at the site entrance and will display the site procedure, contact details, access, site rules and all necessary health and safety information. Hoarding will be provided to the front of the site for the duration of the works. Hoarding to be constructed of 18mm plywood, with hoarding lights and will have 1NR pedestrian gate. Loading and unloading of materials will be done via hoist from the loading platform over the pavement. The hoarding will be 2.6m high. All site activities will be contained within the hoarding line. The Site Delivery and pedestrian gate will display the necessary health and safety signs. The site manager contact details will be displayed for any queries or emergencies.

During the duration of the project, footway clearance from the hoarding and kerb will be kept at 1.5m. Pedestrian access for visitor and site operatives will be through pedestrian gate at the front of the property.

Trained and experienced banks men will be in position half an hour before the first delivery with a schedule of the daily delivery. All site traffic movements will be planned and organised in advance with the banks man, site agent and any potential nominated subcontractors. The banks man will direct and control vehicles and pedestrian movement around and immediate area of the site. Ensuring pedestrian safety and the flow of traffic are maintained.

### Ancillary site buildings/staff welfare

Given the nature of the development there will be no ancillary site buildings required. The site already has access to drainage, water mains and electricity, and these utilities will be maintained for use by contractors

### Vehicle parking

There are no site contractor parking available. Therefore, operative will be advised to use public transport when possible. Given the nature of development, the parking of contractor vehicles in nearby streets will be infrequent and short-term, as different contractors will be used throughout the course of construction. The number of construction workers on site at any one time will at most be no more than 5, and this will not therefore cause any significant or long-term disturbance to on street parking in the immediate area.

### Wheel washing equipment

Given the rooftop nature of the development and given that vehicles will not be accessing the site, there is unlikely to be the need for any wheel washing equipment. The site will maintain its water supply to which a hose can be connected for the purposes of the construction and washing of equipment and vehicles, and dust suppression. At the end of each working day, checks will be made by the site foreman to ensure that there is no mud, debris or rubbish on the highway, and any debris caused by the development will be removed.

### Dust mitigation measures

The following measures will be implemented to minimise any impact arising from dust and dirt because of the construction process:

- A water supply will be maintained across the site to ensure that dusty surfaces and activities can be damped down as appropriate.
- Any scaffolding used on the site will be covered with polythene sheets to form a barrier between the site and the surrounding properties. This will reduce the transport of dust off-site.
- There will be no burning of any material anywhere on-site.
- Surplus materials and rubbish will not be allowed to accumulate on the site or spill over into the surroundings.
- Ground & surface water will be managed by the insertion of all drainage at the beginning of construction. All drain runs will be made active to minimise surface water.
- As much cutting of materials as possible will be carried out off site.

### Noise and vibration mitigation measures

Noise emission can be a potential source of annoyance to adjoining and nearby residents. The following measures will therefore ensure that this source of annoyance is minimised as far as possible:

- Any construction works that may cause noise to be audible outside of the site will be restricted to the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. There will be no working at all on Sundays or Bank Holidays.
- Deliveries of materials to the site will not be permitted before 08.00 at any time, and not at all on Sundays or Bank Holidays.
- Standard construction plant and equipment will be used. It is anticipated that there will not be any particularly 'noisy' of long-term activities that require particular attention. Any stationary plant such as compressors and generators will be positioned away from sensitive locations within the confines of the operational use of the equipment. • Vehicles and mechanical plant used shall be fitted with effective exhaust silencers, maintained in good and efficient working order and operated in such a manner as to minimise noise emissions. All contractors shall ensure that all plant complies with the relevant statutory requirements.
- Machines in intermittent use will be shut down or throttled down to a minimum when not in use.
- Where practicable, equipment powered by mains electricity shall be used in preference to equipment powered by internal combustion engine or locally generated electricity.
- Plant will be maintained in good working order so that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- All materials will be lowered where practicable and not dropped.
- Neighbouring occupiers will be advised in writing by the site foreman of any activities or deliveries that may have the potential to cause unavoidable noise or other disturbance, to manage the expectations of all parties. Contact details, including an emergency telephone number shall be provided in all communications.