

Mr Derek Ritson
planning@mo-ra.co

Contact: Nicola Townsend
nicola.townsend@croydon.gov.uk
Our Ref: COM/6760
Date: 24th September 2021

Dear Mr Ritson,

Stage 1 Complaint – 56 Woodmere Avenue - 20/06052/DISC - Conditions 7, 9, 10, 13 and 15

Thank you for your correspondence received 2nd August 2021 regarding the development at 56 Woodmere Avenue. I have dealt with your complaint at Stage 1 of the Council's complaint procedure.

I am sorry that I have been unable to respond to you sooner. The Council's finances and the ongoing pandemic has had an impact on our resources which means that it is taking longer for us to respond to queries and complaints.

Your Complaint

- 1 You have questioned what is the LPAs position regarding works proceeding to virtual completion of this application without approval of **Conditions 7, 9, 10, 13 and 15?**
- 2 **Condition 9:** You have questioned whether the actual built structure finished floor levels (FFLs) or thresholds of the buildings has been raised by at least **150mm** above ground levels, to mitigate against surface water flows entering the building in an exceedance event as recommended by the AMBIENT Surface Water, Drainage and SUDs Report para 2.15?
- 3 Can you advise whether the built structure follows the approved plans, and that the development Fitted Floor Levels and thresholds meet the approved plans which indicated the development would be sunk below the existing ground levels, and by what depth?
- 4 Should building works proceed without agreement by the LPA of the Conditions of Approval and if not, who is responsible for ensuring conditions are met at the appropriate stage of development; Development Management, Building Control, or the Developer?
- 5 How can this Application **Ref: 20/06052/DISC** be discharged now that the development is virtually completed?
- 6 What remedial actions can be pursued to avoid future surface water flooding of the ground floor apartments of this development if the

- recommendations of the AMBIENTAL Surface Water Drainage and SuDS Assessment conclusions (para 2.15) have **NOT** been implemented?
- 7 Has there been any agreement in writing or any correspondence between the Applicant and the LPA for any delay in assessing this Application Ref: 20/06052/DISC for approval of the Conditions 7, 9, 10, 13 and 15?
- 8 Can you advise if all the Conditions 7, 9, 10, 13 and 15 are deemed to have been discharged (Town & Country Planning – Development Management Procedure Articles 27, 28 & 29) and if so, why were the conditions required if they can be assumed “discharged” without LPA assessment or approval?

I will respond to each of your questions in turn.

Question 1

Developers can start commencement of work prior to the determination of all conditions attached to their planning permission however, this is done so at their own risk. If a developer is found to be in breach of their planning permission or have not had the relevant permissions granted this can be investigated and potential action taken by our enforcement team. At this present time whilst the discharge of the conditions is pending consideration the enforcement team would not carry out an investigation/action.

Question 2

The Council has been advised by the agent that the ground floor level of the building has been raised 150mm in accordance with the recommendation of the SUDs report. If you have evidence to suggest that this is not the case the matter can be reported to our Planning Enforcement Team by emailing planningenforcement@croydon.gov.uk

Question 3

The approved sections under 19/01352/FUL show the ground floor level of the building to align with the ground floor level of the site. The agent for the developer has advised that to compensate for the 150mm raised ground floor of the building the second floor ceiling height has been reduced, so there is actually a decrease in the overall height of the building. In order for the Council to properly assess and potentially formalise the changes the Council advised that the agent submit a S96a application. This is yet to be received.

Question 4

Please refer to question 1 response regarding planning enforcement.

Question 5

I understand your concerns regarding work having been largely completed on the development however as detailed if the conditions are not discharged and work has been completed that is not in accordance with the consented development then this may be subject to planning enforcement action.

Question 6

The agent for the development has advised that the ground floor level of the building has been raised 150mm.

Question 7

The Council has contacted the agent for the development regarding Condition 9 and explained the need for the changes in the floor levels and height of the building to be formalised through an additional application.

Question 8

The conditions are not deemed to be discharged but are still pending decision.

If you feel that your complaint has not been investigated properly or you wish to provide significant new information then you may complain to the next stage of the complaint procedure. For your complaint to be considered you will need to contact the Complaint Resolution team explaining clearly why you feel your complaint has not been investigated properly, or provide details of any new significant information or evidence that may alter the decision made:

Complaint Resolution Team
Floor 7, Zone C
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA
Phone: 020 8604 7015
Email: complaints@croydon.gov.uk

If you have any questions, please contact me on 020 8726 6000 ext number 62982.

Yours sincerely

Nicola Townsend

Head of Development Management
Planning and Strategic Transport
Croydon Council