

18th January 2024

Planning Department
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CR0 1EA

c/o Work.Life
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Dear Planning Team

Re: Selhurst – No 5 Dagmar Road SE25 6HZ
Section 73A(2)(c) Planning Application to vary Condition 2 relating to Planning Permission Ref 21/01032/FUL

Background

We act on behalf of Inicio Homes in relation to the above site.

On 2nd December 2021, The Council approved planning application Ref 21/01032/FUL via delegated powers which proposed the following development:

“Demolition of the existing dwelling and construction of a new four storey building comprising 8 apartments with associated private and communal amenity space, refuse and cycle storage.”

The application was formally approved subject to a total of 17 conditions (please refer to the Decision Notice attached at **Appendix 1**).

Following the initial decision by Council Officers to approve the application, minor changes to the approved plans have been made during the construction phase of development. The applicant consequently seeks to regularise these via an application under Section 73A (2) (c) of the Town and Country Planning Act 1990 (as amended).

These changes have been discussed with the Council’s Planning Enforcement Officer (Justice Awe) who has advised that all proposed amendments to the approved scheme can be deemed as minor in nature and fall within the approved description of development, thus they are capable of being regularised via a Section 73A planning application.

Accordingly, we are instructed to apply to update the drawing references referred to within Condition 2 via a Section 73A (2) (c) application, which seeks to ensure that the development is built out in accordance with approved details.

In addition to this cover letter, the application submission is accompanied by a drawings package prepared by Unfold Architecture which comprises the following:

- Proposed Ground Floor/Site Plan (Ref 090-110 P7);
- Proposed Third Floor Plan (Ref 090-103 P4);
- Proposed First Floor Plan (Ref 090-101 P5);
- Proposed North East Elevation (Ref 090-201 P4);
- Proposed Site Section A-A (Ref 090-300 P4);
- Proposed Street Elevation (Ref 090-204 P4);
- Proposed South West Elevation (Ref 090-203 P5);
- Proposed North East Elevation (Ref 090-202 P5).

Payment of the £293 application fee has been made under separate cover.

Site and Surroundings

The site comprised a large detached two storey dwelling (No 5 Dagmar Road) positioned on the north western side of the street within a spacious plot. The property was set back from the roadside by 6 metres and benefitted from a large rear garden extending to approximately 25 metres in length.

The large and dilapidated property did not make a positive contribution to the street scene and both the property and site had not been maintained for many years.

Dagmar Road itself is characterised by large residential buildings which comprise a mix of detached, semi-detached and apartments that maintain consistent building lines within the street scene. Neighbouring buildings on the same side of the road are generally three storey and set marginally higher than No 5. Two of the neighbouring properties to the south east (Nos 7 and 9) retain attractive window detailing in the same manner as the site. There are four detached properties on the opposite side of the road which also retain attractive external features.

Accordingly, the site is situated within a predominantly residential area, although there are a range of local shops and services located approximately 0.5km to the north west along the High Street of Selhurst including a supermarket, pharmacy, leisure centre, post office and other retail uses. To the north of the site is Selhurst Park (home of Crystal Palace FC) as well as a medical centre and two primary schools.

The site is not located within a Conservation Area, nor are any listed buildings situated in close proximity.

The Proposal

The proposed amendments to the approved scheme are summarised in turn below, which are presented in the context of the Council's Delegated Report (please refer to **Appendix 2**) for ease of reference.

Apartments 7 and 8

Positioned at second and third floor level Units 7 and 8 are duplex 3 bed/4 person smaller family sized dwellings that previously benefited from a private amenity area of 9.5 sqm each.

Whilst this meets the requirement of Local Plan Policy DM10.4 (which requires a minimum of 5 sqm per 1-2 person unit and an extra 1 sqm per additional occupant thereafter), it is noted that this amenity space is split with just 6.5 sqm being accessed from communal living areas and the remaining 3 sqm being accessed solely through the lower level bedroom.

As a result, it is considered that the minor amendments for which this application seeks consent represent an opportunity to enhance the level of amenity provided to occupiers of Units 7 and 8 by delivering an enlarged amenity area that meets the requirements of Policy DM10.4 within a single amenity space, accessed off the communal living area.

Proposed Amendments

Accordingly, this proposal allows for an increase in the proposed amenity areas of Units 7 and 8 from 9.5 sqm to 18 sqm and 12 sqm respectively, of which 15 sqm and 9 sqm will be accessed directly from the third floor communal living area.

In terms of external design, the height, scale, footprint, materials and roof form of the proposal will be consistent with planning permission Ref 21/01032/FUL as per the enclosed drawings package submitted in support of this application.

The balconies of Units 7 and 8 are proposed to simply extend a further 2.5 metres north eastwards over the existing building footprint. Accordingly, they will continue to successfully integrate within the approved rear elevation and give rise to no reduction in the overall external design quality of the building.

Importantly, as confirmed within the enclosed drawings package the enlarged balconies will continue to respect the 45 degree views of neighboring properties to the west and east with 1.8 metre high privacy screens proposed as per the approved application Ref 21/01032/FU.

This ensures that the marginal increase in size of the balconies will give rise to no harmful impact upon the amenity of occupiers of any neighboring dwellings by virtue of being overbearing or by creating any overlooking. Thereby, the proposal will continue to respect neighbouring occupants privacy.

As outlined above and explained with this cover letter, all amendments to the approved scheme are deemed to be minor in nature and do not require any change to the approved description of development and thus can be regularised via a Section 73 planning application.

There is no proposed change to the external design of the proposal as viewed from the street scene nor is there any proposed change to the building footprint.

There is no change to the internal specification of units with 8 units to be delivered within a mix of 3 x one bed, 3 x three bed and 2 x Studios

Conclusion

In expanding the size and usability of amenity areas for Units 7 and 8 the applicant has sought to raise the standard of the living environment for future occupiers by increasing private amenity provision. This is particularly important given the family sized nature of the apartments in question.

As explained above, there will be no harmful impact upon the amenity of neighbouring properties given that the enlarged balconies will continue to satisfy all relevant 45 degree tests and retain the implementation of 1.8 metre privacy screens along the flank elevations.

The proposed scheme will continue to deliver 8 units (within a mix of 2 x studios, 3 x one bed and 3 x three bed) with alterations having no impact upon the internal layout of units or its external design as viewed from the street scene.

This submission demonstrates that all amendments to the approved scheme are minor in nature and do not require any change to the approved description of development. Furthermore, the extent of changes do not result in the creation of any new planning, design or heritage issues or potential impacts upon the occupiers of any neighbouring properties continuing to comply with all relevant criteria of Local Plan Policies SP2, SP4 and DM10. Accordingly, our view is that they can be regularised via a Section 73A (2) (c) planning application.

Against this background, the application for the proposed variation of Condition 2 is deemed to be in accordance with relevant planning policy and considered acceptable in planning terms. As such, we look forward to confirmation of early validation and determination of the application.

Yours sincerely



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Development Management
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6th Floor, Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

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Mialex
Workplace
4th Floor Churchgate House
56 Oxford Street
MANCHESTER
M1 6EU

Please ask for/reply to: George Clarke
Tel/Typetalk: 0208 726 6000 Ext 13437
Minicom: 020 8760 5797
Email: development.management@croydon.gov.uk

Your ref: 5 Dagmar Road
Our ref: P/PC/North Area Team/DCGC

Date: 2nd December 2021

**Town and Country Planning Act 1990. Town and Country Planning
(Development Management Procedure) (England) Order 2015**

Application Number: 21/01032/FUL

Applicant: Inicio Homes

Grant of planning permission

The Council of the London Borough of Croydon, as the Local Planning Authority, hereby grant planning permission for the following development, in accordance with the terms of the above mentioned application (which shall include the drawings and other documents submitted therewith) :-

Demolition of the existing dwelling and construction of a new four storey building comprising 8 apartments with associated private and communal amenity space, refuse and cycle storage

at:

5 Dagmar Road, South Norwood, London, SE25 6HZ,

Subject to the following condition(s) and reason(s) for condition(s) :-

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Rev P01, 090-001 P3, 090-104 P3, 090-202 P4, 090-101 P4, 090-200 P3, 090-100 P4, 090-201 P3, 090-102 P3, 090-300 P3, 090-110 P4, 090-103 P3, 090-203 P4, 090-120 P1, EAS 079v3, 090-021, 090-022, 090-010, 090-020, 090-023.

Reason: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.

- 3 Prior to construction works samples of facing materials shall be submitted to and approved by the Local Planning Authority

Reason: In order to protect the character and appearance of the area

- 4 Prior to the commencement of development full details of the bin and bicycle storage areas including elevations shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure an acceptable standard of development

- 5 Prior to commencement of development full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. Details shall include:
 - a) existing trees and planting to be retained
 - b) details of species, size and density of new planting and a maintenance scheme for a minimum period of 5 years
 - c) boundary treatment and retaining walls
 - d) hard landscaping including paths (showing level access to the dwellings) and open area(s) including details of materials (which shall be permeable as appropriate)
 - e) The position of at least 1 woodcrete bat box within the siteThe approved items shall be completed on site by the end of the first planting season following completion of the development. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased, or is removed within that period shall be replaced by planting of similar size and species to that originally provided.

Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established.

- 6 Prior to the commencement of development (including demolition) a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:
 - a) Hours of construction;
 - b) Hours of deliveries;
 - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - d) Facilities for the loading and unloading of plant and materials;

- e) Details of the storage facilities for any plant and materials;
- f) The siting of any site huts and other temporary structures, including site hoardings;
- g) Details of the proposed security arrangements for the site;
- h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
- i) Details outlining the proposed range of dust control methods and noise mitigation measures;
- j) Details demonstrating compliance with the non-road mobile machinery (NRMM) regulations 2015;
- k) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.
- l) Details of noise levels of all plant to be used on site and appropriate mitigation measures

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

Reason: To safeguard the amenity of surrounding residents and the area generally, and to prevent adverse impacts upon the transport network during the construction phase of the development.

- 7 Prior to the commencement of development (including demolition) the tree protection methods as detailed within the 'EAS 079v3' report shall be implemented and retained until the development is completed.

Reason: In order to protect biodiversity and safeguard the appearance of the area

- 8 Prior to the commencement of development details of the children's playspace, including levels, equipment, landscaping and maintenance shall be submitted to and approved in writing with the local planning authority. The approved details shall be installed prior to first occupation and shall thereafter be retained.

Reason: To provide adequate amenity for future occupiers

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no windows or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of the development hereby permitted.

Reason: To safeguard the privacy of the occupants of adjoining properties

- 10 The proposed development shall incorporate sustainable drainage measures as details

within the submitted 21004-MA-XX-XX-RP-C-DS01 report

Reason: So to reduce the flood risk arising from the development

- 11 Each of the flats shall be 'accessible and adaptable' M4(2) compliant and apartment 1 on the ground floor shall be M4(3) adaptable. The units shall be provided prior to occupation and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan.

- 12 The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations. Prior to occupation of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the efficient use of energy and construction

- 13 The development shall achieve a water use target of 110 litres per head per day.

Reason: To ensure the efficient use of energy and construction

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), the windows shown as obscure glazed on the side elevations of the approved building shall be retained as obscure glazed and non-openable unless otherwise agreed in writing with the Local Planning Authority

Reason: To safeguard the privacy of the occupants of adjoining properties

- 15 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, July 2021) and the Bat Emergence and Re-entry Surveys (Arbtech, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 Prior to the commencement of works above foundation level a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities including for any potential Badger / Hedgehogs in the locality, clearance works on nesting birds and lighting on nocturnal animals.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements i.e. no/ very low level site lighting particularly on boundary features).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species found on site.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 Prior to the commencement of works above foundation level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The locations of enhancements should be included on any landscape and planting plans which will include the use of native species of benefit to wildlife as part of the mitigation / enhancements.
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures (to include as a minimum: provision of new/replacement native species / fruiting species planting, bug, bird (minimum of 5 swift bricks) and bat (minimum of 3 bat boxes including at least one integrated) boxes, creation of green/brown roofs and walls on cycle and / or bin stores, log piles, hedgehog connectivity measures and hedgehog homes, any amenity grassland managed as 'floral turf' and a sensitive lighting scheme), to ensure continued connectivity for hedgehog, bat and bird roosting opportunities etc;
 - b) detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures on landscape / planting plans which will include native species of wildlife benefit and no species listed on the London Invasive Species Initiative (LISI);
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant);
 - f) Biodiversity Net Gain Assessment shall be submitted to and approved in writing by

the local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

In reaching this decision the Local Planning Authority has sought to work in a positive and pro-active manner based on seeking solutions to problems in the following way:

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions.

Informative(s):

1 IMPORTANT

Community Infrastructure Levy.

A. You are advised that under the Community Infrastructure Levy Regulations 2010 on commencement of the development a financial payment will be required to Croydon Council and the Mayor of London. In relation to retrospective applications where the development has already taken place, the financial payment is due immediately on the grant of planning permission. The payment to the Mayor of London will be forwarded by Croydon Council.

B. A separate Liability Notice will be issued to any person who has assumed

liability for the payment. If no person or body has already assumed liability then within 14 days of this permission the names and addresses of the person(s) responsible for the CIL payment should be forwarded to the Council using the agreed forms which can be obtained from the planning portal from the link below.

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

C. If no person or body has assumed liability, payment will be required from the owner of the land at the time of commencement of works. It should be noted that for the purpose of the above regulations commencement of the development will comprise any works of demolition necessary to implement the planning permission.

D. For further information please visit the Croydon Council's website at: www.croydon.gov.uk/cil

Demolition guidance

If the proposal involves the demolition of buildings or part demolition of buildings of more than 50 M3, an application for demolition will be required under Section 80 of the Building Act 1984, notifications prior to commencement of the demolition

Serving a notice of intended demolition

It is the owner's responsibility to ensure that demolition is carried out in a safe manner and that the requisite application is submitted to the council. You can complete the Council's application form for Demolition under section 80 using this link [here](#). or email hsg-privatehousing@croydon.gov.uk

Development Infrastructure Coordination Service

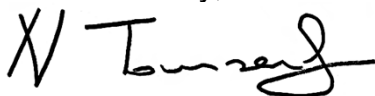
The new development infrastructure coordination service supports developers with providing essential information regarding local utility infrastructure, ongoing project support as well as provide support with utility coordination.

The coordinator can interface with infrastructure providers and ensure that development connections are delivered in a timely and efficient manner, reducing disruption.

The service is supported by The Mayor of London and further information can be found on the [Developer Infrastructure Coordination service website](#).

The infrastructure coordinator can be contacted by email at ICS@Croydon.gov.uk and can be used to support developments from pre-application through delivery on site

Yours faithfully,



Nicola Townsend

Head of Development Management

Drawing No's:

Building Regulation Notes: This is a planning permission only. It does not convey any approval or consent which may be required under the Building Regulations or any other enactment.

To help you with the Building Control process and securing the necessary consents, you should be preparing for the next regulatory stage, which will be a Building Control submission.

Your building work will be inspected and a Certificate issued on satisfactory completion. You will need this when you come to sell the property.

Please click [here](#) for a helpful booklet which explains the requirement for this application and how the process works. Whilst the booklet should answer most questions you may have, please do not hesitate to contact Croydon Building Control for further advice, including technical matters. We can provide a seamless service with our planning colleagues to help you ensure that your building works proceed smoothly and comply with all necessary processes and consents.

Email: building.control@croydon.gov.uk Ring: 020 8760 5637 or visit the Croydon Building Control [website](#)

Appeals to the Secretary of State - Notes for applicants

Applicants for Planning Permission.

(A) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

(B) If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice, using a form which you can obtain from the Planning Inspectorate.

(C) Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

(D) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(E) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a

development order.

(F) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

(G) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices.

(A) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

(B) In these circumstances, the owner may serve a purchase notice on the London Borough Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

Appendix 1

Appendix 2

Application No. 21/01032/FUL - 5 Dagmar Road, South Norwood, London, SE25 6HZ,

1. SUMMARY

- 1.1 This report concerns an:
Application for full planning permission for:

Demolition of the existing dwelling and construction of a new four storey building comprising 8 apartments with associated private and communal amenity space, refuse and cycle storage

2. DECISION

P. Granted with 106 legal Ag. (3 months) Subject to the following condition(s) and reason(s) for condition(s) :-

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Rev P01, 090-001 P3, 090-104 P3, 090-202 P4, 090-101 P4, 090-200 P3, 090-100 P4, 090-201 P3, 090-102 P3, 090-300 P3, 090-110 P4, 090-103 P3, 090-203 P4, 090-120 P1, EAS 079v3, 090-021, 090-022, 090-010, 090-020, 090-023.

Reason: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.

- 3 Prior to construction works samples of facing materials shall be submitted to and approved by the Local Planning Authority

Reason: In order to protect the character and appearance of the area

- 4 Prior to the commencement of development full details of the bin and bicycle storage areas including elevations shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure an acceptable standard of development

- 5 Prior to commencement of development full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. Details shall include:

- a) existing trees and planting to be retained
- b) details of species, size and density of new planting and a maintenance scheme for a minimum period of 5 years
- c) boundary treatment and retaining walls

- d) hard landscaping including paths (showing level access to the dwellings) and open area(s) including details of materials (which shall be permeable as appropriate)
- e) The position of at least 1 woodcrete bat box within the site

The approved items shall be completed on site by the end of the first planting season following completion of the development. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased, or is removed within that period shall be replaced by planting of similar size and species to that originally provided.

Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established.

- 6 Prior to the commencement of development (including demolition) a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:

- a) Hours of construction;
- b) Hours of deliveries;
- c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- d) Facilities for the loading and unloading of plant and materials;
- e) Details of the storage facilities for any plant and materials;
- f) The siting of any site huts and other temporary structures, including site hoardings;
- g) Details of the proposed security arrangements for the site;
- h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
- i) Details outlining the proposed range of dust control methods and noise mitigation measures;
- j) Details demonstrating compliance with the non-road mobile machinery (NRMM) regulations 2015;
- k) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.
- l) Details of noise levels of all plant to be used on site and appropriate mitigation measures

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

Reason: To safeguard the amenity of surrounding residents and the area generally, and to prevent adverse impacts upon the transport network during the construction phase of the development.

- 7 Prior to the commencement of development (including demolition) the tree protection methods as detailed within the 'EAS 079v3' report shall be implemented and retained until the development is completed.

Reason: In order to protect biodiversity and safeguard the appearance of the area

- 8 Prior to the commencement of development details of the children's playspace, including levels, equipment, landscaping and maintenance shall be submitted to and

approved in writing with the local planning authority. The approved details shall be installed prior to first occupation and shall thereafter be retained.

9 Reason: To provide adequate amenity for future occupiers
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no windows or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of the development hereby permitted.

10 Reason: To safeguard the privacy of the occupants of adjoining properties
The proposed development shall incorporate sustainable drainage measures as details within the submitted 21004-MA-XX-XX-RP-C-DS01 report

11 Reason: So to reduce the flood risk arising from the development
Each of the flats shall be 'accessible and adaptable' M4(2) compliant and apartment 1 on the ground floor shall be M4(3) adaptable. The units shall be provided prior to occupation and shall be retained as such for so long as the development remains in existence.

12 Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan.
The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations. Prior to occupation of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the local planning authority.

13 Reason: To ensure the efficient use of energy and construction
The development shall achieve a water use target of 110 litres per head per day.

14 Reason: To ensure the efficient use of energy and construction
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), the windows shown as obscure glazed on the side elevations of the approved building shall be retained as obscure glazed and non-openable unless otherwise agreed in writing with the Local Planning Authority

15 Reason: To safeguard the privacy of the occupants of adjoining properties
All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, July 2021) and the Bat Emergence and Re-entry Surveys (Arbtech, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations

2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

16 Prior to the commencement of works above foundation level a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities including for any potential Badger / Hedgehogs in the locality, clearance works on nesting birds and lighting on nocturnal animals.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements i.e. no/ very low level site lighting particularly on boundary features).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species found on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

17 Prior to the commencement of works above foundation level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The locations of enhancements should be included on any landscape and planting plans which will include the use of native species of benefit to wildlife as part of the mitigation / enhancements.

The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures (to include as a minimum: provision of new/replacement native species / fruiting species planting, bug, bird (minimum of 5 swift bricks) and bat (minimum of 3 bat boxes including at least one integrated) boxes, creation of green/brown roofs and walls on cycle and / or bin stores, log piles, hedgehog connectivity measures and hedgehog homes, any amenity grassland managed as 'floral turf' and a sensitive lighting scheme), to ensure continued connectivity for hedgehog, bat and bird roosting opportunities etc;

b) detailed designs to achieve stated objectives;

c) Locations of proposed enhancement measures on landscape / planting plans which will include native species of wildlife benefit and no species listed on the London Invasive Species Initiative (LISI);

d) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant);

f) Biodiversity Net Gain Assessment shall be submitted to and approved in writing by the local planning authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

In reaching this decision the Local Planning Authority has sought to work in a positive and pro-active manner based on seeking solutions to problems in the following way:

18 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions.

Informative(s):

1 IMPORTANT

Community Infrastructure Levy.

A. You are advised that under the Community Infrastructure Levy Regulations 2010 on commencement of the development a financial payment will be required to Croydon Council and the Mayor of London. In relation to retrospective applications where the development has already taken place, the financial payment is due immediately on the grant of planning permission. The payment to the Mayor of London will be forwarded by Croydon Council.

B. A separate Liability Notice will be issued to any person who has assumed liability for the payment. If no person or body has already assumed liability then within 14 days of this permission the names and addresses of the person(s) responsible for the CIL payment should be forwarded to the Council using the agreed forms which can be obtained from the planning portal from the link below.

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

C. If no person or body has assumed liability, payment will be required from the owner of the land at the time of commencement of works. It should be noted that for the purpose of the above regulations commencement of the development will comprise any works of demolition necessary to implement the planning permission.

D. For further information please visit the Croydon Council's website at:
www.croydon.gov.uk/cil

Officer Report:

3. BACKGROUND

(a) Proposal

3.1 The application seeks:

“Demolition of the existing dwelling and construction of a new four storey building comprising 8 apartments with associated private and communal amenity space, refuse and cycle storage”

(b) Site description

- 3.2 The site is on the northern side of Dagmar Road and contains a Victorian two storey detached house with a large rear garden. There are two mature silver birch trees at the front of the site. The surrounding area is mostly residential whilst this part of Dagmar Road contains a mixture of large detached homes and blocks of flats up to three storeys in height. Both adjacent neighbours to 5 Dagmar Road are blocks of flats. The site is not subject to any statutory listings and the street is not within a Controlled Parking Zone (CPZ).

(c) Planning history

- 3.3 None relevant

4 CONSULTATIONS

- 4.1 The application was publicised by consultation letters sent to 47 neighbours. A total of 2 comments were received, 1 in objection and 1 neutral. The content of the objection is summarised below:

- Traffic and associated pollution (Officer response: The Council’s Traffic Officer has reviewed the proposal and found the submission to be acceptable in terms of traffic generation)
- The development would add to the over-population of the area (Officer response: There is a reality of population growth in London and a high demand for new housing in the borough to which this development would contribute positively)
- Would block light to nearby houses (Officer response: Daylight and sunlight information has been provided for neighbouring homes and deemed satisfactory)
- The communal garden is too small (Officer response: The communal garden is considered to be of an adequate size and each flat would have access to private outdoor space which meets policy standards)

- 4.2 The Council’s Ecology Consultants were engaged with the application and posed no objection. A number of conditions were recommended and have been included.

5 CONSIDERATIONS

- 5.1 The principal issues relate to:

- The principle of the development
- The impact upon the appearance of the area
- The impact upon neighbour amenity
- The quality of accommodation
- Transport, parking and servicing

- Trees and biodiversity
- Fire Safety
- Drainage

The principle of the development

- 5.2 All London Boroughs are required by the London Plan to deliver a number of residential units within a specified plan period. In the case of the LB Croydon, there is a requirement to deliver a minimum of 20,790 new homes over the period of 2019-2029. Policy H2 of the London Plan emphasises the importance of small sites in housing delivery.
- 5.3 Local Plan Policy SP2.7 seeks to ensure that a choice of homes is available in the borough which address the need for homes of different sizes. There is also a policy requirement for 30% of all new homes to be family sized (containing three or more bedrooms). The existing house to be demolished is not listed or protected in any way and the proposed development would contain three family sized flats. The proposal would therefore result in a net gain of family accommodation and meets the requirements of Policy SP2.7.

The impact upon the appearance of the area

- 5.4 The NPPF (2021) contains an ambition for beautiful buildings. Policies D1, D2 and D4 of the London Plan require proposals to have a commitment to local context and high quality design.
- 5.5 Croydon Local Plan (2018) Policies SP4.1 and SP4.2 require development to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of their neighbourhood, and Policy DM10 requires the level of intensification necessary to achieve ambitious housing growth to be delivered through developments which respect the character and appearance of existing areas.
- 5.6 The site currently contains a two storey building which is lower in height than the adjacent neighbours. The proposed building would appear as three storeys in the street scene but would have a fourth storey in the roof space. The crown roof design would appear in keeping with the existing house to be replaced and the adjacent 7 Dagmar Road. It would have an eaves height to match the other adjacent neighbour, Billsley Court, and the scale is considered to be appropriate in the street scene. The ridge height would be taller but not to such an extent that it would have a significantly detrimental impact on the area.
- 5.7 The external detailing of the building and fenestration have been designed to reference and respond to the local context. This has been informed by an appraisal of the street facing windows, doors, entrances and approaches of the immediate residential buildings (specifically Nos 2, 4, 6, 7, 8 and number 5 itself). The proposed architectural detailing references original architectural features such as mouldings, architraves and porches that contribute to the architectural character of the street. This would provide an acceptable appearance.

- 5.8 The metal balconies and a dormer would be positioned on the rear elevation. The dormer would have a flat roof which would relate well to the nearby flat roofed buildings and the zinc cladding would offer a contemporary appearance which would complement the slate roof tiles.
- 5.9 Two large silver birch trees at the frontage would be retained which would screen the new building and maintain the environmental quality of the street.

The impact upon neighbour amenity

- 5.10 Policy DM10 seeks to ensure that the amenity of the occupiers of adjoining buildings are protected including from overlooking, loss of light or outlook and ensuring that lighting schemes do not cause glare and light pollution. Policies SP6 and DM23 of the Croydon Local Plan require new development to minimise noise pollution.
- 5.11 The applicant has submitted a Daylight and Sunlight report which assesses neighbouring windows at Billsley Court, 7 Dagmar Road, 4 Dagmar Road, 6 Dagmar Road and 8 Dagmar Road. The closest neighbours are Billsley Court which and 7 Dagmar Road which both contain flats. The results of the report showed compliance with BRE recommendations for all windows apart from for the Vertical Sky Component concerning three windows in the eastern side of Billsley Court. These windows have limited outlook at present due to the close proximity with 5 Dagmar Road and are served by other windows on the front and rear elevations which would offer suitable light levels. Garden areas were included in the study and the development would satisfy BRE recommendations. On balance the proposal is considered to be acceptable in terms of light for neighbours.
- 5.12 In terms of outlook an uninterrupted horizontal 45 degree line has been drawn on the site plan in accordance with the Council's Suburban Design Guide (2019). Whilst the development would not comply with the vertical 45 degree line, the daylight and sunlight information provided demonstrates that there would be no harmful impact upon neighbours. The set ins from the boundary are considered sufficient to prevent the development from being overbearing or overly dominant to neighbours.
- 5.13 The side facing windows on the upper floors would be obscure glazed so to prevent loss of privacy for neighbours. The balconies on the third floor and those nearest to the side boundaries would have side privacy screens which would also prevent any harmful overlooking.
- 5.14 In summary it is considered that the proposal would cause no harm to any neighbours.

The quality of accommodation

- 5.15 London Plan Policy D7 requires new dwellings to be building regulation M4(2) compliant for use by persons with disabilities, with 10% meeting M4(3). The entrance to the front would have a ramp and the upper floors would be served by a lift. There is also a level side access to the communal rear garden. Apart from Apartment 2 on the lower ground floor all of the other flats are M4(2) compliant and Apartment 1 on the ground floor would meet M4(3) standards. Whilst not entirely compliant with

Policy D7 the development is considered to be of a high quality and on balance is acceptable.

- 5.16 Croydon Local plan Policy DM10 and the London Plan both require new housing developments to provide high quality living conditions. Minimum space standards must be met with adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose.
- 5.17 The development would contain the following dwelling mix:
- 2x Studios
 - 3x One bedroom flats
 - 3x Three bedroom flats
- 5.18 Each of the flats meet the London Plan space standards for the intended level of occupancy. Apart from Apartments 5 and 6 each would have a dual outlook whilst these flats would have obscure glazed windows in their side elevations as well as the primary rear facing openings, so providing opportunities for cross-ventilation. The flats at ground floor would have defensible space around their windows to the street in the form of soft landscaping.
- 5.19 In terms of outdoor amenity space, Local Plan Policy DM10.4 is of relevance. All of the flats would have good sized private amenity areas with many flats significantly exceeding the policy defined minimums. Each of the flats would also have access to an approximately 180m² communal rear garden area which would feature play space. This area would be suitably overlooked by the upper floors and details of the play equipment along with other landscaping information can be required by condition.
- 5.20 In summary, the proposed development is considered to offer good living conditions for future residents.

Transport, parking and servicing

- 5.21 Policies SP8, DM29 and DM30 of the Croydon Local Plan seeks to promote development which makes full use of public transport, cycling and walking; does not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles; does result in a severe impact on local transport networks; reduces the impact of car parking; provide car and cycle parking spaces as set out in the Local Plan and ensures that cycle parking is designed so that it is secure.
- 5.22 The site is located in an area with PTAL level of 4 (on a scale of 1a to 6b), which is good. No off street car parking is proposed. A parking survey carried out using the Lambeth Methodology has submitted by the applicant and reviewed by the Council's Transport Officer. The provision of no off street parking can be supported, pending a S106 requiring a contribution from the developer to be put towards sustainable transport initiatives in the borough and to prevent residents from attaining parking permits if the road is adopted as a Controlled Parking Zone in the future.
- 5.23 A 10m² bulky goods area would be provided at the front of the site along with bin stores and two visitor cycle parking spaces. A 1.2m wide side access would allow

residents to store bicycles in the rear garden area. The bike store would contain 14 Sheffield Stand spaces which meets the requirements of the London Plan. The plans are acceptable pending details of the stores which can be secured by condition.

Trees and biodiversity

- 5.24 London Plan (2021) Policy G6 sets out an aim for new development to provide a net biodiversity gain. Policy G7 states that wherever possible existing trees of value should be retained in development proposals. Local Plan Policy DM27 seeks to incorporate biodiversity within buildings and development site and Policy DM28 seeks to protect trees in the borough.
- 5.25 An Arboricultural Impact Assessment has been submitted with the application. This has provided analysis of all the trees within the site with one Category B tree and 17 Category C trees to be removed. The two existing Category B Silver Birch Trees which are prominent to the street at the front of the site would be pruned and retained. A large Category A Blue Atlas Cedar Tree in the rear garden would also be retained. Tree protection methods have been included so to prevent damage to the roots of retained trees. This is acceptable.
- 5.26 An Ecological Appraisal and Bat Survey has been submitted and reviewed by the Council's consultants. No bats were seen emerging from or entering the site during the surveys. Subject to a number of conditions to safeguard and promote biodiversity (such as the inclusion of bat boxes) the ecological information was found to be satisfactory. The development is considered to be acceptable in terms of trees and biodiversity.

Fire safety

- 5.27 London Plan Policy D12 Fire Safety requires all development proposal to achieve the highest standards of fire safety.
- 5.28 A fire statement and plan has been submitted which shows evacuation routes and a position for a fire vehicle to park directly outside the site. The details are considered to be satisfactory.

Drainage

- 5.29 The site has a high risk of surface water flooding. A Sustainable Drainage Strategy has been submitted with the application. The post development discharge rate would not exceed that of the existing building as the proposed development would feature sedum roof areas, water butts and permeable paving. A response from Thames Water has been provided within the document confirming no objection if flows to the sewer are restricted to 2 litres per second. Tanked permeable paving is proposed to offer storage and ensure compliance with this limit. This is acceptable and a condition can be applied to ensure that the recommendations of the Drainage Strategy as submitted are followed.

6 OTHER MATTERS

- 6.1 All other planning considerations including equalities have been taken into account

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