

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0254.25

WARD: Havering-atte-Bower **Date Received:** 24th February 2025

ADDRESS: Land North of 1 Pinewood Road
Havering-atte-Bower
Romford

PROPOSAL: Variation of condition No.3 (Approved Plans) of planning permission P1563.24 dated 31/01/2025 to permit minor change to fenestration and the addition of solar panels (6x single storey, 5bed detached bungalows with bay windows at ground floor, habitable roof space, associated parking and amenity space)

DRAWING NO(S): 1489/100
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RECOMMENDATION: It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is located in the Metropolitan Green Belt. The site is comprised of 15 buildings formerly used in association with a historic poultry farm on the site, together with other smaller outbuildings. A residential dwelling is situated to the south of the site.

In recent years these buildings have been used as business units. The Council consider that the use of the site as a poultry farm ceased in excess of 25 years ago and that there have been a series of commercial uses in the various buildings up to the present day. An application was made in 2016 which comprised of the redevelopment of the land for the purpose of creating five new dwellings in the location. The Council whilst regarding the site as previously developed land resolved to refuse permission. Subsequently an appeal was made which found in favour of the appellant, overturning the Council's decision.

A number of other applications have been made for the site, making changes to the scheme successful on appeal. This has included an earlier submission in 2020 under ref P1428.20 which permitted 6 no. detached bungalows on the site, including accommodation within the roof. This was facilitated by a minor increase in the footprint of the dwellings, alterations to the principal elevation

through an enlarged gabled projection and alterations to the roof form including the provision of dormer windows and roof-lights to all elevations (P0815.20).

DESCRIPTION OF PROPOSAL

S73 to vary Condition 3 (Accordance with plans) of application reference P1563.24. These changes relate to:

- Provision of solar panels to flat roofs
- Level changes
- Internal changes/mirroring of layouts to Plot 2 and 3.

This application follows an earlier variation under ref: P0333.23 which was approved for the following:

- amendment to the rear dormer design
- omit the bay windows infill ground floor footprint

(OFFICER COMMENTS: As with earlier decision making the quantum of development etc remains as considered previously. The drawings submitted with the scheme reflect that the dwellings are all as one another in terms of design/appearance and footprint. The scheme was revised several times through the course of determination. It is understood that the development has been implemented and changes to levels/provision of solar panels were necessitated by building regulations input. The dormers were revised in order to revert them to the previous arrangement allowed through application ref: P1563.24).

Revised plans were received 02-06-2025 which introduced excavation to the rear gardens/stepped paving up into the gardens. Revised plans were received 17-07-2025 which reverted dormer windows to as they had been under the previous S73. A change had been incorporated making them flat roofed.

In the case of either revisions, it is not considered that they materially changed the scheme to such an extend or introduced new considerations and as such further consultation was not undertaken.

RELEVANT HISTORY

P1563.24	Variation of condition No. 3 of planning permission ref: P0333.23 dated 07/09/2023 to permit an amendment to the rear dormer design and omit the bay windows (6 x single storey, 5-bed, detached bungalows, with bay windows at ground floor, habitable roof space, associated parking, and amenity space)
	Apprv with cons 31-01-2025
P0333.23	6 x single storey, 5-bed, detached bungalows, with bay windows at ground floor, habitable roof space, associated parking, and amenity space
	Apprv with cons 07-08-2023

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were notified of the proposed development through direct notification. In addition, a site notice was displayed adjacent to the site and the application was advertised in the local press. No letters of representation were received

In addition the following comments were received from other stakeholders:

Anglian Water - No objection

LFB - No objection

LBH Waste/Recycling - No objection

LBH Public Protection - No comments

LBH Highway Authority - No comments

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies 7, 23, 24, 26 and 34

London Plan 2021, in particular Policies H1, D1, D4, D6, G2, T6.

NPPF

MAYORAL CIL IMPLICATIONS

The existing structures to be demolished cumulatively have a greater floor area than the proposed. There is then no CIL liability that has been identified at this stage

STAFF COMMENTS

PRINCIPLE OF DEVELOPMENT

The principle of development is established through the grant of permission through appeal - APP/B5480/W/17/3186538. The only matters to consider are the acceptability of the roof-lights in the location shown. An earlier S73 was submitted for alterations to the red-line plan/access arrangements through P0521.24 which is the consent to be varied further.

The PPG states that a Section 73 application cannot be used to change the description of development. This is supported by the Court of Appeal judgement in *Finney v Welsh Ministers & Ors* (Rev 1) (2019) EWCA CIV 1868. It follows that where amending a condition would result in a conflict between the condition and the description of development that particular amendment is beyond the powers under Section 73.

With regards to this matter, officers do not consider that the proposals materially change the description of development. There is no indication that the loft area would be used as habitable

space/increase the number of bed-spaces beyond that considered previously.

GREEN BELT IMPLICATIONS

The site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The principle of development is established through the permission to be varied, which was itself a variation of the consented scheme.

The changes are limited to the provision of pv panels, level changes around the rear elevations/gardens and alterations to the layouts of Plots 2 and 3 (effectively mirroring the approved layouts internally). In terms of Green Belt implications this really only presents through the PV panels and level changes. The scheme seeks to incorporate PV panels to the flat roof of the dwellings, including over the rear facing dormer windows. It is not considered that this is objectionable, there would be sustainability benefits. There would be some visibility of the panels, however on balance it is not considered in view of the mass of the dwellings as approved and subsequently varied that this would tip the development into unacceptability. As to level changes, it was deemed necessary to excavate the patio area to create a stepped garden on review of detailed surveys for the site.

Given that it was envisaged that there would be defined residential curtilage, rear gardens it is not considered that the excavation of the area immediately to the rear of the houses with a step up/retaining wall to the garden areas would be significantly removed from the scheme as approved. It would certainly not in the view of officers translate to any material harm to the Green Belt in view of the scheme as approved and then subsequently varied.

Officers do not consider that the proposals would conflict with the objectives of the Framework, or London Plan.

DENSITY/SITE LAYOUT

The quality of living environment/internal spacing standards were applied at the time of the permission that is to be varied.

It is observed that the layout of the plots 2 and 3 would be mirrored, however this would not have any bearing in minimum standards observed and applied previously or be detrimental to the living environment of future occupants. The excavated areas to serve the rear patio serve a practical purpose but would also more clearly define the area immediately to the rear of the dwellings. Neither of the changes as proposed would amount to material harm or be so removed from the scheme as previously approved to justify refusal.

It is not considered that the quality of living environment of amenity of future occupants would be unacceptable even in view of the changes to the scheme.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The provision of PV panels would of course have a visual impact as elevation drawings indicate, there would be protrusion over the ridge-line of the dwellings, as well as visibility of those panels on the flat roofed dormers. However on balance it is not considered that this or any other changes proposed would be detrimental to the overall quality of the scheme in such a way as to enable refusal.

IMPACT ON AMENITY

The level changes relate to excavation adjacent to the rear patio of the dwellings approved. This does not translate to any material harm to neighbouring amenity, either within the site or outside of it based on the drawings submitted and observations of the site in relation to surrounding built development. It would be difficult to reason that there would be harm over and above that previously considered.

In respect of PV panels, there is of course potential for glint/glare. No assessment has been provided at this stage and the spec of the panels is also absent from this submission. However their location and number as well as the indicated angle of protrusion from the flat roof of the buildings/dormers is indicated. It is reasonable to impose a condition requiring full details of the panels and any measures to reduce/mitigate glare and glint from the panels.

In all other respects the scheme is as previously considered. Having regard to the changes to the scheme subject to this S73, subject to the suggested it is not considered that there is any amenity basis to withhold permission.

HIGHWAY/PARKING

There are no implications for parking provision/highway safety through the current proposals not already considered.

OTHER ISSUES

Paragraph 57 of the National Planning Policy Framework (NPPF/the Framework) requires that decision makers keep conditions to a minimum and only impose them where they are "necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". At Paragraph 54 of the Framework it states that "planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so".

Officers recognise that some information has been agreed through DOC apps and will therefore adjust the wording of conditions as required and carrying over those from the earlier consent. Even in view of revisions to the Framework (Dec 24) it is considered that the conditions imposed meet with the relevant tests.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations APPROVAL is recommended accordingly.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 Materials

The development shall be constructed entirely in accordance with the details approved under reference Q0221.24 unless otherwise agreed in writing. The materials to be used shall otherwise be agreed prior to any above ground works in connection with the scheme as approved.

Reason: To ensure the development has a satisfactory appearance and harmonises with the surrounding environment.

2 Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3 Landscaping

Aside from those level changes shown in this application then all landscaping shall be carried out strictly in accordance with the measures agreed through application reference: Q0221.24 unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning Authority.

Reason: To ensure that the development accords with the Local Plan Policy 27. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

4 Boundary treatment

Prior to first occupation of the dwellings hereby permitted all boundary agreed through application reference Q0221.24 shall be implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing and shall then be maintained thereafter permanently.

Reason: To protect the visual amenities of the development and prevent undue overlooking of adjoining property.

5 Cycle storage

Prior to the first occupation of the development hereby permitted cycle storage as agreed under Q0221.24 shall be provided. The cycle storage shall be permanently retained thereafter.

Reason: To ensure facilities will be available for cycle parking and in order that the development complies with objectives of the Havering Local Plan 2016-2031.

6 Waste/recycling

Prior to the first occupation of the development hereby permitted details of a communal collection point for the collection of waste shall be submitted to and agreed in writing with the Local planning Authority to supplement the personal waste/recycling storage for each dwelling agreed through Q0221.24. The communal area as agreed shall then be implemented and maintained thereafter for the lifetime of the development.

Reason: To ensure that the development complies with the objectives of the Havering Local Plan 2016-2031.

7 Construction methodology

The development shall be carried out entirely in accordance with the Construction Method Statement submitted to and agreed in writing with the Local Planning Authority under ref: Q0221.24. The burning of waste on the site at any time is specifically precluded.

Reason: To ensure that that the method of construction protects residential amenity.

8 Hours of construction

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact of the development on the surrounding area in the interests of amenity and in order that the development complies with Havering Local Plan 2016-2031 Policies 7, 27 and 26.

9 Number of parking spaces

Before the buildings hereby permitted are first occupied, provision shall be made within the site for twelve car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority. Each of the units within the development shall be provided with their own dedicated parking space.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development comply with Havering Local Plan Policies 23 and 24.

10 Contaminated land condition (A, B, C OF P0333.23 DISCHARGED)

Following completion of measures identified in the approved remediation scheme agreed through details submitted under Q0013.25 a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To protect those engaged in construction and occupation of the development from potential contamination

11 Contaminated land condition

(a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination

12 Non Standard Condition 1

The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In the interests of accessibility and in order that the development complies with the objectives of the Havering Local Plan 2016-2031 and London Plan.

13 Non Standard Condition 2

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In the interests of sustainability and in order that the development complies with the objectives of the Havering Local Plan 2016-2031

14 Non Standard Condition 3

The development shall be carried out strictly in accordance with tree protection methods/methodology agreed under ref: Q0221.24 unless otherwise agreed in writing.

Reason:- In the interests of local character and good design and in order that the development complies with Havering Local Plan 2016-2031 Policies 7 and 26.

15 Non Standard Condition 4

Site levels shall be as agreed through this application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of local character and good design and in order that the development complies with Havering Local Plan 2016-2031 Policies 7, 27 and 26.

16 Non Standard Condition 5

Prior to first occupation of the dwellings hereby permitted all external lighting as agreed through application reference Q0221.24 shall be implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing and shall then be maintained thereafter permanently.

Reason: In the interests of amenity and in order that the development complies with Havering Local Plan 2016-2031 Policies 7, 27 and 26.

17 Non Standard Condition 6

Prior to first occupation of the dwellings hereby permitted surface water drainage works shall be carried out in accordance with details submitted and agreed with the Local Planning Authority under ref: Q0221.24.

Reason: Surface water drainage works are required on site to prevent the risk of flooding.

18 Non Standard Condition 7

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 in accordance with the Order, no extension or enlargement (excluding additions to roofs) shall be made to the dwellinghouses hereby permitted, nor the construction of an outbuilding within the curtilage of the site without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development.

19 Non Standard Condition 8

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plans) shall be formed in the flank wall(s) of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:- In the interests of neighbouring amenity and in order that the development complies with Havering Local Plan 2016-2031 Policies 7, 27 and 26.

20 Non Standard Condition 9

The construction site, boundary fencing and external lighting shall be maintained and managed in accordance with the recommendations contained within paragraph 5.2 of report "Protected

Species Survey of Pinewood Poultry Farm, Havering-atte-Bower by John Dobson B.Sc, Essex Mammal Surveys, December 2016" hereby approved by this permission, from the commencement of development through to its completion.

Reason:- In order to comply with the objectives of Havering Local Plan 2016-2031 Policy 30.

21 Non Standard Condition 10

Prior to their installation, full details of the PV panels to be installed to the flat roof sections including consideration of glint/glare and methods to mitigate that this shall be submitted for the approval of the Local Planning Authority. Such measures as agreed shall then be installed and maintained thereafter for the life of the development.

Reason:- In the interests of sustainability and amenity.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework 2018.

2 Non Standard Informative 1

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. please note that unauthorised work on the highway is an offence.

3 Non Standard Informative 2

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

Please note that unauthorised works on the highway is an offence.

4 Non Standard Informative 3

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license

is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

Please note that unauthorised works on the highway is an offence.

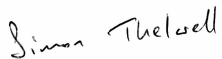
5 Non Standard Informative 4

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services.

Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

Authorising Officer:



Simon Thelwell

15th August 2025