

Variation of conditions 2 and 11 and removal of condition 12 of planning permission 20/01887/FUL to allow amendments to the approved drawings and revised bird nesting provision within the development

Report Item No
A2

6 West End Long Whatton Loughborough Leicestershire LE12 5DW

Application Reference
22/00427/VCU

Grid Reference (E) 447512
Grid Reference (N) 323682

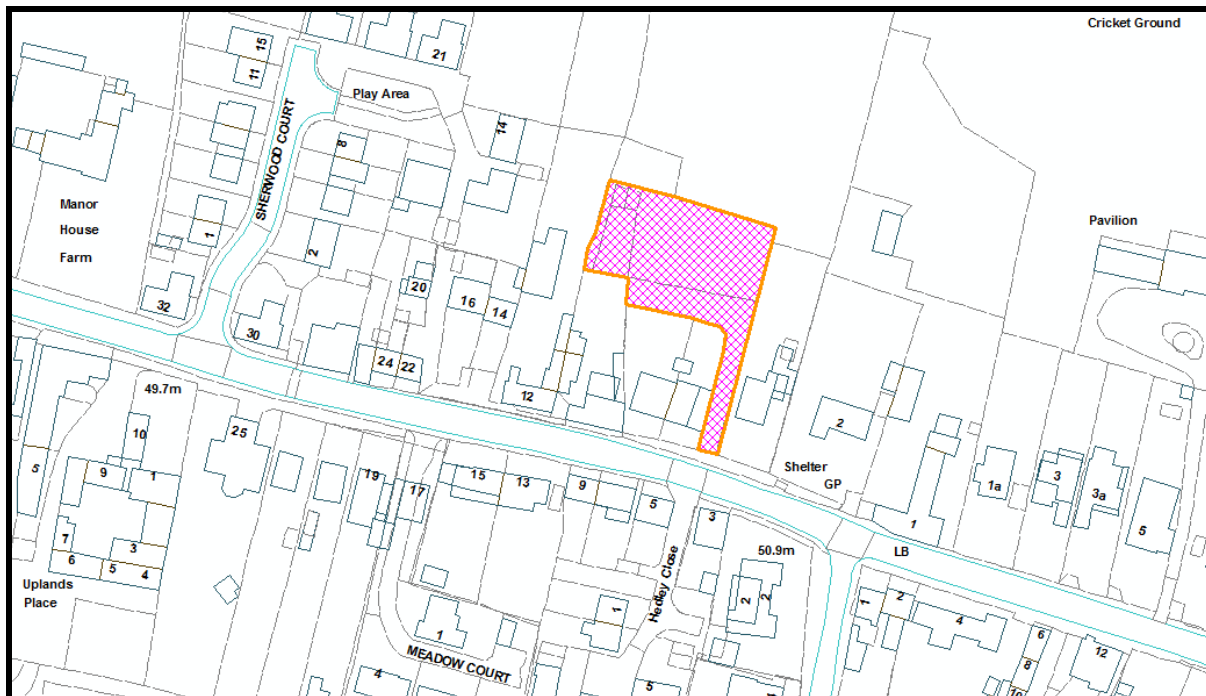
Date Registered:
24 May 2022
Consultation Expiry:
1 June 2023
Determination Date:
19 July 2022
Extension of Time:
TBC

Applicant:
Mr J Hambleton

Case Officer:
Hannah Exley

Recommendation: Permit, subject to conditions

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee at the request of the Strategic Director for Place due to local concerns in relation to this scheme which are outlined in the representations section of the report.

RECOMMENDATION - PERMIT, subject to the following condition(s):

- 1 Approved plans
- 2 Development in accordance with agreed Construction Method Statement
- 3 Development in accordance with agreed Written Scheme of Investigation (WSI)
- 4 Development in accordance with agreed Surface Water Drainage Details
- 5 Maintenance of agreed surface water drainage scheme
- 6 1.0 metre by 1.0 metre pedestrian visibility splays
- 7 Vehicular visibility splays of 2.4 metres by 43 metres
- 8 Access arrangements as per the approved drawings
- 9 Parking and turning facilities as per the approved drawings
- 10 Bird box provision as per the approved drawings and retention in perpetuity
- 11 Native hedgerow planting and tree planting in accordance with agreed details
- 12 Tree and Hedgerow Protection during construction
- 13 Development in accordance with the Construction Methods and Precautionary Measures set out in the Protected Species Survey Report
- 14 Soft Landscaping in accordance with agreed scheme
- 15 Hard Landscaping/Boundary Treatments in accordance with agreed scheme
- 16 Materials in accordance with approved details
- 17 Details of roof lights

MAIN REPORT

1. Proposals and Background

This is an application to vary conditions 2 (approved plans) and 11 (nesting birds) and remove condition 12 (nesting birds photographic evidence) of planning permission 20/01887/FUL for the 'Erection of one detached dwelling' which was approved on 23.12.21.

The site is on the northern side of West End and is accessed via a field gate and the proposed dwelling would be located to the north of No.s 6 and 8 West End. To the east and west of the site are existing residential properties fronting West End and to the north is an agricultural field which extends up to Long Whatton Brook. The site lies within the Long Whatton Conservation Area and is also within Flood Zone 1.

Site Location Plan and Aerial Image (north indicated by arrow):



The proposed variation seeks to amend the approved drawings for the development to allow for the following amendments:

- increase in the height of the ridge and eaves heights of the dwelling as set out in table below:

Main Ridge as approved	Main eaves as approved	Ridge to side element as approved	Eaves to side element as approved
8400mm	5080mm	5240mm	2550mm

Main Ridge as proposed	Main eaves as proposed	Ridge to side element as proposed	Eaves to side element as proposed
8460mm	5410mm	5760mm	2620mm

Height Difference	Height Difference	Height Difference	Height Difference
+60mm	+330mm	+520mm	+70mm

Approved scheme Planning Permission 20/01887/FUL	Currently Proposed scheme
 <p style="text-align: center;">SOUTH ELEVATION</p>	 <p style="text-align: center;">SOUTH ELEVATION</p>
	

Please note the above images are to illustrate the differences in general terms and should not be used to extract or compare dimensions.

- the width of the two-storey element has increased by 0.27m and the width of the single-storey element has reduced by the same amount (such that the overall width of the dwelling at ground floor level remains the same);
- an additional floor of accommodation within the roof space to provide an additional bedroom with ensuite and walk-in wardrobe (taking the dwelling from a four bedroomed dwelling (as previously approved) to a five bedroom dwelling);
- a new roof light to the rear roof slope serving a bedroom and a new triple light roof light to front roof slope to serve a stairwell;
- increase in the depth of the single storey element with an associated increase in height (as detailed above) to allow for an open plan living/dining space at ground floor level and an ensuite and wardrobe to be provided in the roof space and including the provision of an additional first floor window in the side gable to serve the en-suite;
- enlarged ground floor window to front elevation of the single storey element;
- reduction in the number of glazed panels to ground floor door openings in the rear elevation but with overall glazed openings remaining the same size;
- slightly shallower roof pitch from 101 degrees to 104 degrees.
- the application also includes revised details of bird nesting provision within the site as required by conditions 11 and 12 of the original permission.

The application form details that no work has commenced on site but at the time of the officer site visit, work had commenced, and the dwelling and garage are now substantially complete externally. Members are advised that the application was being held to enable the discharge of conditions to the original permission (22/01593/DIS) so as to avoid the need to impose the same conditions on any new permission going forward. During this period, the development on site deviated from both the originally approved scheme and the revised scheme as originally proposed. This necessitated the need for further amended plans to be submitted to ensure that the development sought reflected that which had been built on site.

The conditions of planning permission 20/01887/FUL that are proposed to be varied by this application are repeated below:

Condition 2 (Approved Plans):

The development, hereby permitted, shall be carried out strictly in accordance with the following plans and details unless otherwise agreed in writing with the Local Planning Authority:

- *Drawing WE SP Rev E Site Plan and section received by the Local Planning Authority on 10th November 2021;*
- *Drawing WE P Rev E Proposed Plans received by the Local Planning Authority on 10th November 2021;and*
- *Un-numbered Site Plan drawing received by the Local Planning Authority on 10th November 2021;*
- *Flood Risk assessment and Drainage Strategy prepared by RAB Consultants received by the Local Planning authority on 26th October 2021;and*
- *Protected Species Survey prepared by Griffin ecology Ltd received by the Local Planning authority on 29th March 2021.*

Unless otherwise required by another condition of this permission.

Reason: In the interests of certainty and to ensure the development is carried out in accordance with the approved plans and details.

Condition 11 (Bird nesting provision):

Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until such time as the details of the required bird boxes (1 x integrated sparrow terrace and 2 x house martin cups) to be integrated within the development and a timetable for their installation have first been submitted to and agreed in writing by the Local Planning Authority. The bird boxes shall be integrated within the development in accordance with the agreed details and timetable and shall thereafter be so retained and maintained for the lifetime of the dwelling hereby approved.

Reason: In the interests of protected species.

The condition of planning permission 20/01887/FUL that is proposed to be removed by this application is repeated below:

Condition 12 (Photographic evidence bird boxes):

Before first occupation of the development hereby approved, photographic evidence of the bird boxes in strict accordance with the details approved under condition 11 shall first be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall not be occupied until such time as photographic evidence has been provided to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and in the interests of protected species.

Relevant Planning History:

- 23/00893/FUL - Siting of sewage treatment plant and compressor housing (This application had been submitted to the District Council but is currently invalid. It has been included within this report because it is relevant to matters raised in neighbour representations that have been received).
- 22/00782/DIS - The approval of details reserved by conditions 3 (Construction Management Statement), 4 (Archaeological Works), 5 (Surface Water Drainage Scheme) and 6 (Maintenance of SUDs) relating to planning permission reference 20/01887/FUL (Conditions Discharged 02.08.22).
- 22/01593/DIS - The approval of details reserved by conditions 11 (Bird Box Provision), 13 (Hedgerow Details), 16 (Landscaping Details), 17 (Hard Surfacing and Boundary Treatments) and 18 (Materials) relating to planning permission reference 20/01887/FUL (Split Decision – Conditions 13, 16, 17 and 18 discharged / Condition 11 Bird Box Provision not discharged 03.08.23).

2. Publicity

18 Neighbours have been notified.

Press Notice published Derby Evening Telegraph 15 June 2022.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Long Whatton and Diseworth Parish Council initially raised no objections, advising that "The changes proposed to the previously approved plans appear to be minimal and should not have a detrimental effect on any neighbouring properties. There is an objection on a point of principle, which the Parish Council has some experience of and sympathy with. The proposed change should be approved in advance as suggested and condition 2 of the previous permission amended but not removed."

In respect of the amended plans, the Parish Council advise as follows:

"The Parish Council is disappointed to see that despite previous applications and consultations this latest application appears to be 'retrospective' in that the original permissions have been ignored. This development was approved as a two-storey building and should remain so".

NWLDC Conservation Officer identifies no harm to heritage assets from the proposed variation subject to revised details of roof lights being approved.

Leicestershire County Council - Ecology has no objections to the revised bird box details that have been installed within the garage subject to a condition to ensure the retention of the bird boxes.

Leicestershire County Council - Archaeology advises that there are no new impacts in this

variation of condition compared to the previous application. At the time of the consultation, the County Archaeologist also advised that they were awaiting the report for trial trenching and this has since been received and discharged under discharge of condition application 22/00782/DIS.

East Midlands Airport (as the airport safeguarding authority has no objections subject to conditions and notes to applicant.

Leicestershire County Council - LLFA - no response received.

Leicestershire County Council – Highways – raises no objection.

Severn Trent Water Ltd - no response received.

Third Party Representations

12 letters of neighbour representation have been received raising objection on the following grounds:

Grounds of objection	Description of Impact
Scale	Previous proposal was reduced in size to address concerns about the scale in relation to existing development and the inclusion of additional development goes against this
	The building dominates the area
	The proposal exceeds the height of the original proposal and the amended plans reflect what has been built on site
	An additional floor of living accommodation is proposed and roof lights have been reintroduced when they were previously requested to be removed from the front elevation
	The design goes against the original advice of officers about only two-storey development being appropriate and would be out of keeping with neighbouring development
	The footprint of the building is greater than the approved scheme
Appearance	The relationship between the first floor windows and the eaves is different to the approved plans to accommodate an attic room
	There is a chimney on the plans which is not present on the building on site
	Windows have been added to the roof without approval during the build and the amended plans seek to retain some of them
	North facing roof lights would be better as they would not give rise to solar gain and result in the window being kept open
	The dwelling should be a modest two-storey, four bedroomed property with rooflights kept to a minimum and kept away from public view
Garage	The garage location has changed in relation to the house
Residential Amenities	Overlooking, all roof lights should be removed
	Overlooking from roof lights in the southern roofslope
	Overbearing impacts
	Loss of quiet enjoyment of neighbouring properties
	Concern about windows being added where the chimney should be which would result in overlooking
Airport Safeguarding	Roof lights would be contrary to the requirements of East Midlands

	Airport
Drainage and flood risk	A septic tank has been brought onto the site which was not permitted by the previous approval
	The applicant discovered a land drain running from an unknown point on West End, under No.8 West End to a chamber in the southern curtilage of the development site. The applicant has connected this to a point of his drainage system and built a retaining wall enclosing the chamber.
	The LLFA/STW should be reconsulted on the land drain situation as a large infrastructure pipe has been fed into a 4 inch pipe on the site
Loss of vegetation	The plans omit the original proposal to 'retain original hedge'
Precedent	Approval would set a precedent for further additional development
Amendments	The amendments do not overcome the concerns of local residents
Breaches in the previous planning permission	Hedgerows have been removed contrary to Condition 14 (hedgerow protection) and trees have been removed, both of which are used by nesting birds
	Condition 4 (archaeology) has been breached as works have been completed before trial trench findings were agreed
	The applicant is changing whatever he likes without action being taken making a mockery of the planning system
	Additional fencing has been erected outside the development area

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

Paragraphs 8, 11 and 12 (Achieving sustainable development);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 55 and 56 (Planning conditions and obligations);
 Paragraphs 60, 61, 62, 69, 74, 75 and 77 (Delivering a sufficient supply of homes);
 Paragraph 100 (Promoting healthy and safe communities);
 Paragraphs 104, 107, 110, 111 and 112 (Promoting sustainable transport);
 Paragraphs 119, 120, 124 and 125 (Making effective use of land);
 Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places);
 Paragraph 159 and 167 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 174, 175, 176, 180 (Conserving and enhancing the natural environment);
 Paragraphs 197 and 199-202 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 Future housing and economic development needs

Policy S2 Settlement hierarchy

Policy D1 Design of new development;

Policy D2 Amenity;

Policy H4 Affordable Housing.

Policy IF4 Transport infrastructure and new development;

Policy IF7 Parking Provision
Policy EN1 Nature Conservation;
Policy EN6 Land and air quality
Policy He1 Conservation and enhancement of NW Leicestershire's historic environment
Policy Cc2 Flood risk
Policy Cc3 Sustainable drainage systems

{b Long Whatton and Diseworth Neighbourhood Plan}

This is a designated Neighbourhood Plan Area but this cannot be afforded any weight in the decision making process as the Neighbourhood Plan is at an early stage of preparation and has not yet been published for consultation.

Other Policies/Guidance

National Planning Practice Guidance
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of Development

The principle of this development has already been established by the previous planning permission (20/01887/FUL).

The main issue in the determination of the application is, therefore, whether the revised proposals to amend the design of the dwelling/ecology details would be acceptable in terms of residential amenities, highway safety, ecology, design and impacts on heritage assets, flood risk and drainage.

This report should be read in conjunction with that of the earlier application that establishes the principle of development.

Design and Heritage Assets

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF.

The proposed development must be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that, when considering a planning application for development in a Conservation Area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Paragraph 197 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 199) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The site lies within the Long Whatton Conservation Area and the appraisal document identifies the importance of the agricultural landscape between the Long Whatton Brook and the northern edge of the built settlement as being important both historically and for the setting they provide for the village. The site access offers a glimpse from a public vantage point into this important rural landscape.

The character of the Long Whatton Conservation Area is derived from the informal grouping of farmhouses, outbuildings and the former agricultural related cottages along the principal linear thoroughfare. Vernacular buildings are typically modest and simple in form and are mainly two storeys in height with integral chimney stacks and are built on narrow plots either facing the street frontage or at right angles. Buildings to the rear are typically outbuildings or modest cottages.

During the course of the previously approved application, amendments were sought to reduce the overall scale of the development to ensure that the development would reflect the scale and character of existing development within the locality. Concern has been raised by residents that the current proposal represents a backward step towards the originally submitted scheme and that the applicant will secure that original proposal through incremental additions to the development. Whilst the proposal would increase the size of the proposal, this would be to a limited extent and would include single storey development with some additional accommodation to the rear and within the roofspace above. The width of the proposed two-storey accommodation would be 0.27m greater than the approved scheme but the single storey element would be reduced by the same amount. The proposed ridge and eaves heights would be increased as set out below:

Main Ridge as proposed	Main eaves as proposed	Ridge to side element as proposed	Eaves to side element as proposed
Height Difference	Height Difference	Height Difference	Height Difference
+60mm	+330mm	+520mm	+70mm

It is noted that the overall main ridge height would be just 60mm greater than the approved ridge height. The eaves height would be greater by 330mm, resulting in a slightly shallower roof pitch to the building. The greatest difference in height would be to the ridge of the side element of the building with an increase of 520mm to the ridge and 70mm to the eaves. It is noted that the submitted scheme retains two chimneys on each gable as per the originally approved scheme. Whilst the development on the site currently only has one chimney, the applicant is aware of the need to ensure that the development, when complete, includes two chimneys as proposed.

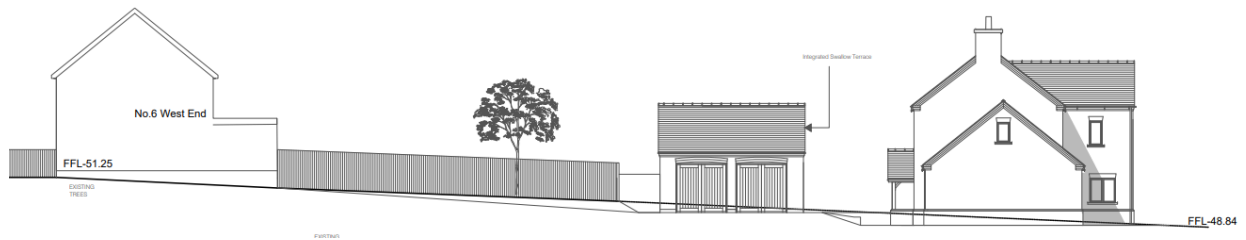
Site Cross section:

No. 6 West End



Proposed dwelling





The scheme would still be significantly smaller in volume than the scheme which officers originally considered under application 20/01887/FUL and which officers sought to reduce in scale. The proposed dwelling and garage have been constructed on site and how the building integrates within the streetscape and the Long Whatton Conservation Area is visible on site. The dwelling is set at a lower land level to West End and part of the development is visible from public vantage points through gaps between buildings and through the access drive into the site. Whilst some roof lights are proposed, the number has been reduced during the course of the application to a single large roof light in the front elevation which is subdivided vertically into three lights and a single roof light in the rear elevation. This amendment has been secured following the advice of the Council's Conservation Officer. The building on site contains more roof lights than currently proposed but the applicant is aware of the need to ensure that the development accords with the approved plans should permission be granted.

Proposed Plans and Elevations



When having regard to land levels and the visibility of the site from public vantage points, it is not considered that the amended proposal would result in a dwelling that would appear out of keeping with the scale or character of the approved dwelling or that of neighbouring development. In terms of impacts on heritage assets, the Conservation Officer has been consulted and identifies no harm to heritage assets as a result of the proposed amended plans, subject to details of roof lights being agreed as the specific product details provided are not deemed to be acceptable for a Conservation Area location.

View through access drive between No's 4 and 6 West End:



The dwelling had been built up to ridge height in this photograph and the chimney to the two-storey development and roof to the side element can just be seen behind the tree which is not in leaf.

Overall, subject to conditions, the revised details provided are considered acceptable and would ensure that the proposal would remain compliant with Policy He1 of the adopted Local Plan, and Paragraphs 197 and 199-202 of the NPPF.

Residential Amenities

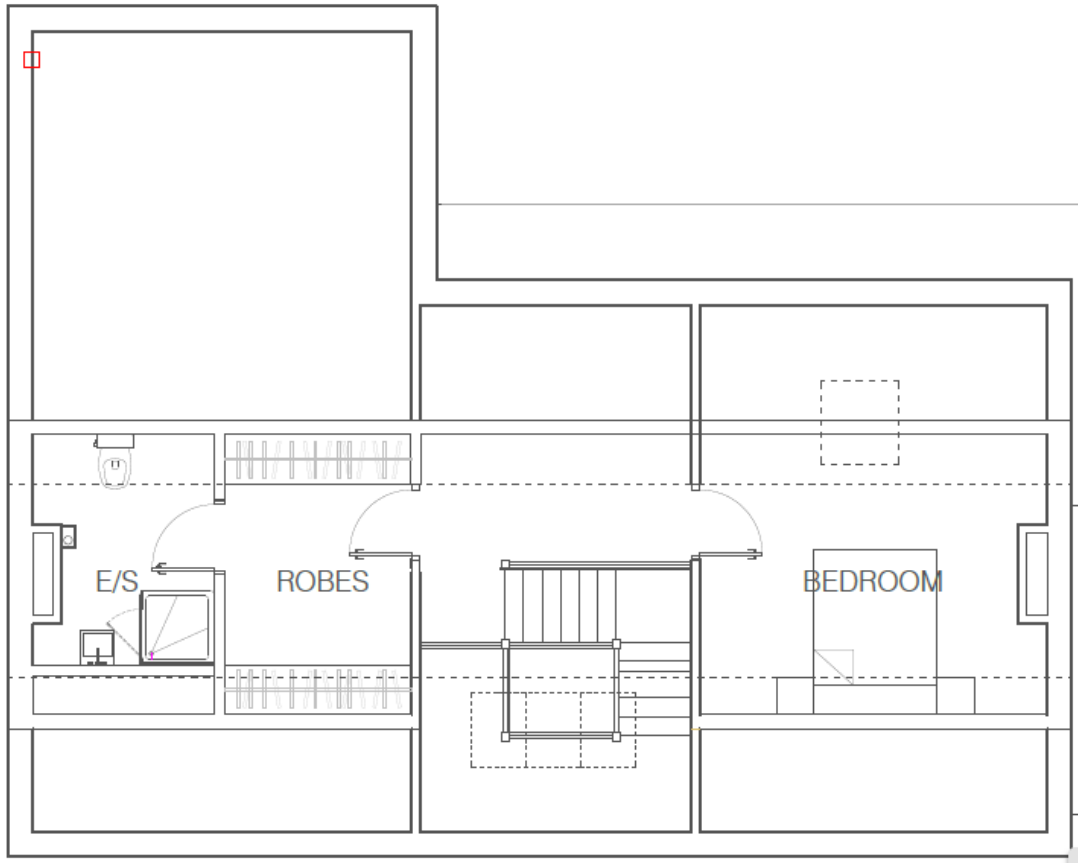
Concerns have been raised by local residents about overlooking from new windows within the roof space of the dwelling adversely affecting the enjoyment of their properties.

The proposed amendments would introduce three new windows, one at first floor level in the side (east) elevation serving an en-suite bathroom and two roof lights at second floor level serving a stairwell and bedroom. One is located to the front roof slope and the other to the rear roof slope.

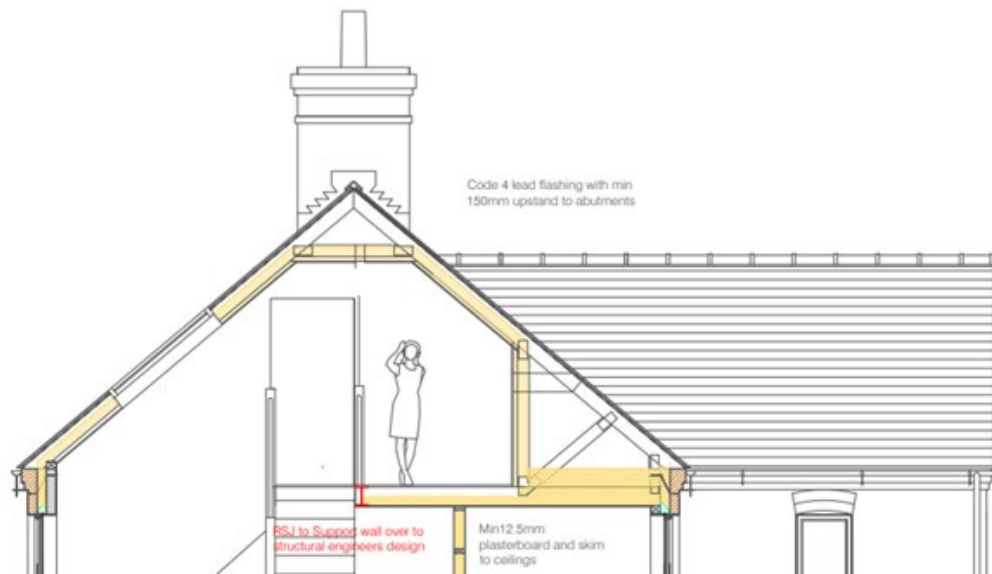
The new roof light to the rear elevation would serve a bedroom but would face northwards towards a field and therefore, would give rise to no overlooking. The new first floor window in the eastern side gable would serve a non-habitable room and would be located 10m off the common boundary with the nearest property to the east. When having regard to the distance involved and the non-habitable nature of the room served by the window, it is not considered that any significant overlooking would arise from the window. The large three-light roof light located in the front elevation would serve a stairwell (non-habitable room) and would be located

over 13m from the common boundary with the properties to the south of the site (No.s 6 and 8 West End). Whilst it is acknowledged that a resident of the property could stand on the landing at the top of the stairwell (at a distance of 1.5m from the closest point (top) of the roof light) and look out of the window, when having regard to the distance involved and the non-habitable nature of the room served by the roof light, it is not considered that any significant overlooking would arise from the window to warrant a refusal on this ground.

Proposed second floor layout showing the position of roof lights:



Cross section showing the relationship between the front roof light and the landing:



Photograph of the front elevation as built on site:



Photograph of the rear/west side elevation as built on site:



Photograph of the dwelling is relation to the rear boundary of properties fronting West End:



The proposed scheme would also give rise to increased dimensions in height of the development and in the width of the two-storey development, however, when having regard to the siting of the dwelling away from the neighbouring boundaries, it is not considered that the proposal would give rise to any significantly greater overbearing or overshadowing impacts than

the previously approved scheme. Concern has been raised about the location of the garage but this is shown as previously approved.

Concern has been raised about additional windows being added to the dwelling in the future. No conditions restricting new windows were imposed on the original permission and it is not considered that justification exists to add such a condition now. Windows to side elevations above ground floor level are controlled through permitted development rights and there is a distance of over 10m between the front of the property and the rear garden to the neighbouring properties to the south which should be sufficient to prevent significant overlooking.

Overall, it is not considered that the proposed dwelling would have any significantly detrimental impact upon the amenities of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Policy D2 of the adopted Local Plan and the Good Design SPD.

Highway Safety

The proposed variation would increase the number of bedrooms within the property from four to five but the parking requirements for the dwellings would remain the same. No changes are proposed to parking and access arrangements and therefore, no objection is raised to the proposed variation of condition 2 by the County Highways Authority.

Photograph looking up the site access drive towards West End:



It is not considered that the proposed amendments would impact upon highway safety and therefore, would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan, the NPPF and the Leicestershire Highway Design Guide.

Ecology

Condition 11 of the original permission required the provision of one integrated sparrow terrace and two house martin cups. The proposed amendments to the design of the scheme has meant that the house martin cups cannot be integrated within the design of the building. The County Ecologist has been consulted on the revised scheme, which includes one sparrow terrace within the end gable of the garage building on the site. These have been installed and photographs have been provided to verify this (see below).



The County Ecologist is satisfied with the details of the proposed sparrow terrace and raises no objection to the proposed variation of condition 11 subject to a condition requiring the retention of the nesting provision. Condition 12 required the provision of photographic evidence to demonstrate that the nesting provision had been installed and therefore, this condition is no longer required and can be removed should permission be granted.

Overall, the proposal would remain compliant with Policy En1 of the adopted Local Plan, Paragraphs 174 and 180 of the NPPF and Circular 06/05.

Whilst concern has been raised about breaches to condition 14 (trees and breeding birds), the condition requires that the *"neighbouring mature trees as well as the elder and bramble scrub to the northern fence line should be retained and protected, where possible, as part of the proposed in line with BS5837. Should this not be possible and clearance and management works be required, these should be timed to avoid bird nesting season March to August (inclusive) or be preceded by a nesting bird check by a suitably qualified ecologist."* The condition does not require the retention of the trees and whilst it has been indicated that the trees have been removed within the breeding season, given the requirements of the condition, replacement trees could not be secured through the planning process. Whilst the alleged loss of bird nests cannot be recovered, nest provision is being secured within the development.

Approved landscaping scheme:



It is also noted that a landscaping scheme was approved under discharge of condition application 22/01593/DIS which provides for retained and new tree planting within the site and a new hedgerow alongside a post and rail fence along the northern boundary of the site. Concern has been raised about the development site spilling out into the field beyond in the absence of a boundary at the present time but the development is not yet complete and the applicant is aware of the need to ensure compliance with the approved landscaping scheme following a visit from the Council's Enforcement team.

View of the rear (northern) boundary of the site:



Flood risk and Drainage

The site lies within Flood Zone 1 (which has the lowest risk of flooding), is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps, and there are no areas of surface water flooding on the site. Notwithstanding this, concern was raised by local residents during the course of the previous application and consultation with the Local Lead Flood Authority (LLFA) was undertaken and resulted in conditions being imposed in respect of surface water drainage. The LLFA and Severn Trent Water has been consulted on the application but no response has been received.

The proposal would give rise to additional built development but given the small scale of the increase, it is not considered that the proposals would give rise to any material change in surface water run-off at the site that could not be accommodated within the approved surface water drainage scheme.

Overall, it is not considered that the proposed would impact upon surface water drainage and would not increase the risk of flooding at the site or elsewhere and therefore, would comply with the provisions of paragraph 167 of the NPPF and Policies Cc2 and Cc3 of the adopted Local Plan.

Concern has been raised about the applicant connecting to an existing land drain. The applicant's agent has advised that:

On clearing the site an old collapsed silt trap was uncovered in the southwest corner of the site. The trap was overgrown with brambles etc and clearly was nonfunctional. Upon further investigation it was determined it went to a soakaway under the old ménage.

Having monitored the drain, no discharge was noted, even after heavy rain. With no information as to what the drain was for the builder decided to rebuild the silt chamber and install a new outfall pipe under the garage which was connected to the new storm system for the house. This was done so that on the off chance that any water does come down the pipe it will be drained away and not cause any issues.

The surface water drainage scheme for the site (to which the above drain has been connected) was agreed by the District Council under discharge of condition application 22/00782/DIS in consultation with the Local Lead Flood Authority and includes an attenuation basin within the field to the north of the site in the ownership of the applicant.

Concern has also been raised about a septic tank being brought onto the site as the original scheme proposed to connect to the mains foul sewer. The Council's Enforcement team has visited the site and the applicant has confirmed that a package treatment plant has been brought onto the site but has not been installed. The applicant has been advised that alterations to the foul drainage cannot be dealt with under the variation of condition application as there is no foul drainage condition to vary. The applicant has also been advised that they may be unable to secure a permit from the Environment Agency due to the close proximity of the site to the mains sewer. The applicant has submitted an application to the District Council for siting of the package treatment plant in connection with the dwelling but this is currently invalid. At the same time, the applicant has advised that they have made an application for a permit from the Environment Agency. The applicant has advised that no work on the package treatment plant will be undertaken on site unless the necessary permissions have been secured.

Other

East Midlands Airport (as the airport safeguarding authority has no objections subject to conditions and notes to applicant. Some of the suggested conditions relate to dust control, installation of exterior lighting, solar panels and reflective materials (other than glass) but the proposed scheme does not raise additional issues in respect of these matters and therefore, the imposition of the suggested conditions could not be justified when they were not requirements of the original permission.

An informative is proposed about upward lighting below the newly proposed roof lights which is specific to the new proposals and therefore, can be added as a note to applicant.

Concern has been raised about the development setting a precedent for further development but it is a fundamental principle of planning legislation that each application should be assessed on its own planning merits and, for the reasons set out above, the proposed scheme is considered acceptable.

Conditions

Planning permission ref: 20/01887/FUL, was subject to 18 conditions, of which 3 conditions (conditions 2, 11 and 12) are for consideration in this application and will need to be updated. Condition 1 is no longer required as the development has started on site. Two discharge of condition applications have been made 22/000874/DIS and 22/01593/DIS. Application 22/00782/DIS relates to conditions 3 (Construction Management Statement), 4 (Archaeological Works), 5 (Surface Water Drainage Scheme) and 6 (Maintenance of SUDs) and has been determined. Those conditions will need to be re-worded accordingly to reflect the details approved. Application 22/01593/DIS relates to conditions 13 (Hedgerow Details), 16 (Landscaping Details), 17 (Hard Surfacing and Boundary Treatments) and 18 (Materials) and has been determined. Those conditions will need to be re-worded accordingly to reflect the details approved. All other planning conditions in respect of the previous planning permission

would continue to apply to the site and would need to be attached to any new planning permission for the site.

Conclusion

In conclusion, the principle of this development has already been established as acceptable through the earlier grant of planning permission (20/01887/FUL). The main issue in the determination of the application is, therefore, whether the revised proposal would be acceptable in terms of impact upon residential amenities, highway safety, ecology, design and heritage assets, flood risk and drainage. Overall, it is considered that there would not be any significant material impacts upon residential amenities, highway safety, ecology, design and heritage assets, flood risk and drainage and there are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to accord with relevant guidance and policy provided by the National Planning Policy Framework and the adopted North West Leicestershire Local Plan.