

Delegated Report

Planning Reference

25/00724/FUL

Applicant(s)

Mr L Elphick

Ward

Twycross Sheepy & Witherley



**Hinckley & Bosworth
Borough Council**

Application Site

**Lagos Cottage, 18 Burton Road,
Wellesborough, Twycross**

**Proposal
works**

Erection of a dwelling (Class C3) and associated

**Case Officer
Management))**

Ed Stacey (Planning Manager (Development

1. Recommendations

- **Grant planning permission** subject to the conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a detached three-bedroom two storey dwellinghouse and associated works, including the formation of a new vehicular access at Lagos Cottage, 18 Burton Road, Wellesborough, Twycross.
- 2.2. The property is designed with traditional features including a chimney, bay windows, a brick plinth and window detailing. The proposed dwelling fronts Burton Road, with parking adjacent to No.18 and a garden laid out to its side. No.18 retains land to the rear area as its own garden space. The design of the dwelling has changed in response to comments from the case officer and statutory consultees.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north of Twycross, within its settlement boundary. The site currently consists of garden space associated with, and to the south of, 18 Burton Road. 18 Burton Road is a two-storey semi-detached dwelling that is attached to 20 Burton Road to the north. Both residencies are constructed with a red brick finish and slate roofs. These two properties are

the only two structures on the eastern side of Burton Road and contrast with some of the more recent development on the opposite side of the road.

- 3.2. The site is accessed via Burton Road (A444), which is an adopted and classified 'A' road that is subject to a 30mph speed limit adjacent to the application site. However, it is noted that the speed limit along Burton Road increases to 60mph 100m to the northwest of the proposed access. There is no footway on the east side of Burton Road in the vicinity of the site.
- 3.3. Due to the varying styles and designs of properties along Burton Road, there is no discernible unique character to the built form in the area. However, the surrounding area is considered to have an edge of village, rural, character, which is particularly evident on the eastern side of Burton Road. The wider village contains some traditional design common in this rural part of Leicestershire.
- 3.4. To the north of the application site, beyond 18 and 20 Burton Road, is open agricultural fields, and immediately to the east of the site is further open fields and a pond, which are all within the designated open countryside. The ponds and trees to the southeast of the site are designated as a Local Wildlife Site (LWS), which extends up to, and abuts, the southern boundary of the site.
- 3.5. Ashby Road Amenity Green Space (TWY03) is located to the south, and partially to the west of, the application site. Ashby Road Amenity Green Space is identified as an Open Space and Recreation Facility within the adopted Site Allocations and Development Management Policies Document (SADMP) (2016). Beyond this Open Space and Recreation Facility is further built development within the identified settlement boundary of Twycross. The eastern boundary of the site is bordered by Burton Road and further residential dwellings within Twycross are located beyond this public highway.

4. Relevant Planning History

- 4.1 Pre-application advice was sought from the Council for a three-bedroom bungalow within the site via application 24/10029/PREHMO. The Local Planning Authority highlighted that such a scheme was unlikely to be supported in these site-specific circumstances due to the harm to the character of the site and the surrounding area and harm to the residential amenity of the future occupiers of the scheme.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. In total, three

responses were received from members of the public. Two comments were received in support of the development and one objected to the development due to highway safety, lower water pressure, and poor broadband concerns.

6. Consultation

- 6.1 There have been no objections from the following consultees:
- Hinckley & Bosworth Borough Council (HBBC)'s Arboricultural Officer
 - HBBC's Drainage Department
 - HBBC's Environmental Health Department
 - Leicestershire County Council (LCC)'s Ecology Department
 - LCC as the Local Highway Authority (LHA)
 - LCC as the Minerals and Waste Planning Authority (MWPA)
- 6.2 Twycross Parish Council did not object to the development but raised concerns about the proposed site access to the property and its proximity to the roundabout for Burton Road and Ashby Road to the south of the site.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 12: Rural Villages
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Leicestershire Minerals and Waste Local Plan 2019 – 2031 (LMWLP):
- Policy M11: Safeguarding Mineral Resources
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - National Design Guide (2019)
 - Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Twycross. As a result, the provision of a residential property in this location is considered to be acceptable in principle, subject to the assessment of all other material considerations.

8.2. The key issues in respect of this application are therefore:

- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Housing Land Supply

8.3 The Council is currently unable to demonstrate a Five-Year Housing Land. As a result, and due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

8.4 Given the limited scale of the development, the benefit of providing one dwelling towards the Council’s supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

8.5 The proposed dwelling respects the general layout of the streetscene, with detached and semi-detached dwellings on either side of Burton Road, whose principal elevation faces the street. Similarly, the wide and shallow plan of the proposal matches that of Nos. 18 and 20 without dominating them by being 0.5m lower to the eaves, 0.8m lower to the ridge and approximately half the width of those properties combined. The architectural features and materials draw inspiration from buildings in Twycross and will comfortably sit alongside Nos. 18 and 20 which contribute positively to the character of the area.

8.6 The existing hedgerow bounding the highway contributes positively to the streetscene but its partial replacement with reclaimed brick will not result in

significant harm and is necessary to deliver the visibility splays. The other proposed soft and hard landscaping is suitable for the village edge location.

- 8.7 The proposed parking area, combined with that of No. 18, will be framed with a brick wall along the highway boundary, broken up with another brick wall separating the two drives and sensitively surfaced with block paving. The combined expanse of hard surfacing, suitably divided, will therefore be acceptable and provide a low density of development akin to the wider area.
- 8.8 Overall, the development compliments the character of the surrounding area and complies with Policy DM10 (c, d and e).

Impact upon Residential Amenity

- 8.9 There are no residential properties to the south of the site, and the properties on the western side of the development are separated from the application site by Burton Road. Therefore, the main consideration is the impact of the development on 18 Burton Road, and its associated garden space to the east.
- 8.10 Only three windows are proposed on the eastern side elevation of the property, and these serve the utility, the bathroom, and the en-suite. The proposed plans show the upper windows being obscurely glazed which will be secured via condition.
- 8.11 Whilst the habitable windows to Bedroom 1 on the southern side elevation of the scheme are likely to cause some overlooking to the neighbouring property's residential garden space, this is not the property's private garden area immediately adjacent to the dwelling nor an unusual relationship in a residential area.
- 8.12 The principal habitable window for Bedroom 2 on the first floor of the property and two of the three windows serving the kitchen and dining area on the ground floor face towards 18 Burton Road. These windows are separated from the southern two-storey blank side elevation of No. 18 by 15m. This exceeds the minimum separation distance requirements detailed within the Good Design Guide. The angles of views and intervening soft and hard landscaping means there is no significant overlooking of the rear private amenity space of No. 18.
- 8.13 A condition shall control the development's construction hours to protect the residential amenity of neighbours.
- 8.14 Given the above, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity and accords with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.15 The LHA is satisfied that the proposed access, visibility splays and parking arrangements accord with the Leicestershire Highway Design Guide (LHDG)) (2024) and that there are no other highway safety concerns.
- 8.16 The provision of an extended footway and dropped kerb crossing point is supported by the LHA and provides pedestrian access into the village.
- 8.17 The development, with the suggested conditions applied, accords with Policies DM17 and DM18 of the SADMP

Other matters

- 8.18 The retained trees in the southern corner of the site will be retained and protected during construction by condition.
- 8.19 While LCC Ecology requested further bat surveys, the applicant has confirmed that the outbuilding in question has already been demolished in accordance with the previous survey, is related to the garden land of No. 18 and that no works are proposed to No. 18 which is being sold off separately from the application site. The suggested conditions and other ecology notes to applicant will be applied.
- 8.20 Given the scale of the development, the proposal would not adversely affect mineral safeguarding interests.

Planning Balance

- 8.21 The scheme is considered to complement the existing street scene with a high-quality design. Similarly, negative impacts on residential amenity have been avoided by the design of the scheme and the use of conditions. The proposed access and parking arrangements are safe and suitable. As a result of their compliance with relevant policies, these matters are all afforded neutral weight in the planning balance.
- 8.22 The provision of one market dwelling while the Council cannot demonstrate a five-year supply of housing and the economic benefits of the construction of the development are each given limited positive weight.
- 8.23 Overall, with due regard to the tilted balance of paragraph 11(d) of the NPPF, the development is acceptable.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions, Reasons and notes to applicant

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Prior to commencement

2. Prior to the commencement of development, 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, but not be limited to, the following:

- (a) Identification of potentially damaging construction activities;
- (b) practical measures and sensitive working practices to avoid or reduce impacts during construction on badger, small mammals, reptiles and great crested newts;
- (c) timing of works to avoid harm to nesting birds;
- (d) responsible persons for overseeing sensitive works; and
- (e) use of protective fencing where required for hedgerows and boundary vegetation.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

3. Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Enhancements shall include, but not be limited to:

- (i) 13cm x 13cm holes at the base of new close board fencing; and
- (ii) at least one integrated bat box, one integrated swift box, and one integrated sparrow terrace with the makes/models and their locations.

Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme and shall be completed prior to first occupation of the dwelling.

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of development, the proposed finished floor levels shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual and residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Construction

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Application Form (submitted: 23.07.2025)
- Site Location Plan (submitted: 24.04.2026)
- Proposed Site Plan (25/3278/01 Rev J) (submitted: 04.06.2026)
- Proposed Floor Plans & Elevations (25/3278/02 Rev F) (submitted: 24.04.2026)
- Confirmation of materials (submitted: 24.04.2026)
- Proposed soft and hard landscaping scheme (25/3278/04 Rev A) (submitted 04.06.2026)
- Preliminary Bat Roost Assessment and Bird Survey (submitted: 23.07.2025)
- Ecological Assessment Revision 02 (submitted: 04.06.2026)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM6, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The Poplar (G1) and Birch (G2) trees identified in the Arboricultural assessment (reference WCL/LE/AA/12825) shall be retained and no construction work shall take place with the identified root protection area.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Prior to Occupation

8. Prior to the first occupation of the development hereby permitted, the access arrangements shown on Proposed Site Plan, drawing no. 25/3278/01 Rev J shall implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

9. Prior to the first occupation of the development hereby permitted, the parking (and turning facilities) shall be implemented in accordance with Proposed Site Plan, drawing no. 25/3278/01 Rev J. Thereafter the onsite

parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

10. Prior to the first occupation of the development hereby permitted, the offsite works shown on Proposed Site Plan, drawing no. 25/3278/01 Rev J have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2024).

Notes to Applicant(s)

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory propositi test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
4. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation

storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

5. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.