

## Delegated Report

**Planning Ref: 25/01035/FUL**

**Applicant: Mrs Michelle Jackson**

**Ward: Barlestone Nailstone and Osbaston**

**Site: 1 New Street, Barlestone, Nuneaton**



Hinckley & Bosworth  
Borough Council

**Proposal: Change of use of existing garage into cycle repair and second hand cycle sales business (retrospective)**

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### 1. Recommendations

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

### 2. Planning application description

- 2.1. Retrospective planning permission for the change of use of the adjoining garage of a residential dwelling for the repair and sales of second-hand bicycles.

### 3. Description of the site and surrounding area

- 3.1. The application site comprises an end terrace dwelling with an adjoining single-car garage. The site is located to the corner of New Street and Newbold Road. The site is located within a residential area and adjacent to the Barlestone Local Centre. There is an area of landscaped public open land immediately adjacent to the site and fronting Newbold Road.

### 4. Relevant planning history

No recent relevant history.

### 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

### 6. Consultation

- 6.1. No objections have been received from:
- Barlestone Parish Council
  - LCC Highways (LHA)
  - HBBC Drainage – No objections, subject to no power tools and hours of use condition (as proposed)

### 7. Policy

- 7.1. Barlestone Neighbourhood Plan 2020-2039

- 7.1. Core Strategy (2009)

- Policy 7 – Key Rural Centres

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
  - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

#### Assessment against strategic planning policies

- 8.2 The development relates to a property located within the settlement boundary of Barlestone. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.
- 8.3 The development comprises a small-scale local business use, with no additional employees and considered a quasi-homeworking use. Such uses are generally supported by the general principles of section 6 of the NPPF, which seeks to support sustainable economic growth and states planning policies should allow for new and flexible working practices such as live-work.

#### Design and impact upon the character of the area

- 8.4 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 No external changes to the property are proposed. However, officers have visited the site and note that cycles on display are encroaching the highway and wedge of public land adjacent to the site. In addition, there are a number of advertisements on the garage structure that may require advertisement consent. A condition is recommended for no cycles or other items to not encroach the public highway and open space. An additional condition is recommended for no cycles or other related items to the business to be displayed on the driveway outside the approved hours of use. A note to the applicant is advised outlining that any planning permission granted does not give consent for advertisements, which may be subject to a separate application for advertisement consent.
- 8.6 The proposed business would attract additional visitors to the property. However, given the minor nature and scale of the business, it is considered that the additional comings and goings and additional vehicle activity would not adversely alter the existing residential character of the street to such an extent that a reason for refusal is justifiable.
- 8.7 Subject to the aforementioned conditions and informative, the proposal would not have an adverse impact on the character and appearance of the existing house and the character of the wider area, and in compliance with policy DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.8 Policy DM7 of the SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that it would not cause noise on a level that would disturb amenity areas that are valued for their tranquility and would not contribute to poor air quality.
- 8.9 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
- 8.10 Environmental Health have been consulted on the application and raise no objections to the proposal, subject to an hours of use condition. In addition, concerns were expressed regarding the use of power tools. It is considered that the small-scale nature of the use would not give rise to an unacceptable impact on residential amenity for neighbouring uses, subject to an hours of use condition and an additional condition restricting the use of power tools.
- 8.11 Subject to conditions the proposal would not result in any adverse impact on residential amenity and in compliance with policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.12 Policies DM17 and DM18 of the SADMP require development to accord with adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities.
- 8.13 The proposal would result in the loss of one garage parking space. The existing front forecourt to the garage is of insufficient depth to accommodate a vehicle parking space. The LHA advise that one parking space would be required for the site. Notwithstanding this, the LHA would not seek to resist the proposals in the absence of a single parking space. Furthermore, it may be that visitors to the business may park on the private road directly outside the premises. The LHA advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.14 The proposal would not result in any adverse impact on parking and highway safety and in compliance with NPPF paragraph 116 and policies DM17 and DM18 of the SADMP.

### **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.

## **10. Conclusion**

- 10.1. The proposed change of use is considered to be an acceptable form of development at this location. The application site is a small-scale business use located within the settlement boundary of Barlestone and is deemed a sustainable location.
- 10.2. The operation of the use would not alter any of the external elevations of the existing property and it would retain the overall residential character of the area. Furthermore, the development would not have an adverse impact on neighbouring residential amenity in regard to noise and disturbance and on parking or highway safety. It is therefore considered that the development is in accordance with policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

## **11. Recommendation**

**Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **11.2 Conditions and Reasons / Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location Plan
- Floor Plans

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

2. The use is restricted to the garage structure and associated forecourt area only and shall be used solely for the repair and sale of second-hand bicycles and for no other purposes.

**Reason:** To ensure that the site is not used for any other purpose which may be of detriment to the amenity of nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed business use hereby permitted shall only be used in conjunction with or ancillary to the existing dwelling at 1 New Street and shall not be used, let or sold separately.

**Reason:** To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The use shall not take place other than between the hours of:-

0900 - 1700 hours Monday to Saturday only and at no time on Sunday and Public Holidays.

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No power tools shall be used on site in connection with the business use for the repair and sale of second-hand bicycles.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No display or storage of goods and materials in connection with the business use shall take place on the forecourt area to the front of the garage structure other than between the hours of:-

0900 - 1700 hours Monday to Saturday only and at no time on Sunday and Public Holidays.

**Reason:** In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The display of goods and materials in connection with the business use shall be limited to the forecourt area to the front of the garage structure and shall not encroach onto the public highway and adjacent public land.

**Reason:** In the interests of visual amenity in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3 Notes to applicant

#### 1. Advertisements

A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.