



Appeal Decision

Site visit made on 28 January 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/W2465/W/19/3240757

1 Woodbridge Road, Leicester LE4 7RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gurdeep Singh against the decision of Leicester City Council.
 - The application Ref 20190399, dated 27 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is change of use from former factory site (Class B2) to car wash (sui generis); dropped kerb; mobile metal container for waiting room and office.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from former factory site (Class B2) to car wash (sui generis); dropped kerb; mobile metal container for waiting room and office, at 1 Woodbridge Road, Leicester LE4 7RF, in accordance with the terms of the application Ref 20190399, dated 27 February 2019, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would represent a suitable location for a car wash, having regard to surrounding uses and the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is adjacent to Melton Road, a main arterial route leading out of the city to the north. It is presently vacant, having been previously the site of a factory that was demolished following significant fire damage in 2014.
4. The site is immediately surrounded by a petrol filling station and shop adjacent on Melton Road, a cash and carry retailer and a car garage to the opposite side of the Woodbridge Road junction, a factory building to the rear, and a series of commercial uses opposite on Melton Road including restaurants, a retail shop, a supermarket, an MOT garage, a hair and beauty salon, a laundrette and a car rental agency. There are a number of dwellings interspersed between these units, and residential uses predominate the side streets beyond. Nevertheless, the impression I got was of a mixed area with significant commercial activity along a busy main road, with several of the businesses focussed around cars.
5. The Council refers to Policy CS10 of the Leicester City Core Strategy (Adopted November 2010) (the CS) in its delegated report. This policy, amongst other things, states that on general employment land as shown on the City of

Leicester Local Plan¹ (the LP) Proposals Map, other uses that do not have a use class but are commonly found in industrial estates will be acceptable in principle. The Council takes the position that the surrounding area is largely residential in character and the proposed use of the site as a car wash would be inconsistent with this character. I note an extract from the LP Proposals Map submitted by both parties shows the whole immediate area categorised as 'Primary Residential Area', including the mix of uses along Melton Road.

6. I accept that the wider area is mainly in residential use as identified by the Proposals Map, but Policy CS10 does not specifically preclude uses such as car washes from non-employment land, and indeed the Council has not cited conflict with this policy in its reason for refusal. In any event, the existing site, though now vacant, was last in use for employment use as a factory within the C2 Class. As such, I find that the proposed change of use to a sui generis car wash use does not raise a policy conflict in principle, but falls to be determined on its merits having regard to the specific impacts raised by the Council, to which I turn.
7. The Council identified that noise would disperse to nearby residential properties given the openness of the site, but ultimately concluded that the proposal would not lead to an unacceptable loss of amenity from noise or general disturbance. For my own part, I saw that the site is sufficiently spacious to accommodate the car washing areas within the interior of the site, with drainage channels to control water run-off. Given the noise which already exists from traffic on Melton Road, and the reasonable opening hours proposed, I have no reason to find the use would cause demonstrable harm to living conditions or represent an inappropriate use in these respects.
8. In terms of character and appearance, Policy CS3 of the CS requires high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Policy PS10 includes the visual quality of the area and its ability to assimilate development as factors to be considered in determining planning applications.
9. The site is wholly open to public views from Melton Road and Woodbridge Road. To the north of the site Melton Road becomes wider with dedicated bus lanes, broad grass verges and footways to both sides, beyond which are buildings set back from the road behind forecourts or front gardens. The effect of this is an open, spacious character which the appeal site is consistent with, notwithstanding its somewhat derelict appearance.
10. The proposal would see the whole surface area repaved, new metal fencing erected to the perimeter, and a single storey, metal container structure erected to provide an office, toilet and waiting area. There would be little by way of new built form, with the fluctuating presence of cars on the site likely to be more prominent. The fencing would be similar to that around the perimeter of the school a short distance along Melton Road, and would not appear out of character with the surrounding commercial uses or its position on an main thoroughfare. Though the works would be functional in form and appearance, the proposal would see the site return to active use and would improve its presently unkempt appearance. The retention of an open site with vehicular traffic would be consistent with the commercial and car-focussed nature of

¹ (Incorporating the City of Leicester Minerals Local Plan) 1996 – 2016 (Adopted January 2006)

many of the surrounding uses, and with the spacious character created by the main road through the area.

11. For these reasons, I find that the proposed car wash would not harm the character and appearance of the area, nor would it be incompatible with neighbouring uses. There would be no conflict with Policy CS03 of the CS or Policy PS10 of the LP and, consequently, the proposal would represent an acceptable location for the car wash use.

Other Matters

12. I note the Council's concern that development of the site as a car wash would prejudice its future redevelopment. However, I am presented with no evidence of an existing or proposed development plan allocation or policy specifically related to the site, nor any evidence to demonstrate that any long term proposals are in train that would be jeopardised by the proposal. Even if there were, I see no reason why the proposal would prejudice any future plans, given no permanent buildings are proposed on the site.
13. I have had regard to the concerns raised by an interested party with respect to traffic issues around the site. However, no concerns have been raised by the Council in respect of access to or egress from the car wash facility, traffic generation or general highway safety. Though I saw Melton Road to be busy, the site would be accessed off Woodbridge Road and there is sufficient space on site for vehicles to queue without causing obstruction on the highway. As such, I am not led to a finding of harm in respect of highway safety.

Conditions

14. The Council has suggested conditions in the event the appeal is allowed, which I have considered in light of the tests of conditions within the Framework and guidance of the Planning Practice Guidance (PPG). Where necessary, I have amended the wording of the conditions to ensure compliance with the tests. The appellant has given his written consent to conditions suggested by the Council to be pre-commencement.
15. The Council has requested, in the event the appeal is allowed, the imposition of a temporary permission for a two-year period, on the basis of the above mentioned concerns over the prevention of the long term redevelopment of the site. The PPG states that a temporary permission may be appropriate in certain circumstances, one of which is to enable temporary use of vacant land or buildings prior to any longer-term proposals coming forward. However, having found no conflict with the development plan, or tangible evidence of other long term plans being jeopardised, I find there are no grounds to impose a temporary permission in this case.
16. I have therefore imposed a standard condition setting the time limit for commencement of the development, and a condition specifying the approved plans, to provide certainty. I have not imposed a condition requiring details of the proposed perimeter fencing, as adequate details have been provided on the submitted plans. A condition is also required to specify the opening hours, in the interests of residents' living conditions.
17. Conditions are also necessary for investigations into potential land contamination, given the site's history and in the interests of the health of occupants and nearby residents. It is necessary that this condition is pre-

commencement to avoid any risk of development taking place on contaminated land. To reduce pollution risk, a condition is necessary requiring details of how surface water will drain through a suitable petrol/oil interceptor.

18. Further conditions are necessary to ensure pedestrian sight lines, street works, hard surfacing and parking areas are provided, in the interests of highway safety. Given an access already exists and highway impacts would occur only when the car wash commences operations, it is sufficient that the requirements of these conditions are met prior to first occupation of the site.

Conclusion

19. For the foregoing reasons, I conclude that the proposal would accord with the development plan taken as a whole, and there are no material considerations which indicate a decision should be made at variance with the development plan. Therefore, the appeal is allowed.

K. Savage

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 2019/02/66 pages 1 to 3.
- 3) The use hereby approved shall not be carried on outside the hours of 0800 to 1900 hours daily.
- 4) No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

- 5) Details of all street works, including alterations to the footway crossing, shall be submitted to and approved in writing by the local planning authority, and then implemented in accordance with the approved details, prior to the first occupation of any part of the development hereby approved.
- 6) No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter.
- 7) Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details shown on approved plans and shall be retained for parking and not used for any other purpose.
- 8) Before the occupation of any part of the development, the proposed access shall be surfaced in a hard bound materials and drainage provided to ensure that no water runs from the site into the highway shall be maintained thereafter.
- 9) The development shall not be occupied unless and until details of how surface water drainage from the car park shall pass through a petrol/oil interceptor have been first submitted to and agreed in writing with the City Council as local planning authority and implemented in accordance with the approved details.

END OF SCHEDULE