

Delegated Report

Planning Ref: 25/00227/FUL
Applicant: Mr Hassan Ali Mangera
Ward: Burbage, St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Unit 1, Automatic Engineers Ltd, Burbage Road, Burbage

Proposal: Change of use to car wash, erection of canopies and associated external works (retrospective)

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons detailed at the end of this report

2. Planning Application Description

- 2.1. This application seeks full planning permission for the change of use of an existing car parking area associated with a general industrial use, to a car wash facility including the construction of a car washing canopy and a car drying and vacuuming canopy at Unit 1, Automatic Engineers, Burbage Road, Burbage.
- 2.2. The proposed car wash would operate between the hours of 9:30am to 7:30pm, all days of the week including Bank Holidays. A maximum of 4 employees are anticipated on the site at any given time to support the operation.
- 2.3. The car washing canopy has a width of 5 metres and a depth of 10.57 metres. It has a mono-pitch roof form and a total height of 3 metres.
- 2.4. The car drying/vacuum canopies have a combined width of 9.2 metres. The south-western canopy has a depth of 5 metres and a flat roof form with a total height of 3 metres. The north-eastern canopy has a depth of 7.25 metres and a lean-to roof form with a total height of 3 metres.
- 2.5. The application for the construction of the canopies is retrospective, as they have already been erected on site. The replacement of the surface on the site with hard standing has also been undertaken prior to this application being made.
- 2.6. The proposal also includes the establishment of a bin store area to the rear of the site, behind the drying/vacuuming canopy.
- 2.7. The existing access to the site from the privately managed internal road of the Business Centre is to be maintained. A set of metal gates have been erected at the point of access from the internal roadway.

- 2.8. No parking spaces are proposed within the application site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage. It is located within Hinckley Business Centre, which is a designated Employment Site.
- 3.2. The application site currently comprises canopy structures and an electrical substation. The canopies on the site are open-sided and have metal posts with corrugated sheet roofing. The rear canopy is comprised of two attached individual canopy structures, one of which is a lean-to construction which is partially enclosed. The site is surfaced with hard standing.
- 3.3. The existing development on the site was undertaken without planning permission and is the subject of ongoing enforcement action related to this application.
- 3.4. The application site has historically been comprised of a large gravel surface with vegetated areas to the south-west. It has historically been used as a car parking area, officially associated with the Automatic Engineers building within the site ownership, but also unofficially used to provide parking space to the wider Business Centre.
- 3.5. The application site gains access via an existing private roadway through the Business Centre. The private drive gains access from Burbage Road to the north-east. Burbage Road is an adopted and classified 'B' road with a speed limit of 30mph.
- 3.6. The site is neighboured to the north-east by an Esso service station which has an existing car wash facility along the shared boundary with the application site. To the north-west across the internal roadway is a large building within the Business Centre comprised of several individual tenancies.
- 3.7. The site is neighboured to the south-west by the remainder of the Automatic Engineers site, including a car parking area and a series of large, interconnected factory buildings. To the north-east are residential properties fronting Brookside, two of which directly adjoin the application site adjacent their rear gardens.

4. Relevant Planning History

Nil.

5. Publicity

- 5.1 The application has been publicised by the posting of letters to neighbours.
- 5.2 The Local Planning Authority (LPA) have received 30 responses to publication of the application. All 30 responses object to the application.
- 5.3 The objections received are summarised below:

- The land was previously used for car parking, and the parking need has now spread to side roads causing traffic queuing problems.
- There is no need for another car wash so close to the service station car wash.
- The access to the site is single track and at busy times turning traffic causes back-ups on Burbage Road while waiting for cars to enter and exit.
- Additional cars entering the existing single track access would create more traffic issues.
- Another unit in the area is used by young children who must also access the site down the narrow access road with no pavements.
- The proposals will cause queues that block the access road.
- The backing up of traffic will block views of the main road.
- The main road will be backed up with traffic more often.
- The proposal doesn't address what chemicals will be used and where they will run to, potentially exposing young children to chemical run-off and causing icy roads in colder weather.
- The proposal is behind residential gardens and there are concerns about drainage, smell, noise and view obstruction.
- The proposal will cause traffic problems by removing existing car parking and pushing parking on to surrounding streets.
- There has been suggestion the site will also be used for chemical storage but it is unclear what they will be, what they will be used for, whether they are hazardous and whether they pose a threat.
- Concern for children's safety when walking to and from the adjacent gymnastics unit.
- The entrance to the area is narrow and cars waiting to enter the car wash would block other cars attempting to park and visit other units, turn within the site or exit the site.
- Emergency vehicle access to the site would be impossible given high levels of traffic resulting from the car wash proposal.
- The noise of the proposed car wash would be additional to the existing car wash on the service station site as well as the noise from constant stopping and starting of engines at both facilities.
- Waste products used to wash cars appear to fall into residents gardens and are not appropriately drained.
- The construction work that has occurred on site has been without warning or fencing which was dangerous for children who access the site.
- Machinery has been left on the site with no regard for safety of those using the area.
- The creation of additional traffic here will not be safe for pedestrians.
- The new building will introduce risk of flooding and noise.
- An additional car wash here is no benefit to the area.
- The proposal does not provide adequate on-site parking.
- The high parking demand means the proposal would cause impact to road safety due to potential double-parking, reduced junction visibility and need to reverse into two-way traffic on Burbage Road.

- Other businesses in the business centre would be impacted by congestion on the site as customers may be put off from using them.
- There are no details on amenity/welfare facilities for staff on the site.
- The planning documents provide insufficient evidence that traffic assessments have been conducted or that safe access can be maintained at all times.
- There is no plan to prevent queueing within the site access.
- There are no details on lighting for the site.
- The proposal is ambiguous and does not describe the activities and processes or what equipment or substances will be used in the car washing process.
- There is no evidence that necessary environmental safeguards for wastewater containing pollutants are in place.
- The construction on site was undertaken with no plans, standards or building control engagement.
- Dangerous working practices were observed on site and reported to HSE.
- The canopy construction does not have any cross bracing or account for forces from the front or rear. This is high risk in case of force being applied to the structure, such as a car crash.
- The rear canopy appears to be bowing under its own construction weight.
- It is unclear how the sheet tin metal roof is fixed to the canopy.
- There are no details of electrical supply.
- The buildings erected can be seen from the rear of neighbouring dwellings and are of poor design quality not in keeping with area.
- The existing car wash has restricted hours due to noise and is located further from residential development than the proposed car wash.
- The application form states the applicant is unsure whether they will connect to mains sewer.
- The hours of operation are inappropriate and will disturb residential amenity.
- There are a number of technical errors within the submitted documents.

6. Consultation

6.1 The following consultees advised that they had no comment and/or no objection to the proposal:

- Leicestershire County Council (LCC) Ecology
- Hinckley & Bosworth Borough Council (HBBC) Drainage

6.2 LCC Highways, the Local Highway Authority (LHA), have advised that based on the information provided they would not seek to resist the proposal in these site-specific circumstances.

The LHA have noted that the proposal does not involve any amendments to the existing point of access from Burbage Road. Personal Injury Collision (PIC) data for the last five year period finds six PICs have occurred within 500m of the access. The LHA have found no trends or patterns in the data and therefore consider existing highway safety issues would not be exacerbated by the proposal.

The LHA consider the number of trips to the site would comprise of existing trips on the network and therefore, have expressed no concern with the additional trip generation details provided by the Applicant.

The internal layout of the proposal is acceptable to the LHA.

The retention of 15 off-street parking spaces for the existing unit, Automatic Engineers, is acceptable to the LHA.

- 6.3 HBBC Environmental Services (Pollution) have advised that prior to determination of the proposal a Noise Impact Assessment would be required.

The details of lighting should also be shown and demonstrated to be in compliance with the Institute of Lighting Professionals guidance note on the reduction of obstructive light.

The details of how overspray of water/cleaning products will be managed/controlled should be considered.

The Applicant has not provided sufficient details to satisfy these requests.

- 6.4 Burbage Parish Council object to the application. The retrospective application poses a significant risk to pedestrian safety, particularly for children attending the gymnastics club and gym on site. The access road is narrow and already congested, a situation worsened by the recent loss of parking at the application site.

The Parish Council have commented that additional traffic movements from the propose use will exacerbate access issues, potentially causing vehicles to queue onto Burbage Road during the lengthy operating hours.

Burbage Parish Council note that no satisfactory proposal for drainage or effluent disposal has been submitted and no response received from the relevant water authority, raising serious environmental concerns.

Finally, they note the proposal is contrary to Burbage Neighbourhood Plan Policy 3: Business and Retail as it fails to meet criteria a-e.

- 6.5 No response was received from National Grid.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3 Burbage Neighbourhood Plan (2021):

- Policy 3: Business and Retail

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other relevant guidance:

- HBBC Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Employment Land and Premises Study (2024)

8. **Appraisal**

8.1. The key issues in respect of this application are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Unauthorised development
- Other matters
- Planning balance

Principle of Development

8.1 Paragraph 3 of the National Planning Policy framework (NPPF) confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The national decision-making policies within the NPPF are a material consideration in making planning decisions and should be read alongside the policies in the Development Plan.

8.2 Paragraph 2 of Annex A of the NPPF confirms that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies within the NPPF should be given very limited weight. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF.

- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.4 Paragraph 15 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. Policy DM7(1) of the NPPF confirms that development proposals should be assessed on the basis of whether they would be an acceptable use of land.
- 8.5 Policy S4(1) of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.
- 8.6 Policy 4 of the Core Strategy notes there is a need to address small pockets of deprivation in Burbage. Among the forms of development to be supported to address this deprivation is establishment of additional employment land for B8 and B2 uses. Though these additional employment sites are not intended within or proximate to the application site, the inclusion of employment sites in the strategy for Burbage confirms that the settlement suffers from a lack of employment land space.
- 8.7 Policy DM19 of the SADMP states that the Borough Council will give positive consideration to proposals for partial or total loss of Category B employment sites for uses other than B1, B2 and B8 classes where:
- a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up-to-date Employment Land and Premises Review; or
 - b) The development diverges from these recommendations. The applicant must demonstrate that:
 - i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes; and
 - ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign, in line with the most up to date Employment Land and Premises Review; or
 - iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises.
- 8.8 The application site is located within Hinckley Business Centre which is identified as a Category B existing employment site within the SADMP and within the Council's Employment Land and Premises Study.

- 8.9 The proposal is for a change of use to a car wash. The previous use of the land prior to the unauthorised change to a car wash facility was for car parking associated with Automatic Engineers, which is an established B2 use within the Employment Site.
- 8.10 The proposal is for a hand car wash facility with washing and drying canopies. The car wash is not associated with or ancillary to the operations of the Automatic Engineers premises. It is considered that given the operations and context of the use, the car wash represents a sui generis use.
- 8.11 There is no recommendation in the latest Employment Land and Premises Review that supports the establishment of sui generis uses on this site.
- 8.12 There is no evidence before the LPA that the site is not suitable or capable of being developed for employment purposes, nor is it considered that the proposal has significant community benefit which would outweigh the loss of an employment site.
- 8.13 The site remains in ownership in association with the Automatic Engineers site and to the knowledge of the LPA there has been no marketing of the site for employment purposes.
- 8.14 It is therefore considered that the proposal represents the establishment of a sui generis use on an established and identified Category B Employment Site, with no recommendation or other evidence provided to justify the loss of the land for employment purposes. The proposal is therefore contrary to Policy DM19 of the SADMP and considered to be unacceptable in principle.

Design and Impact upon the Character of the Area

- 8.15 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context including the history, character and features of their site and its setting, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. Policy DP3(2) of the NPPF details the seven principles of well-designed places that development proposals should reflect as appropriate to the nature of the development and its location.
- 8.16 Policy DP3(3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3(1), or relevant aspects of the principles in Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.17 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.18 The proposal involves a change of use from a car parking area to a car wash facility. The car wash facility comprises the sealing of the land with concrete hard standing and the erection of two canopy areas.
- 8.19 The car washing bay canopy is located adjacent the south-western side boundary of the site. It has a width of 5 metres and a depth of 10.57 metres. It is open-sided and constructed of untreated and weathered narrow metal posts. The canopy has a mono-pitched roof clad in corrugated metal sheeting.
- 8.20 The car drying and vacuuming bay canopy is located adjacent the rear boundary of the site. It is comprised of two attached structures which have a combined width of 9.2 metres. The south-western section of the canopy has a depth of 5 metres and the north-eastern section has a depth of 7.25 metres.
- 8.21 Both sections of the drying and vacuuming canopy are constructed of narrow metal posts with corrugated metal roof sheeting. The south-western section is open sided and has a flat roof. The north-eastern section is enclosed to the rear and partially enclosed on the north-eastern elevation with a mix of metal bars and sheet metal cladding materials, and has a lean-to roof form.
- 8.22 The canopies are existing on site and have been observed by the Planning Officer during visits to the site in July 2025 and January 2026. The quality of the materials used in the construction of the structures is visually poor and materials used are visibly weathered and, in some cases, bear inconsistent and incomplete paintwork of varying colours or appear to be untreated entirely. All materials used appear likely to be reclaimed materials that have been in previous use.
- 8.23 The Hinckley Business Centre site contains a range of buildings of varying architectural style and with a variety of material finishes. Notwithstanding this, all existing premises on the site are within enclosed buildings. The buildings immediately surrounding the application site within the Business Centre are of brick construction with either gable or flat roof forms. On elevations which do not have facing brick, most surrounding buildings have a render finish.
- 8.24 There is an established use of corrugated metal roof sheeting on buildings within the Business Centre. Notwithstanding this, buildings which use metal sheet roofing have guttering, capping, or parapets which balance the visual edges of the sheeting.
- 8.25 The use of capping, guttering or other design elements as seen on surrounding buildings is not present on the canopy structures. The metal roof sheets on the canopies have hard edges that give the metal roofing the appearance of balancing on top of the metal framework rather than forming part of a cohesive structure. It is considered that this exacerbates the poor visual presentation of the structures.
- 8.26 The construction materials and finishes are therefore considered to be incongruous with their surrounds by way of their scale and massing, their inconsistent colour finishes, the visual quality of the materials, and the rudimentary form of the resulting structures. It is considered that the structures appear unfinished or abandoned, despite their recent completion.

- 8.27 Given the above, it considered that the proposal would be inconsistent with and cause harm to the character of its surrounds by way of scale and massing, design, materials and architectural features. The proposal is therefore contrary to and in conflict with Policy DP3 of the NPPF and Policy SM10 of the SADMP.

Impact upon Residential Amenity

- 8.28 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of pre-existing conditions in its vicinity.
- 8.29 Policy P3(2)(d) of the NPPF confirms that development should mitigate and reduce to a minimum potential adverse effects resulting from noise and not result in levels of noise exposure which would have a significant observed adverse effect.
- 8.30 Policy DM10(a) and (b) of the SADMP state that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.31 The proposed car wash facility would be a hand car wash where customers drive their cars through the site to be washed by employees, before proceeding to the rear canopy to be dried and vacuumed.
- 8.32 The proposed operating hours for the car wash facility are 9:30 am to 7:30 pm every day, including Bank Holidays. The car wash facility would have a maximum of four employees on site at any given time.
- 8.33 Council Environmental Health (Pollution) have raised concerns with the potential for the proposal to cause disturbance to residential amenity by way of noise and lighting. The Environmental Health Officer considers that the proposal cannot be determined to be acceptable until a noise impact assessment has been provided, as well as the details of any proposed lighting.
- 8.34 It is noted that Council Environmental Health first requested this information in April 2025, which was queried by the Applicant. Environmental Health subsequently reaffirmed their position and request for this information on 9 September 2025.
- 8.35 The requested noise impact assessment and lighting scheme have not been provided. It is further noted that general details of appliances or similar machinery likely to be used in association with the washing, drying and vacuuming of the cars at the facility have also not been provided.

8.36 Thirty objections to the proposal were received from third parties. These included objections from nearby residents to the application site who were concerned with the potential for the proposal to adversely affect their residential amenity.

8.37 It is therefore considered that the proposal has the potential to cause unmitigated harm to surrounding residential properties by way of lighting and noise that have not been sufficiently addressed by the proposal. The development therefore cannot demonstrate compliance with Policy P3 of the NPPF or Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

8.38 Policy TR3 of the NPPF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. Any significant adverse impacts from development on the transport network in terms of capacity and congestion, or on highway safety, should be mitigated to an acceptable degree using a vision-led approach.

8.39 Policy TR6(4) of the NPPF confirms that where development proposals would have severe adverse impact on the transport network or an unacceptable impact on highway safety, taking into account any mitigation measures proposed as well as any wider network improvements, that they should be refused.

8.40 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

8.41 Policy TR4(1)(e) of the NPPF requires development proposals to provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development, including its connectivity, and any locally-set standards in the development plan.

8.42 Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

8.43 All proposals for new development should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently, this is the Leicestershire Highway Design Guide (LHDG) (2024).

8.44 The site gains access from a private roadway within the Hinckley Business Centre site. The private roadway has existing access from Burbage Road to the north-east of the site. There are no changes to the existing access from Burbage Road proposed as part of the scheme.

8.45 The existing private roadway within Hinckley Business Centre has an average width of approximately 5 metres, though there are narrower sections. The internal roadway

passes through the site from the north-east through to the south-west and culminates ahead of a large factory building at the rear of the employment site.

- 8.46 Though not shown on the submitted plans, the existing internal roadway is bordered by formal and informal parking areas along the western side of the roadway and on the south-western side of the culmination and turning area at the rear of the site. Notwithstanding this, it is noted that there is often also ad-hoc parking along other areas of the roadway, especially during peak times. This informal parking often reduces the trafficable width of the roadway.
- 8.47 The information provided states that the car wash facility would operate by appointment and that a maximum of six cars could be accommodated on the site at any one time.
- 8.48 The application site has a depth from the entrance gates to the car wash canopy of 9.8 metres. The distance between the car wash canopy and the rear drying and vacuum canopy is 9.7 metres. The separation between the car wash canopy and the north-eastern side boundary, through which exiting cars would pass, is between 6.6 metres and 7.3 metres in width.
- 8.49 It is therefore considered that where one car was under the car washing canopy three would be space for one car waiting behind that car between the canopy and the entrance gates. There is capacity for two cars under the drying and vacuuming canopy, however due to the need for reverse from the drying and vacuuming canopy, it would not be possible for any cars to wait between the car wash canopy and the drying and vacuuming canopy. This totals a maximum of four cars on site.
- 8.50 It would be expected that no cars would wait in the area to the north-east of the car washing bay, given that this is relied upon for egress. Notwithstanding this, it is acknowledged that there is sufficient width here to accommodate parallel parking of cars while still leaving space for exiting cars to pass. Nonetheless, the plans submitted do not indicate that this is proposed and any car waiting in this area would have to conduct turning additional turning movements or potentially move backward through the identified grain of travel to then access the canopies.
- 8.51 In the view of the LPA, the site layout and operations as proposed may lead to instances of queueing within the private roadway serving the wider employment site.
- 8.52 Notwithstanding the above, the LPA has advised that despite some potential impact as detailed above, these predominantly affect a private access drive. The impacts of the proposal on the public highway network itself are not considered to be unacceptable to the LHA in these site-specific circumstances.
- 8.53 The application site previously served as a car parking area in association with the Automatic Engineers site. It is noted that despite the former parking area being officially for use by the Automatic Engineers premises, it was also unofficially utilised by patrons of other businesses within the Business Centre.

- 8.54 The fencing of the application site and construction of the canopies has removed the capacity for parking on the site and thereby reduced the parking spaces available to Automatic Engineers.
- 8.55 The Applicant has demonstrated that despite the loss of the parking area, the Automatic Engineers site would retain 15 parking spaces to the north-east and south-west of the main building.
- 8.56 The LHA have reviewed the details of the parking situation and find the provision of 15 off-street parking spaces for the Automatic Engineers site to be acceptable.
- 8.57 The loss of parking in this area for visitors to the wider employment site is acknowledged. Though this is regrettable, the application site is not within the ownership of the wider Business Centre and, though used widely, has always been located on land in ownership associated with Automatic Engineers.
- 8.58 It is therefore considered that the proposal would have some potential to impact the existing access situation within the Hinckley Business Centre this through queueing within the private roadway. Notwithstanding this, the LPA have received technical advice from the LHA who are satisfied that the proposal would not have an unacceptable impact upon highway safety and that the residual cumulative impacts on the road network would not be severe. The proposal also demonstrates acceptable off-street parking levels for businesses within the site ownership boundary. The proposal is therefore considered to be acceptable against Policy TR3 of the NPPF, Policies DM17 and DM18 of the SADMP and the requirements of the LHDG.

Unauthorised Development

- 8.59 Policy DM8(2) of the NPPF states that in cases of unauthorised development where consideration is being given to an application for retrospective planning permission, if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.
- 8.60 The submission of this planning application came subsequent to action taken by the Council's Enforcement Team for unauthorised development. As noted previously in this report, the erection of the canopy structures and associated areas of hard standing on the site were undertaken without planning permission.
- 8.61 At the time of the original enforcement action on the site, the canopy buildings had been constructed but there was no evidence that the intended change of use, the car wash facility, had begun operation on the site. The operators of the site were issued a warning letter advising them to remove the buildings or submit a retrospective planning application within 28 days. The letter was issued on 3 February 2025.
- 8.62 A Temporary Stop Notice was issued on the site on 7 February 2025. Notwithstanding that the notice period was limited to 56 days, the content of the notice was clear that unauthorised works and uses on the site could not continue without the relevant

planning permission. The notice was served upon the owners of the site, which include the listed applicant for this planning application.

- 8.63 On 5 through 7 January 2026, it was reported to Council that works had occurred at the site over the Christmas break. These works included the completion of works to install water containers for the car wash on site, as well as erection of signage and banners at the site to advertise the use. On 8 January 2026, the Planning Officer attended the site and observed that the car wash was operating, with two persons present and washing a car at the time of inspection. These actions occurred while this retrospective planning application remained under consideration.
- 8.64 It is considered that the LPA have no particular evidence that the initial erection of the structures on site were intentionally and knowingly undertaken without permission.
- 8.65 Notwithstanding this, it is considered reasonable to conclude that there is evidence that completion of the works required to operate the car wash, including the underground container installation and completion of hard standing works, as well as the commencement of the use of the site as a car wash, were knowingly undertaken in the absence of planning permission. It is considered that previous correspondence with the applicant from Enforcement Officers and the Planning Officer had made the applicant aware that no further activity could proceed at the site without permission, and that the applicant was fully aware no such permission had been granted.
- 8.66 It is noted that following further correspondence from Enforcement Officers on 6 and 8 January 2026 it is understood that the car wash use ceased on the site, though all works remain in situ, and that there has been no reports or evidence that it has operated since that time.
- 8.67 In summary, it considered there is insufficient evidence to demonstrate that the initial construction work on site was undertaken intentionally, however, there is considered to be sufficient evidence to conclude that the completion of works associated with the development and commencement of the car wash use on the site were knowingly undertaken without permission and were therefore contrary to and in conflict with Policy DM8(2) of the NPPF.

Other Matters

- 8.68 It is noted that in addition to the material planning concerns outlined in previous sections of this report, other operational details provided for the proposed car wash raise concerns.
- 8.69 The information provided states that the site would be a customer-driven car washing service that would occur by appointment only and involve no ad hoc or drive-up visits. That the site would not serve casual, drive-up customers would be unusual for a car wash facility, particularly as it is noted that advertisements including a large teardrop advertising flag have been erected without permission on the site. The signage draws passerby attention and does not communicate that the service is appointment only.

- 8.70 The information provided also states that the car wash would involve hand washing and hand drying of cars by four employees on site. Though a list of appliances and machinery associated with the use have not been provided, the Applicant has stated that no drying machines would be used. The only confirmed machines to be used on site are vacuum machines, which the Applicant has confirmed will be operated by employees.
- 8.71 As the operation of the use would involve customers driving their own cars through the site and employees handling vacuum machines, this would necessitate customers leaving their car within the drying and vacuum canopy area. Though it is not expected that this time would be significantly lengthy, the site layout provides no accommodation for waiting areas.
- 8.72 The proposed site layout also makes no provision for administrative or employee facilities. It is noted that third-party objections to the proposal received by the LPA have also made note of the lack of such facilities on site to cater to the comfort needs of the four employees on site at any given time. Though it is acknowledged that any such facilities might reasonably need only be small in scale, their complete omission is of concern.
- 8.73 In conclusion, while not matters of material planning consideration, the operational details provided to the LPA are noted as they raise doubt as to the accuracy of information provided and the feasibility of the business to operate as proposed.

Planning Balance

- 8.74 The Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and the NPPF should be read as a whole.
- 8.75 It is considered that the proposal would result in some economic benefit to the local area through the provision of a service. However, it is considered that based on the scale of the proposal and the direct proximity of the site to an existing car wash use, this benefit would be limited and should be given limited positive weight in the planning balance.
- 8.76 The proposal would result in the loss of land for B1, B2 or B8 uses within an identified Employment Site, with no evidence provided that the site is unsuitable or unavailable for those uses. The proposal is therefore in conflict with Policy 4 of the Core Strategy and Policy DM19 of the SADMP. It is considered that given the site of the site and that the land is within a Category B site, this conflict should be attributed moderate negative weight in the planning balance.
- 8.77 The proposal is considered to conflict with Policy DP3 of the NPPF and Policy DM10 of the SADMP by way of unacceptable design which does not respond to the context of its setting, integrates poorly with its surrounds, and would result in structures of poor architectural quality clad in visually incongruous materials. It is considered

that given the location of the site and the context of the surrounding character, this should be attributed moderate negative weight in the planning balance.

- 8.78 The proposal conflicts with Policy P3 of the NPPF and DM10 of the SADMP as necessary information to assess pollution and noise impacts arising from the use has not been provided for assessment. Given the risk to the amenity of surrounding occupiers is therefore unknown, it is considered that this conflict should be attributed significant negative weight in the planning balance.
- 8.79 It is therefore considered that the adverse effects of the proposal would substantially outweigh the limited identified benefits. In accordance with Policy S4(1) of the NPPF, it is therefore concluded that planning permission should be refused.

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 be refused.

11. Recommendation**11.1 Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report

11.2 Conditions and Reasons

1. The proposal would introduce a sui generis use to an existing designated Employment Site where development should be a B1, B2 or B8 use or should otherwise align with recommendations within the latest Employment Land and Premises Review. Furthermore, it has not been demonstrated that the site is no longer suitable for employment purposes, that the site has been proactively marketed for use for employment purposes without success, or that the proposal has a significant community benefit which would outweigh the impact of losing the employment site. The proposal is therefore contrary to Policy DM19 of the Site Allocations and Development Management Policies Development Plan Document (2016).
2. By virtue of the mass and scale, layout, design, architectural features and materials, it is considered that the proposal would result in development of poor visual quality that would be inconsistent with the character of its surrounds and incongruous with buildings within the wider employment site. The proposal is therefore in conflict with Policy DP3 of the National Planning Policy Framework (2026) and Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).
3. The Local Planning Authority has not been furnished with adequate information to demonstrate that the proposed development would ensure sufficient management of effects of pollution and noise on the amenity of surrounding occupiers. The proposed development therefore conflicts with Policy P3 of the National Planning Policy Framework (2026) and Policies DM10 and DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 10.03.2025)
 - Additional Information (via email) (submitted: 21.07.2025)
 - Additional Information (via email) (submitted: 08.10.2025)
 - Floor Plans, Elevations, Block, Site Location Plan, Drg No. 5107-200 Rev C (submitted: 08.10.2025)