

P/17/0807/CU

PORTCHESTER EAST

CYAN POWER LIMITED

AGENT: CYAN POWER LIMITED

CHANGE OF USE OF SITE TO ALLOW PREMISES TO BE USED FOR ANY USE FALLING WITHIN CLASSES B1(B) AND B1(C) OR A MIXED USE COMPRISING OF STORAGE OF USED CARS, MECHANICAL REPAIRS AND VEHICLE VALETING.

LAKE WORKS CRANLEIGH ROAD FAREHAM PO16 9DR

Report By

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Site Description

The application relates to an industrial unit located within an established commercial site accommodating business uses and marine related activities. To the north of the site lies open land whilst to the west are premises used by a bus transport preservation group beyond which lies Wicor Recreation Ground. To the east lies housing permitted in the late 1990s. The site is accessed from Cranleigh Road, which is narrow in places and has several bends along its course from Cornaway Lane to the north-east.

The site comprises a large industrial unit which has been extended beyond its original construction in the mid-twentieth century. Around the northern and western sides of the building is a hard-surfaced yard enclosed by high level mesh fencing.

Planning records indicate that since the mid-twentieth century the application site has been used for general industrial purposes (which would now most likely fall within Use Class B2). In July 2016 the Council served an enforcement notice concerning the unauthorised use of the site for a mixed use including as a coach depot. The notice was successfully appealed and in December last year the Planning Inspector granted planning permission for a mixed use of the site as a coach depot and vehicle repairs and graphic design and digital printing business. The permission was granted subject to conditions restricting opening hours and the number of vehicles stored within the yard. The appeal reference is APP/A1720/C/16/3156206.

Description of Proposal

Planning permission is sought for a change of use of the site to allow the premises to be used for any use falling within Use Classes B1(b), B1(c) or for a mixed use comprising of storage of used cars, mechanical repairs and vehicle valeting.

The application has been made in this way to enable the landlord flexibility when leasing the site both in the future and for a specific tenant who has already moved in to the premises. If planning permission was granted then, under the current provisions of the Town & Country Planning (General Permitted Development) Order 2015, for the next ten years the site could change between any of the permitted uses without the need for further consent from the Council.

Use Class B1(b) includes uses for the purposes of research and development of products and processes.

Use Class B1(c) includes uses for any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.

The mixed use which is sought comprises of storage of used cars, mechanical repairs and vehicle valeting. This proposed use relates to a specific tenant who the landlord has allowed to occupy the site. The tenant operates a car sales business in Portsmouth a short distance from the boundary with Fareham Borough. The Lake Works site is proposed to be used to receive and prepare used cars for sale at the car lot in Portsmouth. Examples of works proposed to be carried out at Lake Works include warranty work, servicing, mechanical servicing and repair as well as valeting and cosmetic repairs. It is not proposed to use the site as a general garage for the public.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

Development Sites and Policies

DSP3 - Impact on living conditions

Relevant Planning History

The following planning history is relevant:

ENF/16/0048 **Change of use without permission**

APPEAL: ALLOWED

06/12/2016

Representations

A total of 11 letters of representation have been received, including 2 out of time comments and a representation from the site landlords. The following concerns have been raised:

- Unacceptable increase of traffic,
- Cranleigh Road is not suitable for HGV traffic,
- Opening hours not appropriate for a site located near residential properties,
- Air quality,
- Further clarification needed of the intended use,
- Character and nature preservation,
- Activity outside of approved hours,
- Noise impact,
- Highway safety, including drivers and pedestrians,
- The potential of the site to be used for selling of cars.

Consultations

INTERNAL

Highways - No objection.

This proposal is to change the use from sui generis (coach depot/maintenance and printing/graphic design) to light and general engineering as a car storage and maintenance facility. This use would be associated with an established car sales business in Portsmouth.

The application form indicates that 60 cars and 2 light goods/bus parking spaces would be provided on site. The car sales business displays 35 cars for sale and it would be expected that cars would either be driven to/from the site or carried on an articulated car transporter

visiting the site some four times per week on weekdays. The site would operate from 0830 to 2100 hours on Mondays to Saturdays, with reduced hours on Sundays.

On the basis of the above details, it is considered the proposed use would be acceptable in highways terms. The only concern, therefore, is that the site could then, without recourse to planning, be operated as a higher turnover car storage facility with more frequent vehicles, cars and transporters, on the access route. Whilst restricting vehicle movements associated with the site would not be practical, it is considered this could be regularised if any permission was made personal to the applicant.

Planning Considerations - Key Issues

The main issues in considering this proposal are:

- the effect of the proposed use on highway safety;
- the effect on the living conditions of residents living nearby.

i) Recent planning appeal decision - ref. APP/A1720/C/16/3156206

The planning appeal decision issued in December 2016 is an important material consideration. It allowed the use of the premises for a mixed use comprising a coach depot, vehicle repairs and a graphic design and digital printing business.

Earlier this year the Council was informed that the coach company occupying the site had vacated the premises. Notwithstanding, the lawful use of the site remains the mixed use granted on appeal and so any new prospective tenants of the unit would need to seek planning permission for any other proposed use.

The permission granted on appeal allowed the operation of a fleet of up to 13 large commercial coach vehicles whose movements on and off the site were restricted to between 7.00am to 7.00pm. A key factor in the Inspector granting permission was the history of the site and an acknowledgement that the premises had until relatively recently been in use for general industrial purposes (Use Class B2).

ii) Highway safety

When granting planning permission in 2016, the Planning Inspector accepted that:

"the geometry of Crangleigh Road results in larger vehicles (...) swinging over to the wrong side of the road to negotiate the tighter bends" which, at times "prevents or restricts the free flow of traffic along this highway." She also acknowledged the existence of the recreation ground and the associated vehicular and pedestrian movement alongside the road when football matches take place, often resulting in a large number of cars being parked on street nearby the site.

As a result the Inspector concluded that the use as a coach and minibus depot would exacerbate the already difficult road conditions and would cause some harm to the highway safety and the living conditions of the residents living nearby. However, the historical B2 (General Industrial) use of the site reportedly involved use by HGVs and boat transporters and so in light of the traffic generated by such uses, in comparison, the proposed use involving coach and minibus movements appeared less detrimental. The use was subsequently allowed by the Inspector.

Turning to the current proposal, the proposed mixed use associated with the current tenant would involve the transportation of used cars to and from the premises for servicing, cleaning, valeting prior to being sold at the company's Portsmouth site. Details of type and frequency of vehicle movements generated by this mixed use are included with the application and the Council's Transport Planner has raised no objection based on those details. The use is unlikely to generate large amounts of HGV traffic given that the repairs undertaken on site would mainly be mechanical servicing, repairs and minor cosmetic repairs. There would be four transporter trips and on average approximately 10 individual car trips per week. Taking into account the comments and reasoning of the Planning Inspector in the recent appeal, the use that appeal allowed and the historical use of the site, it would be difficult to argue that the proposal should be resisted on highway safety grounds when it is clear that its impacts would be less harmful.

Turning to the alternative uses, it is considered unlikely that a use falling within Use Class B1(b) or B1(c) would generate a significantly greater amount of traffic or that with substantially different impacts than the existing use.

iii) Living conditions

In determining the 2016 appeal the Inspector noted the disturbance to residents through the movement of coaches and minibuses late in the evening and early each morning. She did not feel that the vehicle repair use caused a nuisance and remarked that "Lake Works is well separated from residential property and thus any potential disturbance to residents arises primarily from vehicles travelling along Cranleigh Road and does not result from the operation of the vehicle repair facility." In granting permission the Inspector imposed a condition limiting vehicle movements to only between 7.00am and 7.00pm to address this issue.

It is not considered that the proposed mixed use and indeed that of a use falling within use class B1(b) or B1(c) would be harmful to the living conditions of neighbours. There would not be the same need to restrict hours of operation to between 7.00am and 7.00pm since the proposal does not entail the movement of commercial coaches. Notwithstanding, the applicant has agreed to a condition limiting the hours of operation to 8.30am to 9.00pm.

iv) Other matters

Concerns have been raised over the potential of the site to be used for selling of cars. The proposed mixed use does not include any retail element to it. Notwithstanding the application has confirmed they would be happy with a condition which prevented ancillary retail sales from the site.

v) Conclusion

For the reasons set out above, the proposed use would comply with the aims of Policy CS5 of the Fareham Core Strategy which, amongst other matters, promotes development which does not adversely affect the safety and operation of the local road network.

There are no adverse impacts expected on the living conditions of the nearby residents as safeguarded by Policy DSP2 of the Fareham Local Plan Part 2.

Consequently, it is recommended that planning permission be granted subject to conditions.

Recommendation

PLANNING PERMISSION subject to the following conditions:

1. The development shall begin before the expiry of a period of three years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time

2. The development shall be carried out in accordance with the following approved documents:

a) Location plan, 1:1250;

b) Design Access Statement.

REASON: To avoid any doubt over what has been permitted.

3. The uses hereby permitted shall not take place other than between the hours of 0830 - 2100 hrs Monday to Saturday and 1000 - 1600 on Sundays and Bank Holidays.

REASON: To protect the amenities of the occupiers of the nearby residential properties.

4. No retail use shall take place at the site whatsoever and at no time shall any vehicles at the site be displayed for sale.

REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.

5. The premises shall be used for purposes falling within Use Class B1(b) or B1(c) or as a mixed use comprising of storage of used cars, mechanical repairs and vehicle valeting and for no other purpose including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

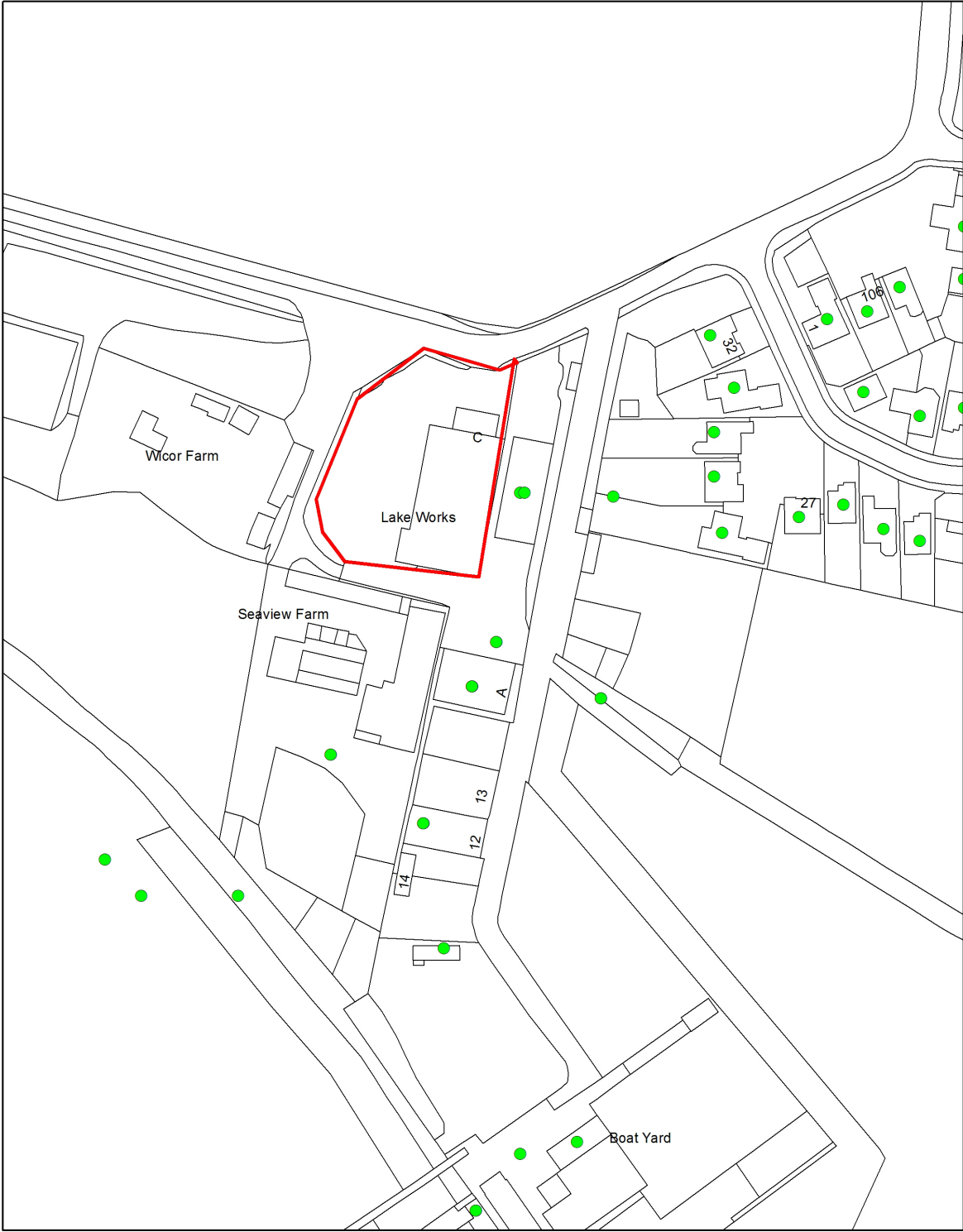
REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.

6. At no time shall the site be open to visiting customers in association with any of the uses carried out on site.

REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.

FAREHAM

BOROUGH COUNCIL



Lake Works, Cranleigh Road
1:1,250



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