

OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/20/0738/FP
RIGHTDRIVE UK LTD

PORTCHESTER EAST
AGENT: MR S GILLETT

VARIATION OF CONDITION 3 & 4 OF P/19/0860/VC TO ENABLE VEHICLES
DISPLAY & SALES

LAKE WORKS, UNIT C1, CRANLEIGH ROAD, PORTCHESTER, PO16 9DR

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third party representations received.

2.0 Site Description

2.1 The application relates to a site located to the south of Cranleigh Road within an established industrial area accommodating business uses and marine related activities.

2.2 To the north and west the site abuts open land, including Wicor recreation ground. The residential development of Heritage Gardens extends to the east but is separated from the application site by the access to the wider estate.

3.0 Description of Proposal

3.1 The site currently benefits from planning permission (P/19/0860/VC) for any purpose falling within Use Class B1(b) or B1(c) or a mixed use comprising storage, repair and valeting of cars including MOTs and vehicle repairs to be undertaken on the site for the general public.

3.2 Planning permission is sought to vary planning conditions 3 & 4 of P/19/0860/VC to enable vehicle display and sales to be undertaken from the site. It is proposed that Condition 3 be removed to enable vehicle sales to take place and condition 4 be varied to include the display and sale of vehicles from the site as an authorised activity.

3.3 Condition 3 of P/19/0860/VC states;

No vehicle retail sales 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.

3.4 Condition 4 of P/19/0860/VC states;

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, MOT Testing and inspections and for no other purpose at any time and 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.

3.5 The company that occupy the site, Rightdrive UK Ltd, refer to their business model as more of a 'click and collect' operation than a traditional car dealership. Customers apply for finance through the company and its associated lenders and once approved they can then choose and collect a vehicle from the vehicle forecourt, which is currently located in Portsmouth. The workshop facility at the application site is currently used for the initial inspection of vehicles and preparation for sale before they are moved to the Portsmouth retail site. Vehicles may also be stored at the application site as necessary.

3.6 The proposed site plan indicates the external areas of the site to be used for vehicle display and customer/staff parking. It is proposed that a new vehicular access will be formed to enable access direct to the parking area and enable vehicle movements between the external areas of the site and the workshop without vehicles needing to access Cranleigh Road.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Adopted Development Sites and Policies

DSP2 - Environmental Impact

DSP13 - Nature Conservation

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/16/1019/DA	CHANGE OF USE OF THE SITE TO A MIXED USE AS A COACH DEPOT & VEHICLE & GRAPHIC DESIGN & DIGITAL PRINTING BUSINESS.
Appeal Allowed	6 December 2016
P/17/0807/CU	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
Permission	14 September 2017
P/19/0860/VC	Variation of Condition 4 & Removal of Condition 6 of Application P/17/0807/CU (Use of Site for B1(b) and B1(c) Uses or Mixed Use Comprising storage, repair and valeting of cars). Amendment to allow MOTs and vehicle repairs to be undertaken on the site for the general public
Permission	25 October 2019

6.0 Representations

6.1 Eleven representations have been received (including one from the Portchester Civic Society and one from the Portchester Society) raising the following concerns;

- Additional vehicle movements on Cranleigh Road from customers, increased staff, test drives, deliveries, after-care etc
- Transporters have great difficulty negotiating the road and unloading safely
- There has already been a significant increase in vehicle movements as a result of the new housing estate
- The road has become increasingly busy and speed limits are not observed
- Vehicles park on the road causing obstruction, particularly when the recreation ground is used for football, and this could prevent access for the emergency services
- Concerns that the site is already at capacity and cannot accommodate additional vehicles resulting in overspill in the local area
- Lack of pavement along Cranleigh Road puts pedestrians at risk
- Increased noise from delivery of vehicles on transporters
- Increased omissions from vehicle movements
- The conditions were previously imposed in the interests of highway safety and the decision to impose should not be reversed
- Not in keeping with the area
- Unsightly signage

- Impact on ecology (bats) from external lighting which is left on all night

7.0 Consultations

EXTERNAL

Hampshire County Council (Highways)

- 7.1 There is no objection to the variation of conditions from a highway perspective. Vehicle access into the site is unchanged, and a parking area to the rear of the site will ensure any potential parking on the highway will be minimised. It would however be suggested that the parking area on site is clearly signposted internally, given its location being out of the sales area. It would be recommended that a suitably worded condition is put in place to ensure the parking indicated on the plans is retained for customer parking at all times, and doesn't get encompassed within the vehicle sales area.

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Site History & Background
- b) Impact on Highway Safety;
- c) Other Matters;

a) Site History & Background

- 8.2 Until 6 December 2016, the application site benefited from an unrestricted B2 (General Industrial) use. An enforcement notice was served on Victory Travel Ltd in 2016 to cease the unauthorised use of the site as a coach depot and for vehicle repairs. An appeal was lodged, the enforcement notice was subsequently quashed by the Planning Inspectorate and planning permission was granted for a retrospective change of use of the site to a mixed use as a coach depot and vehicle repairs and graphic design and digital printing business. The permission was subject to conditions, including restricted opening hours and restricted number of vehicles stored outside of the buildings.
- 8.3 In 2017 planning permission (P/17/0807/CU) was granted to use the site for any purpose falling within class B1(b)(Research & Development), B1(c)(Light Industrial) or a mixed use comprising storage of used cars, mechanical repairs and vehicle valeting. This enabled the operator of the site to receive, store and prepare used cars for sale which were then sent to their retail site in

Portsmouth to be sold. In 2019 a variation of condition was sought to enable MOT's and vehicle repairs to be undertaken on the site for the general public.

- 8.4 Whilst a planning condition was imposed on P/19/0860/VC to prevent vehicle sales from being undertaken from the site the officer report highlighted that, in order to retain control, an application for such a proposal would be required and if this were received then the impacts of the proposal would be assessed, and residents invited to make representation.

b) Impact on Highway Safety

- 8.5 The main issue to be considered in the determination of this application is whether significant additional vehicle movements would occur on the local highway network and whether this would be detrimental to highway safety.
- 8.6 In granting the appeal in 2016 the appeal inspector was mindful of the historic use of the site for general industrial (B2) purposes, which were unrestricted in terms of the type of activities carried out, the hours of operation, the size of vehicles entering the site etc. In allowing the appeal the Inspector noted that the site would already have been in use by HGV's and boat transporters, such that coach and minibus movement would not be worse.
- 8.7 In considering the impact of the proposal on vehicle movements on the local network it is necessary to examine the operations of the business in detail. A transport statement has been submitted in support of the application detailing the vehicle movements associated with the existing use. The statement advises that vehicles are currently normally delivered by transporter to a yard within Castle Trading Estate and are then driven to the application site so that large transporters are not frequently required to negotiate Cranleigh Road. Vehicles are prepared for sale at the application site and will then be moved to the Portsmouth retail site for sale. If a vehicle is sold from the retail site it is often brought back to the application site for a pre-delivery inspection to ensure the vehicle is in full working order and is safe to drive before being returned to Portsmouth. When a car is moved between the two sites a second vehicle will also usually follow to return the driver to their site of origin. Cars that are part-exchanged by customers are also returned from Portsmouth to Portchester. The company currently sells approx. 35 vehicles a month with these vehicles typically being moved back and forth between Portchester and Portsmouth. It is therefore evident that the proposal would significantly reduce the number of vehicle movements between the application site and the Portsmouth retail site which the company no longer intends to use.
- 8.8 With regards to the increased vehicle movements associated with customers visiting the site it is advised that 98% of customers will have a pre-arranged

appointment. Prior to a customer visit to the site, finance for the vehicle will have been approved and the customer will then attend the site to inspect which vehicle they wish to purchase. Most visits by a customer will typically result in a sale but at present it is suggested that 45 customers may visit the site a month in total which equates to approx. 2-3 visits per working day. Customers would be expected to test-drive vehicles but overall it is considered that the increase in vehicle movements associated with customers visiting the site would not significantly outweigh the reduction achieved by the loss of movements between the company's two sites.

- 8.9 The change of use of the site in 2017 to enable the storage of used cars, mechanical repairs and vehicle valeting was accepted on the basis that it would be unlikely to generate HGV traffic at the same scale as the historic uses given that the repairs undertaken on site would mainly be mechanical servicing, repair and minor cosmetic repairs of cars being prepared for sale. Given the rationale of the Planning Inspectorate in dealing with the appeal it was considered difficult to resist the inclusion of MOT testing and vehicle repair for the general public in 2019 due to any impact on the highway network. Officers have reached the same conclusion in relation to the current application for the inclusion of an element of vehicle sales and do not consider that the proposal would have a demonstrable adverse impact on the local highway network in terms of increased movements or highway safety when taking into account the history of the site and the permitted use. Furthermore, the Highway Authority have raised no objection to the proposal.
- 8.10 The site has ample space for staff and customer car parking (approx. 14 spaces) the provision of which would be secured by planning condition to limit the potential for any indiscriminate parking on Cranleigh Road. There are approximately eight members of staff present on the site at any one time. A scheme of signage will also be sought to ensure that the customer car parking is appropriately signposted and marked. The company will need to manage their stock of cars to ensure they can be accommodated within the site but as previously stated car storage is already an authorised use at the site with no restriction on numbers.

c) Other Matters

- 8.11 It is not considered that there would be any adverse impact on the living conditions of the nearest residential properties within Heritage Gardens in terms of noise and disturbance due to the level of separation. The opening hours condition imposed on P/19/0860/VC would be re-imposed.
- 8.12 Further to the complaint within one of the representations concerning external lighting the applicant has advised that external lighting has recently been

installed at the site due to security concerns. The lighting is controlled by a timer and is no longer in use 24 hours a day. A planning condition would be imposed to ensure this lighting is turned off to coincide with the hours of opening. There are no further concerns in relation to ecological impact.

- 8.13 The proposal accords with Policy CS5 and CS17 of the adopted Fareham Borough Core Strategy and Policy DSP2 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.

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 hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

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

3. The premises shall be used as a mixed use comprising of the storage of used cars, mechanical repairs and vehicle valeting, MOT Testing and inspections, and the sale and display of motor vehicles for sale and for no other purpose at any time including any other purpose in any class 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.

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

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

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

5. The use hereby permitted shall not commence until the area shown on the approved plan for staff/customer car parking and turning has been fully laid out and made available for use. This area shall thereafter be retained and kept available at all times.

REASON: In the interests of highway safety.

6. The use hereby permitted shall not commence until details of a scheme of signage to be displayed (including both navigational and identification signs or markings) has been submitted to and approved in writing by the Local Planning Authority. Signage shall thereafter be displayed at the site at all times in accordance with the approved scheme.

REASON: In the interests of highway safety.

7. No floodlighting, security lighting or other external means of illumination of the site shall be operated before 08:00am or after 21:30pm Monday – Saturday or 17:00pm Sundays/Bank Holidays.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

10.0 Background Papers

P/20/0738/FP; P/19/0860/VC

FAREHAM

BOROUGH COUNCIL



Lake Works, Cranleigh Road
Scale 1:2,500

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