



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 10<sup>th</sup> May 2022

**DEVELOPMENT:** Retrospective application for the erection of a We Buy Any Car Ltd sales kiosk including Change of Use with associated operation to existing car park.

**SITE:** Horsham Railway Station Car Park Station Road Horsham West Sussex

**WARD:** Forest

**APPLICATION:** DC/21/2766

**APPLICANT:** **Name:** We Buy Any Car Limited **Address:** Penine House Zebra Court White Moss View Manchester M24 1UN United Kingdom

**REASON FOR INCLUSION ON THE AGENDA:** By request of Forest Neighbourhood Council

**RECOMMENDATION:** To approve temporary planning permission for 12 months subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 This Application is for the placement of a pre-fabricated modular kiosk on a single parking space within the existing railway station car park to create a 'purchases office' for We Buy Any Car Ltd.
- 1.2 The application was resubmitted on 17th March 2022 following officer advice to amend the application type to include change of use of land of the proposed parking space, and clarification of proposed siting of the kiosk.
- 1.3 The 'sales office' kiosk is a self-contained unit measuring approximately 3.4m(l) x 2.4m(b) x 2.7m(h) (approximately 8.64m<sup>2</sup>). The modular unit is positioned within one car park bay with pedestrian movement and access to the unit. The pod is engineered not to require any foundation works when installed on a typical tarmacadamed car park surface. The applicant has stated that the Kiosk will be removed from site at the termination of the Lease undertaken between We Buy Any Car and the Landlord. Upon removal of the Kiosk the car park surface will be left undisturbed and revert to an area of car parking.

- 1.4 The pod walls are constructed from interlocking tongued and grooved panels finished in gloss white steel sheet. The 'kiosk' is secured out of business hours using a manual operated steel slatted roller shutter to protect the kiosk from forced entry which is integrally housed within the fabric of the unit. The shutter retracts during the day to display a double glazed uPVC shop front and door to the front elevation.
- 1.5 The We Buy Any Car kiosk includes the display of fascia signs together with vinyl printed 'car' logos and text applied to the exterior of the pod. These are to be considered in advertisement application DC/21/2767.
- 1.6 We Buy Any Car is a car buying service offering its customers an online quotation for the sale of their vehicle which, if accepted, can be collected at one such purchasing point. This application is for planning permission for the Horsham location. The online service allows the agreement of a mutually convenient collection time at the site where inspection of the vehicle and agreement of the sale will occur. Whilst the majority of customer appointments are made through the online booking system there is facility to deal with customers who bring their vehicles to site 'ad hoc', and should a customer approach the kiosk 'ad hoc' they will be offered an appointment at the soonest opportunity. This underlying appointment system is to prevent accumulation of traffic, and to maintain availability of car parking spaces and to reduce conflicting vehicular and pedestrian movement.
- 1.7 Operationally, the We Buy Any Car kiosk is placed on a single car park bay with the additional use of 10 parking spaces where the subject cars will be appraised by We Buy Any Car Staff. Cars are collected by plate drivers so as to avoid the use of transporters on the site.
- 1.8 The planning statement sets out that on account of the appointment system, shifts and local collection points operated by the Applicant, the kiosk may not be permanently staffed (thus warranting full welfare facilities). Accessible WCs are available for the staff within Horsham Station during operating hours.

## DESCRIPTION OF THE SITE

- 1.9 The application site is within the southern part of Horsham train station car park located east of the railway line and accessed from Station Road to the north. The carpark has spaces for 200+ vehicles. The site is within the built up Horsham area and is not within a conservation area. The Railway Station and platform are listed buildings and are located a distance of approximately 165 metres to the north of the application site. To the east of the railway station car park are the Dove Court residential flats. To the west is the railway line. Victoria Street car park is to the south, beyond the Railway station carpark and the Railway station carpark extends to the north up to Station Close. A public pedestrian footpath crosses from the carpark over a bridge over the railway line at a distance of 60 metres to the north.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth  
 Policy 9 - Employment Development  
 Policy 13 - Town Centre Uses  
 Policy 14 - Shop Fronts and Advertisements  
 Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
 Policy 32 - Strategic Policy: The Quality of New Development  
 Policy 33 - Development Principles  
 Policy 34 - Cultural and Heritage Assets  
 Policy 41 - Parking

- 2.2 RELEVANT NEIGHBOURHOOD PLAN: The site is within the Horsham Blueprint Business Neighbourhood Forum of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Neighbourhood Forum's Neighbourhood Plan (HBBNP) area is currently under examination from an Inspector and an Examination Note has been published. Relevant policies are as follows:
- Policy HB1: Location of Development
  - Policy HB3: Character of Development
  - Policy HB\$: Design of Development

- 2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS
- |            |  |         |
|------------|--|---------|
| DC/21/2767 | Installation of 4x non-illuminated fascia signs, 6x non-illuminated hoarding signs and 1x non-illuminated flag sign (Retrospective). | Pending |
|------------|--|---------|

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection
- 3.3 **HDC Environmental Health:** Comment. Conditions are recommended.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection
- 3.5 **Network Rail:** No Objection
- 3.6 **Natural England:** Objection

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

N.B. this is not a consultation response to this specific application but the wider position of Natural England as set out within their Position Statement

**3.7 Forest Neighbourhood Council:**

On 19th January 2022 Forest Neighbourhood Council asked that this application is considered by the planning committee. The FNC objections on 19th January 2022 were firstly due to the originally submitted application didn't include a change of use of land proposal. The application DC/21/2767 was later resubmitted on 17 March 2022 with a change of use of land application included.

The FNC objected that parking of the transporters to remove sold cars will potentially create a highway obstruction. However, the Applicant has later clarified that cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.

The FNC recommended that a condition be applied to any approval that car transporters (whatever their size) is prohibited on site and in surrounding roads. Also, the FNC suggested a time limit condition on any approval, of say 12 months.

No comments were received following the resubmission of the application in March 2022 with a description change to include Change of use of land and clarification of the proposed parking space to be occupied by the kiosk.

**PUBLIC CONSULTATIONS**

- 3.8 Four separate representations were received from neighbouring dwellings to the car park with concerns of disturbance, sometimes early morning and into the evening. Impact upon privacy. Concerns of a boundary fence with the railway being used as a toilet. Concerns of types of vehicles that may be used would cause disturbance.

**4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

**5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

**6. PLANNING ASSESSMENTS**

Principle of Development:

- 6.1 The proposal seeks the erection of a 'We Buy Any Car Ltd' kiosk on a parking space of the Horsham Station carpark and use of land in association with this business operation. The existing use of the site is vehicle parking set within a carpark that caters for 200+ parking spaces, with access to the carpark from Station Close, a distance of 150 metres to the northeast. The purpose of the kiosk is the location for a staff member to meet with a customer who has either made a pre-arranged online appointment or visits site within the hours of operation. Cars bought by We Buy Any Car will be parked in one of up to 10 car parking spaces in agreement with the car park owner. Collections of purchased vehicles is arranged

during the We Buy Any Car Opening hours. Cars are collected by plate drivers and so this avoids the use of transporters on the site.

- 6.2 The proposed would support the growth of the business in Horsham and also help maintain the vitality of the Horsham Town and provision of local employment. Given the other existing commercial uses within the wider site, and the existing use of the application site, it is not anticipated that the proposed will result in a material intensification in use and would not impact on the use of the car park. The proposal is acceptable in principle, subject to conditions, given the variety of uses in the immediate town centre vicinity and there would be no conflict with the employment and town centre uses policies of the HDPF.

#### Design, Appearance and Heritage impacts:

- 6.3 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building, and adjoining neighbouring properties. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.4 Policy 34 of the HDPF recognises the importance of heritage assets and requires that proposals make reference to the significance of heritage assets by making a positive contribution to the character and distinctiveness of the area, ensuring that development is consistent with the special character of those areas.
- 6.5 The proposed location of the kiosk is in a centrally positioned bay set back from the carpark boundaries. The kiosk would however be within the carpark and would fall under the security provisions of the carpark. The kiosk is designed as a 'no-climb' structure suitable for an urban environment with no external climbing hand holds to gain roof access.
- 6.6 The railway station building, 165 metres to the north, is grade 2 listed and was built by Southern Railway in 1938 in an International Modern Style. It is considered due to the location of the kiosk in the furthest extension of the car park to the south that there would be limited intervisibility between the station building and the kiosk. Its location would result in the structure being seen within the context of the paraphernalia of the car park, railway line to the west and the surrounding mixed uses and modern development. As such, no objection is raised to the kiosk with regards to its impact on the setting of the listed building.
- 6.7 Notwithstanding the limited impact on the setting of the listed building, the kiosk is not considered satisfactory as a permanent form of development in this location. The kiosk is a small addition but does stand out in the context of the car park. As such, a temporary permission is recommended for a period of 12 months. Following which the kiosk hereby permitted shall be removed and the land shall be restored to its former condition or otherwise the submission of a full planning application to seek a new permission.
- 6.8 It is therefore considered that the visual impact of the proposal is acceptable for a limited period of time and would accord with the above policies.

#### Highways Impacts:

- 6.9 The WSCC Highways have been consulted in regards to the application and commented that the access onto the application site, which is located on Station Close, is set within an urban setting and is low trafficked. The road is subject to a 30-mph speed limit. Further information was requested from the Applicant as the Highway Authority initially had concerns over the

impact of the proposal on the parking capacity of the site, and the applicant was asked to provide data on the parking capacity of the site for both the proposed and existing. The applicant clarified that the website for the car park details a total of 220 spaces, and the We Buy Any Car kiosk occupies 1 no. space and the Applicant confirmed that it has permission to park up to 10 vehicles on site. These bays are understood not to be specifically allocated but on a flexible basis so as not to restrict the availability of spaces to the public. The Applicant also advised that this is a 'plate site', which means cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.

- 6.10 Following reconsultation, the Local Highways Authority (LHA) consider that the proposal is not anticipated to generate a material intensification of the access point over existing practices. The applicant has stated that all deliveries are done with Trade Plates and no HGV/Loader lorries will be used. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.
- 6.11 The applicant has stated that they have access to 10 unallocated spaces on the site, plus one for the kiosk. Given the large size, (200+ spaces) the LHA would not raise a highways safety capacity concern and believes these spaces can be accommodated within the agreement. To summarise the LHA raises no concerns over the vehicle parking impact.
- 6.12 Overall, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Forest Neighbourhood Council (FNC) comments:

- 6.13 The FNC commented on 19<sup>th</sup> January 2022 with objection due to the delay in the validation of the full planning application DC/21/2766, as the advertising application DC/21/2767 had already been validated. The delay in the validation of the full planning application was because the originally submitted plans showed the location of the kiosk in a different parking space to the actual location of the kiosk and also the plans needed to be resubmitted and description changed to include change of use of land.
- 6.14 The FNC objections in comments on 19<sup>th</sup> January 2022 were firstly due to the originally submitted application didn't include a change of use of land proposal. The application DC/21/2767 was later resubmitted on 17 March 2022 with a change of use of land application included.
- 6.15 The FNC also commented with objection that parking of the transporters to remove sold cars will potentially create a highway obstruction. However, the Applicant has later clarified that cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.
- 6.16 The FNC recommended that a condition be applied to any approval that car transporters (whatever their size) is prohibited on site and in surrounding roads. Also, the FNC suggested a time limit condition on any approval, of say 12 months. As outlined above, this structure is not considered appropriate as a permanent addition and a condition is recommended for the removal of the kiosk after 12 months.

#### Amenity Impacts:

- 6.17 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.18 The kiosk is proposed to be located within a central bay away from any of the carpark boundaries. The boundary treatment is not proposed to be altered and the introduction of the kiosk, given the established existing use of the site, is not considered to cause demonstrable harm by way of overlooking, overbearing or loss of privacy. However, conditions are recommended to limit hours of operation to working hours to protect neighbouring amenity.
- 6.19 With recommended conditions the proposal is considered in accordance with Policies 32 and 33 of the Horsham District Planning Framework in regards to the impact on visual and neighbouring amenity.

#### Water Neutrality:

- 6.20 There is no clear or compelling evidence to suggest the nature and scale of the proposed development, given the siting above ground and existing use of the site, would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The kiosk would be staffed on occasions but is not connected to the water mains. Staff would have to use facilities nearby, such as at the railway station. As such, there is no evidence to suggest that the facilities would be used any more frequently than if a car was parked in this space. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

#### Conclusion:

- 6.21 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval subject to conditions. It is not felt that this is a suitable site for permanent siting of the kiosk. As such, permission is subject to the removal of the kiosk after 12 months.

### **7. RECOMMENDATIONS:**

- 7.1 That consent be granted subject to the following conditions:-

1. **Plans condition.**

2. **Regulatory (Time) Condition:** The kiosk hereby permitted shall be removed and the land shall be restored to its former condition on or before the 10 May 2023.

Reason: The kiosk is not considered satisfactory as a permanent form of development in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

3. **Regulatory Condition:** The operation hereby permitted shall not be in use except between the hours of 08.00 and 19.00 Monday to Saturday, and 09:00 and 17:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interest of visual and neighbouring amenity and to accord with Policy 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The application site shall only be used for the purposes of the 'We Buy any Car' operation and for no other purpose.

Reason: The Local Planning Authority would wish to retain control over future changes of use to accord with policy 13 of the Horsham District Planning Framework (2015).

6. **Regulatory Condition:** All deliveries shall be done with Trade Plates and no HGV/Loader lorries will be used at any time.

Reason: In the interests of residential amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/21/2766 & DC/21/2767