

APPENDIX 2

PART 1



Appeal Decision

Site visit made on 11 January 2012

by **Steven Fox BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2012

Appeal Ref: APP/D3830/C/11/2153589

Land at Acacia Grove, Copthorne Road, Copthorne, Crawley RH10 3PD

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Goldgreen Land Ltd against an enforcement notice issued by Mid Sussex District Council.
 - The Council's reference is EF11084.
 - The notice was issued on 26 April 2011.
 - The breach of planning control alleged in the notice is failure to comply with condition No 1 of a planning permission Ref 09/01915/FUL granted on 10 February 2010.
 - The development to which the permission relates is the formalisation of existing scaffolding contractor's store, business car sales area, portaloo hire storage, skip hire storage and associated parking (as amended to add formalisation of the use by EKA concrete). The condition in question states that:
 1. *The use of the land for the storage of scaffold materials, car sales, storage of portaloo hire materials, storage of skip hire materials, and by EKA concrete hereby approved shall not be carried out otherwise than in accordance with drawing no 3100-012 Rev E, and the land shall not be used for any other purposes unless planning permission is specifically granted Local Planning Authority.*
 - The notice alleges that the condition has not been complied with in that: i) an unrestricted number of vehicles are being parked on the land that are unconnected with the use of the land as approved by the planning permission, without the necessary planning permission and, ii) the use of the land has been carried out not in accordance with drawing no. 3100-012 Rev E pursuant to the planning permission as the 24 car parking spaces and eight coach parking spaces have not been provided.
 - The requirements of the notice are:
 - 1) Cease the use of the land for the parking of all vehicles unconnected with the use of the land, as approved by the planning permission
 - 2) Provide the 24 car parking spaces and the eight coach parking spaces in accordance with drawing no 3100-012 Rev E pursuant to the planning permission.
 - The periods for compliance with the requirements are two weeks for step 1) and two months for step 2).
 - The appeal is proceeding on the grounds set out in Section 174(2)(a) (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. *The appeal is allowed and the enforcement notice is quashed. In accordance with Section 177(1)(b) and Section 177(4) of the 1990 Act as amended, condition no. 1 attached to the planning permission dated 10 February 2010 Ref 09/01915/FUL granted by the Mid Sussex District Council is discharged and the following new condition is substituted:*
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1. The land shall not be used other than for the storage of scaffold materials, car sales, storage of portaloo hire materials, storage of skip hire materials, long-stay vehicle parking and use by EKA concrete, and those uses shall not be carried out otherwise than in accordance with drawing no. 3100-013 Rev B dated 09.05.11.

Planning permission is granted on the application deemed to have been made under Section 177(5) of the 1990 Act as amended for the formalisation of existing scaffolding contractor's store, business car sales area, portaloo hire storage, skip hire storage and associated parking (as amended to add formalisation of the use by EKA concrete) without complying with the said condition but subject to the other conditions attached to that permission and to the new condition set out above.

Inspector's Reasons

The Ground (a) Appeal

1. In 1997 and 2002 permissions were granted for a workshop building and for car sales and coach and lorry parking at the appeal site. The February 2010 permission to which the condition in question is attached is described as a formalisation of existing specified uses. The drawing referred to in the condition shows the disposition of particular uses and buildings on the land and includes an area set out for parking cars and coaches, together with a turning space, on the northern part of the site (the area now used for off-airport parking). In April 2011 planning permission was granted for the redevelopment of the site by the erection of buildings to be used for business and industrial purposes, with associated service and parking areas.
2. The notice concerns a failure to comply with a condition. In these circumstances the deemed application is for the discharge of the condition in question and, as the case may be, the substitution of another condition. The appellant is seeking to vary the condition to include use for long-stay vehicle parking and also to substitute layout plan 3100-013 Rev B for that referred to in the original permission. I have considered the appeal on that basis, having particular regard to the extent of long-stay parking shown on the appellant's plan.
3. The notice land lies on the north side of Copthorne Road. It comprises a range of buildings and open areas on either side of the central access roadway. At the time of my visit a number of the buildings and plots were vacant, others were occupied for industrial and commercial purposes. The northern section of the site is separated from the remainder by metal fencing and is in use for the storage of portable toilets (the western part) and for the parking of cars in connection with the off-airport parking operation. Some 25 cars were parked there at the time I visited.
4. The site is outside the built-up areas therefore saved local plan policy C1 applies. This policy seeks to protect the countryside for its own sake and restricts development to certain specific categories. Policy T4 relates to sustainability and traffic generation and includes locational criteria. T5 sets out the need for adequate parking to be provided in accordance with the Council's current standards. T9 says that airport related parking will be

permitted where there is no conflict with other policies and where there is a demonstrable need.

5. With this policy framework in mind I consider the main issues to be firstly whether this is an acceptable location for off-airport parking and, secondly, whether the proposed variation of the condition would result in a form of development that would harm the character and appearance of the area.
6. The off-airport parking for Gatwick Airport operates on a meet and greet basis, whereby customers are met at the airport and the company's staff transfer their vehicles to and from the appeal site. Whilst I accept the desirability of achieving increased use of public transport to access the airport and recognise that additional on-airport parking is being provided I consider that there will be a continuing need, particularly in the short and medium-term, for off-airport parking. The appeal site lies some 7.2km from the South Terminal and in my experience this is a relatively short distance for an off-airport car park (whether operated as meet and greet or by use of shuttle transport). Consequently, having regard also to the relatively modest scale of the operation at the appeal site and recognising that this could be controlled by restricting the parking to the particular area shown on the appellant's plan, I do not consider there would be a conflict with policy T9. Nor, because of the relatively short trips involved, is there a compelling objection on sustainability grounds.
7. Since permission was granted in 2010 circumstances at the site have changed significantly. The requirement to comply with plan 3100-012 Rev E was presumably based on the operation of the permitted uses and the need for parking provision to serve them. The site is now considerably under occupied and has a desolate appearance because a large proportion of its buildings and plots are vacant. This leads me to conclude that it would be unreasonable to insist on compliance with the original plan as far as the provision of parking is concerned, especially as there appears to be adequate space between, in front of and alongside buildings to provide for their reasonable parking needs, even if the permitted uses were reinstated.
8. In terms of the visual effect of cars associated with the off-airport parking business I appreciate that it is usual practice to park vehicles bumper to bumper in order to shoe-horn as many as possible into the available space. This contrasts with normal operational parking where manoeuvring and turning space has to be maintained. Consequently there is a difference in the character of the two uses. But this is an established commercial and industrial site which already has a visual impact on its surroundings by virtue of the nature and scale of the existing development. The introduction of off-airport parking would alter the appearance of part of the site to some extent but the parked cars would not be out of keeping with the existing character and appearance of the site itself or its relationship with the surrounding area.
9. In view of the somewhat unusual circumstances concerning the existing and permitted use of the site I do not consider that amending the disputed condition along the lines suggested by the appellant would result in material harm to the character and appearance of the area or conflict with development plan policies referred to above.

10. I have taken into account all other matters raised. Having seen the submitted figures for traffic movements and bearing in mind firstly that the scale of off-airport parking would be constrained by the area of land available and, secondly, that permissions exist for other uses that would generate significant levels of vehicular activity I can see no objection on traffic or highway safety grounds.
11. The ground (a) appeal succeeds and I shall discharge the disputed condition and substitute another along the lines suggested. In these circumstances the ground (f) and (g) appeals do not need to be considered.

Steven Fox

Inspector



Appeal Decisions

Site visit made on 10 July 2012

by **M A Champion BSc CEng FICE FIMStructE FCIHT FHKIE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2012

Appeal A: APP/Q3820/C/12/2171971

Land adjacent to BT Building and railway line, City Place, Crawley.

Appeal B: APP/Q3820/C/12/2171972

Land adjacent to 1 City Place, Crawley.

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against enforcement notices issued by Crawley Borough Council.
- The appeals are made by Mr Tim Jurdon of Arora Management Services Ltd.
- The Council's references are: ENF/2011/0189 (Appeal A) and ENF/2011/0190 (Appeal B).
- The notices were issued on 12 January 2012.
- The breach of planning control as alleged in each notice is: without planning permission the use of the land for the purposes of airport car parking.
- The requirements of the notices are to:
 - (i) Remove from the land all airport related vehicles;
 - (ii) Remove from the land any temporary offices used in association with the airport parking business;
 - (iii) Remove from the land any hard standing which has been laid for the purposes of airport vehicle parking;
 - (iv) Cease the use of the land for airport car parking;
 - (v) Restore the land to the condition in which it was prior to the breach of planning control taking place.
- The period for compliance with the requirements is one month.
- The appeals are proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended also fall to be considered.

Summary of decisions: The appeals are allowed, the enforcement notices are quashed, and planning permission is granted in the terms set out below in the formal decisions.

The appeals on ground (a) and the deemed applications

Main Issues

1. I consider that the main issues are:
 - (i) whether the developments result in the loss of large employment sites in the main employment area;
 - (ii) the effect of the developments on the established commercial/business character of the Manor Royal Main Employment Area;
 - (iii) whether there is a justified demonstrable need for the developments;
 - (iv) whether the developments are in unsustainable locations.

Policies

2. Policies E3, MC1 and G2 of the Crawley Borough Core Strategy 2008 (CS) and Policies GAT5 and GAT8 of The Crawley Borough Local Plan 2000 (LP) deal with employment sites, Manor Royal Employment Area, safeguarded areas, surface transport access, and off-airport parking. These are supported by a Supplementary Planning Document (SPD) *Development at Gatwick Airport*.
3. Policy T9 of The South East Plan 2009 deals with airports.
4. Policies in the National Planning Policy Framework (NPPF) have also been considered, and I have had regard to the parties' comments where these have been made.
5. The Gatwick Master Plan Draft for Consultation 2011, the Car Parking Strategy 2009, and the Airport Surface Access Strategy are also relevant.

Reasons

6. The appeal sites lie at the northern end of the Manor Royal Employment Area in the City Place Estate. This is an established employment area with many modern buildings providing mixed business/office use. These are centred around The Beehive, a Grade II* listed building which was the original terminal building for Gatwick Airport. City Place is bounded to the east by the London-Brighton railway line, to the north-west by the A23 London-Brighton road, and to the west and south by other offices and local roads. Beehive Ring Road runs through City Place providing access to the commercial premises on both sides. The perimeter of Gatwick Airport lies on the opposite side of the A23.
7. The sites comprise two areas of open land on opposite sides of Beehive Ring Road, both accessed from the same roundabout junction. The smaller area (Appeal A) lies between the road and the railway line, and adjoins 2 City Place to the south and the Iain Stewart Centre to the north. The larger area (Appeal B) lies to the north of the car park of 1 City Place and extends to the highway boundary of the A23.
8. These areas were previously a mix of grass, tarmac and concrete hard standing arising from earlier development, but were unused and derelict. Although classified as being for employment use by CS Policies E3 and MC1, they are safeguarded from development by CS Policy G2 in the event of future airport expansion.
9. Both sites are now leased to car parking operators who specialise in the "meet-and-greet" format for off-airport parking.

Loss of employment site

10. CS Policy E3 requires protection of employment sites, particularly within Main Employment Areas, except for a number of reasons including that the site is no longer suitable for employment purposes because of its location, or that it is within an area identified for an alternative form of development in the CS.
11. CS Policy G2 safeguards the sites as being incompatible with the provision of a second runway, if required by national policy, and the efficient operation the

expanded airport. It does, however, permit minor development such as change of use or small scale building works.

12. Amongst other matters CS Policy MC1 seeks to ensure that proposals provide high quality accommodation to attract high quality, diverse and complementary employment, to improve environmental quality, to make efficient use of land, to demonstrate appropriate methods of access, and to integrate sustainable methods of transport.
13. Although the sites are located within a Main Employment Area, any development is restricted by CS Policy G2. This restriction amounts, in my view, to an alternative form of development as it prevents all forms of permanent buildings that would normally be associated with employment uses. Even if this were not so, the current use adds to the diversity of employment, improves the environmental quality of otherwise derelict land, makes efficient use of land, has established methods of access, and is sustainable in transport terms. It complies with CS Policy MC1 in all these respects.
14. The existing use for car parking, particularly on the temporary basis sought, is low key in nature, requiring no permanent buildings and only minor additions to the pre-existing hard surfaced area to facilitate parking.
15. While it does not provide high quality accommodation that would attract providers of high value goods or services, or employ large numbers of people, such developments cannot realistically be provided by reason of Policy G2. However, the minor nature of the developments could be flexibly adapted to the needs of other outdoor employment uses.
16. I therefore consider that the developments do not result in the loss of large employment sites in a main employment area, and are not in conflict with CS Policies E3, MC1 and G2.

Effect on character

17. The surrounding area of City Place has been finished to a very high standard, and the buildings are provided with car parks in the predominant form of large ground level areas of hardstanding. Use of the sites for car parking does not appear out of keeping, particularly as other car parks lie adjacent. Such a use is compatible with existing neighbouring uses, and contributes to an improvement in environmental quality over the appearance of its previous use as derelict land with mixed surfacing, and to which it would revert if this use were discontinued.
18. I do not consider that the developments detract from the established business/commercial character of the Manor Royal Main Employment Area, and comply with CS Policy MC1 in this respect.

Justifiable need and Sustainability

19. LP Policy GAT8 permits new airport related car parking on off-airport sites where there is no conflict with countryside policies and can be justified by a demonstrable need in the context of proposals for achieving a more sustainable approach to surface transport to the airport. In these appeals there is no conflict with countryside policies.

20. LP Policy GAT5 encourages proposals which enable existing and future surface transport access demands to be managed in a sustainable manner.
21. The thrust of these policies is to increase the modal split of surface transport access towards public transport and away from the car, a target of 40% of passengers arriving by public transport being set in the Airport Surface Access Strategy.
22. Nevertheless the Council recognises that car parking spaces need to be provided for those passengers for whom public transport is not an option, and that long-term parking provision will need to be increased to meet the significant rise in predicted passenger numbers by 2020. The Car Parking Strategy 2009 identified that such increase could be met by providing sites within the airport.
23. However the Council states the annual parking survey indicates that the existing long-term sites, both within and outside the airport boundary, are not fully occupied. While this may be so, there are many reasons for airport visitors choosing a particular car park, including, price, type of parking offered (eg self-drive, meet-and-greet, open air, covered multi-storey), proximity and ease of access to terminal, ease of access from their point of origin, security, and reliability of the parking operator.
24. Although full occupation of the existing car parks cannot be guaranteed, and thus there is some spare capacity to cater for future needs, this does not mean that all proposals for new car parking should necessarily be refused. The Gatwick Master Plan Draft for Consultation 2011 (some two years after the Car Parking Strategy) identifies that attractive long-term parking is shown to be successful in reducing the proportion of passengers being dropped off, thereby reducing the volume of road trips to and from the airport.
25. While it is preferable that car parking should be on-airport to avoid large areas of land being used for this purpose elsewhere, and to limit traffic between the car parks and the terminals to airport roads, thus reducing traffic on public roads, the appeal sites are located just outside the airport boundary on land that will be incorporated within it should the second runway be progressed.
26. Should the Government decide not to proceed with the second runway and the safeguarding is removed, then the land would be unrestricted for commercial development within the Main Employment Area. In such a situation, it is highly likely that the car parking would be replaced by more profitable development.
27. At distances of 3.7 km and 5.1 km from the North and South Terminals respectively they are closer to the airport buildings than many of the authorised car parks that have been brought to my attention. Access is also via the A23 dual carriageway road and not by minor local roads. Moreover there is a good public transport link between City Place and the airport to limit the number of journeys by car made by staff of the parking companies.
28. While it is likely to take some time for the additional spaces required to be provided on-airport, the temporary use of the appeal sites for this purpose reduces the number of passengers being dropped off. I therefore conclude that the developments fulfil the need for achieving a more sustainable approach to surface transport to the airport in accordance with the Gatwick Master Plan

Draft for Consultation 2011, and are not in conflict with LP Policies GAT5 and GAT8.

Other Matters

29. A number of appeals relating to other car parking sites have been brought to my attention. I have had regard to these insofar as they are relevant to the appeals before me.
30. The Council states, and the appellant does not dispute, that the Appeal A site is classified by the Environment Agency (EA) as a Zone 2 Flood Risk Area. Although the EA did not submit a formal written response to the Council's enquiry, and the appellant states that the EA has no objection to the development, NPPF (and previously the now superseded PPS25) requires a site-specific flood risk assessment to be carried out on all Zone 2 sites.

Conclusion

31. I conclude that the developments make good temporary use of otherwise derelict land within a defined main employment area and an airport safeguarded zone. They do not adversely affect the established commercial character of the area, and provide a short-term sustainable facility. They comply with the policies cited above, and the appeals on ground (a) succeed.
32. I do not therefore have to consider the appeals on grounds (f) and (g).

Conditions

33. I have considered the need for conditions, and those suggested by the Council, in the light of Circular 11/95: *The Use of Conditions in Planning Permissions*. In order to protect the sites for future uses a condition is necessary to ensure the restoration of the land to its former condition at the expiry of the temporary permission. A condition is also required to demonstrate that the development complies with LP Policy GD3 with respect to access, circulation and manoeuvring. Additionally, for Appeal A a condition requiring a site-specific flood risk assessment is necessary to comply with NPPF.

Conclusions

34. For the reasons given above I conclude that the appeals should succeed and planning permission will be granted.

Formal decisions

Appeal A: APP/Q3820/C/12/2171971

35. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the use of the land for the purposes of airport car parking, at Land adjacent to BT Building and railway line, City Place, Crawley, referred to in the notice, subject to the following conditions:
- 1) The use hereby permitted shall cease, all airport related vehicles shall be removed, all associated buildings, hard standings and other operational development shall be demolished, and all materials resulting from the

demolition removed from the Land within one month of the date of failure to meet any of the following criteria:

- (i) Within two months of the date of this permission details of schemes for:
 - (a) the site, including a layout plan showing access and turning arrangements, parking areas, areas of hardstanding, ancillary areas, the location and size of any buildings and landscape areas; and
 - (b) a site-specific flood risk assessment, including methods of addressing any problems identified;together with a timetable for their implementation, shall be submitted for the written approval of the local planning authority.
- (ii) Within ten months of the date of this decision the schemes shall have been approved in writing by the local planning authority or, if the local planning authority refuses to approve either scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- (iii) If an appeal is made pursuant to Criterion (ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
- (iv) The approved schemes shall have been implemented in accordance with the approved timetable.

- 2) The use hereby permitted shall cease, all associated operational development demolished, and the land restored to its former condition (or to an alternative condition that shall first have been approved in writing by the local planning authority) on or before a date three years from the date of this permission in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Appeal B: APP/Q3820/C/12/2171972

36. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the use of the land for the purposes of airport car parking, at Land adjacent to 1 City Place, Crawley, referred to in the notice, subject to the following conditions:

- 1) The use hereby permitted shall cease, all airport related vehicles shall be removed, all associated buildings, hard standings and other operational development shall be demolished, and all materials resulting from the demolition removed from the Land within one month of the date of failure to meet any of the following criteria:
 - (i) Within two months of the date of this permission details of a scheme for the site, including a layout plan showing access and turning arrangements, parking areas, areas of hardstanding, ancillary areas, the location and size of any buildings and landscape areas, together with a timetable for its implementation, shall be submitted for the written approval of the local planning authority.

- (ii) Within ten months of the date of this decision the scheme shall have been approved in writing by the local planning authority or, if the local planning authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - (iii) If an appeal is made pursuant to Criterion (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been implemented in accordance with the approved timetable.
- 2) The use hereby permitted shall cease, all associated operational development demolished, and the land restored to its former condition (or to an alternative condition that shall first have been approved in writing by the local planning authority) on or before a date three years from the date of this permission in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

M A Champion

INSPECTOR

PLANNING AND ENVIRONMENTAL SERVICES DIVISION

Contact: Mrs M. Harper
Direct Line: (01293) 438343
Direct Fax: (01293) 438495

Our Ref: CR/2013/0094/FUL
Email: development.control@crawley.gov.uk
Date: 5th June 2013

Director: Peter Browning
Environment & Housing Directorate

Arora Property No.2 Limited
C/O Arora Management Services Ltd
World Business Centre
2 Newall Road
Heathrow Airport
Hounslow
Middlesex
TW6 2SF
FAO Tim Jurdon

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990

In pursuance of their powers under the above-mentioned Act, the Council hereby notify you that they **GRANT PERMISSION**, for the reasons and subject to any conditions set out on the following sheet(s), for the development submitted in accordance with your application under reference CR/2013/0094/FUL received complete on 27 February 2013 regarding land situated at:

**SOUTHWAYS BUSINESS PARK, LONDON ROAD, LANGLEY GREEN, CRAWLEY
for CHANGE OF USE TO AIRPORT CAR PARKING FOR A TEMPORARY PERIOD OF 3 YEARS AND
INSTALLATION OF TEMPORARY OFFICE BUILDING (AMENDED DESCRIPTION)**

This decision was based on the following plans/drawings submitted to the Council as part of this application, copies of which can be viewed on the Council's website www.crawley.gov.uk/plansearch quoting the application reference number.

CBC 0001 Site Location Plan, 1034-D1000 Rev 03 Existing Plan of Demolished Buildings, Plan 03
Temporary Office Building, Plan 02B Planning Layout

Please be aware that this permission is granted subject to compliance with certain conditions. You should familiarise yourself with these conditions and ensure the specific requirements are met prior to the implementation of the planning permission. Failure to comply with a condition may result in the service of a Breach of Condition Notice, which could affect the legality of any works carried out.

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

**IT IS IMPORTANT THAT YOU READ THE NOTIFICATION THAT ACCOMPANIES YOUR
DECISION NOTICE**

CONDITION(S) FOR APPLICATION NUMBER CR/2013/0094/FUL

1. The use of the land for airport parking hereby permitted shall be discontinued permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30th June 2016.
REASON: In order not to prejudice consideration of future proposals for the area.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed in this Decision Notice save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The area to be used for parking shall be limited to the area show on Plan No 2B and no more than 442 cars shall be parked on the site at any one time.
REASON: A more intensive use of the site would be likely to cause congestion on adjacent highway roads contrary to Policy GD3 and would detract from the surrounding countryside.
4. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.
REASON: To safeguard the amenities of nearby residents in accordance with Policy GD9 of the Crawley Borough Local 2000.

Reasons for Granting Planning Permission:-

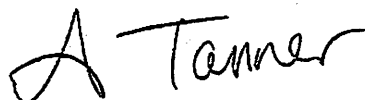
1. The proposed temporary use of the site for air port related car parking is not considered to have an adverse impact on the character of the area and is considered appropriate for its location within this safeguarded area. The decision to grant planning permission has been taken having regard to the policies and proposals in the adopted Crawley Borough LDF Core Strategy 2008 and Crawley Borough Local Plan 2000 set out below, and to all relevant material considerations:
 - a. GD1 - The Normal Requirements of All Development,
 - b. GD2 - Development and its Setting,
 - c. GD3 - Operational Requirements
 - d. GAT5 - Gatwick transport access demands
 - e. GAT8 - Airport related car parking.
 - f. EN5 - Context of Site
 - g. G2 - Safeguarding
 - h. C2 - Strategic Gap
 - i. E3 - Employment Sites

NPPF Statement

2. In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by
 - Providing advice in a timely and manner through pre-application discussions/correspondence.
 - Liaising with the applicant and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
 - Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 31, of the Town and Country Planning (Development Management Procedure) Order 2010.

Yours faithfully

A handwritten signature in black ink that reads "Angela Tanner". The signature is written in a cursive style with a large, looped initial 'A'.

Angela Tanner
Head of Planning and Environmental Services

NEIGHBOUR LETTERS SENT:- CR/2013/0094/FUL

Application advertised by press and site notices.

REPLIES RECEIVED:-

None.

REASON FOR REPORTING TO COMMITTEE:-

Major application.

THE APPLICATION SITE:-

- 1.1 The application site comprises approximately 2.87 hectares of land lying to the west of the A23 dual carriageway between the northern edge of the Manor Royal/County Oak Industrial Estate to the south and the Lowfield Heath warehousing development to the north. To the east of the site and the A23 is the Gatwick Manor Hotel/Restaurant.
- 1.2 The application site is generally flat and comprises a variety of old surfacing including areas of tarmac and rough ground along with a pile of rubble resulting from the demolition of the former industrial buildings carried out in 2009.
- 1.3 The site's road frontage comprises a large area of shrubs and trees. The site's western and southern boundaries adjoin open agricultural fields. The northern boundary adjoins an open field, an area of woodland, and the curtilage of a children's nursery which occupies a former residential house set in extensive grounds.
- 1.4 Vehicular access to the whole site is from the A23 by means of a tarmac roadway running along the southern edge of the site.
- 1.5 Views of the site from the south and east are limited whereas the site is a clear feature in the landscape when viewed from Lowfield Heath Road to the north.

THE PROPOSED DEVELOPMENT:-

- 2.1 The application seeks a temporary change of use of the site to provide airport car parking for a period of 3 years. The applicants state that the site would operate using a meet and greet format whereby airline travellers drive to the airport where the car is handed over to a company employee who then drives the car to the car-parking site.
- 2.2 The submitted layout shows that the parking would take place only to the rear (western part) of the site with the frontage to the A23 being retained as existing. This area is currently all hard surfaced and generally reflects the layout proposed by the previously approved application on the site for a B1 development which sited office buildings and car-parking on the same area. Permission was originally requested for a much larger area which would have accommodated 1000 spaces. However this area has now been reduced and would now accommodate 442 spaces. Due to the seasonal nature of the leisure market demand would vary throughout the year and is only likely to be used to capacity at peak times such as the summer, Christmas and Easter holidays. A temporary office building measuring 9.5m by 3m is also proposed

to serve the car park and would be sited on the southern boundary of the site adjacent the access into the site with a small area for over spill staff car parking.

- 2.3 The applicants state in support of the application that the proposed use is temporary and is as a result of the current economic situation and second runway safeguarding controls which combined have prevented funding of the permitted office development.

PLANNING HISTORY:-

- 3.1 The site has a long and varied planning history with many refusals of planning permission for such uses as off airport parking and vehicle storage as well as hotel and office development.
- 3.2 Planning permission was granted in 2009 for the erection of twin office buildings comprising 3241 sq.m office space configured over one storey together with 110 car parking and associated landscaping under reference CR/2008/0446/OUT.
- 3.3 Since the granting planning permission, the reserved matters and all pre-commencement conditions have been discharged. In addition, the existing buildings on the site has been cleared and a material building operation carried out to implement this permission. This was confirmed via a lawful development certificate issued on the 24th January 2013 under ref CR/2013/0008/192.
- 3.4 Also of specific relevance to the determination of this application is a recent appeal decision on enforcement notices served in connection with land adjacent to the BT building and railway line, City Place which was being used for airport related car parking (Appeal ref APP/Q3820/C/12/2171971).

PLANNING POLICY:-

- 4.1 The statutory Development Plan for the purposes of determining this application comprises-
- The National Planning Policy Framework.
 - Crawley Borough Local Development Framework – Core Strategy 2007
 - Saved policies of the Crawley Borough Local Plan 2000

National Planning Policy Framework

- 4.2 This document came into force on 27th March 2012 and is a material consideration. This guidance emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.3 Para. 34 states that '*Plans and decisions should be ensure that development that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport can be maximised. However, this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas*'.

Local Development Framework Core Strategy

- 4.4 The site lies outside the boundary of Gatwick Airport as defined on the CS Proposals Map. However, it is within the Gatwick Safeguarding area and

Policy G2 safeguards the land as being incompatible with the provision of a second runway, if required by national policy, and the efficient operation of the expanding airport. It does, however permit minor development such as changes of use or small scale building works.

- 4.5 Countryside policies C1 and C2 are also of relevance. Policy C1 seeks to protect the countryside from development that does not need a countryside location and to enhance the countryside through improved access for informal recreation. Policy C2 prevents development in the Strategic Gap to avoid coalescence between Crawley and Gatwick.
- 4.6 As the site comprises a former employment site, Policy E3 is also of relevance. This policy requires the protection of employment sites, except for a number of reasons including that the site is no longer suitable for employment purpose because of its location, or that it is within an area identified for an alternative form of development in the Core Strategy.
- Crawley Borough Local Plan – Saved policies*
- 4.7 Policies GD1, GD2, GD3, GD5 and GD6 relate to the site development criteria namely scale, design, layout, setting, character, landscaping and parking/servicing.
- 4.8 Policies relating to Gatwick and of specific relevance to this application include GAT 5 and 8.

Other Material Considerations:

- Gatwick Airport Master Plan 2012*
- 4.9 This Master Plan produced by Gatwick is intended to describe the strategic direction for Gatwick over the next few years. The document includes a potential layout for the second runway, which would be aligned very close to the application site.
- 4.10 In terms of car parking the new master plan states:
'While the core of our surface access strategy is to support the increase in public transport mode share, an attractive long stay parking offer, is shown to be successful in reducing the proportion of passengers being dropped off, thereby reducing the volume of passengers being dropped off, thereby reducing the volume of trips to, and from Gatwick'.
- Development at Gatwick- Supplementary Planning Document; November 2008*
- 4.11 This Supplementary Planning Document (SPD) was produced by the Council to provide additional detail on the way the Council will implement the CS policies in dealing with planning applications at Gatwick.

PLANNING CONSIDERATIONS:-

- 5.1 The key issues in the consideration of this application relate to:
- The principle of the change of use within the strategic gap and the compatibility of the development with safeguarding policies;
 - Justifiable need and sustainability.
 - Access/Highway issues

The principle of the change of use

5.2 The application site lies within a Strategic Gap and the Safeguarded Area for Gatwick where Policies C2 and G2 of the LDF Core Strategy require new development to be strictly controlled and exceptions being limited to small scale developments and changes of use. Whilst these policies would normally restrict development, in this case the site was formally used for employment purposes and has extant planning permission for B1 development by virtue of the planning permission granted in 2009. Therefore, there is no conflict with the countryside policy as the site already has employment use. In addition given that the site is screened by existing landscaping the use would not detract from the surrounding countryside and landscape.

5.3 The application proposes the temporary use of the site for a 3 year period and is low key in nature requiring only a small portacabin to be used as an office and utilising the existing hard- surfaced area for car parking whilst retaining the existing landscaping to the site's frontage and boundaries. This would therefore accord with Policy G2 and this view has been confirmed by Gatwick Airport who has raised no objection to the application from an aerodrome safeguarding perspective.

Justifiable need and sustainability

5.4 Policy GAT8 of the Local Plan permits new airport related car parking on off-airport sites where there is no conflict with countryside policies and can be justified by a demonstrable need in the context of proposals for achieving a more sustainable approach to surface transport to the airport. In this case, as outlined above that there is no conflict with countryside policies.

5.5 Policy GAT 5 encourages proposals which enable existing and surface transport access demands to be managed in a sustainable manner.

5.6 The thrust of these policies is therefore to increase the modal split of transport access towards public transport and away from the car, a target of 40% of passengers arriving by public transport being set in the Airport Surface Access Strategy adopted by Gatwick Airport. It is however recognised that car parking spaces need to be provided for those passengers for whom public transport is not an option, and that long term parking provision will need to be increased to meet the significant rise in predicted passenger numbers by 2020. The Car Parking Strategy 2009 identified that such increase could be met by providing sites within the airport and the annual parking surveys indicate that existing long-term sites, both within and outside the airport boundary, are not fully occupied.

5.7 Notwithstanding this, the Inspector recognised in his decision on the City Pace appeal that there are many reasons for airport visitors choosing a particular car park, including price, type of parking offered i.e. self-drive, meet and greet, open air, covered multi storey, proximity and access to the terminal, ease of access from point of origin, security and reliability of parking operator. Therefore, whilst full occupation of existing car parks can not be guaranteed this does not mean all proposals for new car parking should necessarily be refused.

5.8 It is accepted that it is preferable for all car parking to be on-airport to avoid large areas of land being use for this purpose elsewhere, and to limit traffic between the car parks and terminals and which offers the most sustainable

option. However, the application site is located just south of the airport boundary on land that would be incorporated within it should the second runway be progressed. Therefore, its temporary use for airport car parking is considered appropriate pending a decision on the second runway.

- 5.9 The site is 5.1km from the North Terminal the furthest of the two Terminals, and is closer to the airport buildings than many of the other authorised car parks. It also has direct access to the A23. It therefore provides a sustainable location for car parking serving the airport, whilst making use of an otherwise derelict site and accords the National Planning Policy Framework which seeks to support sustainable development.

Access/Highways issues

- 5.10 WSCC was consulted on the application and has raised no highway objections to the proposal. There was a requirement to carry out significant access improvements onto the A23 for the consented office development. However, they comment that

'Assuming an average stay of 7 days per car (on the basis of info obtained from the similar City Place car park), the daily traffic generation for a car park of 1,000 cars would be approximately 286 movements per day comprising 143 movements entering and 143 movements leaving the site. These movements would be spread throughout the day at around 16 movements per hour (8 entering and 8 leaving). By contrast, the previous uses generated a higher volume of hourly trips, particularly in the AM and PM peak hours when traffic flows on the highway network are generally at their highest.'

- 5.11 Therefore whilst it would be desirable to see these highway improvements carried out to the A23 London Road access, it would not be reasonable for this to be a condition of consent given the scale of the proposal and the fact that it is for a temporary period only. It should also be noted that the application has been revised since this consultation was received and the area of car parking reduced to accommodate less than half the number previously proposed.

DEVELOPMENT PROPOSAL SUMMARY:-

Site area		Dwellings to be demolition	N/A
Existing Use	Vacant	New Dwellings proposed	N/A
Proposed Use	Airport related car parking	Net increase in Dwellings	N/A
Proposed Car parking	442	Proposed Site Density	N/A
Existing Floorspace & Use	N/A	Associated Application	N/A
Proposed Floorspace & Use	N/A	S106 Contributions	N/A

CONCLUSIONS:-

- 6.0 In conclusion, the proposal would result in an acceptable temporary use of otherwise derelict land which was previously developed land with an established employment use and is within the safeguarded area. It would not adversely affect the character of the area and provides a short-term sustainable facility.