

26th September 2023

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To whom it may concern,

Town and Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order 2015
Planning (Listed Buildings and Conservation Areas) Act 1990

Site: Acacia Grove, Copthorne Road, Copthorne, Crawley

Proposal: *Retrospective planning permission for use of Site for long stay airport car parking (Sui Generis)*

On behalf of our client, Ash Properties Ltd (hereafter "the Applicant"), Newsteer is pleased to enclose an application seeking planning permission for the use of the site as airport car parking at Acacia Grove, Copthorne Road, Copthorne, Crawley.

The application is submitted electronically via the Planning Portal and seeks full planning permission for the following: -

"Retrospective planning permission for use of Site for long stay airport car parking (Sui Generis)."

No pre-application advice has been sought from the Local Authority on this scheme.

In line with the validation requirements, the application consists of the following documents: -

- Application Forms;
- Covering Letter (including Planning, and Design and Access Statement);
- Scaled Existing and Proposed Plans,;
 - 2133-P001-S2-P0 Site Location Plan
 - 2133-P002-S2-P0 Proposed Site Plan

In addition to the submitted drawings, this full planning application is accompanied by the following supporting documents:

- Arboricultural Impact Assessment, prepared by Andrew Day Consultancy;
- Tree Constraints Plan, prepared by Andrew Day Arboricultural Consultancy.

The application fee (£526 incl. VAT and Planning Portal fee) will be paid via the Planning Portal (ref:- PP-12464695).

Property Description

The Site is located within Mid Sussex District Council. The Site is located on the northern side of Copthorne Road, to the south of the A264 Copthorne Way and is surrounded by woodland to the north, east and west.

To the south of the Site are industrial open yards with a tyre garage and a petrol filling station fronting Copthorne Road. There are commercial and residential uses to the south east and south west.

The Site consists of open hardstanding which is used for the storage of cars with a portacabin on the southern boundary.

The Site subject to this planning application is the north western land parcel of the land that makes up the wider site at Acacia Grove.

There are no statutory listed or locally listed buildings in the vicinity.

The application Site lies within Flood Zone 1.



Figure 1 – Site Location Plan

Planning History

The following planning applications associated with the Site and neighbouring land parcels are considered to be relevant to the proposals: -

- 14/00571/FUL - Development of a bus depot including erection of a vehicle maintenance building with offices and stores, bus and car parking, bus wash down area, diesel tank and new landscaping. (Corrected plans received 5/12/2014 showing site layout and revised visibility splays). **Refused 01/07/2015.**
- 10/03093/FUL - Demolition of existing buildings and development of new B1c and B2 units. **Approved 27/04/2011.**
- 09/01915/FUL- Formalisation of existing scaffolding contractor's store, business car sales area, portaloos hire storage, skip hire storage and associated parking. Proposed enhanced landscaping throughout the site. (Additional information submitted and amended site plan received 4th Nov 2009 to add the formalisation of the use of the site by EKA concrete). **Withdrawn 19/01/2009.**

- 08/03474/FUL– Formalisation of existing scaffolding contractor's store, business car sales area and vehicle storage at Acacia Grove. Proposed enhanced landscaping throughout the site. **Withdrawn 19/01/2009.**
- 02/00795/FUL – Part construction of new hard surfaced area and part resurfacing of existing, to be used for car sales, car parking and coach/ lorry parking. Amended plans received showing reduced area of hardstanding and increased planting. **Approved 10/02/2003.**

Proposed Development

The development currently provides of space for the storage of cars and has the function of a long stay airport car parking facility. Customers are met at the airport and staff drive their cars to the Site for storage while they are away. Vehicles are then returned to the airport by staff for when customers return.

Relevant Planning Policy and Guidance

A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are statutory Development Plans which seek to guide the decision-making process. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, for the purposes of determining planning applications at the Site, the Local Development Plan comprises: -

- The NPPF (2021)
- Mid Sussex District Plan 2014 -2031 (2018)
- Site Allocations DPD (2022)
- Mid Sussex Local Plan Saved Policies (2004)

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November 2022 and the Regulation 18 Consultation period ran to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the review process.

The Site is allocated within the Site Allocations Development Plan Document as an Existing Employment Location (SA34) – as shown on the Mid Sussex District Plan Policies Map.

We highlight the key planning policies that are considered particularly relevant in the determination of this application:

Mid Sussex District Plan

The following policies are considered to be relevant to this planning application:

The Local Plan: Part 1 – Strategic Policies (2012)

- **Policy DP1 – Sustainable Economic Development** states that the total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by encouraging high quality development of land and premises to meet the needs of 21st century businesses, supporting existing businesses, and allowing them room to expand, encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries, seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections. Effective use of employment land and premises will be made by permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan.
- **Policy DP21 – Transport** states that development will be required to support a high quality transport network that promotes a competitive and prosperous economy, a resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time, access to services, employment and housing; and a transport network that feels, and is, safer and healthier to use.
- **Policy DP37 – Trees** states that the District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Site Allocations DPD

- **SA34 - Existing Employment Sites** protects sites on Existing Employment Sites, classified within the use classes E(g): Business, B2: General Industrial or B8: Storage or Distribution with proposals that would involve their loss being resisted.

Planning Considerations

Principle of Development

The development seeks to regularise the use of the Site as airport car parking. The application Site is located on an Existing Employment Site with previous planning permissions establishing business uses on the Site. The airport parking of cars is for business use and will involve less development on the Site than previous applications.

The application for a bus depot on the wider site (Planning Ref: 14/00571/FUL) demonstrates that the use of the Site for car parking was previously found to be acceptable. It stands to reason that the Council would, once more, find the use acceptable under this planning application. This application was initially accepted by the Council but was subsequently challenged by judicial review with the approval quashed. The application was then refused as officers considered that the visibility spays at the entrance to the Site were not sufficient for the 'slow moving' vehicles that would be exiting the Site. However, the principle of the scheme, which included parking for 40 buses and 58 cars, was deemed acceptable by officers. The proposed site plan demonstrates the amount of parking (and therefore the degree of activity) that was deemed acceptable for the Site.

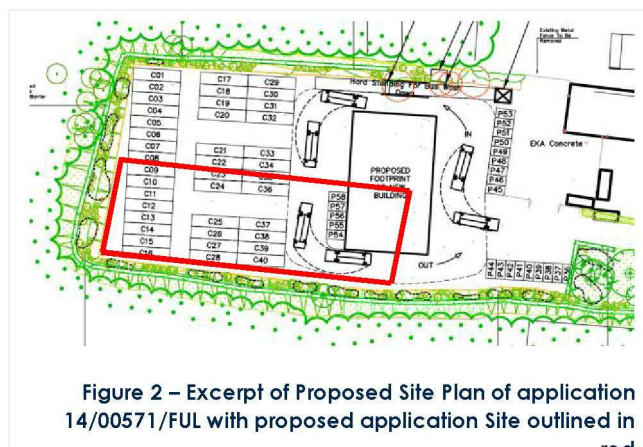


Figure 2 – Excerpt of Proposed Site Plan of application 14/00571/FUL with proposed application Site outlined in

The site immediately abutting the application Site to the east was the subject of an Enforcement Notice in 2011. Notice was served on the Site owner in respect of Breach of condition 1 of application 09/01915/FUL after it was discovered that the Site was being used for off-airport parking. However, this notice was quashed after an appeal inspector found the use of the land to be acceptable. The Inspector considered the Site to be an established commercial and industrial site with the introduction of parked cars not out of keeping with the existing site. The Inspector also stated that the existing commercial and industrial permissions for the site would generate significant vehicle movements rendering the movement of cars acceptable.

The planning history of the Site and the wider site demonstrates that the principle of airport car parking is acceptable for the Site.

The proposed development will maintain existing employment opportunities with the District and allow potential expansion of an existing business.

The application complies with District Plan policy DP1 which Protects existing employment sites, whilst supporting their growth and Site Allocation policy SA34 which supplements the District Plan.

Highways

The Site is located approximately a 7km car journey from Gatwick Airport South Terminal short stay parking, the airport which the car park serves. There is no public access to the Site. The capacity of the highway network will not be seriously impacted by the application. The roads to the airport to and from the Site can accommodate the volume of journeys. The movement of large numbers of buses from the Site to the local area was deemed acceptable by officers in application 14/00571/FUL.

The visibility spays that were deemed insufficient for slow moving vehicles for the bus depot application (Planning Ref: 14/00571/FUL) will not be an issue as the vehicles using the Site will be single axle / domestic cars.

The application complies with District Plan policy DP21.

Impact on neighbour amenity

There are residential properties some distance from the Site to the southeast and southwest along Copthorne Road. There is no visual, light or noise impact to the occupiers of the houses due to the proximity to the Site, coupled with its screened nature as a consequence of the woodland.

There are staff on Site at all times to ensure any that there would be no disturbance from any car alarms.

Trees

An arboricultural report has been carried out by Andrew Day Consultancy which demonstrates that the proposed usage of the site will not impact on the trees or the adjacent woodland. The main points are summarised below.

The entire site is covered in hard surfacing and appears to have been like this for some time. The woodland area adjacent to the northern and western boundary is on a ground level about 2m lower than that of the site with little or no overhang to the site where it will be an issue because it is minimal and at a height where collision damage is unlikely to occur.

The report states that the only tree within the application area is T1, the other trees are outside the application area where they will not be impacted. T1 can be protected from potential collision damage by installing a low-level wooden barrier and careful vehicle manoeuvring to allow the usage to continue without impacting on the trees.

The application complies with District Plan policy DP37.

The proposed works are in accordance with both national and local planning policies and there are no other material considerations to indicate that this application for planning permission should not be approved.

We trust that you have all the necessary information to progress this application and look forward to receiving confirmation of validation. If you have any queries, please contact me on the details below.

