

Local Plan Representation

FPLP524871018

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PART B Your representation

Which document would you like to make a representation on?	Crawley submission Local Plan
Which part of the Local Plan does this representation relate to?	Policy
Please give details.	Policy EC7 along with paragraphs 9.89 to 9.91 inclusive
Legally compliant?	No
Sound?	No
Compliant with the duty to co-operate?	Yes
Please give details explaining your response.	See attached letter dated 17 June 2023 from Tim North & Associates Ltd
Please set out what modification(s) you consider necessary to resolve the issues you have identified above.	See attached letter dated 17 June 2023 from Tim North & Associates Ltd
If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings?	Yes, I wish to participate in the examination hearings

If you wish to participate in the public examination hearings, please outline why you consider this to be necessary.

Policy EC7 along with paragraphs 9.89 to 9.91 inclusive are fundamentally flawed and hence are unsound.

Do you wish to upload any supporting documentation or files?

Crawley Borough Local Plan 2024 Representations June 2023.pdf

Form submitted by:

Mr. Tim North of Tim North & Associates Ltd on 18/06/2023

Our Ref: TFN/emn/21/19

Yr Ref:

Date: 17 June 2023



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Dear Sirs

Crawley Borough Local Plan 2024 – 2040: Submission Consultation Draft May 2023

My clients, HX Properties Ltd, raised representations objecting to Policy EC6 of the Regulation 18 and 19 versions of the same emerging Local Plan Review, concerned with “Hotel and Visitor Accommodation”, on the basis that the policy at the time was found to be unsound because it had not had regard to the implications surrounding airport related passenger car parking.

Policy EC7 of the Crawley Borough Local Plan 2024-2040 Submission Consultation Draft May 2023 (hereinafter referred to as CBLP 2024-2040) is the latest iteration of earlier versions of the policy relating to “Hotel and Visitor Accommodation”. HX Properties Ltd object to Policy EC7 on the grounds that it is also unsound for the reasons set out in these representations. These representations should be taken as superseding those submitted to your Council under Regulation 19 Consultation on 28th February 2020.

The basis behind the earlier Regulation 18 & 19 versions of the same Local Plan Review was to provide a sequential test for hotel and visitor accommodation outside the town centre, whilst at the same time permitting the same uses on the Manor Royal Main Employment Area, where it could be demonstrated that the development caters specifically for the needs of Manor Royal. The earlier iterations of the same policy sought to restrict parking at new hotels and visitor accommodation to that solely in use for staff and guests in residence at the particular development, and not to be used for any other purpose, including long term off-airport car parking.

At the time of the Regulation 19 Consultation, my clients agreed with the underlying purpose of what was then the first paragraph of Policy EC6 which relied upon the sequential test in accordance with the NPPG on “Town Centres and Retail”, where the underlying aim is to guide main town centre uses towards town centre locations first, and then if no town centre locations are available, to edge of centre locations and, if neither town centre locations or edge of centre locations are available, to out of centre location (with preference for accessible sites which are well connected to the town centre).



Your Council accepts *“Hotel and Visitor Accommodation is identified in the NPPF as a main town centre use, and is subject to the sequential test”*, yet seeks to depart from the underlying purpose of the sequential test concerning *“Hotel and Visitor Accommodation”* in Policy EC7 of the CBLP 2024-2040. In this respect, despite recognising that *“... Crawley hotels also serve a particular airport-related function for passengers, air crew and other airport users”*; Policy EC7 proceeds to state that *“Gatwick Airport is considered to represent a sustainable location for visitor accommodation”*.¹ In my clients view, your Council has conflated the importance to be attached to the sequential test, a significant factor at the present time given the well published decline of town centres; and issues generally concerning sustainable development. If the two concept were the same, there would be no need for the sequential test.

Your Authority has altered the policy on *“Hotels and Visitor Accommodation”* in Policy EC7 as part of the CBLP 2024-2040 so that the sequential test is exempt from being applied to hotel and visitor accommodation on land at London Gatwick Airport. My clients consider this approach to be unsound, especially when it is realised there is no requirement in Policy EC7 for on-airport hotels to show a demonstrable need.

Put simply, if a demonstrable need is required for on-airport passenger car parking, the same must also apply to a mixed or composite use of hotel and airport related car parking, especially where one of the primary components of the same mixed or composite use, is airport related car parking. The contention advanced by my clients that on-airport hotels and visitor accommodation should be required to demonstrate a need before planning permission is granted, is given support through the wording of Policy EC7 : *“Car parking related to on-airport hotel development must meet the requirements of Policy GAT3”*.

It is recognised that the Airport Owner and Operator enjoy permitted development rights in accordance with Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended). However, as your officers will appreciate the phrase *“operational building”* is defined in Schedule 2 Part 8 Class O as meaning *“a building, other than a hotel, required in connection with the movement or maintenance of aircraft or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport.”* In short, hotels do not benefit from permitted development rights, reinforcing the point that not only should the sequential test be applied in accordance with national advice, but similarly so too should a demonstrable needs test be required to be met in respect of on-airport hotel development as part of Policy EC7.

These issues are particularly important in that it is understood that your Authority has altered its position from one where it was previously contended that airport related car parking at hotels and guest houses comprised an ancillary use which did not constitute development requiring planning permission. That position is no longer applied, rightly in my clients’ view.

It has also been noted that the change in approach towards hotel and visitor accommodation on land at London Gatwick Airport has resulted in a change to the

¹ Paragraph 3.9.1 of the Topic Paper 2 *“Gatwick Airport”* forming part of the Crawley Borough Submission Local Plan 2024



SA/SEA relating to Policy EC7. Option 2 of the SA/SEA relating to Policy EC7 concerns a policy approach of providing dedicated hotel and visitor accommodation through locally specific planning guidance for such uses, including in the town centre, Manor Royal and Gatwick Airport. The same option, it is said, ensures consistency with Policy GAT3, preventing the provision of airport-related parking in off-airport hotels and requiring on-airport hotels to comply with the requirements of Policy GAT3.

What preferred Option 2 entails is that the most preferable location for hotel and visitor accommodation in terms of the sequential test, namely Crawley Town Centre, is to be regarded as an off-airport hotel site, where it meets the needs of passengers, air crew and others using the airport, at a time when the Government is seeking to encourage investment in town centres as a means of preventing their decline. Furthermore, where there is an absence of any qualifying conditions concerning on-airport hotels and visitor accommodation, can only mean that the same development is placed in a position of readily undermining the same uses in Crawley Town Centre, at the same time afforded preferential status to hotel provision on land at Manor Royal, where a demonstrable need is required to be shown on how the development will cater for the business needs of the Employment Area.

In my clients' opinion that approach simply cannot be right at a time when hotels in Crawley Town Centre are meeting the needs of passengers, airport crew and others using London Gatwick Airport. Indeed, far from re-invigorating the vitality and viability of Crawley Town Centre; the preferred option in terms of Policy EC7 has the propensity to hasten its decline. It is contended by HX Properties Ltd that this approach is misguided, being a direct result of your Council prioritising the need to prevent all airport related car parking outside the boundaries of London Gatwick Airport, from taking place, to the extent of discouraging a form of development which Government policy seeks to support in town centre locations.

To compound the issue, recent developments granted planning permission by your Council for hotels on-airport have been allowed without any car parking. The requirement to meet on-airport car parking associated with on-airport hotel development, in situations where no dedicated car parking is or will have been made available, will have a consequential impact on meeting other future on-airport car parking provision.

In considering this matter, reference should be made to Application No. CR/2020/0707/NCC which was made pursuant to Section 73 of the Town & Country Planning Act 1990 (As Amended) and sought permission to allow the continued operation of the Hampton by Hilton Hotel, North Terminal, Gatwick Airport RH6 0PJ without complying with Condition No. 3 attached to the original planning permission Reference No. CR/2010/0692/FUL. Condition No. 3 attached to the earlier permission and the reason for its imposition are set out below:-

"3. The hotel shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of customers' vehicles."

The reason for imposing this condition read as follows:-



"To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with Policy GC3 of the Crawley Borough Local Plan 2000."

Interestingly, one of the factors advanced on behalf of Gatwick Airport Ltd to justify an absence of any dedicated car parking associated with the Hampton by Hilton Hotel, a consideration which was accepted by your Council, read as follow:-

"The Hilton by Hampton Hotel would not be alone in not having any designated parking. The 245-bedroom bloc hotel at South Terminal (permitted in 2012) has no parking, nor has any parking been required as part of a recent (2019) permission for its extension. The 46-room "Yotel" at South Terminal similarly has no car parking." (my emphasis)

It can be seen that the proposition that hotel development on-airport is required to have its own on-airport parking for guests has simply not been adhered to by your Authority. On the contrary, by allowing no dedicated car parking in associated with on-airport hotels is simply a recipe for exacerbating problems relating to on-airport parking supply generally. This is particularly the case where as a consequence of the Hampton by Hilton Hotel having no dedicated car parking, and due to GAL's intention to redevelop what was Car Park M, including the area used for parking by Hampton by Hilton Hotel, its provision was subsequently decanted into Multi Storey Car Park 7 where some 60 spaces were intended to be made available for its use.

The approach adopted by your Council towards car parking provision associated with off-airport hotels is contrary to the reasoned justification set out in paragraph 9.89 of the CBLP 2024-2040 where it is concerned with Policy EC7, viz:

"9.9 Hotels are an NPPF main town centre use, and support Town Centre's vitality and viability the Town centre is the preferred location for hotel and visitor accommodation, as it is here where linkages with shops, restaurants and other main town centre uses can best be facilitated."

In SA/SEA terms, two further options should have been explored in terms of Policy EC7 with regard to hotel and visitor accommodation. The first of these two additional options is where preferential treatment in terms of location for hotel and visitor accommodation is provided in Crawley Town Centre in accordance with the sequential test, and in Manor Royal, but only where it can be demonstrated that the scale and function of hotel and visitor accommodation would not undermine the established business role of Manor Royal. The second of these two further options is to permit hotel and visitor accommodation on-airport, where a demonstrable need can be shown to exist for such use, and where there are no more sequentially preferable locations available.

Policy EC7 is however unsound for other reasons, in that it seeks to permit hotels and visitor accommodation on land at Manor Royal, subject to it catering for the business needs of the same employment area, and being used solely for staff and guests in residence of the development. Policy EC3 is specifically concerned with Manor Royal, with the reasoned justification set out at paragraph 9.47 outlining those complementary business facilities and staff amenities needed to support the day-to-day requirements



within the employment area, with no account taken of hotel or visitor accommodation. In this way the two policies are incompatible in respect of the significance afforded to hotel and visitor accommodation.

Policy EC7 fails to take into account that there many hotels in the vicinity of London Gatwick Airport which use their car parks as a temporary drop off facility in connection with a long term off-airport car parking provider, where cars are moved to an alternative location, whether on or off-airport, pending the customers return to the hotel from a holiday or business trip.

The Car Parking Management Plan relating to a proposal to construct extensions and convert areas of the existing Ibis Gatwick Hotel, London Road, Northgate, Crawley West Sussex to create 57 additional rooms, resulted in a reduction in car parking spaces on the same land from 73 to 33. This was accepted by your authority, and is an example of the measures taken by a hotel in order to avoid a material change of use occurring, from a primary use as a hotel to a mixed or composite use as a hotel and for long term off-airport car parking purposes (Crawley Borough Council Ref No CR/2016/0580/ FUL refers).

The approved Car Parking Management Plan is simply one example which has unintended consequences, in that hotel guests are provided with a number of choices of how to ensure that their vehicle is not left at the Ibis Gatwick Hotel during their leisure or business trip, being kept elsewhere, either at an on or off-airport parking site. This approach clearly has obvious benefits to the Ibis Gatwick Hotel in terms of an increase in the number of rooms and hence revenue stream, at the same time intensifying reliance and therefore need for all kinds of on and off-airport car parking facilities able to cater for the hotel's car parking requirements.

Schemes of this nature also have a consequential impact on future supply considerations for various types of on and off-airport car parking, with associated implications when considering public transport modal share requirements in the context of the May 2022 Section 106 Legal Agreement, and October 2022 ASAS. In the case of Gatwick Airport Ltd, they also benefit from this process in the event that the car is parked on-airport.

In circumstances where hotel guests are prevented from leaving their vehicle at the particular hotel for the duration of their leisure or business trip in order to avoid a material change of use occurring involving long term passenger related car parking, has itself unintended consequences. It means that additional trips are involved transporting the passenger's car to an alternative location which may be either on or off-airport during the passenger's trip, before their vehicle is returned to the hotel awaiting their arrival. In my clients' view this process also has the propensity to exacerbate unauthorised long term off-airport car parking, of no benefit to the Council or operators of lawful long term off-airport car parking sites.

In previous appeal decisions regarding long term off-airport car parking, your Authority has accepted that unauthorised car parking provides a constituent part of airport related passenger parking supply which is likely to continue into the future.

For the reasons contained in these representations Policy EC7 is considered unsound; is inconsistent with Policy GAT3 and has implications for airport related car parking



generally from a wider sustainability perspective, especially where it concerns hotel and visitor accommodation.

Yours faithfully

Tim North

T.F. North

Cc: Howard Dove, HX Properties Ltd