

Local Plan Representation

FPLP525469341

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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?	Other
Please give details.	Please read covering letter prepared by Montagu Evans.
Legally compliant?	Yes
Sound?	No
Compliant with the duty to co-operate?	Yes
Please give details explaining your response.	Please read covering letter prepared by Montagu Evans.
Please set out what modification(s) you consider necessary to resolve the issues you have identified above.	Please read covering letter prepared by Montagu Evans.
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.	Unless the indicative site capacity and timescales for delivery are amended in line with these representations.

Do you wish to upload any supporting documentation or files?

Sutherland House - Crawley BC Reg 19 Local Plan Representations June 2023.pdf, Appendix 1 and 2 Site Location and Floor Plans.pdf

Form submitted by:

Mr. Edward Ledwidge of Montagu Evans LLP on 20/06/2023

PD14623/EL/DM

Strategic Planning Department
Crawley Borough Council

Sent via email: strategic.planning@crawley.gov.uk

19 June 2023

Dear Sir / Madam

CRAWLEY BOROUGH COUNCIL: LOCAL PLAN REVIEW
REPRESENTATIONS CONCERNING THE REG 19 LOCAL PLAN PROPOSED
SUBMISSION DOCUMENT JUNE 2023
LAND ADJACENT SUTHERLAND HOUSE, RUSSEL WAY CRAWLEY, RH10 1ET

We are instructed by Invia Group (“the Client”) to submit representations to the Regulation 19 Local Plan Proposed Submission Consultation (“the Reg 19 Draft” / “the draft Plan”) in respect of their property interests at Land to the rear of Sutherland House (“the Site”) as identified by the Plan at **Appendix 1**.

The Client has undergone positive pre-application engagement with officers at Crawley Borough Council (“the Council” / “CBC”) and has instructed a team to prepare and submit an application for residential development of circa 44 dwellings on Site. The application is expected to be submitted during summer 2023.

The Site is allocated as a Key Housing Site (Land to Adjacent to Sutherland House) within the draft Plan, which the Client supports in principle. The primary focus of the representations are in relation to the indicative residential site capacity and timescales for development listed within the draft Plan.

The Client considers that both of these elements can be improved upon and in doing so assist the Council in meeting the Borough’s Objectively Assessed Housing need (“OAHN”) in a sustainable manner. Meeting the Borough’s OAHN in such a way will be a key test of soundness of the draft Plan when considered by the Planning Inspectorate.

Ensuring all suitable previously developed sites (such as this) are optimised will support the Council’s case in demonstrating compliance in this respect.

The representations cover the following:

1. National Policy Context;
2. Pre-application engagement;
3. Planning Policy Assessment; and

4. Summary / Conclusions.

NATIONAL POLICY CONTEXT

In preparing these representations, significant weight has been given to national planning policy set by the National Planning Policy Framework (“NPPF”) (March 2021) and the National Planning Practice Guidance (NPPG) (March 2014 as amended).

It is important that proper regard is given to policy guidance at the national level. This is particularly important as ultimately the Local Plan will be required to pass the ‘test’ of soundness (NPPF Para 35). To fail to fully understand what soundness means can only serve to heighten the risk of a Plan being found unsound at the point of examination.

In accordance with paragraph 35, Local Plans are ‘sound’ if they are:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed needs as a minimum and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent in achieving sustainable development;
- **Justified** – the plan should provide an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross- boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework and other statements of national policy, where relevant.

Paragraph 11 of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

Paragraph 23 requires strategic policies to provide a clear strategy for bringing sufficient land forward, at a sufficient rate, to address objectively assessed needs over the plan period.

Paragraph 119 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses... Strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or ‘brownfield’ land.”

Paragraph 120 notes that planning policies should, inter alia, give substantial weight to the value of using suitable brownfield land within settlements for homes. Part D of the paragraph promotes and supports development of under utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Finally, in relation to identifying land for homes, paragraph 68 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment.

PRE-APPLICATION ENGAGEMENT

The Site was the subject of pre-application discussions and formal feedback from officers in March 2023 (ref: CR/2023/8037/PRA).

The pre-application scheme comprised 48 apartments with a maximum building height of seven storeys.

In relation to bulk scale and massing, the feedback noted that a taller building could be acceptable in this location subject to acceptable scale and design. The feedback concludes that there is no objection to the principle of residential development on site and that design, scale and massing should be considered further as the design evolves.

A set of revised plans were submitted in April (a copy of the plans are attached at **Appendix 2**). The revised scheme reduced the number of apartments by four to 44. The proposed height remained the same. Email feedback obtained from officers confirmed that the overall scale and massing is improved and would be assessed in further detail at application stage.

In summary, the pre-application documentation and subsequent feedback demonstrates the Site is capable of accommodating a greater quantum than the indicative capacity of 30 dwellings noted in the draft Plan.

The next section considers the planning policy justification for an increased quantum.

PLANNING POLICY ASSESSMENT

Paragraph 12.7 of the draft Plan notes that Crawley's total housing need, based on the Standard Method, is 755 dwellings per year.

Draft Policy H1 states that the Local Plan makes provision for the development of a minimum of 5,030 net dwellings between 2024 – 2040, including 400 dwellings per annum between years 1-5. The policy acknowledges that after this supply is deducted, there will be a remaining unmet housing need of approximately 7,050 dwellings arising from Crawley over the Plan period. The Council note they will continue to work with neighbouring authorities to explore opportunities to meet this currently unmet need.

Draft Policy CL2 states that all new development must identify, test, determine and (where appropriate) embrace opportunities for increased density. The Client supports the intentions of policy CL2.

Achieving sustainable development by locating higher density development towards transport hubs is a well established principle. Draft Policy CL4 states that a minimum density of 200 dwellings per hectare should be achieved on development sites within 800m of Crawley or Three Bridges train stations.

Draft Plan Policy H2 allocates the Site (among others) as a 'Key Housing Site'. The Site is identified as developable for an indicative capacity of 30 dwellings between years 6-16 of the Draft Plan (i.e. 2029/30 – 2039/40). The quantum and timescales for development are sourced from the Housing Trajectory (31 March 2023) which forms part of the draft Plan evidence base and was in turn informed by the Strategic Housing Land Availability Assessment February 2023 ("SHLAA"). This evidence based process accords with paragraph 68 of the NPPF and is considered sound.

For reference, a summary of the site assessment (site ref: 91) undertaken as part of the SHLAA states:

"Site Suitability – Yes – The site is adjacent to a former office building recently converted to a residential use (136 flats) and is located in a sustainable location. Allocation as a Key Housing Site is proposed in the

submission draft 2024 Local Plan. Further new build residential development could be accommodated within the site subject to appropriate design.

Site Availability – Yes – the site is understood to be available for development and is being promoted.

Site Achievability – Yes – The indicated scale of development in this location is considered to be viable.”

The SHLAA notes the Site as having an area of 0.35 Ha and a capacity for 30 dwellings.

The SHLAA summary states that the brownfield site is in a sustainable location and can be expected to contribute to Crawley’s housing land supply in the medium term.

Draft Policy CL4 provides a clear policy position in relation to target densities and links them to a strategic objective of achieving sustainable development which aligns with NPPF Paragraph 35.

The Site is located approximately 600m south west of Three Bridges Station. It therefore falls within the 800m catchment identified in draft Policy CL4 for increased density. The minimum density target in such locations is 200 dwellings per hectare. On this basis, provision of 30 dwellings (as per the indicative capacity highlighted under Policy H2) would equate to 86 dwellings per hectare, significantly below the minimum target.

44 dwellings (as per the pre-application scheme) on the 0.35ha site would equate to 126 dwellings. This would increase the identified site capacity, bringing it closer to the target under policy CL2. Whilst it still falls short, the further work undertaken through pre-application engagement provides a robust evidence base to justify the quantum whilst also making sure the policy is ‘sound’ by making effective use of land in meeting housing need, in line with NPPF paragraph 119.

The pre-application plans and positive pre-application feedback enhance the existing evidence base in relation to potentially acceptable residential capacity for the Site. A greater quantum would not only accord with national policy objectives by making the most efficient use of land, it would also increase the projected housing supply in the borough which, at present, falls significantly short of the OAHN.

In relation to timescales for delivery, the Site is noted as ‘developable’ within a time period of 6-16 years.

The definition of ‘developable’ in the NPPF is:

“To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be achieved”.

The definition of ‘deliverable’ is:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on site within five years. In particular:

- a) *Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

- b) *Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

It is acknowledged through the emerging allocation for development and positive pre-application feedback that the Site offers a suitable location for development now. The Client also confirms the Site is available now. The size of the Site / proposed scheme means it is capable of being built out in one phase and being progressed by a single developer. These are positive factors in relation to the potential speed of delivery and should be supported given the Council’s historic issues with completions on larger sites being delayed and the subsequent knock on effect on five year supply (paragraph 12.6 of the draft Plan).

In the light of the active engagement by the Client in pre-application discussions, desire to submit an application in 2023 and build out a residential scheme as soon as possible, the Site should be considered ‘deliverable’ instead of ‘developable’. In doing so, the Site will also contribute to the Council’s five year housing land supply, whereas, at present, it does not.

SUMMARY / CONCLUSIONS

The identified housing supply within the draft Plan falls significantly short of the Council’s objectively assessed housing need. Consequently, the draft Plan falls foul of Paragraph 11 of the NPPF which requires strategic policies to, as a minimum, provide of objectively assessed needs for housing.

As currently drafted, there is a danger that Draft Plan H1 and therefore the draft Plan would be considered to fail to demonstrate it has been positively prepared or is effective in meeting the Borough’s OAHN. In the light of this, there is a possibility the draft Plan will not be found sound when examined by the Planning Inspectorate.

The Site is allocated as a Key Housing Site within the draft Plan. This is supported and found sound in light of the sustainable location, previously developed nature and proximity to other residential uses.

There is an opportunity to increase the indicative quantum identified for the Site within draft Plan Policy H2 from 30 to 44. This is supported by further design development undertaken by the Client since the SHLAA and has been considered by officers at pre-application. The requisite plans are submitted as part of these representations and strengthen the evidence base in support of a high indicative quantum.

The Site is also capable of being considered ‘deliverable’ instead of ‘developable’. Bringing the timescale forward to show target completions within years 1 – 5 of the Plan period will assist the Council in meeting their five year housing land supply.

In conclusion, the Site represents a prime opportunity to optimise a previously developed site in a suitable location that already benefits from a draft allocation and positive pre-application feedback. By optimising the Site and increasing the indicative residential quantum, it will reduce pressure to identify additional unallocated sites for development.

We would like to reserve our right to attend the Examination in Public of the draft Plan in due course.

Should you wish to meet to discuss the above Site in further detail or if you require any further information, please do not hesitate to contact Edward Ledwidge (edward.ledwidge@montagu-evans.co.uk / 020 7866 8601) or David Mabb (020 7312 7530 / david.mabb@montagu-evans.co.uk).

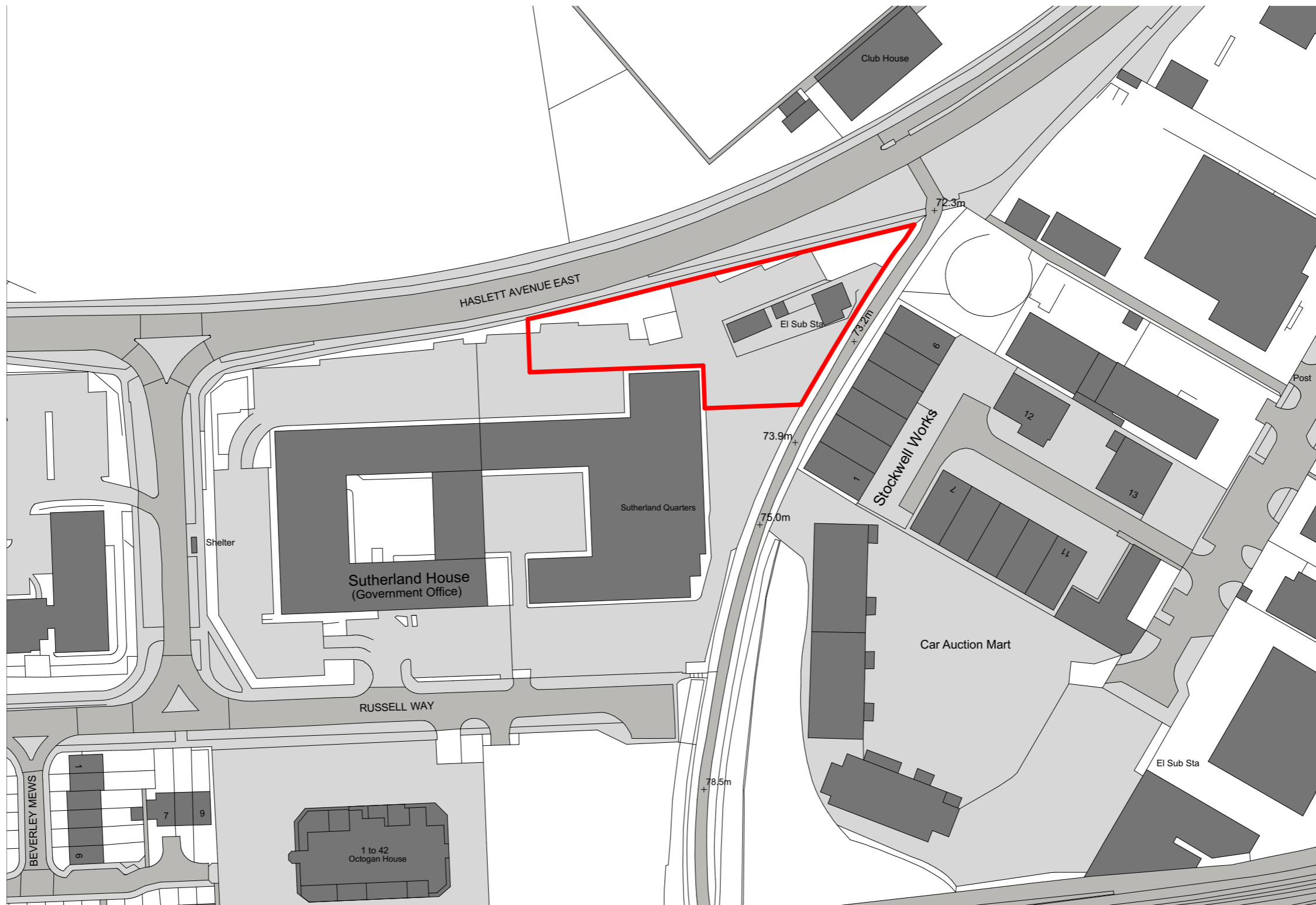
Yours faithfully,

MONTAGU EVANS LLP

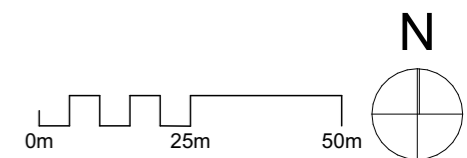
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Haslett Avenue East

Refuse

2 Bed 4P
71 Sq.m

1 Bed 2P
50 Sq.m

1 Bed 2P
50 Sq.m

2 Bed 4P
71 Sq.m

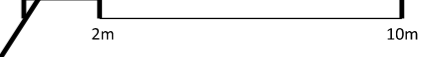
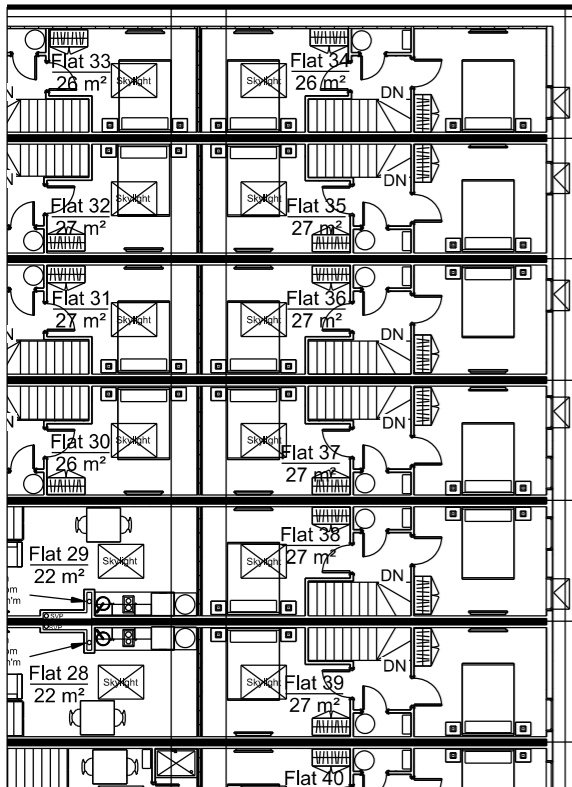
2 Bed 2P
61 Sq.m

2 Bed 4P
70 Sq.m

2 Bed 3P
61 Sq.m

Bike Store

Stockwell Works



Haslett Avenue East

Refuse

2 Bed 4P
71 Sq.m

1 Bed 2P
50 Sq.m

1 Bed 2P
50 Sq.m

2 Bed 4P
71 Sq.m

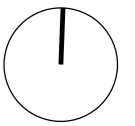
2 Bed 2P
61 Sq.m

2 Bed 4P
70 Sq.m

2 Bed 3P
61 Sq.m

Bike Store

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Haslett Avenue East

Refuse

2 Bed 4P
71 Sq.m

1 Bed 2P
50 Sq.m

2 Bed 4P
70 Sq.m

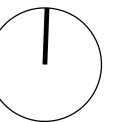
2 Bed 3P
61 Sq.m

2 Bed 4P
70 Sq.m

2 Bed 3P
61 Sq.m

Bike Store

Stockwell Works



Haslett Avenue East

Refuse

2 Bed 4P
72 Sq.m

3 Bed 4P
80 Sq.m

2 Bed 3P
66 Sq.m

Bike Store

Stockwell Works

