

BRECKLAND DISTRICT COUNCIL

To: Planning Committee 20/11/2017

Author: James Mann, Planning Policy Officer

Subject: Brownfield Land Register

Purpose: The purpose of this report is to advise Members on sites proposed through the Brownfield Land Register

Recommendation(s): It is recommended that:

- a) Members agree for the Brownfield Land Register to be placed on the Council's website;
- b) Members agree the individual recommendations regarding each of the sites on the Brownfield Land Register;
- c) Members agree to delegate powers to the Strategic Planning Manager to amend/remove sites on the Brownfield Land Register where they no longer meet the criteria set out in the regulations.

Background

- 1.1 Primary powers for Permission in Principle (PIP) were secured through the Housing and Planning Act, 2016. Secondary legislation in the form of the Brownfield Land Register Regulations and the Permission in Principle Order, came into force in April 2017. This legislation set out a requirement for local planning authorities to prepare and maintain a register of previously developed/brownfield land (in line with the NPPF definition of previously developed land¹), to be published by the 31st of December 2017. Although the register is made up of one spreadsheet, it is formed of two parts.
- 1.2 Part 1 of the register identifies brownfield land within the district that is larger than 0.25ha or capable delivering 5 or more dwellings and is **suitable, available and achievable**. The tests of suitability, availability and achievability are set out in the regulations as follows: Suitable sites are defined as being allocated through a plan, having permission or are suitable for residential led development in the opinion of the local planning authority; available sites are sites where the owner(s)/developer(s) have expressed an intention to sell or develop the land; achievable sites are defined as sites where development is likely to take place within the next 15 years. All sites on Part 1 of the register must be in conformity with local and national planning policy.
- 1.3 Sites can then be placed on Part 2 of the register where the criteria set out in Part 1 of the register has been met and the local authority has decided to allocate the land for residential led development. Following a requisite consultation period, sites on Part 2 of the register

¹ **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

will then be granted PIP. The PIP consent route is an alternative way of obtaining planning permission, where the scope is limited to location, land use and the amount of development. A Technical Details Consent would then be required before development can begin.

How the register has been compiled

- 1.4 The starting point was to take the Council's Strategic Housing Land Availability Assessment (SHLAA). This document looks only at sites situated in locations that are in line with the settlement hierarchy of the emerging Local Plan (i.e. Market Towns and Local Service Centres). Where sites received a positive assessment through this study it was considered that sites were suitable, available and achievable.
- 1.5 Brownfield sites with extant planning permissions and sites previously allocated through the Site Specific Policies & Proposals Development Plan Document were also considered for inclusion on the register as these are also in line with the regulations.
- 1.6 This resulted in twenty five sites being proposed for inclusion on the register. A recommendation has been made for each of these sites as to which part of the register they should sit.

How recommendations for sites were made

- 1.7 It is proposed to place sites on Part 2, potentially granting Permission in Principle, where an existing permission is close to lapsing/has lapsed or the site is of strategic importance to the Council. As a PIP is similar to an outline planning permission with all matters reserved it is not considered necessary to grant PIP on a site that already has a more detailed planning status.

Going forward

- 1.8 Following Planning Committee it is proposed to place the register on the Council's website and a form will be uploaded to allow new sites to be submitted for consideration. New sites would then be subject to consideration and, where appropriate, will be brought to a future Planning Committee with a recommendation as to which part of the register these sites should sit.
- 1.9 Sites recommended for Part 2 by Planning Committee will then be subject to a 42 day consultation period. Following the consultation period these sites will be brought back to planning committee for a decision on the grant of Permission in Principle on the sites.
- 1.10 The regulations set out that the register must be updated at least once a year. The recommendations set out within this report allow for the register to be updated when new information becomes available regarding the sites in regards to the criteria around suitability, availability and achievability. Sites will be brought to Planning Committee where a site/sites are to be added to either Part 1 or Part 2 of the register on a more ad hoc basis.

Recommendation on sites

- 1.11 **Site BLR_01:** Recommended to remain on Part 1 at this time— The planning consent does not expire until 20/01/2019.

- 1.12 **Site BLR_02:** Recommended to remain on Part 1 at this time– There are known issues around the re-organisation of the site and potential impact upon the non-designated heritage asset. Furthermore the site to the rear of the site is a proposed allocation through the Local Plan.
- 1.13 **Site BLR_03:** Recommended to be placed on Part 2 – The permission expires on the 08/02/2018. The site has planning permission for residential development. The permission highlights the established residential consent. The site is within a settlement that is defined as a Local Service Centre through the Core Strategy and the emerging Local Plan.
- 1.14 **Site BLR_04:** Recommended to be placed on Part 2 – The permission expires on the 19/03/2018. The site has planning permission for residential development. The permission highlights the established residential consent. The site is within a settlement that is defined as a Local Service Centre through the Core Strategy and the emerging Local Plan.
- 1.15 **Site BLR_05:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 31/03/2020. The site is also subject to a further reserved matters application, which has yet to be determined.
- 1.16 **Site BLR_06:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 07/04/2020.
- 1.17 **Site BLR_07:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 15/06/2018. It is proposed to re-assess this following the housing monitoring, which will commence in April 2018.
- 1.18 **Site BLR_08:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 06/07/2020.
- 1.19 **Site BLR_09:** Recommended to remain on Part 1 at this time – The planning consent does not expire until the 16/09/2018. The site is currently under construction and can be removed from the register once completed. It is proposed to re-assess this following the housing monitoring, which will commence in April 2018.
- 1.20 **Site BLR_10:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 30/06/2019. The site is currently under construction and can be removed from the register once completed.
- 1.21 **Site BLR_11:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 19/01/2020.
- 1.22 **Site BLR_12:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 23/05/2019. The site is currently under construction and can be removed from the register once completed.
- 1.23 **Site BLR_13:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 05/06/2019. The site is currently under construction and can be removed from the register once completed. It is proposed to re-assess this following the housing monitoring, which will commence in April 2018.
- 1.24 **Site BLR_14:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 28/07/2019. The site is distant from the settlement boundary and therefore not considered to be in a sustainable location.

- 1.25 **Site BLR_15:** Recommended to remain on Part 1 at this time – The planning consent does not expire until the 16/06/2018. It is proposed to re-assess this following the housing monitoring, which will commence in April 2018.
- 1.26 **Site BLR_16:** Recommended to remain on Part 1 at this time – The planning consent does not expire until the 23/11/2019.
- 1.27 **Site BLR_17:** Recommended to remain on Part 1 at this time – The planning consent does not expire until the 08/07/2018. The site is currently under construction and can be removed from the register once completed. It is proposed to re-assess this following the housing monitoring, which will commence in April 2018.
- 1.28 **Site BLR_18:** Recommended to remain on Part 1 at this time – The planning consent does not expire until 09/05/2020. The site is larger than the 0.25ha threshold, but the permission is only for a single dwelling. The site is situated in an unsustainable location and is distant from key services and facilities.
- 1.29 **Site BLR_19:** Recommended to remain on Part 1 at this time – The site has planning permission subject to a Section 106 agreement.
- 1.30 **Site BLR_20:** Recommended to be placed on Part 2 – The site forms part of the saved allocation D1. This area of the site is not subject to planning permission. There are known access issues, but it is hoped that the certainty of being placed on Part 2 of the register will help to bring the site forward.
- 1.31 **Site BLR_21:** Recommended to be placed on Part 2 – The permission expired on 31/10/2017. The site is situated within the settlement boundary in an area that is predominantly residential.
- 1.32 **Site BLR_22:** Recommended to remain on Part 1 at this time – The planning consent has expired. However the site is now subject to a further reserved matters applications, which is yet to be determined.
- 1.33 **Site BLR_23:** Recommended to remain on Part 1 at this time – The site has outline planning consent and is now subject to a reserved matters applications, which is yet to be determined.
- 1.34 **Site BLR_24:** Recommended to remain on Part 1 at this time – The planning consent expires on the 12/12/2017. However, there is now a new planning application submitted on the site.
- 1.35 **Site BLR_25:** Recommended to remain on Part 1 at this time – The site is now subject to a reserved matters application, which is yet to be determined.

2. OPTIONS

2.1 There are essentially three options available:

- Option 1: Members resolve to agree that the Brownfield Land Register is placed on the website alongside a form. Members resolve to agree the recommendations on each of the sites.
- Option 2: Members resolve to agree that the Brownfield Land Register is placed on the website alongside a form, but come to different decisions regarding sites.
- Option 3: Members resolve not to agree that the Brownfield Land Register is placed on the website.

3. REASONS FOR RECOMMENDATION

- 3.1 Members are recommended to resolve to approve option 1 or 2. Endorsing option 1 or 2 would mean the council would be meeting the requirements set out in the Brownfield Land Register Regulations, 2017.

4. EXPECTED BENEFITS

- 4.1 The expected benefit of ratifying the recommended approach is that the Council will be in conformity with national guidance in line with the Brownfield Land Register Regulations, 2017.

5. IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

- 5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 Constitution & Legal

- 5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 Contracts

- 5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 Corporate Priorities

- 5.4.1 Publishing the Brownfield Land Register aligns with corporate priority: Supporting Breckland to develop and thrive; providing the right services at the right time and in the right way; developing the local economy to be vibrant with continued growth and enabling stronger, more independent communities. The production also aligns with the priority of enabling effective planning and delivery of housing solutions to meet local needs.

5.5 Crime and Disorder

- 5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 Equality and Diversity / Human Rights

- 5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 Financial

- 5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 Health & Wellbeing

- 5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 Risk Management

- 5.6.2 It is the opinion of the Report Author that there are no implications.

5.10 **Safeguarding**

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 **Staffing**

5.11.1 It is the opinion of the Report Author that there are no implications.

5.12 **Stakeholders / Consultation / Timescales**

5.12.1 Member's recommendations will lead to the potential for consultation where sites have been proposed to be placed on Part 2 of the register.

6. **WARDS/COMMUNITIES AFFECTED**

6.1 The Brownfield Land Register has implications for all wards in Breckland.

7. **ACRONYMS**

7.1 Acronyms include

- PIP: Permission in Principle

Background papers:-

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A: Brownfield Land Register (Example)
Appendix B: Maps of all of sites