

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Cllrs Nick Worth, Executive Member for Growth, and Roger Gambba-Jones, Executive Member for Place

**To:** Planning Committee - Wednesday, 6 December 2017

**(Author:** Lucy Buttery, Planning Policy Officer)

**Subject** South Holland District Brownfield Land Register

**Purpose:** The purpose of the report is to inform Members on Part 1 of the South Holland District Brownfield Land Register which will be published on the Council's website. It is also to obtain Members' agreement that the sites proposed to be included on Part 2 of the Register are progressed to consultation.

### **Recommendation(s):**

That Members endorse Option 1 of this report, as follows:

- 1) Members note Part 1 of the South Holland District Brownfield Land Register which will be published on the Council's website; and,
- 2) Members agree that the sites proposed to be included on Part 2 of the Register are progressed to consultation in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017.

### **1.0 BACKGROUND**

- 1.1 On 16<sup>th</sup> April 2017, the Government's Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement for local planning authority's to prepare, maintain and publish a Brownfield Land Register (BLR). 'Brownfield land' refers to land which has previously been developed and must meet the definition set out in Annex 2 of the National Planning Policy Framework (2012) (NPPF).
- 1.2 The purpose of a BLR is to provide up-to-date, publicly available and consistent information on brownfield sites that local authorities consider to be appropriate for residential development (having regard to the criteria set out in the aforementioned Regulations). According to DCLG, this will provide certainty for developers and communities, encourage investment in local areas, bring forward derelict and underused land for new homes and ultimately speed up the development process.
- 1.3 Brownfield land registers are also a tool for granting 'Permission in Principle' on suitable sites thereby helping to increase the number of planning permissions for new homes. This permission in principle element of the register is explained in more detail in Section 3.
- 1.4 There is a legal requirement for all local authorities to publish their register by 31<sup>st</sup> December 2017. The Department for Communities and Local Government (DCLG) have published a prescribed format that all local authorities must use to publish their data.

- 1.5 The register for South Holland District will consist of two parts, as set out below.
- 1.6 Part 1 of the register identifies brownfield land within the district that is larger than 0.25ha or capable of 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.
- 1.7 Part 2 of the register is effectively a subset of Part 1 which allows local planning authorities to grant Permission in Principle for housing development on sites identified in Part 1 where appropriate (see Section 3).

## **2.0 HOW THE REGISTER HAS BEEN COMPILED**

- 2.1 The starting point was to undertake a review of brownfield sites identified by the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA is a technical document which considers the suitability of sites for housing development and whether they are available and achievable. This includes land suggested to the Council by landowners and their agents through the Local Plan process. This review identified 11 brownfield sites (without planning permission) that comply with the criteria in the BLR regulations. Five of these sites are proposed allocations in the South East Lincolnshire Local Plan which is currently undergoing an Examination in Public, and have therefore been through public consultation.
- 2.2 Brownfield sites with extant planning permission were also considered for inclusion on the register. In total, 26 of the 37 sites on the draft Part 1 are extant planning permissions which are considered to meet the criteria set out in the regulations.
- 2.3 Draft Part 1 of the register is set out in Appendix A to this report and site location plans for all sites are contained within Appendix B.

## **3.0 PERMISSION IN PRINCIPLE**

- 3.1 Permission in Principle (PiP) is a newly introduced consent route which is similar in practice to an outline planning permission. The new PiP route is intended to give developers/applicants more certainty by settling the fundamental principles of development (use, location, amount of development).
- 3.2 However, a PiP does not amount to a full planning permission and therefore development cannot commence without additional information being submitted to and approved by the Council. The additional information is known as a 'Technical Details Consent' and is similar to an application for approval of reserved matters.
- 3.3 Permission in Principle plus a Technical Details Consent equals a full planning permission to build. A permission in principle is valid for a period of five years, in which time a developer or landowner(s) must seek planning consent for technical details. The Technical Details Consent application would be subject to a fee.

- 3.4 It should be noted that PiP is a new tool which will work alongside, not replace, existing routes for obtaining planning permission. Permission in Principle can only be granted for housing-led developments.
- 3.5 Generally, there would be no advantage in granting Permission in Principle for sites which already have outline or full planning permission. However, if planning permission for a site on Part 1 of the register is due to expire prior to the next annual review of the BLR, it would be reasonable to consider granting Permission in Principle for that site. The sites proposed to be included in draft Part 2 and recommended be progressed to consultation (as set out in Section 4) are listed below. The majority of these sites do not currently have any form of planning permission, with the exception of BLR/LOS/001.

<b>BLR/SPA/010: Land to the east of Spalding Road, Pinchbeck</b>
Proposed housing allocation in the South East Lincolnshire Local Plan Publication Version (March 2017).
<b>BLR/SPA/011: Spalding Lifestyle, Spalding Road, Pinchbeck</b>
Proposed housing allocation in the South East Lincolnshire Local Plan Publication Version (March 2017).
<b>BLR/LOS/001: The Bull Hotel, Market Place, Long Sutton</b>
The planning permission has not yet been implemented and is due to expire in January 2018. The Bull Hotel is a listed building and in a Conservation Area so care will need to be taken in terms of design and layout but development of the site should be encouraged in order to improve the appearance of the area.
<b>BLR/PIN/001: Land to the west of Bear Lane, Pinchbeck</b>
Located within the Defined Settlement Limits for Pinchbeck in the South Holland Local Plan 2006 and in the emerging Local Plan (but falls below the size threshold of 10 dwellings for allocation). The sites development would therefore be acceptable in principle.
<b>BLR/PIN/002: Former Dairy Depot, Pennyfield, Pinchbeck</b>
Located within the Defined Settlement Limits for Pinchbeck in the South Holland Local Plan 2006 and in the emerging Local Plan (but falls below the size threshold of 10 dwellings for allocation at a density of 20/hectare). The sites development would therefore be acceptable in principle.
<b>BLR/PIN/003: Birchgrove Garden Centre, Surfleet Road, Pinchbeck</b>
Proposed housing allocation in the South East Lincolnshire Local Plan Publication Version (March 2017).
<b>BLR/PIN/004: Land to the north of Market Way, Pinchbeck</b>
Proposed housing allocation in the South East Lincolnshire Local Plan Publication Version (March 2017).
<b>BLR/SUB/001: Land to the south of Bridge Road, Sutton Bridge</b>
Located within the Defined Settlement Limits for Sutton Bridge in the South Holland Local Plan 2006 and in the emerging Local Plan. The sites development would therefore be acceptable in principle.
<b>BLR/COW/002: Land to the west of Mill Drove, Cowbit</b>
Located within the Defined Settlement Limits for Cowbit in the South Holland Local Plan 2006 and in the emerging Local Plan. The sites development would therefore be acceptable in principle.
<b>BLR/MOU/001: Former Gardman Premises, High Street, Moulton</b>
Located within the Defined Settlement Limits for Moulton in the South Holland Local Plan 2006 and in the emerging Local Plan. The sites development would therefore be acceptable in principle.

<b>BLR/SUJ/001: Land to the south of Chapel Gate, Sutton St James</b>
Proposed housing allocation in the South East Lincolnshire Local Plan Publication Version (March 2017).

#### 4.0 CONSULTATION REQUIREMENTS

4.1 There is currently no statutory requirement to consult on the entry of sites into Part 1 of the Register. There are, however, relevant statutory consultation requirements for sites proposed to be entered into Part 2. These are to:

- Place a notice in at least one place on or near the land for not less than 21 days and on the website for not less than 14 days; and
- Consult any person, body or authority whom would have been consulted in relation to a planning application for residential development of the land (to include the county council and parish councils).

#### 5.0 NEXT STEPS

5.1 The Council's first register must be published by 31<sup>st</sup> December 2017. Therefore, subject to Planning Committee agreeing the recommendations of this report, it is proposed to publish the register on the Council's website in the format prescribed by DCLG.

5.2 Sites proposed for Part 2 will then be subject to consultation as set out in Section 4. Following the consultation period, these sites will be brought back to Planning Committee for a decision on the grant of permission in principle for these sites.

5.3 A form will be made available on the Council's website 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.

5.4 The regulations require Local Authorities to update their Brownfield Registers on an annual basis and as such, should new sites come forward these can be assessed and considered through these regular reviews.

#### 6.0 OPTIONS

6.1 **There are two options available to Members, as follows:**

1. Option 1 – Members note Part 1 of the South Holland District Brownfield Land Register which will be published on the Council's website; and, Members agree that the sites proposed to be included on Part 2 of the Register are progressed to consultation in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017.
2. Option 2 – Planning Committee do **not** agree that Part 1 of the Brownfield Land Register be published on the Council's website and that the proposed sites for Part 2 be progressed to consultation.

#### 7.0 REASONS FOR RECOMMENDATION(S)

7.1 Given that the production and publication of a Brownfield Land Register is a legal requirement, endorsing Option 1 will ensure that the Council's statutory duty is met. It will

also ensure that Part 1 of the Register can be published by the prescribed date in the Regulations (31<sup>st</sup> December 2017).

7.2 Option 2 is not recommended as this would not enable the Council to be in compliance with the requirements of the Regulations.

## 8.0 EXPECTED BENEFITS

8.1 The expected benefits of publishing the South Holland District Brownfield Land Register are that: it will provide up-to-date and consistent information on brownfield sites in the District; and it will help provide certainty to developers and communities. It will also mean that our statutory requirement to prepare and publish a Brownfield Land Register is met.

## 9.0 IMPLICATIONS

### 9.1 Carbon Footprint / Environmental Issues

9.1.1 It is the opinion of the report author that there are no implications.

### 9.2 Constitutional & Legal

9.2.1 Under the Town and Country Planning (Brownfield Land Register) Regulations 2017, there is a statutory requirement for the Council to prepare, maintain and publish a Brownfield Land Register. Draft Part 1 of the BLR has been prepared in accordance with these Regulations.

### 9.3 Contracts

9.3.1 It is the opinion of the report author that there are no implications.

### 9.4 Corporate Priorities

9.4.1 *"To have pride in South Holland by supporting the district and residents to develop and thrive":*

It is the Government's intention that Brownfield Land Registers will help developers identify suitable housing sites quickly and speed up the construction of new homes on previously developed land.

### 9.5 Crime and Disorder

9.5.1 It is the opinion of the report author that there are no implications.

### 9.6 Equality and Diversity / Human Rights

9.6.1 It is the opinion of the report author that there are no implications.

### 9.7 Financial

9.7.1 The additional cost of producing the brownfield register has been supplemented by a DCLG grant of £14,645 to reimburse authorities as a result of this new requirement.

### 9.8 Health & Wellbeing

9.8.1 It is the opinion of the report author that there are no implications.

### 9.9 Reputation

9.9.1 It is the opinion of the report author that there are no implications.

## 9.10 Risk Management

9.10.1 It is the opinion of the report author that there are no implications.

## 9.11 Safeguarding

9.11.1 It is the opinion of the report author that there are no implications.

## 9.12 Staffing

9.12.1 The preparation, maintenance and review of the Brownfield Land Register can be undertaken utilising existing staff resources within the Planning Policy team.

## 9.13 Stakeholders / Constitution / Timescales

9.13.1 There is currently no statutory requirement to consult on the entry of sites into Part 1 of the register. However, the regulations require notification to be given on those sites proposed to be entered on Part 2 of the register which is covered in section 4 of this report.

## 9.14 Transformation Programme

9.14.1 It is the opinion of the report author that there are no implications.

## 10.0 WARDS/COMMUNITIES AFFECTED

10.1 This report affects the following wards: Cowbit, Weston & Moulton; Crowland & Deeping St Nicholas; Donington, Quadring & Gosberton; Fleet; Holbeach Town; Long Sutton; Pinchbeck & Surfleet; Spalding Castle; Spalding St Johns; Spalding Monks House; Spalding St Paul's; Sutton Bridge; The Saints; and Whaplode & Holbeach St Johns.

## 11.0 ACRONYMS

11.1	BLR	Brownfield Land Register
	DCLG	Department for Communities and Local Government
	NPPF	National Planning Policy Framework (March 2012)
	PIP	Permission in Principle
	SHLAA	Strategic Housing Land Availability Assessment

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Background papers:-

The Town and Country Planning (Brownfield Land Register) Regulations 2017:

<http://www.legislation.gov.uk/ukxi/2017/403/made/data.pdf>

National Planning Practice Guidance (July 2017) for Brownfield Land Registers:

<https://www.gov.uk/guidance/brownfield-land-registers>

NPPF (March 2012) definition of Previously Developed Land (in Annex 2):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60777/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf)

Brownfield Land Registers Data Standards (July 2017):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/633593/BrownfieldL\\_andRegisters-DataStandard.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633593/BrownfieldL_andRegisters-DataStandard.pdf)

South East Lincolnshire Strategic Housing Land Availability Assessment (April 2017):

<http://www.southeastlincslocalplan.org/south-east-lincolnshire-strategic-housing-land-availability-assessment-april-2017/>

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**Lead Contact Officer**

Name and Post: Lucy Buttery (Planning Policy Officer)  
Telephone Number 01775 764470  
Email: lbuttery@sholland.gov.uk

**Appendices attached to this report:**

Appendix A Draft Part 1 of the South Holland District Brownfield Land Register  
Appendix B Site location plans