

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, 19 December 2018

Author: Karen Sinclair Interim Planning Policy Manager

Subject South Holland Brownfield Land Register 2018

Purpose: The purpose of the report is to inform Members of the update to the South Holland District Brownfield Land Register, which will be published on the Council's website.

Recommendation:

- 1) That the South Holland Brownfield Land Register 2018 is approved for publication.

1.0 BACKGROUND

- 1.1 The Government is seeking to maximise the numbers of new homes built on brownfield land and Brownfield Land Registers are intended to provide up to date, publicly available and consistent information on brownfield sites that local planning authorities (LPAs) consider to be available and suitable for residential led development in their area.
- 1.2 In December 2017, the Council published the first South Holland Brownfield Land Register (BLR) following approval to do so by the Committee at its meeting on the 6th December 2017.
- 1.3 In publishing the BLR, the Council were complying with the Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) which introduced a requirement for each local planning authority to prepare and publish a register by the end of December 2017. The format and content of information, which must be included in a register is prescribed by government to ensure the information is comparable across all authorities.
- 1.4 The Regulations also require that the BLR is reviewed on at least an annual basis in order to ensure that sites that no longer meet the criteria for inclusion are removed or new sites added.
- 1.5 Under the Regulations a brownfield register can consist of two parts:
 - Part 1 – is a list of all sites which are considered to meet the legislative criteria of being 'suitable, available and achievable' for development and which are at least 0.25 hectares in size or capable of supporting five or more dwellings. To be suitable an assessment is made as to whether the site offers a suitable location for development having regard to adopted national and local planning policy. It can include sites with planning permission (either outline or full) or allocated in a Local or Neighbourhood

Plan, as well as sites without planning permission that meet other legislative criteria. There is no legal requirement to consult on sites included in Part 1 of the register.

- Part 2 – comprises only those sites in Part 1 that the LPA has decided would be suitable for a grant of Permission in Principle (PIP) in accordance with the Regulations. The PIP consent routes is an alternative way of obtaining planning permission. It is a two stage process and separates the consideration of matters of principle for the proposed residential development (stage one) from the technical detail of the development (stage two) when the detailed proposals are assessed.

- 1.6 Before including a site in Part 2 of the register, the LPA must publicise, notify and consult with prescribed bodies (including Parish Councils and the County Council) of the intention to do so. Any representations received should be taken into account in deciding whether to enter the site in Part 2 of the register. There is no right of appeal against the decision of the LPA not to enter a site on Part 2 of the register. If no sites are considered to meet the criteria for PIP, the Part 2 of the brownfield land register can be left empty.
- 1.7 The 2017 BLR included 37 sites within Part 1. This was made up of 26 sites with planning permission, 10 sites without planning permission but which were identified from the Strategic Housing Land Availability Assessment (SHLAA) (April 2017) (five of these sites were also proposed allocations in the South East Lincolnshire Local Plan (2011-2036)) and one site where a decision on a submitted planning application was pending.
- 1.8 In the December 2017 report it was also proposed to include eleven sites within Part 2. As there would be no advantage in granting PIP for those sites that already benefited from an extant planning permission, the sites proposed to be included within Part 2 were those without planning permission and one site where the planning permission was due to expire. As the statutory consultation requirements for inclusion of sites within Part 2 could not be completed before the legal deadline for publication of the BLR, it was proposed to publish Part 1 of the BLR by the deadline of the end of 2017, undertake the required consultation on the proposed Part 2 sites early in 2018 and bring a report back to Planning Committee for a decision, taking account of any representations received, on whether to grant PIP for these sites.
- 1.9 However, with priority being given to progressing the South East Lincolnshire Local Plan through examination, consultation on the proposed Part 2 sites was not undertaken. In undertaking the update of the BLR the inclusion of sites within Part 2 of the BLR has been reviewed (see Section 2.0).

2.0 **UPDATING OF THE REGISTER**

- 2.1 All sites included in Part 1 of the BLR 2017 have been reviewed. This has resulted in:
- 12 sites being removed from the BLR as the sites have been re-developed or are now under construction. The sites removed are:
 - BLR/SPA/002 15-21 and land to rear Winsover Road, Spalding
 - BLR/SPA/003 30 Westlode Street, Spalding
 - BLR/SPA/004 5b and 5c Sheep Market, Spalding
 - BLR/SPA/008 EMG Hyundai, 2 St Johns Road, Spalding
 - B:R/CRO./001 59-61 Broadway, Crowland
 - BLR/CRO/002 Land to the rear of 60 North Street, Crowland

- BLR/CRO/004 South View Community Primary School, Broadway, Crowland
- BLR/HOB/001 Orchard House, Fleet Road, Holbeach
- BLR/HOB/002 Holbeach House, Fleet Road, Holbeach
- BLR/HOB/003 Station Street, Holbeach
- BLR/HOB004 Church Street, Holbeach
- BLR/WHA/001 Land off Kirkgate/Cross Street, Whapolde

- The status of three sites has changed as they now benefit from planning permission. These sites are:

- BLR/SPA/009 Land off Willow Walk (former Laws Yard), Spalding
- BLR/SPA/010 Former Glen Farrow premises, land off Spalding Road, Pinchbeck
- BLR/PIN/002 Former Dairy Depot, Pennyfield, Pinchbeck

- No additional sites have been identified for inclusion in the BLR

2.2 The updated Part 1 is attached as Appendix A to this report and consists of 25 sites of which 17 have planning permission or a decision on a current planning application is pending, and eight do not have planning permission. Location plans for each of these sites can be found at Appendix B.

2.3 Consideration has been given as to whether a Part 2 register should be progressed for those sites that do not currently benefit from planning permission. At this stage, it is considered there would be little value in producing a Part 2 register for the following reasons:

- Four of the sites are within settlement limits defined in the South East Lincolnshire Local Plan and, therefore, development of these sites would be acceptable in principle.
- Of these four sites, there is the potential for development of three of them to have impacts on heritage assets. For a site to be included in Part 2 of the BLR, and as such granted PIP, a significant level of detail would need to be provided to establish the principal matters of development, including adverse impacts on heritage assets, and resultant dwelling capacity of the sites: the provision of this information would fall to the Council.
- The remaining four sites are proposed housing allocations in the South East Lincolnshire Local Plan, which, subject to the outcome of the examination, will allocate those sites for residential development.

2.4 It is, considered, therefore, that at the present time a Part 2 register should not be produced. As there is a requirement to update the BLR on an annual basis, officers will continue to reassess the appropriateness of producing a Part 2 register in future years.

3.0 **NEXT STEPS**

3.1 Subject to Planning Committee agreeing the report recommendation, it is proposed to publish the updated BLR on the Council's website in the prescribed format by the end of December 2018.

3.2 A form will be made available on the Council's website to allow new sites to be submitted for consideration. Should new sites come forward these can be assessed and considered through the next annual review of the BLR and where appropriate, brought to a future

Planning Committee with a recommendation as to which part of the register these sites should sit.

4.0 **OPTIONS**

3.1 There are two options available to Members, as follows:

1. Option 1 – Planning Committee approves the updated BLR for publication
2. Option 2 – Planning Committee decides not to approve the updated BLR for publication

5.0 **REASONS FOR RECOMMENDATION**

5.1 Option 1 is recommended as legislation requires all LPAs to publish an annual update to their BLR. For South Holland District this will need to be published before the end of 2018.

5.2 Option 2 is not recommended, as this would not enable the Council to comply with legislative requirements.

6.0 **EXPECTED BENEFITS**

6.1 The expected benefits of publishing the South Holland District BLR 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.

7.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

7.1 **Carbon Footprint / Environmental Issues**

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

7.2 **Constitutional & Legal**

7.2.1 Under the Town and Country Planning (Brownfield Land Register) Regulations 2017, there is a statutory requirement for the Council to publish a Brownfield Land Register and update this annually.

7.3 **Contracts**

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

7.4 **Corporate Priorities**

7.4.1 The matters raised in this report fall within the following corporate priority:

“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.

7.5 Crime and Disorder

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

7.6 Equality and Diversity / Human Rights

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

7.7 Financial

7.7.1 Funding has been made available via government to local authorities to meet the burdens associated with preparing and publishing their brownfield land registers

7.7.2 No fee is payable to the Council for entering a site onto the BLR.

7.8 Health & Wellbeing

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

7.9 Reputation

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

7.10 Risk Management

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

7.11 Safeguarding

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

7.12 Staffing

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

7.13 Stakeholders / Constitution / Timescales

7.13.1 There is currently no statutory requirement to consult on the entry of sites into Part 1 of the register. The inclusion of sites with Part 2 of the register would require consultation to be undertaken as set out in the Regulations.

7.14 Transformation Programme

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

8.0 WARDS/COMMUNITIES AFFECTED

8.1 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.

9.0 ACRONYMS

9.1	BLR	Brownfield Land Register
	LPA	Local Planning Authority
	NPPF	National Planning Policy Framework (July 2018)
	PIP	Permission in Principle
	SHLAA	Strategic Housing Land Availability Assessment

Background papers:-

The Town and Country Planning (Brownfield Land Register) Regulations 2017:
<http://www.legislation.gov.uk/uksi/2017/403/made/data.pdf>

National Planning Practice Guidance (July 2017) for Brownfield Land Registers:
<https://www.gov.uk/guidance/brownfield-land-registers>

National Planning Practice Guidance (June 2018) for Permission in Principle
<https://www.gov.uk/guidance/permission-in-principle>

NPPF (July 2018) definition of Previously Developed Land (in Annex 2):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Brownfield Land Registers Data Standard (July 2017):
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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Key Decision: No

Exempt Decision: No

Appendices attached to this report:

Appendix A Updated Part 1 of the South Holland District Brownfield Land Register
Appendix B Site location plans for sites included in Part 1 of the Brownfield Land Register