

Brownfield Land Register 2020



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1 Introduction

- 1.1 Rochford District Council has prepared a Brownfield Land Register in accordance with the Housing and Planning Act 2016, which introduced a new requirement for local planning authorities (LPAs) to maintain and update annually a register of brownfield sites that are suitable for residential development within their local authority area.
- 1.2 The Council's Brownfield Land Register was first published in January 2018. This iteration forms the second annual update of the Register, taking into account any changes to site eligibility since the publication of the first update of the Register.
- 1.3 The Housing and Planning Act 2016 was subsequently followed by the Town and Country Planning (Brownfield Land Register) Regulations 2017, which sets out the technical requirements of each local planning authority's register, in terms of content and process.
- 1.4 Brownfield land is commonly also referred to as 'previously developed land.' The definition of previously developed land, as set out in Annex 2 to the National Planning Policy Framework (NPPF), is:
- "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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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."*
- 1.5 A Brownfield Land Register consists of two parts. Part 1 provides a comprehensive list of all brownfield sites in a local authority area which are considered to be suitable for housing development, irrespective of planning status. Part 2 comprises a list of those sites from Part 1 that the local planning authority has determined are suitable for a grant of permission in principle for residential development. Part 2 of the Register is optional and the Council has opted not to prepare one at this time.

2 Methodology

- 2.1 Each local planning authority is required to prepare their Brownfield Land Register in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017 (hereafter 'the 2017 Regulations').
- 2.2 For a site to be included within the Brownfield Land Register, it must:
- Meet the definition of Previously Developed Land, as set out in Annex 2 to the NPPF;
 - Have a site area of at least 0.25 hectares **OR** be capable of supporting at least 5 dwellings;
 - Be considered suitable for residential development (i.e. development on the site complies, or is likely to comply, with local and national planning policies); and
 - Be considered available for residential development (i.e. on best information, the landowner/developer is willing to develop the site); and
 - Be considered achievable for residential development (i.e. on best information, it would be viable to develop the site within 15 years);
- 2.3 Suitable for residential development is taken to mean that the land at the entry date has been allocated in a local development plan document for residential development; has planning permission for residential development; has a grant of permission in principle for residential development; or is, in the opinion of the local planning authority, appropriate for residential development, having regard to any adverse impact on the natural environment; the local built environment, including in particular on heritage assets; any adverse impact on the local amenity which such development might cause for intended occupiers of the development or for occupiers of neighbouring properties; and any relevant representations received.
- 2.4 Available for residential development is taken to mean the relevant owner (or, where there is more than one, all the relevant owners), has expressed an intention to sell or develop the land and at a date not more than 21 days before the entry date there is no evidence indicating a change to that intention, having regard to any information publicly available on that date; and any relevant representations received; the developer has expressed an intention to develop the land and at a date not more than 21 days before the entry date there is no evidence indicating a change to that intention, having regard to any information publicly available on that date; and any relevant representations received; or in the opinion of the local authority there are no issues relating to the ownership of the land or other legal impediments which might prevent residential development of the land taking place, having regard to any information publicly available on that date; and any relevant representations received.
- 2.5 Achievable for residential development is taken to mean that, in the opinion of the local planning authority, the development is likely to take place within 15 years of the entry date, having regard to any information publicly available; and any relevant representations received.

- 2.6 Alongside these regulations, the Government has also introduced a data standard¹ and accompanying template which each Brownfield Land Register must accord with. The purpose of this standard is to ensure that each local authority's Registers are comparable, and that information is therefore able to be aggregated simply. The Council's Brownfield Register is therefore laid out in the format prescribed by this data standard and template.
- 2.7 Information on the planning history of each site was collected using the Council's internal document management and planning application management systems, and monitoring records. Geographic information on each site was collected using the Council's GIS system.
- 2.8 In November 2017, the Council prepared and published a Strategic Housing and Employment Land Availability Assessment (SHELAA) which itself assessed the suitability, availability and achievability of identified sites for both residential and employment-led development. The SHELAA was undertaken in accordance with the standard methodology set out in the Planning Practice Guidance (PPG), and has been used to inform the preparation of this Brownfield Land Register.
- 2.9 It should be noted however that the methodology of the SHELAA differs slightly from the methodology set out in the 2017 Regulations, and that therefore the amount of brownfield land identified may differ between these two documents.
- 2.10 For example, when preparing its SHELAA, the Council included sites which were smaller than 0.25 hectares, or capable of providing fewer than 5 dwellings, on the basis that such sites had historically made a significant, positive contribution to the District's housing supply. Previous land availability assessments also include sites which no longer meet the tests of availability, but which could reasonably come forward for development in the future. These sites are not eligible for inclusion on the Brownfield Land Register given they fail to meet the criteria set out in the 2017 Regulations. As a result, this Brownfield Land Register should be read in conjunction with the Council's latest Authority Monitoring Report² (AMR) for a full and comprehensive picture of expected future housing delivery on brownfield sites.
- 2.11 In estimating the capacity of sites on the Register, the Council has used the number of dwellings already consented, the number of dwellings a site is allocated for, or, in cases where a site is neither allocated in the development plan nor benefitting from planning permission, has applied a density assumption of a minimum of 30 dwellings per hectare. These density assumptions are without prejudice to the detailed considerations required through a planning application. It is possible that a higher or lower density could be justified through a planning application, such as town centre sites benefitting from good public transport links.
- 2.12 This is particularly relevant where a site falls within the extent of the Metropolitan Green Belt, where the provisions of Paragraph 145(g) of the NPPF would apply. This states that limited infilling or the partial or complete redevelopment of previously developed land in the Green Belt would not be inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing

¹ <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>

² <https://www.rochford.gov.uk/authority-monitoring-report>

development; or would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In estimating the capacity of previously developed sites within the Green Belt, the Council has applied the steps in Paragraph 2.11 above but has not formed a view on whether the capacity would confirm with the requirements of Paragraph 145(g) of the NPPF, i.e. whether the estimated capacity stated in the Register would have a greater impact on the openness of the Green Belt than the existing development.

- 2.13 Given the provisions of Paragraphs 2.11 and 2.12 above, the estimated capacity of sites in the Register is without prejudice to further consideration of each site's appropriate capacity through a planning application (save for those sites which already benefit from an extant planning permission). These estimated capacities should therefore not be relied upon in the absence of formal pre-application advice or planning permission.
- 2.14 It is intended that the Brownfield Land Register will be updated and reviewed annually, in line with Government requirements, and any future changes in site suitability, availability or achievability will therefore be reflected in future iterations of the Register. The contents of the Register are accurate at the time of publication but should not be relied upon in perpetuity.

3 Summary of Key Findings

- 3.1 The Council has identified 23 sites which it considers:
- Meet the definition of Previously Developed Land, as set out in Annex 2 to the NPPF;
 - Are at least 0.25 hectares in size **OR** capable of providing 5 or more dwellings;
 - Are suitable for residential development;
 - On best information, are available for residential development; and
 - On best information, are achievable for residential development.
- 3.2 These 23 sites are considered to hold capacity to deliver a minimum of 707 dwellings over the next 15 years, and comprise a mix of brownfield sites allocated for residential development in the Council's current local development plan, brownfield sites which currently have planning permission for residential development, and brownfield sites which are considered to be suitable for future planning permissions for residential development.
- 3.3 Table 1 below sets out the identified number of sites and capacity scenarios for these sites over a 15-year period.

Table 1: Capacity Scenarios of Brownfield sites over next 15 years

	0-5 years	5-15 years
Number of sites	8	15
Minimum number of dwellings	297	410
Maximum number of dwellings	332	552

Appendix A – Summary of changes made since 2019 Brownfield Land Register

- 1.1 The review consisted of identifying and removing sites which were no longer available for development due to being in the process of being built out or completed. These sites included sites detailed in the Allocations Plan, identified from the SHELAA and from monitoring data. A review of which permissions had been granted in the last monitoring year (April 2018 – March 2019) and determining whether nominated sites were eligible for inclusion was also undertaken.

Table 2: List of sites removed from Brownfield Register

Planning Ref. No.	Site Address	Site Size (Ha)	Development Description	Reason for Removal from Register
15/00526/FUL	Scout Hall adjacent 11 Love Lane, Rayleigh	0.03	5no. 1-bedroom flats	Under construction
15/00855/FUL	6 North Street, Rochford	0.04	6 flats	Built out
16/00939/FUL	Garage Block, The Evergreens, Kimberley Road, Little Wakering	0.05	1no. 1-bedroom flat and 5no. 2-bedroom flats	Under construction
17/00928/COU	Kings Head Public House, 11 West Street, Rochford	0.01	11 bedsits and 3 shop units	Under construction
18/00120/FUL	69 High Street, Great Wakering	0.16	4 flats and 4 houses	Under construction

- 1.2 Sites which have received planning permission since 31st March 2019 have also been reviewed at the time of preparing this report, and where they meet the Brownfield Register eligibility criteria, have been included in the Register.

Table 3: New sites added to the Brownfield Register

Ref. No.	Site Address	Site Size (Ha)	Development Description
18/01144/OUT	41 Crown Hill, Rayleigh	0.07	Outline application with all matters reserved for demolition of existing dwelling and construction of 2 storey building for 5 flats
17/00750/FUL	Brandy Hole Yacht Club, Kingsman Farm Road, Hullbridge	1.03	Demolition of existing holiday home caravans and erect 14no. 2-bed raised dwellings
19/00233/FUL	87 Canewdon View Road, Ashingdon	1.52	Demolish existing buildings on site and construct 5, 3 bed bungalows

17/00488/FUL	Land Rear of 12 To 26 Eastwood Road, Rayleigh	0.36	Demolish existing buildings and construct development of 41, 2 bed flats
N/A	190 Lower Road, Hullbridge	0.52	-
N/A	Rayleigh Garden Centre, Eastwood Road, Rayleigh	1.02	-

Table 4: Summary of Changes Made to Register as part of review

	Number of sites	Area (Ha)	Minimum housing capacity
Total (2020)	23	29.4	707
Total (2019)	20	23	690
Change (Totals)	+3	+6.4	+17
Change (%)	+15	+27.8	+2.5

*The total housing capacity of the Council's Brownfield Register that has been reviewed is 668 homes. This figure has been used in assessing the proportion of homes that are newly identified.

- 1.3 Table 4 above shows that the total area of sites has increased by approximately 28% due to new additions of brownfield land being identified from monitoring data and recently received planning applications.
- 1.4 Part 1 of the Council's Brownfield Land Register is set out in the accompanying spreadsheet.