

## APPENDIX 2



# **CHESHIRE EAST COUNCIL**

## **PART 1 BROWNFIELD LAND REGISTER METHODOLOGY 2018**

**(Base Date 31 March 2018)**

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## **1. Introduction**

1.1 The Brownfield Land Register (BLR) is a publicly available list of brownfield land which is suitable for residential led development. The Council is required to update the BLR at least once a year. The Council previously published its first BLR in December 2017.

1.2 The [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) sets out detailed requirements for preparing, maintaining and publishing a BLR.

1.3 The BLR can consist of two parts:

- Part 1. This comprises all brownfield sites that meet the criteria set out in the Brownfield Land Regulations. This list will include sites with planning permission as well as sites without planning permission that meet the criteria.
- Part 2. This is an optional subset of the BLR and will comprise only those sites in Part 1 that the Council has decided would be suitable for a grant of Permission in Principle (PIP) for housing-led development after undertaking the necessary requirements for publicity, notification and consultation. A PIP is similar to an outline permission. A Technical Details Consent is required in order for the site to be developed. The Town & Country Planning (Permission in Principle) Order 2017 sets out the detailed requirements for PIPs. National Planning Practice Guidance on PIPs provides further information.

1.5 The BLR is published in the format prescribed by the Government ([Brownfield Land Register Data Standard](#)).

## **2. Site information sources**

2.1 The BLR is updated annually. Site information sources reviewed for the annual publication comprise of:

- Sites with extant planning permission, or a resolution to grant for residential led development for at least five dwellings (net) or more than 0.25 hectares in size<sup>1</sup>
- Sites with planning permission in principle for residential led development (directly submitted through an application)
- Sites allocated for residential led development in the Cheshire East Local Plan Strategy
- Sites subject to Local Development Orders
- Site submissions received through received through the BLR Call for Sites/ site submission process and assessed as being suitable, available and achievable for residential led development following a staged site assessment.

2.2 Checks are made to ensure that there is no duplication between information sources. A cut off date is also applied for sites to be included within the Register. For planning permissions, this is the 31 March each year as this aligns with the production of the Council's Annual Housing Monitoring Update Report. For those sites without planning permission, submitted to the council for consideration for inclusion in the Brownfield Land Register, a cut of date of the 31st August 2018 was used.

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<sup>1</sup> Excluding sites that are under construction or where construction has started but stalled as these would not be considered 'available' for the purposes of the register

### Extant planning permissions

- 2.3 The BLR is updated annually and its production follows the publication of the Council's Annual Housing Monitoring Update Report as this provides a complete list of sites with planning permission to a base date of the 31 March. Brownfield sites with extant planning permission at the 31 March 2018 for at least 5 dwellings (net) or sites of more than 0.25 hectares are included within the updated register.
- 2.4 Any sites with planning permission that were included in the previous BLR are reviewed. Any sites that no longer meet the criteria for inclusion are removed and new sites are entered where it is appropriate to do so. Sites with planning permission for C2 (Residential Institutions) providing bedspaces, are not included within the Register as these are not considered to be available for the provision of dwellings.
- 2.5 All sites where the planning permission had lapsed on or before the 31 March 2018 are removed from the register. Any sites which are under construction are also removed from the Register. This is on the basis that these sites are no longer being available for the purposes of the register as required by Regulation 4(1)(c).

### Sites with planning permission in principle

- 2.6 At this time the Council does not intend to produce a Part 2 Register. Direct applications can however be made for planning permission in principle (pip). Any sites that are granted pip are automatically placed on the Part 2 Register. At the time of writing there had been no direct applications made for pip.

### Sites allocated in the Development Plan

- 2.7 Any brownfield sites allocated within the Cheshire East Local Plan Strategy that are not currently under construction are included within the BLR as they are deemed to be suitable, available and achievable.
- 2.8 The following allocated sites contain qualifying areas of brownfield land and are included within the BLR:
- LPS 14: Fence Avenue, Macclesfield
  - LPS21: Twyford and Cardway, Alsager (southern site)

### Brownfield Sites subject to Local Development Orders

- 2.9 The previous BLR included two sites with draft Local Development Orders namely:
- Whalley Hayes, Macclesfield: 65 dwellings
  - Northside, Macclesfield: 29 dwellings

- 2.10 Both sites are considered to meet the criteria for inclusion within the BLR.

### Sites submitted to the Council through the BLR Call for Sites

- 2.11 The Council carried out a 'call for sites' during June 2018 when landowners, developers and interested parties were invited to submit sites for consideration for inclusion in the updated register. All sites submitted on or before the 31 July 2018 have been assessed for inclusion within the annual update of the BLR.

### Strategic Housing Land Availability Assessment (SHLAA) sites

- 2.12 Government guidance states that local planning authorities should utilise work undertaken as part of the Strategic Housing Land

Availability Assessment (SHLAA) process to identify potential sites for inclusion within the BLR. In many cases, the BLR will effectively be a subset of the SHLAA.

- 2.13 Given that the Council's SHLAA was last published in 2012, any evidence that was considered at that time to support site assessment is likely to be out of date. Without updated evidence it is difficult to assess whether the site remains suitable, available and achievable in accordance with the Regulations. Therefore at this time, an assessment of SHLAA sites has not been undertaken for the annual review. Future updates of the SHLAA would be utilised for the purposes of preparing the BLR.

### **3. Site assessment methodology**

- 3.1 Sites must be considered suitable, achievable and available for residential led development to be included in the Part 1 Register. All sites that:

- Have planning permission, or a resolution to grant,
- Are allocated in a development plan;
- Are subject to Local Development Orders

are considered suitable, achievable and available provided that they pass the initial stage 1 screening criteria, listed below.

- 3.2 Sites submitted through the Brownfield Land Register Call for Sites are subject to further staged assessment of their suitability, availability and achievability. The screening process is identified below:

#### **Stage 1 Screening**

- 3.3 All sites will be initially screened (desk top exercise) using the following initial criteria:

- The site must contain at least 0.25 hectares of brownfield land or be brownfield land that is capable of supporting at least 5 dwellings;
- The site must be available for residential led development
- The site must be achievable for residential development within 15 years

3.4 Brownfield land has the same definition as previously developed land. This is defined in the National Planning Policy Framework as:

*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.*

3.5 Where a site includes greenfield land within the curtilage, this will be excluded from the site area.

3.6 Where the lawful use is unclear from the planning history of the site, for example where submission form suggests that agricultural buildings are in alternative commercial uses, or where insufficient information has been provided to identify which parts of a site meet the definition of brownfield land, these sites will be sifted out. It is not the purpose of a Brownfield Land Register to establish lawfulness of uses. The appropriate mechanism for doing so would be the submission of an application for a lawful development certificate.



- 3.7 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 do not meet the definition of previously developed land and will also be sifted out at this stage.
- 3.8 If a site contains only partial areas of brownfield land, the site area will be recalculated. If the remaining area falls below the site size thresholds above or the remaining brownfield land parcels would not form a cohesive development site, the site will be sifted out.

### **Stage 2 Screening**

- 3.9 Sites without planning permission that have been submitted to the Council for consideration for inclusion within the BLR which meet the requirements of stage 1, will then be subject to further assessment in terms of whether residential led development would be suitable and thereby:
- Consistent with the National Planning Policy Framework
  - Consistent with the development plan
  - Consistent with emerging development plan documents
  - Compatible with neighbouring land uses
  - Appropriate in relation to information available within the planning history (including past permissions, refusals and pre-application advice)
- 3.10 Planning policy considerations will include both the loss of the existing use and the residential-led use(s). For example, where a site is in active employment or community use, the assessment of the suitability of the site for residential development would require detailed assessment in terms of the loss of the existing use. A precautionary approach will be followed and any site will be excluded where the proposed use could conflict with national policy or the development

plan, or where the planning history suggests that the site may not be suitable for residential led development.

- 3.11 Stage 2 screening will also include an assessment of any designations or constraints that could affect the suitability of the site for residential led development. Sites will be screened out if any of the circumstances below apply, unless there is clear evidence for example, a recently lapsed planning permission that suggests that residential led development may be acceptable:

The site:

- Is within the Green Belt
- Is within a Strategic Green Gap
- Is within the Jodrell Bank Consultation Zone
- Is within an Air Quality Management Area
- Contains land falling within Flood Risk Zones 3a and 3b
- Contains or is situated adjacent to a designated site of biodiversity or geodiversity value
- Contains or is situated close to a landfill site
- Is within a Hazardous Consultation Zone
- Contains open space, allotments or indoor/outdoor recreation facilities including playing fields
- Falls within an area designated as an Area of Special County Value
- Contains ancient woodland or ancient or veteran trees
- Contains group or individual Tree Preservation Orders
- Falls in whole or part, within a Registered Battlefield or Registered Park and Garden
- Contains a listed building or is adjacent to a listed building

- 3.12 These are highly important planning matters that would require further assessment and have the potential to go to the heart of whether a site can properly be described as suitable for residential led development.
- 3.13 A list of the sites submitted to the Council with the stage 1 & 2 screening outcome is attached at Appendix 1. In the event that a site is not included within the BLR, this does not preclude the direct submission of an application for planning permission for the site or for planning permission in principle. Nor does the decision not to include a site within the BLR infer that planning permission would not subsequently be granted for residential development should an application be made. The submission of a planning application would enable a more detailed assessment of the suitability of the site for residential-led development than can be achieved through the BLR site assessment process.

### **Stage 3**

- 3.14 A proforma will be completed for those sites submitted for consideration for inclusion in the BLR which pass stage 1 and stage 2 screening. An initial dwelling capacity figure or range will be established based on a combination of the information gathered and or/ a density multiplier of 30 dwellings per hectare applied. The site proformas are attached at Appendix 2.

## **4 Conclusions**

- 4.1 Based on the above methodology, Part 1 of the Brownfield Register contains a total of 68 sites. 62 sites have planning permission or a resolution to grant planning permission, 2 sites are allocated in the CELPS, 2 are LDO's and 2 sites do not have planning permission but are assessed as suitable, available and achievable for residential led development.