



**Arun District Council**

**Brownfield Land Register (Part 1)**

**February 2019**

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## 1.0 Introduction

- 1.1 The Government is seeking to maximise the numbers of new homes built on brownfield land. The Town & Country Planning (Brownfield Land Register) Regulations, 2017 introduced a duty for local planning authorities to prepare, maintain and publish a register of brownfield land within their areas and introduced permission in principle (PiP) as a new route to obtaining planning permission for these sites.
- 1.2 The aim of the Brownfield Land Register is to ensure standardised information and data about brownfield land that is suitable and available for residential development, is made accessible nationally and is kept up-to-date. The Government envisages that this will improve the quality and consistency of data held by local planning authorities, which will help to provide certainty for developers and communities, encouraging investment in local areas.
- 1.3 Brownfield land registers also offer the potential for granting permission in principle (PiP) on suitable sites. Where sites are granted a PiP, it must then be followed by an application for Technical Detail Consent (TDC) to agree the details of the scheme before obtaining full planning permission.
- 1.4 The sites which make it onto the Brownfield Land Register for Arun District have been included in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017 (referred to as 'The Regulations' in this document). Further information on the requirements are set out later in this document. It should be noted that Brownfield Land Registers include all brownfield sites that are suitable for residential development irrespective of their planning status however, their inclusion in Part 1 of the register does not automatically mean that a site will gain planning consent for residential use.
- 1.5 The Brownfield Land Register complements intentions set out in the National Planning Policy Framework (NPPF 2018) which encourages the effective use of land in meeting the need for homes and other uses, including making as much use as possible of previously-developed or 'brownfield' land. In addition, the strategy and policies of the adopted Arun Local Plan 2011-2031 seeks to minimise impacts on the countryside and environment and encourages, where possible, for development to make best use of available brownfield land and buildings, provided that it is not of high environmental value.

## 2.0 **Brownfield Land Register Requirements**

### ***Definition of previously developed land (PDL)***

- 2.1 Annex 2 of the National Planning Policy Framework (NPPF 2018) sets the definition of “previously developed land” 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.”*

The Planning Policy Guidance confirms that in relation to the production of Brownfield Land Registers, LPA’s must use the definition contained within the NPPF 2018. Previously developed land is referred to as brownfield land. Sites must meet this definition to be included within the Brownfield Register.

- 2.2 Registers must be kept in two parts:

**Part 1:** Comprises all brownfield sites that meet the criteria set out in the Brownfield Land Regulations. These sites have been assessed by the Local Planning Authority as being appropriate for residential development. This list will include sites with current full planning permission, outline planning permission or permission in principle, which are non-implemented, as well as sites without planning permission that meet the criteria.

**Part 2:** Is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the Local Planning Authority has decided that the land would be suitable for a grant of PiP for residential development. If a site is considered to be suitable for inclusion in Part 2 there are several steps that the legislation requires must be followed. If no sites are considered to meet the criteria for permission in principle, the Part 2 of the Brownfield register can be left empty.

- 2.3 Arun District Council will publish the Brownfield Land Register on the Council’s website. This will be in the ‘open data’ spreadsheet format requested by the Government. It is a requirement of the Brownfield Land Register regulations that the registers are reviewed at least annually to ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered if it is appropriate to do so. Windfall sites should be included in the register as part of this process where they meet the brownfield land criteria.

### ***Criteria for inclusion in Brownfield Land Registers (Part 1)***

- 2.4 Sites included within Part 1 of the Brownfield Land Register are required to meet the following criteria (as set out in Regulation 4 of the 2017 Regulations):

1. **Size:** The site must be 0.25 hectares or larger, or capable of supporting at least 5 dwellings;
2. **Suitable:** The site is considered suitable for inclusion on the register if the land is allocated in a development plan document (e.g. a Local Plan), has planning permission or PiP for residential development. The land may also be included on the register if the Local Planning Authority considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment, including heritage assets in particular, local amenity and any relevant representations received (i.e. from third parties);
3. **Available:** Sites are considered to be available for development if either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owners) the site and not more than 21 days before the entry date on the register, there is no evidence indicating a change to that intention; or the Local Planning Authority considers that there are no ownership or other legal matters that might prevent residential development taking place, having regard to information publically available on the date of assessment and any relevant representations received.
4. **Achievable:** Based on publically available information and any relevant representations received, an achievable site is a site which, in the planning authority's opinion is likely to take place within 15 years of the entry date.

### ***Brownfield Land Registers and Permission in Principle (Part 2)***

- 2.4 The inclusion of a site on Part 1 of a register does not mean it will automatically be granted planning permission or permission in principle. It is, however, possible for Local Planning Authorities to enter sites on Part 2 of the register which will trigger a grant of permission in principle. Sites suitable for residential-led development can only be included on Part 2 of the Brownfield Land Register after consultation and publicity requirements, and other procedures set out in the regulations have been met, (including Screening the site against the EIA requirements, if necessary), and the Council remains of the opinion that permission in principle should be granted.
- 2.5 Sites listed on Part 2 of the Brownfield Land Register will be granted "permission in principle" (PiP) for residential-led development. PiP will settle the fundamental principles of development (use, location, amount of development) for the brownfield site giving developers/applicants more certainty that development can come forward on the site. PiP will be granted for the provision of dwellings falling within the range specified in the relevant entry in Part 2 and for any non-residential development described in the entry.
- 2.6 A developer will not be able to proceed with development, until they have also obtained "*Technical Details Consent*" (TDC). Technical Details Consent will assess the detailed development design, ensuring appropriate mitigation of impacts and contributions to essential infrastructure are secured. Both the PiP and the TDC stages must be determined in accordance with the local development plan, the National Planning Policy Framework (NPPF) and other material considerations.

### **3.0 Arun District Council Brownfield Land Register**

- 3.1 This section of the report comprises Part 1 of the Brownfield Land Register for Arun District Council, listing all sites considered to be suitable, available and achievable for residential development in accordance with the criteria listed under Regulation 4 of the Brownfield Land Register Regulations. The list includes sites that have already been granted full or outline permission. The list does not currently include any sites granted “permission in principle” (PiP). The Council will not be publishing entries in Part 2 of the brownfield Register in 2018, but will review the register in 2019 to consider whether any grant of PiP would be appropriate.

#### ***Methodology***

- 3.2 A key component of the evidence base for this work is the local authority’s Housing & Economic Land Availability Assessment (HELAA) together with planning application data and the Council’s Local Plan evidence documentation. The HELAA presents a strategic picture of the availability and potential suitability of land within Arun District for development. Further, it attempts to establish realistic assumptions about the number of homes and amount of economic development that this land could yield and the timeframe within which this might come forward.
- 3.3 The HELAA database was used as a starting point to identify sites for inclusion in the Arun Brownfield Land Register in 2017 and is part of the same process in 2018. The Council has already established a method of identifying sites through the HELAA process and undertook a ‘Call for Sites’ for both the HELAA and the Brownfield Land Register in May / June 2018. There is no legal requirement for Local planning authorities to undertake consultation on sites they propose to include within Part 1 of Brownfield Land Registers. It is therefore considered that an additional ‘Call for Sites’ was not required for the preparation of Part 1.
- 3.4 The HELAA database was interrogated to identify all previously developed land over 0.25ha or considered suitable to accommodate five or more units. This includes sites without planning permission, sites with planning permission that have not been implemented (as per paragraph 010 of the Planning Practice Guidance (PPG)). The cut-off date for the search for sites was 30 November 2018 in order to prepare the HELAA update for publication. If a site has planning permission for 5 or more dwellings (and meets the criteria set out in the Brownfield Land Register Regulations), then the site has been included. However, if brownfield sites under the size and quantity threshold are still suitable, available and achievable for residential development they may still be included in Part 1 of the register (as per Regulation 5 (3) of the Brownfield Land Register Regulations and paragraph 018 of the PPG).

#### ***Assessment of Sites***

- 3.6 The Council reviewed the list of HELAA, sites to determine which sites are considered to be suitable, available and achievable, when considered against the requirements of Paragraph 4 of the Brownfield Land Register Regulations. A number of considerations were taken into account as follows:

### ***Sites including greenfield and brownfield land***

- 3.7 Greenfield land is not appropriate for inclusion in the Brownfield Land Register. Where a potential site includes Greenfield land within the boundary, the Council has considered whether the site falls within the definition of previously developed (brownfield) land in the NPPF 2018 (as set out in para 2.1 above). Only the brownfield element of any mixed sites has been included in Part 1 of the register and may subsequently be considered for permission in principle.

### ***Cross Boundary Issues***

- 3.8 Brownfield sites that straddle local authority boundaries can be included in Brownfield Land Registers provided that they have been assessed against the relevant criteria. At the current time no sites spanning local authority boundaries were identified and none are therefore included within the Arun Brownfield Land Register 2018.

### ***Assessment of Site Suitability***

- 3.9 In addition to the criteria set out in Regulation 4 which define site suitability, Regulation 14A(7) of the Planning & Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) also requires that when preparing registers of Land, Local Planning Authorities must also have regard to:

*(a) the development plan (the adopted Arun Local Plan 2011-2031 and 'made' Neighbourhood Development Plans);*

*(b) national policies and advice (e.g. NPPF, Planning Practice Guidance);*

*(c) any guidance issued by the Secretary of State.*

This requirement means that in addition to the site suitability criteria as set out in the regulations, the Policies in the adopted Arun Local Plan 2011-2031, 'made' Neighbourhood Development Plans and the National Planning Policy Framework and Planning Practice Guidance are also relevant. Therefore, when considering sites for inclusion in the Brownfield Land Register a 'policy on' approach has been applied. This differs from the HELAA to which a 'policy off' approach has been applied.

### ***Register***

- 3.10 The full list of the Council's Brownfield Land Register 2018 is set out in the 'Table Part 1: Arun District Brownfield Land Register' below. The table includes sites which do not have planning permission (including allocated sites and sites within 'made' Neighbourhood Development Plans) and sites with planning permission which have not yet been implemented, at the time of this report preparation. All of these sites are also included in the HELAA (November 2018).
- 3.11 It is important to note that the entries in the Brownfield Land Register (Part 1) have been only been referenced with HELAA references to enable ease of cross-

referencing. Each site within the table includes a justification as to why it has been included in the Brownfield Register (Part 1).

- 3.12 Maps for the brownfield land sites without planning permission have been produced and are accessible via the Council's website at <https://www.arun.gov.uk/helaa>. However, sites with planning permission are already available showing location plans and site information, via the Council's application search page (<https://www.arun.gov.uk/weekly-lists>). The information can be accessed by typing in the planning application reference. Relevant information is contained in the 5<sup>th</sup> column of the table.

### **Online Register**

- 3.13 Accompanying this report is an online register of all of sites listed in the table below. This register has been compiled in accordance with the Brownfield Land Register data standard published by the Department for Communities, Housing and Local Government (DHCLG) and is a standardized open data spreadsheet with a consistent structure that will enable the information to be analysed by data analysis software. Local planning authorities are encouraged to make their registers available in this format so that they can easily meet the requirements of any request for information issued by the Secretary of State. The Government intends to use this data to develop a more comprehensive understanding about the location and capacity of brownfield land suitable for development in the UK.



**Table - Part 1: Arun District Brownfield Land Register**

HELAA Ref. No.	Site Name / Address	Site area (ha)	No. of dwellings	Justification for inclusion in the Brownfield Land Register (Part 1)
A1513	Chandlers BMW Site, Water Lane, Angmering	0.5	18 - 20	The site is located within a suitable part of Angmering, near the centre of the village. It has been vacated by BMW who have relocated, and it is considered to be brownfield. In addition, it is considered suitable as an Angmering Neighbourhood housing allocation site. The site has a recent planning history associated with it. As a consequence, it is considered available for development. Although the Local Plan Viability Assessment 2016 would appear to make this site unviable, the presence of an application and interest from developers indicates developers are keen to take this site forward.
HP3	S & G Motors, Arundel Road, Walberton	0.75	26 - 28	The site has been included within the Walberton Neighbourhood plan. The plan considers the site as suitable only for 12 units of sheltered accommodation, 8 affordable or starter homes along with 8 full market homes. The site is considered available as it has been considered as part of the Neighbourhood Plan Process. Primary land owner confirms that the site is available and that a planning application could be submitted to the Council shortly.
LU33	Patterson Wilson Road, Littlehampton	0.54	14 - 16	The site is located within the built up area within close proximity to local services. In

				<p>addition, it is considered suitable as it has been allocated by the neighbourhood plan for housing and a business incubator. There is potential for the site to become available in 2018 or early 2019 so the yields reflect this. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.</p>
LU33a	Meadowfield House, Littlehampton	0.35	11 - 13	<p>The site is located within the built up area within close proximity to local services. In addition, it is considered suitable as it has been allocated by the neighbourhood plan for housing and a business incubator. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable. Promoted as 'deliverable' in 2018</p>
NEWBE10	Bartons County Infants School, Romney Broadwalk, Bersted	0.59	15 - 17	<p>This land was used as a school, owned by WSCC. The school has moved to a new site and WSCC has indicated that it will seek to develop the site once it is available. The site was promoted as part of the May 2016 consultation. It is being used on a temporary basis by another school (until at least September 2019) while their accommodation is developed. Once the school has been relocated the site will be available. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.</p>
115	Electronic Sub Station, Ford Road, Arundel	0.43	36 - 38	<p>There may be some opportunity for part of the site to be used for housing as allocated</p>

				in the Arundel Neighbourhood Plan, subject to overcoming the setting of Arundel policy and appropriate flood alleviation. Site identified within flood zone 3a where an exception test needs to be passed to justify housing development. Arundel Town Council confirms land owner is in talks with national grid, through their agents Paribas to develop the site. According to the Local Plan Viability Assessment this site may not be viable, in addition there will likely be extra costs for flood alleviation.
BR19	Regis Centre Site, The Esplanade, Bognor Regis	1.57	90 – 100	The site is owned by Arun District Council and is identified in the Bognor Regis Masterplan. The site would be suitable in principle for development but development should be according to the BR Masterplan which allocates leisure and some mixed use for the site. Due to current economic conditions, it is uncertain when or exactly what type the development will be but estimated figures are approximately 160. The site is potentially available for development in the medium to long term. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.
NEWLU40	Former Hospital Site, Fitzalan Road/Church Street, Littlehampton	0.54	19	The location of the site is such that it is considered suitable for residential use - it has also been assessed in the neighbourhood plan as being suitable. Redevelopment of the site for residential

				uses would require assessment into the loss of the health facilities. Whilst the site has been allocated with the Neighbourhood Plan, there is no sign of availability at present. According to the Local Plan Viability Assessment 2016 this site is viable and achievable. Part of wider employment /regeneration of town and assessed for housing in LEGA Development Delivery Study 2016.
BR5	Hothampton Car Park, The Queensway, Bognor Regis	1.33	75 - 85	This site is owned by Arun District Council. Development could be suitable but subject to the Bognor Regis Masterplan which allocates some of this site for offices, health centre and open space. An element of residential may be appropriate. Student accommodation is also being considered. The site is potentially available for development in the medium to long term. The site is identified in the Bognor Regis Masterplan. Although the Local Plan Viability Assessment 2016 would appear to make this site unviable, the presence of an application indicates developers and the Council are keen to take this site forward. Site has been subject to a number of appeals.
PS12	St Martins Car Park & Former Waitrose, Littlehampton	2.2	65 – 75	The site is located in the centre of Littlehampton where there is good service provision and therefore is suitable for development. The location is such that it would be suited to a mixture of uses. In

				addition a substantial amount of existing employment floor space is currently vacant. The land is identified in the Littlehampton Economic Growth Area study and as a consequence is considered potentially available. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable. Pre application discussions Nov 2017
BR10	Covers, Richmond Road, Bognor Regis	1.19	32 - 34	The site is considered suitable for housing development in principle because of the characteristics of the site and its surrounding area. It has been identified in the Bognor Regis Neighbourhood Plan for mixed use development. There is no known policy or physical constraints preventing development, although the existing use would have to move and all of this area is subject to Bognor Regis Masterplan with regard to what will be located where. The site is not available at present and will not be until the current business can relocate and there is no indication when this might be. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.
17LU9	Littlehampton - West Bank	8.46	390 - 620	The Littlehampton Economic Growth Area Development Delivery Study June 2016 considers the site is suitable. It is considered viable and therefore achievable based on the detailed study by GL Hearn June 2016. PDL part of NEWLU38 site.

NEWLU38c	Works units at Gloucester Road and Howard Road, Littlehampton	0.35	12 - 14	The site is within the existing built up area within close proximity to services. The Littlehampton Economic Growth Area Development Delivery Study June 2016 considers the site is suitable. This is on the proviso that the existing commercial uses can be re-located elsewhere in the district. It is considered viable and therefore achievable based on the detailed study by GL Hearn June 2016. Some of this site appears available now as Permission recently granted for 10 flats (LU20516) in the top north east corner of the site.
P5408	St Ninians Church, Pagham	0.26	8 - 10	The site is considered suitable. Owners confirmed Oct 2016 that it is to remain as its current status - developable (in the longer term). From the information available, it is considered that there is a reasonable prospect that housing will be delivered on the site.
BR12	Car Park at London Road, Bognor Regis	0.33	19-21	This is a Council owned site in a sustainable location and is considered appropriate for development in the medium term. Pre application discussions in 2017.
NEWFG2	Land Rear of Henty Arms, Ferring Lane, Ferring	0.83	25	The site is in a sustainable location and has recently been promoted to the Council for development, therefore is considered appropriate for development. It is allocated in the Ferring Neighbourhood Plan for up to 14 homes. Henty Arms nominated as a Asset of Community Value 12/07/17

BR15515	The Royal Hotel, The Esplanade, Bognor Regis	0.06	7	BR/130/17/PL: Change of Use of hotel & function room/licensed bar (C1 Hotel) to 7No. dwellings (C3 Dwelling houses).
LU11108	The Locomotive Public House, Terminus Road, Littlehampton	0.03	9	LU/45/16/PL: 6 No. two bed & 3 No. one bed apartments with associated cycle & refuse storage
LU5515OUT	Land South of Littlehampton Academy, Littlehampton	2.42	68	LU/55/15/OUT has permission for 68 dwellings but not implemented. West Sussex County Council owners. Not started - 2018.
NEWWA15	Progress Garage, Yapton Lane, Walberton	0.17	6	WA/29/17/RES: Approval of reserved matters following outline consent WA/103/16/OUT for appearance, landscaping, layout & scale for erection of 6 No. dwelling houses & associated works.
Y2214	Land to west of Kings Close, Yapton	0.35	10	Y/56/15/OUT: Outline application for proposed mixed use development comprising 5 No.3 bedroom houses, 4 No. 2 bedroom houses & 1 No. 1 bedroom flat over car ports together with 4 No. B1 workshop/business units all with parking & access to main road via a redefined alignment of Kings Close & Highway improvement works at existing crossover. Reserved matters Y/74/17RES for 18 dwellings approved. Not started - 2018.
LU20516	C M Wood Body Repair Centre, Linden Park, Littlehampton	0.06	10	LU/205/16/PL: Demolition of existing workshop buildings & erection of 10 No. flats consisting 4 No. 2 bed flats & 6 No. 1

				bed flats.
M4516	Land West of Yapton Road (Poultry Farm), Middleton	0.55	13	M/45/16/PL: Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. Not started.
AL5817PL	Sack Lane Dairy, Sack Lane, Aldingbourne	0.26	5	AL/58/17/PL: Demolition of existing buildings, construction of 5 No. live / work units & creation of new pastureland.
18LU2	46a and 47 Pier Road and land north of Clifton Road, Littlehampton	0.6	8	LU/287/17/PL: Approved - Demolition of existing buildings, change of use & erection of 1 No. building incorporate office (B1) at ground floor & 8 No. dwellings at first and second floor level. Not started.
18LU1	The Tap and Barrel, 2-13 Duke Street, Littlehampton	0.06	9	LU/364/17/PL: approved - retention & conversion of former Public House building & the erection of two storey block to provide a total of 9 No. residential units with associated parking. Not started.
18LU3	90 & 91 South Terrace, Littlehampton	0.06	6	LU/328/18/PL: Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space.
AW13817PL	90 Rose Green Road Aldwick	0.23	5	Planning permission AW/138/17/PL granted for demolition of existing buildings and construction of 5 dwellings.
BN6916PL	Land East of Toll Cottage Lake Lane	0.38	5	Planning permission granted for 5 dwellings, access and ancillary works.



EP12117PL	16 Worthing Road East Preston	0.11	6	Planning permission granted for the construction of 6 new flats and associated external and storage. Not started - 2018.
LU24917PL	Directors Cottage Toddington Lane	0.15	5	Planning permission has been granted for 5 detached houses. Small site.
18R1	7 Sterling Parade The Street	0.05	5	R/87/17/PL Planning permission granted for second floor extension to build 4 No. dwellings and reconfigure existing flat.
R11	70 Woodlands Avenue Rustington	0.12	6	Planning Permission Aug 2017 for 6 apartments (net gain of 5 on a small site). Being demolished but not started - 2018.

## **4.0 Consultation and Review**

### **Consultation**

- 4.1 There is no legal requirement for Local planning authorities to undertake consultation on sites they propose to include within Part 1 of Brownfield Land Register. As the Council has already established a method of identifying sites through the HELAA process and carried out a 'Call for Sites' for both the HELAA and the Brownfield Land Register in May / June 2018, it is considered that an additional consultation / call for Sites is not required for the preparation of Part1.
- 4.2 The Council will review whether it is appropriate to include sites on Part 2 of the brownfield register (i.e. grant permission in principle) in 2019. However, a consultation period must take place prior to a publication of Part 2. Any such consultation will need to consult all relevant stakeholders and take account of all representations made and undertaken in accordance with the Brownfield Register Regulations
- 4.3 At the current time, the Council has not identified sites which are suitable for permission in principle and therefore Part 2 of the register will not contain any sites.

### **Review**

- 4.4 Local authorities will be required to review their registers at least once a year. Where land has been entered into the register but is found to no longer meets the criteria , the site will be removed from Part 1, and if applicable Part 2.
- 4.5 The Brownfield Land Register will be kept under review and published to a similar timetable as the review and update of the HELAA which provides a key information source, as far as this is practicable for efficiency. As part of the future review of the Brownfield Land Register, the Council will review existing sites, any new land which has been proposed for inclusion on the register, and will also consider whether it may be appropriate to include a site on part 2 of the register.