Junction 21 Local Development Order

October 2013

Introduction

This document has been produced as part of a public consultation on the Draft Junction 21 Local Development Order (LDO), proposed by North Somerset Council (the Council) at Weston-super-Mare. It sets out what is proposed and the procedural arrangements related to the consultation, and provides details of the following:

- A Statement of Reasons for making the LDO,
- A description of the types of development permitted,
- Plans detailing the areas to which the LDO relate.

What is a Local Development Order?

An LDO is a tool to simplify the planning requirements associated with certain types of development on specific identified sites. Although a well-established planning tool, the use of LDOs has been given a recent stimulus in the economic context and is considered a mechanism to support economic growth.

The LDO when adopted will give planning permission to specific uses as set out in the LDO, in designated areas as part of an approach to simplify planning requirements.

The Government have made significant changes to the General Permitted Development Order permitting various forms of development and changes of use. This has superseded many of the provisions considered for this LDO. The LDO is therefore intended to offer further flexibility in the context of this.

The Draft LDO can be viewed at the end of this document, and the Council are seeking your views on it ahead of its anticipated adoption in 2014.

Procedural arrangements

Consultation arrangements

The Town and Country Planning (Development Management Procedure) (England) Order 2010 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) set out the consultation arrangements which should be followed by a local planning authority in the preparation of an LDO. In order to meet these requirements, the Council will make available copies of the draft LDO and the accompanying statement of reasons (both within this consultation document) to members of the public and other consultees as required by the Development Management Procedure Order 2010. Copies of the draft LDO and statement of reasons will be available at the Council’s offices- Town Hall in Weston-super-Mare and...
Castlewood in Clevedon. Notice of consultation on the draft LDO will be made through a press release, by the display of site notices and on the Council’s website. Notice will also be served on any owner or tenant of any part of the site of the draft LDO (set out later in this document).

**Consultation dates and how to comment**

7 The consultation starts on Thursday 31 October 2013 and closes on Friday 29 November 2013. Comments can be made using the Council’s electronic consultation system or can be made via the following methods:

- By post to: North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ
- By email to planning.policy@n-somerset.gov.uk

8 This consultation document will be available to view online or at the following locations:

- Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ
- Castlewood, Tickenham Rd, Clevedon BS21 6FW

9 Following receipt of representations the Council will consider whether any amendments are required to the Draft LDO. A final LDO will then be prepared and procedures put in place for its adoption.

**Statement of Reasons**

10 The Council are required to provide a Statement of Reasons for making the Order. These are provided below.

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Overall objective
Remove planning restrictions in certain areas to stimulate economic growth.
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11 The LDO is intended to facilitate businesses in the proposed LDO area, carrying out certain development that would normally require planning permission. This is intended to simplify and expedite the process of development and provide certainty to businesses looking to invest. This in turn is expected to encourage employment growth, and economic growth in what remain challenging times for many businesses. This has the effect of removed risk, delay and cost from the process in order to facilitate effective development at the Junction 21 Enterprise Area (EA), complimenting efforts to increase business activity in Weston-super-Mare.

12 It is hoped that this, along with the Council’s employment –led strategy and other initiatives to stimulate development will encourage investment from both existing and new businesses.

**Description of development the order would permit;**
A single LDO is proposed comprising three parts which would have the effect of permitting the following development:

1: alteration of non-residential buildings within the LDO area.
2: changes of use within the designated LDO area.
3: alternative buildings to approved schemes.

The LDO parts relate to the areas set out in the plans below.

Which areas will the LDO relate to?

The LDO covers the areas identified in the plans below. As the LDO is split into three parts the plans show which parts of the LDO relate to the area delineated. It is considered that these areas would benefit most from the designation as key areas for business growth. The areas are all within the Junction 21 Enterprise Area and two sites relate to the proposed Weston Villages development, Westland Distribution Park and Weston Airfield Business Quarter.
Proposed Local Development Order Boundary
Weston Gateway Business Park
Relevant parts of LDO: 1 and 2

Proposed Local Development Order Boundary
Weston Gateway (South and Central Gate)
Relevant parts of LDO: 1, 2 and 3
Other matters

Adoption of the LDO and its time period
16 The LDO will be active from the day of its adoption for a period of three years upon which time the LDO will cease to apply. Development that has started within the period but has not finished prior to that date will be allowed to be completed. Similarly in instances where development has started and the LDO is revised or revoked, the development will be allowed to be completed.

Use of Planning Conditions
17 As normal procedure on the granting of planning permission, Conditions will be applied to ensure proposals carried out under the LDO are acceptable in planning terms. A series of Draft Conditions are provided with each LDO part.

Monitoring
18 The effects of the LDO will be closely monitored. Any adverse consequences may lead to revision or revocation of the LDO. Any such measures will be at the Councils discretion.

Other legislation
19 The LDO does not overrule the requirements associated with any other legislation including, but not limited to, Highways Acts, Environmental Protection Legislation, the Equality Act and the Building Regulations. Therefore the LDO does not remove the requirement for consents obtained through other such legislation.

Responding to the consultation
20 North Somerset Council welcome your response to this consultation. This should be made by midnight on Friday 29 November 2013 following the arrangements set out above.
Draft Local Development Order - parts 1, 2 and 3.

LDO- Part 1

ALTERATION OF NON-RESIDENTIAL BUILDINGS WITHIN THE DESIGNATED LDO AREA

Class A

Permitted development:

B. Development carried out within the curtilage of any building within the designated area consisting of,

(a) the erection, installation, replacement, construction, maintenance, improvement or other alteration of plant, equipment, machinery, sewers, main, pipe, cable or other apparatus,

(b) the provision, rearrangement or replacement of a private way,

(c) the erection or other alteration of lamp standards or other means of external illumination, shelters, fire alarms, refuse bin stores, and any other small ancillary structures or works required in connection with the use of the building.

Development not permitted:

B.1. Development described in Class B(a) is not permitted if-

(a) it would be sited forward of any wall of the existing building which fronts a highway, or

(b) any plant, equipment, machinery, works or structure would exceed a height of 6 metres above ground level or the height of anything replaced, whichever is the greater unless otherwise agreed in writing by the local planning authority prior to its installation or erection.

(c) the development would result in the net loss of vehicle parking, turning or maneuvering space unless otherwise agreed in writing by the local planning authority prior to its installation or erection

(d) the development would be on land which forms part of a landscaping scheme previously approved by the local planning authority unless otherwise agreed in writing by the local planning authority.

(e) any building or other structure exceeds 200 cubic metres in capacity
**Class C**

Permitted development:

C. Development consisting of—

(a) the provision of a hard surface within the curtilage of any building within the designated area; or

(b) the replacement in whole or in part of such a surface.

Conditions

C.2. Development is permitted by Class C subject to the following conditions—

1. where there is a risk of groundwater contamination the hard surface shall not be made of porous materials, or

2. provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the building in accordance with a drainage scheme which has been submitted to and approved by the local planning authority.

3. the development would not be on land which forms part of a landscaping scheme previously approved by the local planning authority unless otherwise agreed in writing by the local planning authority.

**LDO – Part 2**

**CHANGES OF USE WITHIN THE DESIGNATED LDO AREA**

**Class B**

B. Permitted development

Development consisting of a change of the use of a building—

(a) to a use for any purpose falling within Class B1 (business) of the Schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;

(b) to a use for any purpose falling within Class B2 (general industrial) of the Schedule to the Use Classes Order from any use
falling within Class B1 (business) or B8 (storage and distribution) of that Schedule;

(c) to a use for any purpose falling within Class A3 (Food and Drink), Class or D1 (b) (creche, day nursery or day centre) of the Schedule to the Use Classes Order from any use falling within Class B1 (business), Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;

B.1 Development not permitted

1. Development is not permitted by Class B (b) where the change is to a use falling within Class B2 of that Schedule, if the change of use relates to more than 200 square metres of floor space in the building.

2. Development is not permitted by Class B (b) unless a scheme for the control of any noise, vibration, smell, fumes, smoke, soot, ash, dust or grit which may arise from the B2 use has been submitted to and approved in writing by the local planning authority.

3. Development is not permitted by Class B (c) where the change is to a use falling within Class A3 or D1(b) if the change of use relates to more than 200 square metres of gross floor space in a building.

4. Development is not permitted by Class B (c) where the change is to a use falling within Class A3 or D1 (b) of that Schedule, if the change of use relates to a building any part of which lies within 400 metres of any part of the curtilage of a building within the same designated LDO area which is already in that use or has planning permission for purposes falling with Class A3 or Class D1 of that Schedule.

Conditions

Permission granted under class B (b) is subject to the following conditions

1. The use shall not commence until a scheme for the control of any noise, vibration, smell, fumes, smoke, soot, ash, dust or grit which may arise from the B2 use has been submitted to and approved in writing by the local planning authority. The use shall thereafter be operated in accordance with the approved scheme.

Permission granted under class B (d) is subject to the following conditions:
1i. The name of the operator of the business and the date on which the use is to commence shall be submitted in writing to the local planning authority in writing prior to the commencement of the use.

2. The permission hereby granted shall be limited only to the operator referred to in condition 1 above. When the premises cease to be occupied by this operator the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed unless otherwise agreed in writing by the local planning authority.

3. The permission hereby granted shall be for a limited period expiring 3 years from the date given in condition 1 above following which the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

4. The use shall not commence until a plan of the car parking and vehicular maneuvering space available to the users of the premises has been submitted to and approved by the local planning authority. The car parking and maneuvering space shown on the approved plan shall thereafter be kept available for parking and maneuvering of vehicles visiting the use hereby permitted.

LDO – Part 3.

ALTERNATIVE BUILDINGS TO APPROVED SCHEMES

Class C

Permitted development:

A. Within the designated area the erection of a building or buildings as an alternative to that which is the subject of an unexpired planning permission on the same land and for the same use permitted by that permission

Development not permitted:

A.1. Development is not permitted by Class C if—
(a) The total gross external floor area of the new building(s) exceeds the total gross external floor area of the building permitted in the unexpired permission.

(b) the use of the proposed building(s) falls within a different use class as defined by Town and Country Planning (Use Classes) Order 2007 (or any order replacing or re-enacting that Order) to that of the unexpired permission.

(c) a unilateral undertaking binding the developer and subsequent occupants of the land to carry out the same obligations, if any, as required under the terms of the unexpired permission has not been submitted to and agreed in writing by the local planning authority.

(d) a unilateral undertaking binding the developer and subsequent occupants of the land to carry not to carry out any works pursuant to the unexpired permission has not been submitted to and agreed in writing by the local planning authority.

Conditions

The permission hereby granted shall be subject to the following conditions:

1. Details of the access, appearance, landscaping, layout and scale of the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

2. The development shall be carried out in accordance with the approved details.

3. All works comprised in the approved details of landscaping shall be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

4. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

5. A plan for parking and manoeuvring of vehicles shall be submitted to and approved in writing prior to the commencement of development. The building(s) hereby approved shall not be occupied until car parking has been constructed and the parking spaces marked out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking or
manoeuvring of vehicles in connection with the development hereby approved.

6. The building(s) shall not be occupied until the cycle parking is provided in accordance with the plans to be submitted to and approved in writing by the local planning authority unless otherwise agreed in writing with the Local Planning Authority.

7. No development shall be commenced until foul and surface water drainage details together with a programme of implementation have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

9. The building(s) hereby approved shall be constructed to a minimum BREEAM standard rating of Excellent and thereafter a formal assessment following completion of any such building shall be undertaken by a licensed BREEAM assessor and a copy of the assessor's report along with the Certificate shall be submitted to the Local Planning Authority prior to the occupation of that building unless otherwise agreed in writing with the Local Planning Authority.

10. Details of any means of external illumination shall be submitted to and approved, in writing, by the Local Planning Authority before the building is occupied. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without the permission in writing of the Local Planning Authority.

11. No development shall be commenced until a flood risk assessment including provisions for integrating the proposed development into existing flood management arrangements has been submitted to and approved in writing by the Local Planning Authority.

12. Any works or actions arising from the Flood Risk Assessment approved under condition 11 which are required to be carried out to safeguard the development and its occupants from flooding shall be carried out in full accordance with a timetable to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Definitions:

“unexpired planning permission” a permission which is capable of being implemented as the time limit for commencement has not expired
and all conditions precedent have been discharged or is still live by virtue of lawful commencement.

“originally permitted” floorspace on outline permission

“the land” the original red line on the outline application

“unilateral undertaking” a legally binding obligation under Section106 of the Town and Country Planning Act.