Junction 21 Local Development Order (LDO)
Weston-super-Mare

Adopted 1 June 2014
“One of only five Enterprise Areas designated by the West of England Local Enterprise Partnership (LEP).”
Introduction

The Junction 21 Local Development Order (LDO) applies to a selection of employment sites within Junction 21 Enterprise Area (J21EA) at Weston-super-Mare. This summary sets out the context to the LDO, what it will permit and other related matters. In particular it provides:

- 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?

A 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 grants 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. The LDO is therefore intended to offer further flexibility in this context.

The LDO is considered to be another mechanism to facilitate growth, offering an incentive to businesses and simplifying the planning process.

Background to the preparation of the LDO

The LDO relates to a series of sites, identified in 2013 as J21EA, where significant employment development is planned. These sites will be subject to significant intervention to stimulate economic growth.

The specific areas to which the LDO relate are existing allocated employment sites many of which have not yet been developed for employment purposes. The LDO is intended to provide for minor alterations/additions to facilitate employment growth and businesses once established on these sites.

Consultation

The Draft LDO was consulted upon from October to November 2013. Members of the public, statutory consultees and other stakeholders were consulted and a number of responses were considered. Changes to the LDO were made as appropriate.
Statement of Reasons

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

The LDO is intended to assist businesses in the designated LDO area to modify their premises by carrying out certain specified 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 accordance with national and local planning policy, as expressed in the National Planning Policy Framework and the Council’s Core Strategy. This has the effect of reducing risk, delay and cost from the process in order to facilitate effective development at the J21EA, complementing efforts to increase business activity in Weston-super-Mare.

It is expected that along with the Council’s employment-led Core Strategy for Weston-super-Mare and other initiatives to stimulate development, this will encourage investment from both existing and new businesses.

Description of development the order would permit

The LDO comprises three parts which would have the effect of permitting the following development:

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

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

Areas covered by the Local Development Order

The LDO covers the areas identified in the plans below. These are the “designated areas” for the purposes of the LDO. As the LDO is split into three parts the plans show which parts of the LDO relate to the area delineated. Parts 1 and 2 of the LDO apply to all of the designated areas. Part 3 applies only to the designated Weston Gateway South and Central area. It is considered that these areas would benefit most from the designation as key areas for business growth. The areas are all within the J21EA and two sites relate to the proposed Weston Villages development, Westland Distribution Park and Weston Business Quarter (Weston Airfield).
Junction 21 Local Development Order
Weston-super-Mare

LDO Part 1

Alteration of non residential buildings within the designated LDO area

Class A

Permitted development

Development within the designated area and carried out within the curtilage of any building 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 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

Development described in Class A(a) is not permitted if:

(a) it would be sited forward of any wall of the existing building which fronts a highway;
(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 manoeuvring 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 part of the development would be located within 9 metres of the nearest edge of the bank of any rhyne or other water course and following consultation with the Local Planning Authority, is the subject of an objection from the Internal Drainage Board or Environment Agency; or
(f) the total ground area covered by buildings, private way, plant, equipment, machinery, works, structures, enclosures and containers within the curtilage (other than those constructed or provided when the building was first built) would exceed 50% of the total area of the curtilage (excluding the ground area of the building as first built).

Class B

Permitted development

Development within the designated area consisting of:

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

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

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

Conditions

Development is permitted by Class B subject to the following conditions:

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

(b) 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 (as defined in the Town and Country Planning (Use Classes) Order 2007) within the designated LDO area

Class A

Permitted development

Development consisting of a change of the use of a building to a use for any purpose falling within:

(a) 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) 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) Class A3 (Food and Drink) or Class 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.
**Development not permitted by:**

1. Class A (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. Class A (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.

3. Class A (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 A (b) is subject to the following condition:

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 A (c) is subject to the following conditions:

1. 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 manoeuvring space available to the users of the premises has been submitted to and approved by the Local Planning Authority. The car parking and manoeuvring space shown on the approved plan shall thereafter be kept available for parking and manoeuvring of vehicles visiting the use hereby permitted.
LDO Part 3

Alternative buildings to approved schemes

Class A

Permitted development

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

Development is not permitted by Class A 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 obligations, as required under the terms of the unexpired permission has not been submitted to and agreed in writing by the Local Planning Authority.

(d) the proposed development, following consultation by the Local Planning Authority, is the subject of an objection or advice against the proposal from the Health and Safety Executive.

(e) any part of the development would be located within 9 metres of the nearest edge of the bank of any rhyne or other water course.

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 manœuvring 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 manœuvring 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 including proposed connection points for foul and surface water drainage systems 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 development hereby approved shall be constructed to a minimum BREEAM standard rating of Very Good for non-residential developments over 500 square metres and Excellent over 1000 square metres. Prior to the first occupation of the development, or in accordance with a written scheme of implementation that has first been submitted to and approved in writing by the Local Planning Authority, a copy of a formal assessment, undertaken by a licensed BREEAM assessor and a copy of the assessors report along with a copy of the certificate shall be submitted to the Local Planning Authority.

10 The development hereby approved if more than 500 square metres but less than 1000 square metres, shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development, through the use of renewable or low-carbon technologies has been demonstrated. These technologies should be installed on site and be fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained and operational unless otherwise first agreed in writing by the Local Planning Authority.

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11. The development hereby approved if 1000 square metres or greater, shall not be occupied until measures to generate 15% (less if agreed with the Local Planning Authority) of the energy required by the use of the development, through the use of renewable or low-carbon technologies has been demonstrated. These technologies should be installed on site and be fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained and operational unless otherwise first agreed in writing by the Local Planning Authority.

12. 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.

13. 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.

14. 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

For the purposes of this Order the following definitions apply:

- "designated area" means the land edged blue on the proposed local development order boundary plan attached to the Order
- "the land" means the land edged red which formed the application site for the unexpired planning permission
- "unexpired planning permission" means 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 a permission which is still live by virtue of lawful commencement
- "unilateral undertaking" means a legally binding obligation under Section 106 of the Town and Country Planning Act
- "Use Classes Order" means the Town and Country Planning (Use Classes) Order 1987 or any order replacing or reenacting that Order
Other matters

Adoption of the LDO and its time period
The LDO will be active from the date of its adoption for a period of five 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
Normal procedures will be followed on the granting of planning permission. Conditions will be applied to ensure proposals carried out under the LDO are acceptable in planning terms. A schedule of conditions is provided within each part of the LDO to provide appropriate safeguards as necessary.

Monitoring
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 Council’s discretion.

Other legislation
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 Building Regulations. Consents obtained through other such legislation will still be required.
Helping to promote business news and development progress

The Economic Development Service helps promote business news, activity and progress at the main development sites in J21EA through:

- A dedicated business focused website: www.innonthsomerset.co.uk;
- Our monthly business e-newsletter (Business Matters) – subscribe at www.innonthsomerset.co.uk;
- Twitter at: www.twitter.com/innonthsomerset; and
- Promotional materials such as the 'Weston – thriving and growing' brochure which can be downloaded at: www.innonthsomerset.co.uk/westonbrochure.

If you would like to discuss any of the services and activities set out in this booklet, please contact our ED Service by calling 01934 426 266 or emailing business@n-somerset.gov.uk.

Helpful advice and support can also be found by visiting our business focused website: www.innonthsomerset.co.uk