

# Local Development Order

## Local Development Order (LDO) for B1 Uses

Somerset West  
and Taunton

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# Appendices

Appendix A Application for Compliance Form

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# 1 Introduction

## 1.1 Purpose

- 1.1.1 This draft Local Development Order (LDO) will, when adopted, enable the development of small scale B1 development within Somerset West and Taunton. The LDO will grant planning permission for development which is found by Somerset West and Taunton Council (SWT) to be in compliance with the LDO, Technical Informative and Design Code.
- 1.1.2 Any grant of planning permission will be subject to the planning conditions contained within this document.

## 1.2 LDO Principles

- 1.2.1 The creation of this LDO will provide independent entrepreneurs and SMEs a mechanism to create or expand their businesses outside of SWT's established centres for employment. There is a clear rationale for the use of an LDO to promote minor scale freehold employment units as an LDO can provide clarity and certainty while reducing the administrative costs and burdens involved in a full planning application.

## 1.3 Legislative Framework Governing the LDO Process

- 1.3.1 LDOs are locally focussed planning tools that Local Planning Authorities (LPA) can use to grant planning permission for specific types of development within a defined geographical area. They are designed to help streamline the planning process by removing the need for preparing and submitting a planning application.
- 1.3.2 Detailed legislative provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended (DMPO). Importantly:
- an LDO can be used by an LPA to grant planning permission for either a specific development or a particular specified use class and can cover all land within a local authority (61A);
  - an LDO can grant permission subject planning conditions (61C); and
  - planning permission can be withdrawn if the order is revoked or the order is amended so that it ceases to grant planning permission in respect of the development or materially changes any condition or limitation to which the grant of permission is subject (61 D).

## 1.4 Scope

- 1.4.1 It is important to note that development proposals that do not fall within the prescribed criteria of the LDO may still be acceptable in planning terms. In such circumstances, proposals that do not conform to the LDO will need to secure planning permission through the normal planning process. Accordingly, such proposals would be considered in the context of local and national planning policies.
- 1.4.2 The criteria for development is provided in **Section 6** of this document and the accompanying Design Code.

## 1.5 Consents

- 1.5.1 The LDO only removes the requirement to obtain express planning permission. It does not remove the need to obtain other statutory consents such as Building Regulations approval,

consents under Highways legislation, licensing, and Health and Safety Executive consents. It remains the responsibility of the developer to ensure that all other statutory requirements are followed.

- 1.5.2 The conditions of this LDO prevent the use of permitted development rights to subsequently change, alter or extend any development delivered through this LDO.

## 1.6 Structure of this LDO

1.6.1 This LDO is made up of three separate documents:

- i. This **Development Order** provides the purpose, procedure, context and legal conditions for all LDO development;
- ii. A **Technical Informative** to help LDO users understand whether technical assessments will be required to support their submission dependent on an individual site's circumstances;
- iii. The **Design Code** sets the acceptable parameters and principles for development which should be evidenced within a compulsory Design and Access Statement submission.

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## 2 Consultation Process

### 2.1 Background

- 2.1.1 It is a legal requirement that LDOs are the subject of proper consultation. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015.

### 2.2 Statutory Consultation

2.2.1 SWT to advise on consultation.

2.2.2 Statutory consultees.

2.2.3 Letters – across SWT.

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## 3 LDO Boundary

### 3.1 LDO Boundary

- 3.1.1 This LDO covers the administrative boundary of Somerset West and Taunton District Council as shown in the boundary plan below.

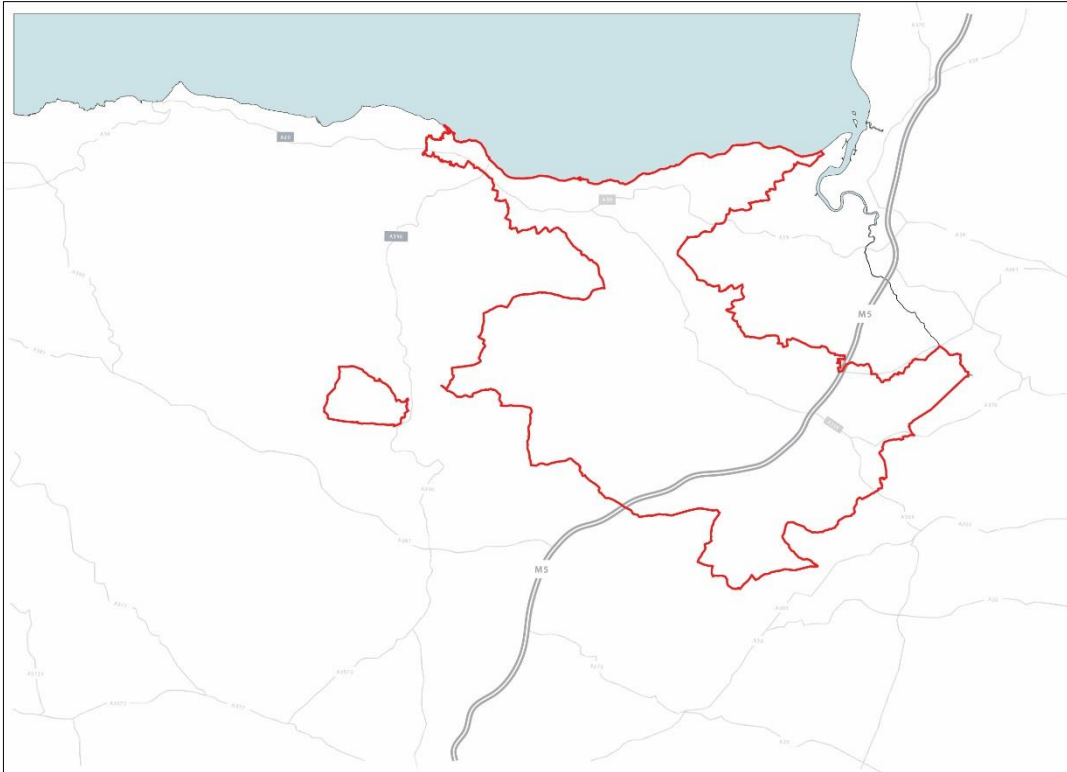


Figure 1. LDO Boundary Plan.

### 3.2 Area Exclusions

- 3.2.1 Chapter 1 of the Design Code specifies which areas of Somerset West and Taunton are excluded from this LDO, despite being within the LDO boundary.
- 3.2.2 For avoidance of doubt, this LDO does not apply to any of the below site locations:
- Within Taunton's adopted settlement boundary.
  - Within Wellingtons adopted settlement boundary.
  - Within a conservation area.
  - Within the curtilage of a Listed Building.
  - Within an Area of Outstanding Natural Beauty.
  - Within a location judged as likely to affect environmental designations.
  - Within a functioning flood plain (flood zone 3b).

## 4 Development Considerations

### 4.1 Design Code

4.1.1 The Design Code is the principal mechanism for the consideration of LDO compliance. The Design Code provides the development parameters and general design principles which development proposals being delivered through this LDO will have to accord to. The Design Code includes a pro forma which enables LDO applicants to check their submissions against requirements.

### 4.2 LDO Application for Compliance Submissions

#### Design and Access Statement

4.2.1 Each Application for Compliance Form (appendix A) will need to be accompanied by a Design and Access Statement – the requirements for which are set out in the Design Code.

4.2.2 Each Design and Access Statement should include:

- A Site Location Plan;
- A Proposed Layout Plan;
- Details of Proposed Elevations;
- Landscaping Plan and Details;
- Materials Plan; and
- Details of Access.

#### Further Technical Requirements

4.2.3 In some circumstances further technical evidence will be required in support of a compliance submission. Further information will be limited to:

- i. Highways and Access Requirements;
- ii. Flood Risk Assessment;
- iii. Ecological Assessment;
- iv. Ground Contamination Assessment

4.2.4 Information on the circumstances further assessments will be required and how to undertake them is included in the Technical Informative which forms a part of this LDO.



## 5 Statement of Reasons

### 5.1 Purpose of the LDO

5.1.1 The purpose of creating this LDO is to enable the development of small-scale light industrial floor space in Somerset West and Taunton. This LDO provides a delivery mechanism to enable small scale business units which cater for the needs entrepreneurs to develop new or expanded workspace without having to apply for full planning permission.

### 5.2 Justification for Creating the LDO

5.2.1 The SWT Employment, Retail and Leisure Study undertaken in 2018 highlights economic trends which this LDO either seeks to help address as an intervention or has regard to as associated economic trend. These can be summarised as:

- Existing demand for industrial space across Somerset West and Taunton is typically for micro business and small and medium enterprise (SMEs).
- There is a high, viable, deliverable and unmet demand for freehold light industrial units. Specifically, this is for smaller flexible units which could be used across the B1 use class, although highest demand would be expected for B1(c) use.
- The supply of freehold business units is often undersupplied across Somerset West and Taunton. This is especially the case where employment sites have been promoted alongside housing sites.
- It is recognised that potential owners of freehold plots rarely engage in the plan making process, however, have the need to react dynamically to changes in the market.

5.2.2 The objective of this LDO is therefore to provide a route for permitted development for small scale (B1) business units to provide a speed and certainty to business start ups and SMEs looking to expand their existing operations outside of Somerset West and Taunton's existing key settlements.

### 5.3 National and Regional Strategies

#### **Towards a One Nation Economy: A 10 Point Plan for Boosting Productivity in Rural Areas - Department for Environment, Food & Rural Affairs (2015)**

5.3.1 In 2015, the Department for Environment, Food and Rural Affairs (DEFRA) released a strategy document aiming to harness the economic potential England's rural areas for the prosperity of those living in rural areas and for the benefit of the UK economy.

5.3.2 The document provides a framework of 10 broad areas considered by the Government to be reflective of the particular priorities for rural areas. These included the following measures to encourage a productive rural economy:

- better and improved planning regulations;
- promoting enterprise zones in rural areas; and
- providing opportunities for apprenticeships.

## Heart of the South West Productivity Strategy (2018)

- 5.3.3 The Productivity Strategy is owned by a partnership that brings together the Local Enterprise Partnership (LEP), local authorities, National Parks and health service organisations. The 2018 Productivity Strategy set out to double the size of the Heart of the South West economy over the next twenty years, and to raise productivity levels which on average are currently lower than the UK. The Strategy focusses on three key themes i) business leadership and ideas, ii) improving housing, connectivity and infrastructure and iii) improving the skills of the work force.

## Somerset Growth Plan 2017-30 (2017)

- 5.3.4 The purpose of the Growth Plan is to attract and guide investment, to overcome barriers and maximise sustainable growth from local opportunities.
- 5.3.5 The Growth Plan for Somerset aims to: create a shared ambition and vision for sustainable and productive growth; support the delivery of infrastructure and housing to enable growth to take place; increase the scale, quality and sustainability of economic opportunity in Somerset; and ensure participation and access to these opportunities for local residents.
- 5.3.6 The Growth Plan specifically supports growth in rural areas, stating that Somerset will have a business community that is growing because of its use of digital technology and infrastructure, particularly to drive productivity and growth in rural areas. The Plan goes on to identify in its vision that Somerset seeks to be a successful small business economy.

## 5.4 Planning Policy Context

- 5.4.1 The LDO supports the implementation of existing planning policies and economic strategies at the national and local level.

## National Planning Policy Framework (2019)

- 5.4.2 Paragraph 51 of the National Planning Policy Framework (NPPF) encourages LDOs to be prepared for particular areas and categories of development, where the impacts would be acceptable, and where this would promote economic, social or environmental gains (paragraph 51).
- 5.4.3 The NPPF makes it clear that the planning system has an important role in supporting a prosperous rural economy through the development and diversification of agricultural and other land-based rural businesses (paragraph 83-84).
- 5.4.4 The NPPF acknowledges that, because sites to meet local business and community needs in rural areas may be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In such circumstances the NPPF states it is important that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable (paragraph 84).
- 5.4.5 The NPPF states that when considering edge of centre and out of centre proposals, the sequential approach outlined in Section 7 should not be applied to applications for small scale rural offices or other small-scale rural employment (paragraph 88).

## The Development Plan

- 5.4.6 The relevant adopted Development Plan documents to this LDO are:
- The Taunton Deane Core Strategy 2011–2028.
  - Site Allocations and Development Management Plan 2028.

- West Somerset Local Plan to 2032.
- Saved policies from the West Somerset District Local Plan 2006.
- Made Neighbourhood Plans at:
  - Bishops Lydeard and Cothelstone;
  - Stogumber;
  - Trull and Staplehay; and
  - West Monkton and Cheddon Fitzpaine.

5.4.7 Work has commenced on the new SWT Local Plan. At time of writing, the plan is estimated to be adopted in the Autumn of 2021.

### Taunton Deane Core Strategy

5.4.8 The Taunton Deane Core Strategy (TDCS) was adopted in 2012 and sets the long-term strategic vision for the future of the Borough to 2028. The Core Strategy together with the adopted Site Allocations and Development Management Plan (SADMP) formed the Development Plan for Taunton Deane Borough Council prior to the creation of the new Somerset West and Taunton Council in April 2019.

5.4.9 Vision 1 of the TDCS acknowledges the importance of employment led growth to facilitate economic diversification and increased self-containment within the borough. Objective 2 of the TDCS recognises that achieve this vision, there must be the right conditions and sufficient land in appropriate locations.

5.4.10 The TDCS does not allocate land for employment, instead identifying the broad strategic locations for employment growth. The TDCS (SP1) focuses on strategic scale provision at Taunton and Wellington. The justification of this approach to promote the most sustainable pattern for growth, by linking housing and employment growth in areas with existing major infrastructure connections. The proposed employment locations of the TDCS do not account for minor employment opportunities and potential for sustainable small-scale linkages to major and minor rural centres and villages. This LDO promotes the opportunity for such smaller linkages outside of the SWT district's main centres.

5.4.11 The Core Strategy sets out a number of broad development management policies that will be applied at the strategic level across the Borough. Policies relevant to the LDO are summarised in the table 1.

Policy	Summary
<b>DM1: General Requirements</b>	Sets out the criteria for development which includes making the most effective and efficient use of land.
<b>DM4: Design</b>	Aims to encourage a sense of place by addressing design at a range of spatial scales using planning documents that relate to each scale.
<b>DM5: Use of Resources and Sustainable Development</b>	States that the Council will require all development to incorporate sustainable design features to reduce their impact on the environment.

Table 1. TDCS Development Management Policies

## Site Allocation and Development Management Plan 2028 (2018)

- 5.4.12 The SADMP sets out a range of allocations across the Borough consistent with the Core Strategy. The SADMP also provides a set of detailed development management policies for new development in Taunton Deane. These policies are listed in table 2.

Policy	Summary
<b>A1 Parking Requirements</b>	New development will normally be required to make provision for car parking in accordance with the standards in Appendix F of the SADMP.
<b>ENV1 Protection of trees, woodland, orchard and hedgerows</b>	Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted.
<b>ENV3 Special Landscape Features</b>	Development which would specifically harm the appearance, character and contribution of landscape quality within a Special Landscape Feature will not be permitted unless appropriate mitigation measures would reduce such harm to an acceptable level.
<b>D7 Design Quality</b>	New development shall create a high standard of design quality and a sense of place.
<b>D9 A co-ordinated approach to development and highway planning</b>	A co-ordinated approach shall be adopted to the design of development and associated highways.

Table 2. SADMP Development Management Policies.

### West Somerset Local Plan

- 5.4.13 The West Somerset Local Plan to 2032 (WSLP) was adopted in November 2016 and sets planning policies for the parts of the area outside of Exmoor National Park.
- 5.4.14 Policy SC1 of the WSLP provides a settlement hierarchy for new development in West Somerset. The policy states that new development will be concentrated in the district's main centre of Minehead/Alcombe, however, recognises the potential for small scale development at primary and secondary villages.
- 5.4.15 Policy EC1 of the WSLP states that proposals which make West Somerset's economy stronger and more diverse and are likely to increase the proportion of higher paid jobs locally will be supported. This includes the new development on existing employment sites, or which are have compatible uses where the proposed development would not have an adverse impact on the amenity of existing neighbouring uses.
- 5.4.16 Policy SC5 of the WSLP states that development which improves the balance of land uses within a settlement in terms of minimising overall transport use will be encouraged. This LDO such an opportunity for mixed uses while minimising and potentially reducing the vehicle trips to larger centres.
- 5.4.17 Policy EC4 of the WSLP states that the development of home-based business activities within residential properties will be permitted providing there are limitations places on the hours of

work and deliveries and proposals are consistent with the residential amenity of the area and do not lead to harmful intensification.

- 5.4.18 The WSLP also includes development management policies affecting the design of new minor scale development. These policies are listed in Table 2 alongside the saved policies of the previous district Local Plan.

<b>Policy</b>	<b>Summary</b>	<b>Plan Year</b>
<b>CC5 Water Efficiency</b>	The design of development schemes which include measures to economise on the use of water supplies will be encouraged.	2016
<b>NH5 Landscape Character Protection</b>	Development within identified landscape character areas should be designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.	2016
<b>Policy TW/1 Trees and Woodland Protection</b>	Development proposals that would adversely affect woodlands, groups of trees or individual trees of significant landscape, wildlife or amenity value will only be permitted where conditions can be attached.	2006
<b>Policy TW/2 Hedgerows</b>	Development management proposals will be required to show that an allowance has been made of for the retention and protection of existing hedgerows unless they are not considered to be of value to the area's landscape, character or wildlife.	2006
<b>Policy BD/6 Agricultural Buildings</b>	Proposals for new agricultural buildings should have regard to the existing landscape.	2006

Table 3. Relevant WSLP (2016) and WSDL (2006) Development Management Policies.

## **Made Neighbourhood Plans**

- 5.4.19 The following Neighbourhood Plans have been made in the Somerset West and Taunton.

### **Bishops Lydeard and Cothelstone Neighbourhood Plan**

- 5.4.20 The plan emphasises the importance of the conservation area and surrounding landscape to residents of the village while setting an objective to increase the range, extent, and scale of commercial and light industrial premises (objective 3).

- 5.4.21 The employment policies of the plan seek to increase the opportunity for local employment and thereby support potential for sustainable patterns of travel.

### **Stogumber Neighbourhood Plan**

- 5.4.22 The plan emphasises the important use of materials in and around the settlement and the high value of views of the surrounding landscape and supports economic development which accords to the plan's overall objectives for development (EC1 and O1).

### **Trull and Staplehay Neighbourhood Plan**

- 5.4.23 The plan recognises that the majority of the parish travel to work by public transport and recognises the opportunity for start-ups and microbusinesses (employing 1-9 people) within the parish to encourage sustainable growth. Policy EE1 suggests small business units of 50 sqm will be supported on existing employment and mixed-use sites. The plan supports opportunities to create live work units.

### **West Monkton and Cheddon Fitzpaine Neighbourhood Plan**

- 5.4.24 The plan emphasises the two villages rural setting and importance of the existing conservation areas with reference to national and local environmental policies.
- 5.4.25 The plan also sets an employment objective to minimise commuting and encourage employment opportunities through either the expansion and relocation of existing local businesses or new start-ups which allow residents to work near to where they live (p27).

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## 6 Local Development Order

### 6.1 Description of Development Permitted by the LDO

6.1.1 The table below sets out the permitted uses as prescribed by the Use Classes Order or in the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and /or re-enacting that order with or without modification).

6.1.2 The uses in table 4 are permitted through this LDO.

Use Class	Definition	Limitations
B1 (a)	Offices - other than those within class A2.	Up to 50 sq m net
B1 (b)	Research and development of products or processes	Up to 200 sq m net
B1(c)	Light Industry – use for any industrial process which can be carried out in a residential area without causing detriment to the amenity of that area.	Up to 200 sq m net

Table 4. Development Permitted by the LDO.

6.1.3 This does not prevent office floorspace being included as an ancillary use within Research and Light Industrial premises providing it is not the dominant use and covers an area of no more than 50 sq m net.

## 7 Conditions

7.1.1 The following Conditions are necessary to ensure that development is acceptable in planning terms.

No.	Condition	Reason
1.	<p>The LDO and the terms within it will be active for a period of 15 years following the day of its adoption and will expire following this period.</p> <p>The LPA will review progress with the LDO on the 5th anniversary of its adoption to be able to fully reflect on the continual suitability of the LDO in the light of any changes to planning policy. The review will be completed with 28 days of the 5th anniversary and at the end of the review the LPA will determine whether to:</p> <ul style="list-style-type: none"> <li>a) Retain the LDO as it stands for the remaining 10 years of its life;</li> <li>b) Retain but revise some elements; or</li> <li>c) Revoke and cancel the LDO, thereby removing any unimplemented LDO permissions.</li> </ul>	<p>In order that the benefits of the LDO can be secured.</p>
2.	<p>The development permitted by this Order shall not be carried out other than in complete accordance with the permitted Design and Access Statement (including any technical assessments) and conditions set out within this LDO and the accompanying Design Code, with the exception of material amendments submitted to and approved in writing by Somerset West and Taunton Council.</p>	<p>To ensure development in line with the aspirations for the LDO.</p>
3.	<p>No development shall commence until an Application for Compliance with the LDO and supporting Design and Access Statement has been submitted to the Local Planning Authority which shall include the following information;</p> <ul style="list-style-type: none"> <li>a) A Site Location Plan</li> <li>b) A Proposed Layout Plan</li> <li>c) Details of Proposed Elevations</li> <li>d) Landscaping Plan and Details</li> <li>e) Materials Plan</li> <li>f) Arrangements of access for pedestrian, cycle, vehicular and other modes of transport</li> <li>g) Demonstration of compliance with the LDO Design Code</li> </ul>	<p>To enable the impact of the development to be fully assessed in line with the aims of the LDO.</p>



No.	Condition	Reason
	<p>h) LDO Planning fee</p> <p>Where deemed necessary by this LDO or otherwise in writing by the Local Planning Authority, any of the following details may also be required:</p> <p>i) Flooding and drainage management strategy</p> <p>j) Environmental and ecological mitigation measures</p>	
4.	No development shall commence until a Notice of Compliance has been issued by the Local Planning Authority.	In order that progress and compliance can be monitored.
5.	Development shall be carried out in strict accordance with the information submitted by the applicant to which the Notice of Compliance has been granted, and to any additional conditions imposed by the Local Planning Authority forming part of the Notice of Compliance.	To ensure compliance with the LDO.
6.	This LDO can only be used for a single development within an ownership plot. Once development has commenced, any building permitted will not qualify for further permitted development, either through the use of this LDO or other national permitted development rights.	To avoid the potential cumulative impacts of development on the environment and to avoid the LDO being used for enabling uses that do not conform with the purpose of this LDO.
7.	Not less than 14 days prior to the commencement of development, a Commencement Notice shall be submitted to Somerset West and Taunton Council.	To enable the monitoring of development and the effective implementation of the Order.
8.	No construction work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on weekdays.	To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
9.	<p>If contamination is found at the site, no further development shall be carried out until:</p> <p>a) a scheme of remediation has been submitted to the Local Planning Authority;</p> <p>b) the applicant has received written approval of their proposed scheme of remediation; and</p> <p>c) Remediation has been carried out in accordance with its terms.</p>	To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised and to protect the environment from contamination and to ensure that the site will not qualify as contaminated land under part 2A for the Environmental Protection Act 1990.

No.	Condition	Reason
10.	Prior to occupation of the building, space shall be laid out, drained and surfaced within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.	To ensure suitable access to the site is provided and retained, in the interests of highway safety.
11.	Prior to the buildings being occupied visibility splays shall be provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction to visibility greater than 300 mm above the adjoining carriageway level within the visibility splays approved by this condition. The visibility splays shall thereafter be maintained in the approved form.	To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.
12.	<p>Noise emissions from development which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.</p> <p>Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs</p> <p>At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.</p> <p>Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.</p>	To ensure the development is not detrimental to the amenity of the area.

## 8 Process and Procedures

### 8.1 Confirmation of Compliance

8.1.1 The Local Planning Authority should be provided with prior notification of any development proposed under the provisions of the LDO. This should be done by completing the Application for Compliance Form attached at Appendix A to this LDO. The form, together with the required supporting documents, should be submitted to the Local Planning Authority.

8.1.2 The Local Planning Authority will provide a response with 28 days, which will comprise one of the following;

- A letter of conformity to confirm that the proposed development satisfies the terms of the LDO;
- A request for further information; or
- A letter stating that the proposed development does not meet the terms of the LDO and that an application for planning permission should therefore be made.

# Appendix A Application for Compliance Form

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