

*Report Number: SWT 96/19*

# **Somerset West and Taunton Council**

## **Executive – 20 November 2019**

### **Small Scale Industrial Space Local Development Order – Approval for Public Consultation**

**This matter is the responsibility of Executive Councillor Mike Rigby**

**Report Author: Sarah Povall, Strategy Specialist**

#### **1 Executive Summary / Purpose of the Report**

1.1 The purpose of this report is to seek approval for the public consultation of the Small Scale Industrial Space Local Development Order (LDO).

#### **2 Recommendations**

2.1 Recommendations are that Executive resolves to:

- 1) Approve the undertaking of a consultation exercise on the possible adoption of a Small Scale Industrial Space Local Development Order in the Somerset West and Taunton Area, with a further report to be brought to a subsequent meeting of the Executive once the consultation exercise has been completed.
- 2) Approve the contents of the draft consultation document for the consultation exercise on the possible adoption of a Small Scale Industrial Space Local Development Order.
- 3) Delegate authority to the Head of Strategy to agree any necessary final amendments prior to its publication in consultation with the Portfolio Holder for Planning and Transportation.

#### **3 Risk Assessment**

3.1 The potential risks that might impact on the timely delivery of the LDO, relate to: the availability of experienced personnel; and competing work priorities.

#### **4 Background and Full details of the Report**

- 4.1 This draft Local Development Order (LDO) seeks to enable the development of small scale B1 development within Somerset West and Taunton. The Council is looking to develop this LDO to de-risk the planning process, support and enable increased delivery of small-scale industrial space. As such, 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.
- 4.2 Officers will work in consultation with the Portfolio Holder to agree any necessary final amendments of the LDO, which is made up of three separate documents:
- The **Development Order (Appendix A)**, which provides the purpose, procedure, context and legal conditions for all LDO development;
  - A **Technical Informative (Appendix B)** to help LDO users understand whether technical assessments will be required to support their submission dependent on an individual site's circumstances; and
  - The **Design Code (Appendix C)** sets the acceptable parameters and principles for development which should be evidenced within a compulsory Design and Access Statement submission.
- 4.3 In particular, officers will work in consultation with the Portfolio Holder to agree the final expected revisions to the Design Code, which include: the integration of the Technical Informative; alignment with the Somerset West and Taunton Design Guide; and the inclusion of further examples and definitions. Details of these expected revisions are set out in the draft Design Code (Appendix C), for ease of reference.
- 4.4 Somerset West and Taunton, (though especially Taunton and Wellington) has experienced significant housing growth over the last few years, and is expected to continue this growth trajectory for the foreseeable future as the remaining housing allocations of the Taunton Deane [Core Strategy](#), [Site Allocations and Development Management Plan](#), and [Town Centre Area Action Plan](#) and the [West Somerset Local Plan](#) are built out. However, employment development and the associated jobs the build out of these sites brings have not kept pace.
- 4.5 In 2018, Taunton Deane Borough Council adopted a new [Local Development Order \(LDO\) for the Nexus 25 strategic employment site](#). The development of this strategic employment site will see some of that balance redressed, primarily through provision of B1(a) Offices, B1(b) Research and Development and B1(c) Light Industry uses, with B2 General Industrial and B8 Distribution and Warehousing uses being secondary. However, the SWT [Employment, Retail and Leisure Study](#) completed later in 2018 identified latent demand for small flexible industrial units, with strongest demand for B1(c) uses. A lack of available, serviced plots and marginal viability issues make meeting demand difficult even in prime locations. De-risking the planning process and enabling easier development of such units could help realise this latent demand. The Taunton Deane [Scrutiny Task and Finish Group reported](#) to TDBC's Scrutiny Committee in November 2018 on the issue of affordable employment land and

recommended that:

*“TDBC, and the subsequent Council, must identify the means by which the supply of affordable, starter-type employment units can be delivered. There are two suggested means by which this can be undertaken:*

*i. Planning-based approaches boosted through allocation, a streamlined Local Development Order identifying suitable sites or, a more criteria-based Local Development Order that sets the broader locations and parameters subject to which starter units can be delivered...”*

4.6 This LDO covers the administrative boundary of Somerset West and Taunton District Council, but does not apply to any of the following 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).

4.7 It is a legal requirement that LDOs are the subject of proper consultation. Consultation will be in line with the LDO consultation procedures set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015. The LDO will be subject to a review 2 years after adoption; or the point at which 10 applications have been permitted (if sooner). This will allow the LPA to fully reflect on the continual suitability of the LDO in light of experiences had in the application of the LDO, as well as any changes to planning policy that might have occurred since its adoption.

4.8 The consultation is legally required to take place for a period of at least 28 days. Our intention is to consult alongside the Local Plan Issues and Options consultation, which is set to take place for 6 weeks early next year.

4.9 Following the consultation exercise, SWT will consider: what modifications need to be made to the draft LDO; whether such an order should be adopted; and take into account any other representations made in relation to the order.

## **5 Links to Corporate Aims / Priorities**

5.1 “Theme 1: Our Environment and Economy” of the Corporate Strategy sets out the objective to, “encourage wealth creation and economic growth throughout the District by attracting inward investment, enabling research and innovation, improving the skills of the local workforce and seeking to ensure the provision of adequate and affordable employment land to meet different business needs.”

5.2 The purpose of this LDO is to meet this objective, by helping to support the development of small scale B1 development within Somerset West and Taunton

## **6 Finance / Resource Implications**

6.1 The costs associated with the LDO are met from existing budgets. There are no further financial implications.

## **7 Legal Implications**

7.1 The LDO is drafted in accordance with the Town and Country Planning (Development Management Procedure) Order 2015. The consultation process, which follows, will follow the requirements prescribed.

## **8 Climate and Sustainability Implications**

8.1 Underpinning this LDO is the need to encourage employment uses close to where people live. With this shift from a daily commuting pattern to working locally, the LDO hopes to have a positive impact on reducing traffic and associated issues across the District.

8.2 The Design Guide sets out sustainable approaches, which are encouraged within any new employment unit and surrounding landscaping works under this LDO.

## **9 Safeguarding and/or Community Safety Implications**

9.1 None at this stage.

## **10 Equality and Diversity Implications**

10.1 None at this stage.

## **11 Social Value Implications**

11.1 This LDO is intended to have a high social value, by supporting the delivery of small-scale industrial and employment space by removing the need for a planning application by the developer. The LDO and accompanying Design Code will create a straightforward system for potential applicants to understand and interpret potential development opportunities.

## **12 Partnership Implications**

12.1 As part of the Duty to Co-operate requirement (Town & Country Planning (Local Planning) (England) Regulations 2012), we will be expected to work with other public bodies, particularly neighbouring planning authorities and the County Council on any cross boundary issues.

### 13 Health and Wellbeing Implications

13.1 None at this stage.

### 14 Asset Management Implications

14.1 None at this stage.

### 15 Data Protection Implications

15.1 With permission from the consultee in line with the GDPR, personal data will be collected as part of the consultation on the Issues Document.

### 16 Consultation Implications

16.1 The consultation on this document will be in line with the emerging Statement of Community Involvement and the Town and Country Planning (Development Management Procedure) Order 2015. Following the consultation exercise, SWT will consider what modifications need to be made to the draft LDO or whether such an order should be adopted or take into account any other representations made in relation to the order.

### 17 Scrutiny Comments / Recommendation(s) (if any)

17.1 None at this stage

#### Democratic Path:

- Scrutiny / Corporate Governance or Audit Committees – No
- Cabinet/Executive – Yes
- Full Council – No

Reporting Frequency:  Once only       Ad-hoc     Quarterly  
 Twice-yearly       Annually

#### List of Appendices (delete if not applicable)

Appendix A	Draft LDO
Appendix B	Draft Technical Informative
Appendix C	Draft Design Code

#### Contact Officers

Name	Sarah Povall
Direct Dial	01823 219733
Email	s.povall@somersetwestandtaunton.gov.uk