

# **Somerset West and Taunton Council**

## **Full Council – 29 September 2020**

### **Small Scale Industrial Space Local Development Order**

**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 LDO is to support SME businesses by meeting evidenced demand for enhanced work from home and light industrial freehold spaces. This need has been accentuated by the context of Covid-19, which has led to a national recession requiring local and national government support for business and employment opportunities.
- 1.2 The creation of this LDO will provide independent entrepreneurs and SMEs with 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 The purpose of this report is to seek Full Council adoption of the Small Scale Industrial Space (Employment) Local Development Order as policy for Somerset West and Taunton council.

#### **2 Recommendations**

- 2.1 Recommendations are that Full Council resolves to:
  - 1) Adopt as policy for the Somerset West and Taunton council area: the Small Scale Industrial Space (Employment) Local Development Order; the accompanying Design Guide; and associated fees/charges.

#### **3 Risk Assessment**

- 3.1 This LDO seeks to mitigate particular economic trends that were identified in the SWT Employment, Retail and Leisure Study (2018), particularly that:

- 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 E(g) use class, although highest demand would be expected for E(g, iii) 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.

3.2 Without this LDO, and this route for permitted development for small businesses, there is a risk that appropriate opportunities will not be taken to meet this unmet demand. Avoiding this risk would be important in any event, but in the context of promoting economic recovery post Covid-19, it becomes increasingly significant.

3.3 This sort of LDO is new to the Council and as such we are taking a cautious approach with an early post-adoption review mechanism: “the LPA will review progress with the LDO on either the 2<sup>nd</sup> anniversary of its adoption; or at the point of 10 applications having been permitted (if sooner) to be able to fully reflect on the suitability of the LDO.”

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

4.1 This draft Local Development Order (LDO) seeks to enable the development of small scale Class E(g) 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 and Design Code:

- The **Development Order** sets out the purpose, procedure, context and legal conditions for all LDO development; and
- The **Design Code** sets the acceptable parameters and principles for development which should be evidenced within a compulsory Design and Access Statement submission.

4.2 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.

4.3 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 E(g, i) Offices, E(g, ii) Research and Development and E(g, iii) 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 E(g, iii) 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...”*

4.4 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).

4.5 A consultation exercise took place from 13 January to 16 March 2020, meeting the requirements of the LDO consultation procedures set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015.

4.6 Following this consultation, SWT has considered the representations made and the modifications that might need to be made to the draft LDO.

4.7 SWT received 14 responses to the consultation, and as a result have made minor modifications relating to heritage and highways issues. This follows further discussions with the South West Heritage Trust and Somerset County Council in particular.

## **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 meet this objective, by helping to support the development of small scale Class E(g) development within Somerset West and Taunton

## **6 Finance / Resource Implications**

- 6.1 The costs associated with developing the LDO are met from existing budgets. There are no further financial implications for adopting the LDO.
- 6.2 There is no formal requirement for us to charge for LDO applications, but the Council recognises that we should seek to recover some of the costs associated with the preparation of the Order and the discharge of applications made against it.
- 6.3 Stantec (previously Peter Brett Associates), the consultants preparing the LDO for SWT, have proposed an appropriate set of fees. Based on experience elsewhere and the approach taken by other Local Planning Authorities, Stantec advise that fees set at 50% of the standard outline planning application fee are appropriate. This is seen as a reasonable charge in view of the need to recover some of the costs but also to incentivise and encourage opportunities for small businesses.
- 6.4 Accordingly, a flat fee of £500 has been calculated for any applications coming via this route. The approach is based on being a compromise between the expected maximum and minimum parameters (at 50% discount):
- 200m<sup>2</sup> of commercial floorspace (mixed use E(g)) at 50% discount would be: £693
  - 70m<sup>2</sup> of commercial floorspace (a standalone office) at 50% discount would be: £231

## **7 Legal Implications**

- 7.1 The LDO has been prepared and subjected to consultation in accordance with all relevant legal provision, including the Town and Country Planning Act 1990 Sections 61A to D and Schedule 4A, as well as Articles 38 and 41 of the Town and Country Planning Development Management Procedure) Order 2015.

## **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 consultees, in line with the GDPR, personal data was collected as part of the consultation on the draft document.

## **16 Consultation Implications**

- 16.1 The consultation on this document was in line with the Statement of Community Involvement and the Town and Country Planning (Development Management Procedure) Order 2015. Following this consultation, SWT has considered what modifications might 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.

16.2 SWT received 14 responses to the consultation, and as a result have made minor modifications relating to heritage and highways issues, following further discussions with the South West Heritage Trust and Somerset County Council in particular.

**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 – Yes**

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

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

Appendix A	LDO
Appendix B	Design Code
Appendix C	Compliance Form

**Contact Officers**

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