

## **Draft Local Development Order**

### **Weston Airfield Business Quarter – Local Development Order (LDO)**

This LDO is for a temporary period for 5 years.

Attached to this LDO are two plans:

- Plan 1 sets out the LDO site area (outlined in red) and identifies constraints on certain parts of the site.
- Plan 2 is an indicative masterplan which is intended to inform the general layout of development but may be subject to amendment by the Local Planning Authority.

### **Permitted Development**

Outline planning permission is granted for:

The erection of buildings and/or the use of land for Class B1, B2 and B8 use by Food Businesses.

For the purposes of this LDO:

‘Food Business’ means any undertaking, whether for profit or not and whether public or private engaged in any activities related to any stage of production, processing and distribution of food.

‘Food’ means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans or animals. Food includes drink and any substance including water intentionally incorporated into food during its manufacture, preparation or treatment.

Definition adapted from EC Regulation 178/2002

All matters are reserved.

### **Development is not permitted if:**

- (a) 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.
- (b) Any building or part of a building is within 16m either side of the Gas Pipeline which is located to the north of the site (on Plan 1 the position of the pipeline is shown in yellow and the 16m buffer zone is shown in blue).
- (c) Any parking area or hardstanding is within 3m of any part of the Gas Pipeline (the position of the pipeline is shown in yellow on Plan 1).
- (d) More than 75% of any Zone (Zones 1, 2 or 3 shown on Plan 1) is covered by impermeable surfaces.
- (e) Within Area A (shown hatched black on Plan 1):

- any building would exceed two storeys in height,
- any B1a building would exceed 1000 sqm (gross floor area measured externally),
- any B1b building would exceed 4000 sqm (gross floor area measured externally),
- any B2 building would exceed 3500 sqm (gross external floor area measured externally).

(f) Within the whole LDO area (outlined in red on Plan 1):

- any B8 building would exceed 500 sqm (gross floor area measured externally).
- more than 50% of the net developable area (shown on Plan 2) would be in a Class B8 use.

(g) The Local Planning Authority has determined that a Transport Assessment/Transport Statement is necessary and one has not been submitted, or if one has been submitted, any identified impacts have not been mitigated against and any necessary works have not been carried out.

## **Conditions**

Development is granted outline planning permission subject to the following conditions:

### **Reserved matters**

1. Prior to the commencement of development of any phase of development details of the following matters (in respect of which approval is expressly reserved) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;
  - (e) The means of access to the site.

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

### **Occupiers**

2. Prior to the occupation of any building, the name of the operators of the businesses for that building and the date on which the use is to commence shall be submitted to and approved in writing to the Local Planning Authority. Any subsequent occupiers shall also be agreed in writing with the Local Planning Authority prior to occupation.

## **Flood Risk and Drainage**

3. Prior to the commencement of any phase of development, a detailed Flood Risk Assessment (FRA) addressing both flood and surface water management for that phase, shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The FRA must specifically identify finished floor levels and other mitigation measures together with a scheme to implement such measures; identifying places of safe refuge from an extreme event together with an effective flood warning and evacuation plan. Opportunities should also be taken to incorporate flood resilience in the design and construction of the development. Development shall only be carried out in accordance with an approved Flood Risk Assessment and the measures contained within in.
4. Prior to the commencement of any phase of development, details of any proposed rhynes/swales within that phase and details for the future management and maintenance of these rhynes/swales and their access corridors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
5. Prior to the commencement of any phase of development, foul and surface water drainage details together with a programme of implementation and management for that phase shall be submitted to and approved, in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.
6. All new buildings shall have finished floor levels which shall be at least 600mm above the 1:100 year flood level of 5.13m Above Ordnance Datum and road levels and access levels shall be at least 300mm above the 1 in 100 year flood level of 5.13 Above Ordnance Datum unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development within Zones 2 and 3 (shown on Plan 1 attached to this LDO), a scheme for opening up the culvert crossing through the site between points X and Y (shown on Plan 1) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an agreed timescale.

## **Contamination**

8. Prior to the commencement of any phase of development, an investigation and risk assessment for that phase must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report on the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwater and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any document replacing the same.

9. Prior to the commencement of any phase of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that phase shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
10. Prior to the commencement of any phase of development other than that required to carry out remediation, the approved remediation scheme for that phase must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following the completion of measures identified in the approved remediation scheme, a verification report for that phase that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing of the Local Planning Authority.

## **Ecology**

11. Prior to the commencement of any phase of development, an ecological statement including a detailed scheme of mitigation measures to be incorporated within the development for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

## **Transport and Highways**

12. Prior to the commencement of any phase of development, a plan for the parking and manoeuvring of vehicles for that phase shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase of development shall not be occupied until vehicle parking has been constructed and the parking spaces marked out in accordance with the approved plans. 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 approved development.
13. Prior to the commencement of any phase of development, a plan for the provision of cycle parking for that phase shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase of development shall not be occupied until the cycle parking has been constructed in accordance with the approved plans. The cycle parking shall thereafter be permanently retained and shall not be used except for cycle parking in connection with the approved development.
14. Prior to the commencement of any phase of development, a Construction Management Plan setting out details of the number and frequency of construction vehicle movements and routes to and from the site for that phase and any specific measures to be adopted to mitigate against construction impacts on the highway network shall be submitted to and approved in writing by the Local Planning Authority.
15. Prior to the occupation of any phase development, a Travel plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will need to cover the following issues;
  - i. The identification of targets for trip reduction and modal shift
  - ii. The methods to be employed to meet these targets
  - iii. The mechanisms for monitoring and review
  - iv. The penalties to be applied in the event that targets are not met
  - v. The mechanisms for mitigation
  - vi. Implementation of the Travel Plan to an agreed timescale
  - vii. Mechanisms to secure variations to the Travel Plan following monitoring and review

Within 3 months of the first occupation of the development, and on an annual basis thereafter the occupier of the building shall submit a progress report of the targets to the Local Planning Authority for their written approval.

## **Energy**

16. Any approved building which measures over 500 square metres (gross external floor area) shall be constructed to a minimum BREEAM standard rating of Very Good or equivalent and any approved building which measures over 1000 square metres shall be constructed to a minimum BREEAM standard rating of

Excellent or equivalent. Prior to the first occupation of the relevant phase of 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 unless alternative information sufficient to demonstrate compliance is submitted to and approved in writing by the Local Planning Authority.

17. Any approved building which measures more than 500 square metres (gross external floor area) but less than 1000 square metres (gross external floor area) shall not be occupied until measures to generate not less than 10% (less if agreed with the Local Planning Authority) of the energy required for 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.
18. Any building which measures 1000 square metres or greater, shall not be occupied until measures to generate not less than 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.

### **Waste**

19. Prior to the occupation of any building details of a scheme for providing space and facilities for the storage and collection of waste for the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall have been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

### **Outside Storage**

20. Prior to the occupation of any building a plan showing the precise location of any areas of open storage relevant to that phase of development and specifying a maximum height of open storage within such area(s) shall have been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall

be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

### **Landscaping**

21. All works comprised in the approved details of landscaping shall be carried out in accordance with the approved details and shall be carried out during the months of October to March inclusive following occupation of the building(s) or completion of the development, whichever is the sooner. 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.

### **Extract systems, odour management and noise**

22. Prior to the commencement of any phase of development, details of the specification, height and position of all external plant and equipment including heating/extraction/ventilation systems for that phase shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and thereafter be permanently retained.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order with or without modification) no building or use falling within classes B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority, an Odour Impact Assessment Report for that building or use, setting out any potential sources of odour from the building or use, and an assessment of the likely impact on nearby sensitive properties or users. Should the report identify that there is a potential for odour nuisance from the development, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall propose mechanisms to provide satisfactory mitigation, including ventilation, filtration and scrubbing extract units if necessary. The use shall not commence until the approved mitigation measures have been fully implemented and they shall continue to be implemented and operate during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

### **External illumination**

24. Prior to the occupation of any building, details of any external illumination for that phase of development shall be submitted to and approved, in writing by the Local Planning Authority. Such details must include a block plan with lighting

contours (in lux) overlaid. No means of external illumination shall be installed other than in accordance with the approved details.

### **Permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order with or without modification) the development shall not be used except for food business uses within Class B1, B2 or B8 of the Town and Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.