

East Devon District Council

LOCAL DEVELOPMENT ORDER

Land off Long Lane



Date of Adoption:

Local Development Order Land off Long Lane

~~In pursuance of the powers of the Town & Country Planning Act 1990 (as amended), East Devon District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to compliance with the conditions listed.~~ To be added after Adoption

1) Definitions

The LDO area

The area identified as 'LDO Area' on 'LDO Plan 1' (Appendix A), also currently known as Airpark or Power Park Exeter

Local Planning Authority (LPA)

East Devon District Council, or its successor authority, is the Local Planning Authority for the LDO area.

Development parameters

The limitations to development as set out in Tables 1 & 2.

Zone

Means the zones within the LDO area identified on 'LDO Plan 2' (Appendix A).

Duration

Means the period specified for the operation of the LDO.

Gross External Area (GEA)

GEA is defined as the total covered floor area inside a building envelope, including the external walls of a building as measured in accordance with the Royal Institution of Chartered Surveyors' Code of Measuring Practice, Sixth Edition published in May 2015.

EEDEZ

Means the Exeter and East Devon Enterprise Zone.

CIL

Means Community Infrastructure Levy

Working Day

Means a weekday which is neither a statutory bank holiday, nor Good Friday, nor any day falling between 22 December in any year and 2 January in the following year (both dates inclusive)” unless this falls under another statutory time limit.

2) LDO area

Development is only permitted by this Order within the LDO area as defined on Plan 1 (Appendix A).

For the purposes of this Order the site is divided into three zones (Appendix A, Plan 2) Zones identified within the LDO area relate to areas of differing development constraint through the development parameters.

3) LDO Description

The Local Development Order (LDO) grants planning permission for the development of land for employment generating uses and ancillary facilities within the defined LDO area, subject to the development parameters, permitted uses, limitations and conditions set out in the Order.

The LDO grants permitted change of use subject to the development parameters, permitted uses, conditions and duration set out in the Order.

4) Evidence Base

The LDO is supported by a range of technical studies, assessments and strategies including:

- Design Code Document prepared by PHP Architects
- Ecology assessments prepared by Paragon
- Contamination reports prepared by Paragon
- Flood Risk Assessments prepared by Paragon
- Drainage and SUDS Strategy prepared by Paragon and Waldeck
- Transport assessment prepared by Waldeck
- Heritage & archaeology statement prepared by Paragon
- Landscape and Visual Appraisal prepared by PHP Architects
- Green Infrastructure strategy prepared by IDP
- Lighting assessment/strategy prepared by Waldeck

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- Noise & Air quality assessment prepared by Paragon
- Sustainability statement prepared by CPW
- Framework Travel Plan & Parking Strategy prepared by Waldeck

5) Development parameters (Table1)

Parameter		Zone	Limitations	Reason for Parameter
1	Total Floor Area (GEA)	All	Limited to 26,000 sqm across the whole LDO site	To control the overall quantum of floorspace. Creation of additional floorspace would require further assessment of impacts through the planning process.
3	Maximum building height (above ordnance datum)	Zone A	49.0 AOD	Building heights are controlled to ensure aerodrome safeguarding and mitigate visual impact.
		Zone B	43.0 AOD	
		Zone C	43.0 ADO	
5	Developable areas	All	Development is restricted to areas as defined on Plan 2 (Appendix A)	To protect areas of landscaping and SUDS

6) Permitted Uses (Table 2)

Permitted use	Limitations/exclusions	Notes
B2 General industry	Excluding; incineration purposes, chemical treatment or landfill or any operation processing or storage or activity involving hazardous or inert waste.	The excluded uses would need to be assessed through the process of a planning application, having particular regard to the proximity of the Airport and any environmental impacts.
B8 Storage & distribution	Maximum of 18,200 sqm GEA	
E (b) Food & drink mostly consumed on the premises	Maximum of 200 sqm GEA	
E (d) Indoor sports & recreation	Maximum of 200 sqm GEA	
E (g) i) Office	Maximum of 2,600 sqm GEA	Limited due to traffic impact. Ancillary offices are permitted and do not form part of the total quantum of Class E (g) i) office use for this limitation.
E (g) ii) Research & development	Maximum of 2,600 sqm GEA	Limited due to traffic impact

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E (g) iii) Any industrial process		
F1 (a) Learning and non-residential institutions for the provision of education	Maximum of 500 sqm GEA	

Change of use of floorspace within the LDO site is permitted if it is in accordance with the development parameters and permitted land uses of this Order.

7) Conditions

Development permitted by this Order is subject to all of the conditions set out in Appendix B.

Where conditions require the approval of further details by the LPA approval of said details will be by way of the standard process and requisite discharge of condition fee, payable to the LPA.

The LPA shall aim to determine applications for the approval of details reserved by conditions within 28 days. If necessary, the LPA will give the applicant notice in writing that further information is required along with a request for an extension of time to consider the additional information.

8) Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 10 years of the date of its adoption.

9) Other Statutory Requirements

Whilst the LDO grants planning permission for certain types of development as described in this Order. It relates to the provisions of the Town and Country Planning Act 1990 and associated legislation only. It does not grant consent that may be

required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer/landowner to be in accordance with all relevant legislation.

Development carried out under the LDO will be CIL liable where relevant according to the CIL regulations at the time of construction.

It should be noted that the LDO does not prevent development taking place which is not expressly permitted through the Order. Proposals for such development would be subject to the normal planning application process and may proceed if planning permission is granted.

10) Application for Compliance

Prior to the commencement of construction of any buildings permitted by this LDO, the Local Planning Authority must be notified of the proposed development via an Application for Compliance.

An Application for Compliance form (Appendix C) must be accompanied by;

- i) a plan indicating the location of the development within the site;
- ii) details of the scale, layout and appearance of the development (to include floor plans and elevations);
- iii) written demonstration of compliance with the LDO Design Guide; and
- iv) the requisite fee (in accordance with Condition 3).

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On receipt of an application for compliance, the Local Planning Authority will confirm in writing within 28 working days (the notification period) that:

- a) The proposed development is permitted by the LDO and therefore can proceed without the requirement for a planning application, or
- b) That the proposed development is not in accordance with the LDO and therefore a planning application is required; or
- c) Further information is required to determine whether the proposed development is permitted by the LDO, including reasons why there is any uncertainty and a revised compliance period of 21 working days from submission. Development is not permitted until the LPA have provided written confirmation of Compliance with the LDO.

Failure of the Local Planning Authority to respond in writing within this period will be deemed as confirmation that the proposal is permitted.

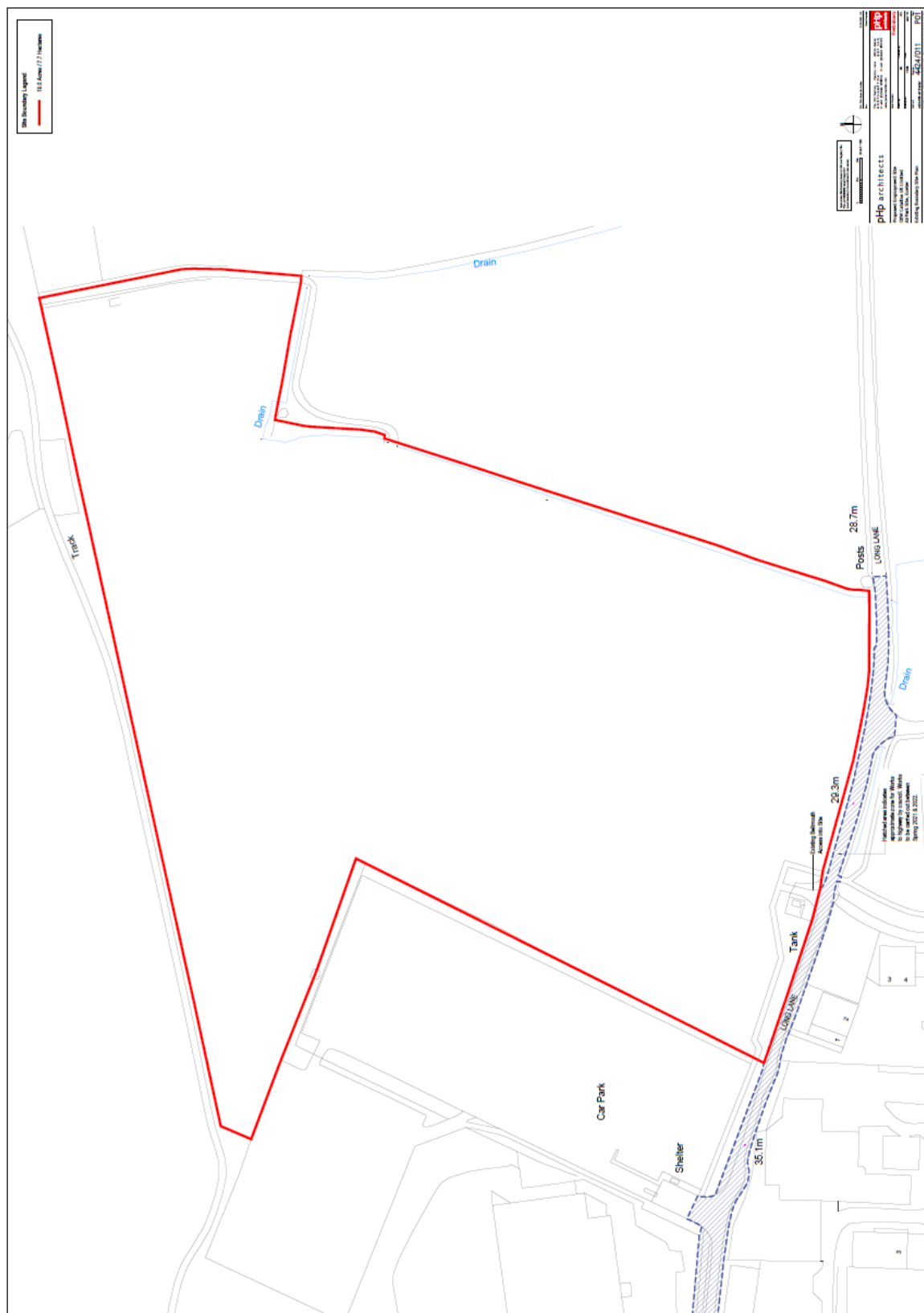
Development must not commence until the notification period has passed. For the purposes of calculating the 28 day compliance assessment period, only working days shall be taken into account. Any Bank Holiday and any day between Christmas Eve and New Year's Day (inclusive) shall not be taken into account. In respect to the above timescales day 1 starts on the day of receipt of the application. There is no right to appeal on the decision of the application for compliance.

The subsequent development should be carried out strictly in accordance with the LDO Application for Compliance and the Design Code.

DATE OF ADOPTION:

Appendix A

Plan 1 – LDO site area



Plan 2 – LDO Developable areas & zones



Appendix B

Conditions

General

- 1) The LDO and the terms within it will be active for a period of 10 years following the day of its adoption and will expire following this period.

Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, amended or expired. This is subject to the LPA's confirmation of compliances in accordance with the process set out in the LDO.

Reason – In order that the regeneration benefits of the LDO can be secured.

- 2) Development permitted by this Order shall not be carried out other than in complete accordance with the parameters and conditions set out within this LDO and the accompanying Design Code, with the exception of minor variations submitted to and approved by the LPA.

Reason – To ensure sustainable forms of development in line with the aspirations of the EEDEZ.

Compliance notice

- 3) Prior to construction commencing on any building within the site an application for compliance shall be submitted to and approved in writing by the Local Planning Authority for that building. The development shall be carried out in strict accordance with the information submitted and permitted.

Reason – To ensure the development complies with the LDO.

Change of use

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking and/or re-enacting that Order with or without modification) and the Town and

Country Planning (Use Classes) Order 1987 (or any order modifying, revoking and/or re-enacting that Order with or without modification), the use of a building/buildings shall not be changed unless it falls within the uses permitted by the Power Park Exeter LDO.

Reason: To enable the Local Planning Authority to regulate and control the development of the site in accordance with the aims and aspirations of the EZ and the Power Park LDO.

CEMP

- 5) A Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site and to ensure adequate mitigation of impacts resulting from construction.

SWMP

- 6) No construction activity shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority (unless otherwise agreed in writing by the Local Planning Authority). All development shall be undertaken in accordance with the approved SWMP.

Reason: A pre-commencement condition is required to ensure that adequate measures are undertaken to mitigate impacts resulting from construction.

Drainage

- 7) The approved drainage scheme (under appendix D of the Design Code) shall be implemented in full in accordance with the specified timetable in the Design Code

and retained, managed and maintained at all times thereafter and no development whether or not permitted by this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land so shown or in such a position as to prejudice the scheme as approved.

Reason - To manage surface water and foul sewage appropriately for the lifetime of the development.

Travel Plan

- 8) Prior to initial or subsequent occupation of any premises a Travel Plan in connection with the business/use taking place within the premises shall be submitted to and approved in writing by the LPA and thereafter the travel plan shall be adhered to in full. The Travel Plan shall accord with the requirements set out in the Design Code.

Reason – In the interests of sustainability

Archaeology

- 9) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme of investigation, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason – To ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

Aerodrome Safeguarding

- 10) Prior to any development commencing, that development shall have an approved Aerodrome Safeguarding Technical Assessment. The development shall be carried out in strict accordance with the approved technical assessment.

Reason – To ensure the development meets the safeguarding requirements of the aerodrome.



Appendix C

LDO Land off Long Lane - Application for Compliance

Applicant Details	
Name	
Address	
Contact number	
Email	
Agent Details	
Name	
Address	
Contact number	
Email	

Brief description of development		
Please indicated proposed employment	Full time	Part time
Date works are expected to commence		

Please tick to confirm attached documents/fee

Plan indicating the location of the development within the site	
Details of the scale, layout and appearance of the development	
Written demonstration of compliance with the LDO Design Guide	
The requisite fee	

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Please indicate floor area to be provided by the proposal

Gross External Area (sqm)	
B2 General industry	
B8 Storage & distribution	
E (b) Food & drink mostly consumed on the premises	
E (d) Indoor sports & recreation	
E (g) i) Office	
E (g) ii) Research & development	
E (g) iii) Any industrial process	
F1 (a) Learning and non-residential institutions for the provision of education	
Total GEA of proposal	

Declaration;

I/We hereby apply for certification of compliance with the Local Development Order (Power Park Exeter) as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Name	
Signature	
Date	

Please submit all relevant documents to the Local Planning Authority.

Development Management
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Email: LDO@eastdevon.gov.uk
Tel: 01395 571595

<https://eastdevon.gov.uk>