



URN: 21-151
Subject: Local Development Order Review
Report to: Policy and Resources – 2 November 2021
Report by: Sam Hubbard, Strategic Planning Manager

SUBJECT MATTER

Local Development Order Review

RECOMMENDATION

That the Policy and Resources Committee approve the draft Local Development Orders and associated Design Codes for consultation.

1. Introduction

- 1.1. Local Development Orders grant planning permission for specific types of development within a specific geographic area. When in place, a developer does not need to apply for planning permission for development permitted by the order.
- 1.2. Local Development Orders were adopted for Beacon Park and South Denes back in 2012 following the designation of the Great Yarmouth and Lowestoft Enterprise Zone which is focussed on developing the local offshore energy, engineering and ports sectors. This simplified planning approach introduced with the orders was considered one of the benefits to businesses investing in the zones.
- 1.3. The Local Development Orders were given a lifetime of 10 years following adoption. As a result the Beacon Park Local Development Order will expire on 30th March 2022 and the South Denes Local Development Order will expire on the 15th May 2022. The Local Development Orders have been successful in their purpose and have allowed the construction of office and light industrial buildings across Beacon Park and the South Denes area together with smaller developments such as extensions and siting of plant and tanks. The Beacon Park zone has been one of the best performing Enterprise Zones nationally. The Local Enterprise Partnership and Peel Ports have both advised that the presence of the Local Development Orders has also been advantageous in discussions with potential investors in the area. Since the adoption of the Local Development Orders, 14.84 hectares of land have been developed in the zones, accommodating 37 business and 1,021 jobs. Construction work on the sites has also supported 553 jobs.
- 1.4. Given the above, work has commenced on the preparation of revised Local Development Orders which will continue to permit much needed economic development in the Enterprise

Zones of South Denes and Beacon Park. The new orders will last for another 15 years (the remainder of the life of the Enterprise Zone). However, they can be reviewed or revoked at any time during those 15 years if the Council sees fit to do so.

- 1.5. Consultation drafts of the Local Development Orders are appended to this report. If approved by this committee, consultation with public and stakeholders will take place in November and December with finalisation and adoption of the Orders occurring in January and February.

2. Content of the Local Development Orders

- 2.1. The Local Development Orders are short documents which set out what development is permitted within them. However, they are each accompanied by a Design Code setting out the design requirements which development proposals also must accord with.
- 2.2. The South Denes Local Development Order permits the following uses:
 - Development associated with port and energy industries
 - Electronic communications
 - Security Cameras
 - Fences
 - Temporary uses of land for exhibitions and trade fairs for 56 days in any calendar year
- 2.3. The Beacon Park Local Development Order permits the following uses:
 - Site investigation
 - Office and light industrial development
 - Electronic communications.
- 2.4. All permissions granted by the orders are subject to several conditions which are detailed in the draft orders.
- 2.5. The Design Codes set out specific design parameters which developments being undertaken under the Local Development Order need to adhere to. These include height limits, plot ratios, car parking standards, flood mitigation, set-backs etc. In the most sensitive areas such as those around Nelson's Monument, there are stricter controls as detailed in the codes.
- 2.6. Given the economic objectives for the sites have not changed since 2012 and there haven't been any significant issues arise with the operation of the Local Development Orders, the revised orders on the whole are largely the same as those adopted in 2012. The main changes proposed are:
 - New conditions to limit future changes of use of buildings constructed under the order given the greater range of permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 and changes to the Town and Country Planning (Uses Classes) Order 1987 since the Orders were first adopted in 2012.

- Removal of the class permitting solar panels on buildings. Revisions to the Town and Country Planning (General Permitted Development) Order 2015 now grant permissions for solar panels on buildings removing the need for this class.
- Reduction in the area covered by the South Denes Local Development Order to remove areas which were below mean low water. The local planning authority's control over development only extends to mean low water.
- Increases in height of electronic communication masts by 5m to match those within the latest General Permitted Development Order.
- New condition to clarify that the Local Development Order for South Denes will not permit developments which involve the generation or transmission of energy.
- Change in structure of the Design Codes to reflect the National Model Design Code.
- New requirement to avoid development taking place between Southtown Road and the front elevations of the listed buildings at 244b Southtown Road, Victory House, 245 Southtown Road and 244 Southtown Road in order to protect their setting.
- Updates to flood levels in South Denes Design Code to take into account latest modelling.

3. Financial Implications

- 3.1. There are no financial implications associated with the preparation of the Local Development Orders which will be funded from the Strategic Planning budget.
- 3.2. The Local Development Orders remove the need for planning permission which therefore means new developments coming forward within the Local Development Order area will not pay a fee for a planning application. Given that any planning applications which would have come forward in the areas covered by the Local Development Orders would be only a very small proportion of the total planning applications received it is not considered that the financial implications would be significant.

4. Legal and Risk Implications

- 4.1. The Local Development Orders are being prepared in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015. An Environmental Assessment screening assessment and Habitat Regulations Assessment has also been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 and the Conservation of Habitats and Species Regulations 2017. These are also appended to this report.
- 4.2. The Local Development Orders are well established and the revised versions only include limited changes as set out above. Given there have been no significant issues with the Local Development Orders the risks associated with the review are considered low.

5. Conclusion

- 5.1. The Council's Local Plan Working Party have considered and endorsed the draft Local Development Orders and associated Design Codes appended to this report.

5.2. It is recommended that the Policy and Resources Committee approve the draft Local Development Orders and associated Design Codes for consultation.

6. Appendices

- Appendix 1a - Draft Beacon Park Local Development Order
- Appendix 1b - Draft Beacon Park Design Code
- Appendix 1c - Beacon Park Local Development Order – Environmental Impact Assessment Screening Opinion
- Appendix 1d - Beacon Park Local Development Order – Habitat Regulations Assessment Screening Opinion
- Appendix 2a - Draft South Denes Local Development Order
- Appendix 2b - Draft South Denes Design Code
- Appendix 2c - South Denes Local Development Order – Environmental Impact Assessment Screening Opinion
- Appendix 2d - South Denes Local Development Order – Habitat Regulations Assessment Screening Opinion

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Through ELT
Section 151 Officer Consultation:	Through ELT
Existing Council Policies:	Local Plan Part 1: Core Strategy
Financial Implications (including VAT and tax):	See Section 3
Legal Implications (including human rights):	See Section 4
Risk Implications:	See Section 4
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a