

Appendix 1 – DC Committee Report P/16/309/FUL

REFERENCE: P/16/309/FUL

APPLICANT: Industrial Pipework Ltd Unit 8 Heol Ty Gwyn Industrial Estate,
Maesteg CF34 0BQ

LOCATION: Industrial Pipework Ltd, Heol Ty Gwyn Industrial Estate, Maesteg

PROPOSAL: Steel Portal Framed extension to side of Unit

RECEIVED: 27 April 2016

SITE INSPECTED: 13 May 2016

APPLICATION / SITE DESCRIPTION

The application site is located within Heol Ty Gwyn Industrial Estate which is allocated and protected for employment development falling within uses B1, B2 and B8 employment uses by policy REG1(12) of the adopted Bridgend Local Development Plan (LDP).

The application is seeking retrospective consent for a steel portal framed extension to the side of the existing industrial unit.

RELEVANT HISTORY

P/11/356/FUL Consent granted 6 July 2011

RETROSPECTIVE APPLICATION TO CHANGE THE USE OF OPEN LAND TO STORAGE FOR EXISTING INDUSTRIAL UNIT

PUBLICITY

The application has been advertised on site and in the press.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25 May 2016.

CONSULTATION RESPONSES

Councillor P White has no objections and agrees that this application can be dealt with by officer delegation.

Maesteg Town Council supports the proposal.

The Coal Authority has no objection subject to a condition regarding remedial works.

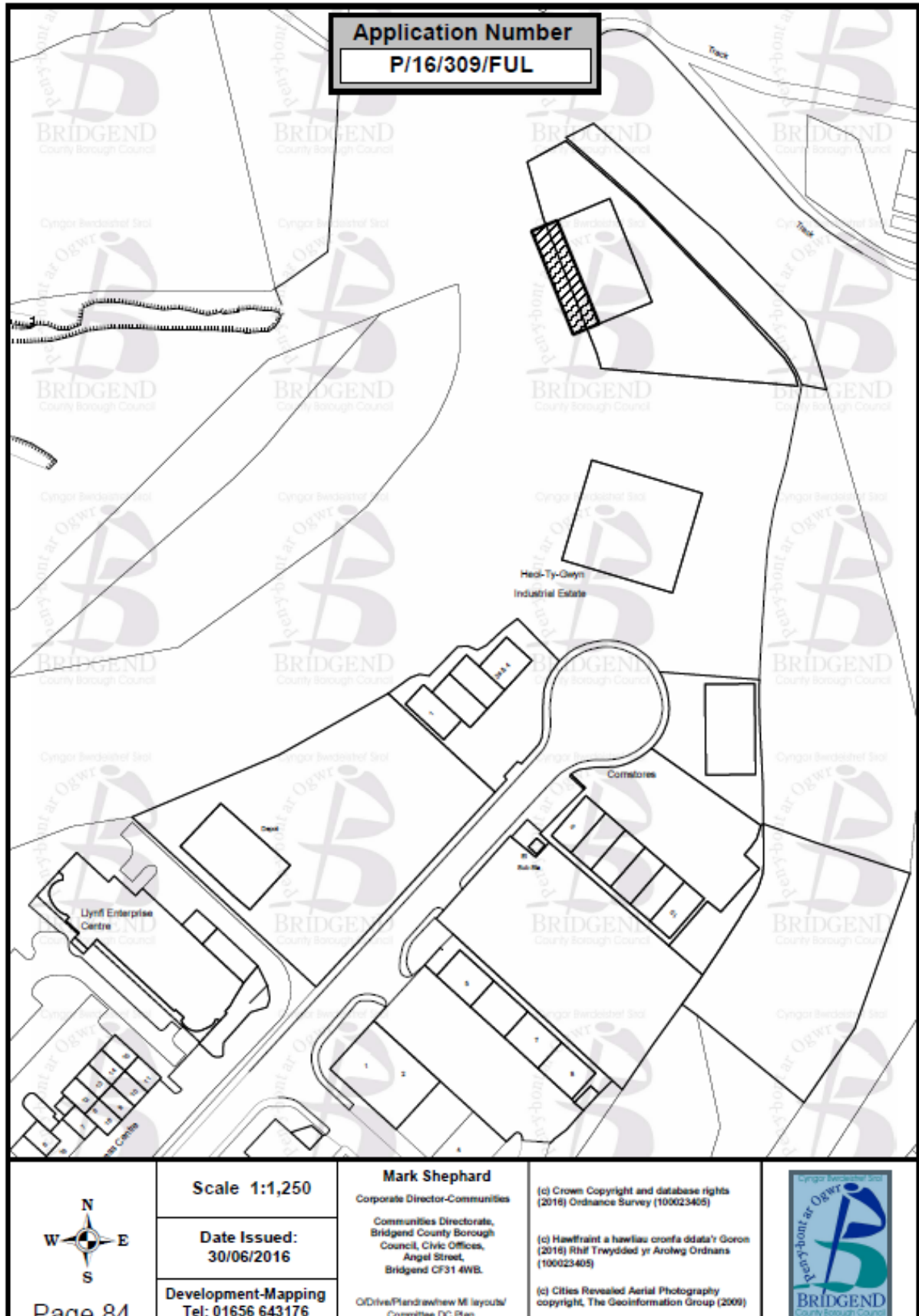
The Economy and Natural Resources Manager offers no observations.

The Land Drainage Officer has no objection to the proposal.

REPRESENTATIONS RECEIVED

Llynfi Coaches MOT Testing Station objects to the development for the following reasons:-

- The building was erected without sufficient footings;
- The surrounding land has been landscaped and is causing water run-off on to our land.



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- Footings are a matter for Building Control
- The land Drainage Officer has no objections to the proposal.

APPRAISAL

The application is reported to Committee as a departure to the Local Development Plan (LDP).

The extension is located outside the employment allocation boundary and settlement development boundary, therefore, LDP Policy ENV1, which seeks to protect the countryside from inappropriate development, applies.

In terms of background, when the original permission was granted for the existing industrial unit the application was assessed under the policies of the Unitary Development Plan (UDP) and, at that time, the application site was included within the settlement development boundary.

When the LDP was prepared the area was excluded as part of the settlement boundary review. However, it is considered that the extension to the building would not be so detrimental to the surrounding countryside to justify the refusal of planning permission. As the application is technically outside the employment allocation and settlement development boundary as defined in the LDP this application is required to be assessed as a departure to the LDP, considered by the Development Control Committee and referred onwards to Council.

According to the LDP proposals map the extension has been built in an area identified as a 'secondary coal reserve' where Policy ENV9 of LDP requires that development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate (inter alia) that if permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. It is considered unlikely that minerals will be extracted in such close proximity to the existing industrial unit and, in this respect, the applicant has provided the original Report on Site Investigation commissioned by the Welsh Development Agency when the original site was developed. The Report suggests that mudstone, siltstone and sandstone were present in a matrix of grey silty clay above coal seams and the Coal Authority has no objection subject to a condition for remedial works. It is considered, therefore, that Policy ENV9 is satisfied.

The application site is situated at Heol Ty Gwyn Industrial Estate which is allocated for employment uses falling within Classes B1, B2 & B8 of the Use Classes Order by Policy REG1 of the Bridgend Local Development Plan. The proposed development for an industrial unit is considered to be compatible with this policy.

In terms of detail and design the unit will resemble neighbouring premises on the Industrial Estate and it is considered that the proposed development will not adversely impact on the amenities of the area or neighbouring units and thereby will be compatible with Policy SP2 of the LDP.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- * A prosperous Wales

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- * A resilient Wales
- * A healthier Wales
- * A more equal Wales
- * A Wales of cohesive communities
- * A Wales of vibrant culture and thriving Welsh language
- * A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that 'In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.'

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the retrospective nature of the application it is considered that, overall, there will be no significant adverse residual impacts on biodiversity and ecology. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

The application can be recommended for approval as it is generally compatible with Development Plan policies relating to employment whilst not so significantly intruding into the countryside as to warrant refusal. The proposal also represents an opportunity for an existing enterprise to expand its operations and create additional jobs.

RECOMMENDATION

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(A) That the application be referred to Council as a proposal that is a departure from the Development Plan that the Planning and Development Committee are not disposed to refuse the restoration as the extension to the building is on land for which the original storage use was granted under the Unitary Development Plan and it would not be so detrimental to the surrounding countryside.

(B) That if Council resolve to approve the proposal then the following conditions be included on the consent:-

1. Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 31 and 32 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the of the above Act, shall have been deemed to have been implemented on 27 April 2016.

Reason: To comply with Section 73A of the above Act.

2. Within 1 month of the date of this consent a scheme of remedial works to treat any areas of shallow mine workings present beneath the extension shall be submitted to and agreed in writing with the Local Planning Authority. Any remedial works identified shall be implemented within 3 months of the date of this consent.

Reason: To ensure the safety and stability of this development within the Development High Risk Area.

3. The development shall be carried out in accordance with condition 1. above and the approved plans labelled DRAWING: PLAN AND SECTION and DRAWING: ELEVATIONS and date stamped 27 April 2016.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The application can be recommended for approval as it is generally compatible with Development Plan policies relating to employment whilst not so significantly intruding into the countryside as to warrant refusal. The proposal also represents an opportunity for an existing enterprise to expand its operations and create additional jobs.

b. No surface water is allowed to discharge to the public highway

c. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background papers

None