

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0513/NCC 25.07.2014	CCBC (Urban Renewal Department) Tredomen Business And Technology Centre Parc Tredomen Tredomen Ystrad Mynach Hengoed CF82 7FN	Vary condition 46 of planning permission 11/0259/OUT to extend the expiry date for the approval of reserved matters by a period of five years Bargoed Retail Plateau East Of Hanbury Road/West Of Angel Way/A469 Bargoed

APPLICATION TYPE: Development without complying with conditions

SITE AND DEVELOPMENT

Location: The application site, 2.76 hectares in size, includes both the plateau site in Bargoed town centre on which the main redevelopment scheme has been located and an area of land at the Angel Way roundabout in the valley floor to the east of the plateau site and upon which the petrol filling station has been located.

Site description: The main plateau site (which was created between 2007 and 2008 as part of the construction of the A469 relief road - Angel Way) is in part used to provide surface car parking serving existing retail uses on Hanbury Road and the recently constructed Morrisons Superstore and car park, whilst the remainder is retained as open unused land. Hanbury Road and commercial/residential properties fronting Hanbury Road (to the north) and Cardiff Road (to the south) form the western boundary. Beyond the eastern boundary the valley side descends steeply to the railway line which runs north/south, beyond which is the smaller parcel of land on which the petrol filling station has been located between the railway line and the Angel Way roundabout. Bargoed bus station is located at the A469/Bristol Terrace roundabout. Hanbury Road is one way northbound. Vehicular access to the main plateau site is provided by the existing A469/retail plateau access road signal junction immediately east of Gilfach Street. The A469 is connected to Angel Way. The Petrol filling station site originally comprised a grassed/landscaped area with tarmac footpaths and cycle way providing access to the Parc Coedtir Country Park in the river valley to the north, south and east.

Development: This an application to vary condition 46 of planning permission 11/0259/OUT to allow the submission of reserved matters within 5 years of the date of approval. Although the original application was an outline application for development proposals split into two phases, full details were submitted in respect of Phase 1 and outline information for Phase 2.

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In summary the Phase 1 development (which, with the exception of the petrol filling station, occupies the northern half of the plateau site) comprises:

- engineering works and sewer diversions.
- new Morrisons food store 5,147 sqm gross.
- 7 new retail units 1921 sqm gross for uses within Class A1 (retail), Class A2 (financial and professional services) or Class A3 (restaurant and cafe).
- 412 car parking spaces - 256 on level 1 and 156 on level 2.
- new public square
- new pedestrian links.
- new vehicular access and servicing.
- landscaping and boundary treatments. Landscaping comprises a planted 'green wall' on the east facing elevation of the car park, an area at the northern end of the service yard at the bottom of the Hanbury Road steps and an area along the southern elevation of the car park.
- petrol filling station with forecourt shop 71sqm, car wash 62 sqm, jet wash, underground fuel tanks, realigned footpath / cycleway, new vehicular access, diversion of existing otter tunnel, landscaping and boundary treatment.

Phase 1 of the development has now been completed, the Morrisons store (and petrol filling station) is operational and a number of the new retail units in Hanbury Road have been occupied or let to tenants. As such, this application seeks consent to allow the submission of reserved matters for Phase 2 of the development.

In summary the Phase 2 development (which is located on the southern part of the plateau site) comprises:

- cinema 2165 sqm gross.
- restaurant/cafe 558 sqm.
- car parking for the cinema and cafe with access also to the car parking in phase 1.
- new access

The application is supported by a Town Planning and Retail Statement, Design and Access Statement, Transport Assessment, Interim Travel Plan, Noise Assessment, Air Quality Assessment, Phase 1 Habitat Survey, Flood Risk and Drainage Feasibility Statement, and a Geo-Environmental Overview Report.

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The Town Planning and Retail Statement describes how the redevelopment scheme accords with policies at national and local level. It addresses the retail planning issues and notes that since the development is proposed within the defined town centre the sequential approach to site selection for new retail development (as referred to in Planning Policy Wales and Technical Advice Note 4) is not required. However, in accordance with guidance an Impact Assessment has been provided. This assessment reviews the retailing background set out in documents prepared to support the allocation of the site in the Adopted Local Development Plan, including the assessment of convenience trade diversion, comparison trade diversion, cumulative impact and impact on Bargoed Town centre.

The Design and Access Statement (DAS) appraises the site, considers the policy context, describes how the design concept and character developed, and also considers matters of access, community safety, environmental sustainability and movement to, from and within the site.

The second phase of the development comprises a cinema, several A3 units and car parking. The main access to the cinema (which itself is located at the northern end of the phase 2 area, approximately in the middle of the whole plateau site) will be from the lower car park deck on Level 1, or the sloping rear lane to the adjoining Cardiff Road properties. It is envisaged that there will be an A3 use associated with the cinema. The cinema will use the car parking created by the Phase 1 development. The remaining land, to the west of the access road will be used for a public car park

Vehicular access to the site would be gained via the existing traffic light controlled junction from the A469 onto the plateau, with access into the car parks taken from the road that runs along the eastern edge of the plateau. Permeability has been an important aspect of the development, the aim being to enable the car park to double up as town centre parking and allow pedestrian access throughout the development operating independently of the supermarket. The spine of this access principle is the stair and lift core which is fully and inclusively accessible from all three levels, two lower parking levels and the public square at level 3. While this provides access to the supermarket it is operable outside supermarket hours to a management strategy for use of the town centre and access to Phase 2 facilities. Access to the service yard at the northern end of the building is via a single set of gates. The old steps from Hanbury Road down to the car park in this area have been modified slightly and a route created through a landscaped area at the northern end of the service yard. The car park is managed by Morrisons and is designed to enable the northern portion (behind the travelator) to be closed off when the supermarket is closed.

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The southern portion of the car park will be for the use of the cinema. The northern car park and upper deck will be primarily for the supermarket and the upper deck can be opened after hours if the management agreement with the supermarket allows. The development will require the stopping up of part of the lane to the rear of Hanbury Road.

The whole development has been designed with sustainability in mind, a key requirement of national and local policy. The main upper plateau development has been designed to achieve BREEAM (Excellent) Retail 2008. The petrol filling station at the lower level is being assessed separately with an aspiration to achieve 'Excellent' although it is likely to be lower than this. The DAS sets out what is proposed to both the buildings and the site during construction and subsequent occupation to ensure the development is sustainable in the widest sense.

The Geo-Environmental Report assesses the ground conditions specifically with respect to the management of contaminated land. It considers the development history of the site, its environmental setting in terms of geology, hydrogeology, hydrology, coal mining, mineral extraction and subsidence, landfill and waste management activity, ecological considerations. It then considers contamination sources and assesses the risk of pollution. The report concludes that in general the risks from ground contamination to the proposed developments are low.

The Noise Assessment determined how noise that may be generated as a result of the proposals would affect the amenities of local residents and how the noise environment would affect the amenities of future residents within the development itself. The assessment concludes that the development could proceed without causing harm to the amenity of existing or future residents subject to the following recommendations:

1. No deliveries at night between 2300-0700 hours.
2. Acoustic screening where appropriate around the service yard.
3. Noise output from mechanical services plant to be limited.
4. Building construction to limit noise breakout from the cinema and A3 uses.

A supplementary noise assessment was submitted in response to comments from the Head of Public Protection.

The Air Quality Assessment describes existing local air quality conditions (2011) and the predicted air quality in the future assuming that the proposed development does or does not proceed. The assessment of construction dust impacts focuses on the anticipated duration of the works.

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The assessment concludes that existing conditions within the study area show mainly good air quality, concentrations of nitrogen dioxide PM10 and PM2.5 would remain below the objectives at all receptor locations, the overall air quality impacts of the development are judged to be insignificant. Road traffic emissions do not provide any constraints to the proposed scheme. The construction works have the potential to create dust so it will be necessary to apply a package of mitigation measures to minimise dust emission.

The Flood Risk and Drainage Feasibility Statement notes that, although the current Environment Agency flood map shows the development site to be at risk of flooding from the River Rhymney, it has been established that this does not take into account recent development works in substantially raising ground levels locally and the culverting of the river under the Bargoed roundabout. The Environment Agency has acknowledged that the flood map is inaccurate for this location and that a Flood Consequence Assessment is not required as the risk of fluvial flooding is low. River levels are 19 metres below the proposed development level at its lowest point. The risk of other forms of flooding from the fluvial, groundwater, public sewers, site drainage and tidal is considered low and does not expose the local neighbourhood to an increase in flood risk.

An extended Phase 1 Habitat Survey was undertaken of the application site, both the plateau area and the area on which the petrol filling station is proposed. The habitats present on the sites and on land immediately surrounding the sites were noted. Precautions should be taken to ensure that any disturbance of all habitats deemed suitable for nesting birds is only carried out outside the bird-nesting season. Taking into account the guidance in TAN 5 'Nature Conservation and Planning' and the need to ensure that all planning decisions should protect wildlife and ecological features and seek new opportunities for the enhancement of nature conservation, it is recommended that any landscape areas should include native plant species sourced from local nurseries.

The Transport Assessment demonstrates that the site is accessible by a choice of travel modes, including walking, cycling and public transport and therefore that the proposals are consistent with local and national planning policy. The car parking provision at the site has been compared and been found to be broadly in line with the standards set out in the CCBC Supplementary Planning Document LDP 'Car Parking Standards'. A car parking accumulation study has been completed which shows that during the busiest time period the proposed two level car park will reach approximately 87% capacity, suggesting that the proposed car parking is appropriate to the development. The accident data does not show that there is either a high incident rate or pattern of accidents in the locality of the site and consequently it is considered that with the well conceived access works to the proposed development it is unlikely that there would be a significant increase in the risk of accidents.

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The assessment provides a worst-case assessment of the traffic impact of the proposed development. Computer modelling of the site access junction and other relevant junctions on the local highway network shows that the junctions will operate within their capacity in the design year of 2028. Overall, the assessment concluded that the proposed development is acceptable from a transport perspective and will lead to benefits in terms of reduced trip lengths and increases potential for shopping trips to be undertaken by non-car travel modes, while not resulting in any identifiable transport related difficulties.

It is proposed to set up a Travel Plan, which sets out ways in which the use of non-car modes by staff working on the site can be encouraged. Its primary objective is to reduce the number of single occupancy, single purpose car trips to the development by increasing awareness of the advantages and potential for travel by more environmentally friendly modes of transport. The travel plan will be overseen by a Travel Administrator and implemented by a Travel Plan Co-ordinator. It will be regularly monitored to ensure that the objectives are being met and to gauge progress towards the targets.

Materials: No materials have been specified for Phase 2 and all matters not referred to above are reserved for future consideration.

Ancillary development, e.g. parking: Car parking is incorporated into the development as described above. In addition, secure cycle parking facilities will be provided in convenient locations including 10 spaces on the new public square and 36 spaces in the car park near to the food store entrance.

PLANNING HISTORY

P/01/0631 - Redevelop to provide car parking and retail/leisure development A1 & A3 use, re-align proposed by pass and station road - Granted 29.08.01.

P/03/0437 - Construct approx. 3.6 km of new highway with assoc. junctions & structures, a new retail dev. plateau & bus station as part of Bargoed Town Centre Regeneration - Granted 12.06.03.

07/0345/LA - Construct maintenance access track and a public viewing platform as part of the Greater Bargoed Community Regeneration Scheme - Granted 17.05.07.

09/0061/LA - Change the use of land for temporary car parking - Granted 25.03.09

11/0830/LA - Change use from bus station to public space. Granted 26.01.12.

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12/0276/ADV - Install advertising/marketing board on site of proposed petrol filling station. Granted 06.06.12.

12/0869/ADV - Erect advertising/marketing board. Granted 28.01.13.

12/0901/RM - Seek approval of the appearance, landscaping, layout and scale of Phase 2 car park. Granted 07.02.13.

13/0044/ADV - Erect illuminated signage to canopy, kiosk & carwash and erect a new Morrisons totem pole. Granted 21.03.13.

13/0135/LA - Seek approval of the reserved matters of access, appearance, landscaping, layout and scale approved under planning consent 11/0259/OUT to construct a new five screen cinema and associated landscaping works. Granted 11.04.13.

13/0139/ADV - Erect illuminated and non-illuminated signage to new supermarket store. Granted 22.04.13.

13/0142/LA - Develop access road into site for future development by a private developer (future proposals for a restaurant and parking area). Granted 24.04.13.

13/0317/LA - Vary condition 60 of Planning Permission 11/0259/OUT so that the use of the cinema shall not be open to customers between the hours of 0100 hours and 0700 hours. Granted 13.06.13.

13/0866/FULL - Install new aluminium shop front. Granted 14.02.14.

13/0867/ADV - Erect fascia sign and two internal window graphics on suspended Tagi system. Granted 14.02.14.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The main plateau site is located within the Principal Town Centre boundary (CM1.1) allocated for a food superstore, retail, cinema and residential (CM4.2 and HG1.19). The site of the petrol filling station is located outside settlement limits and in the Greater Bargoed Country Park (LE3.3)

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Policies:

SP1 (Development Strategy in the Heads of the Valleys Regeneration Area), SP4 (Settlement Strategy), SP5 (Settlement boundaries), SP6 (Place Making), SP7 (Planning obligations), SP8 (Mineral safeguarding), SP10 (Conservation of natural heritage), SP17 (Promoting commercial development), CW1 (Sustainable transport, accessibility and social inclusion), CW2 (Amenity), CW3 (Design considerations - highways), CW5 (Protection of the Water environment), CW10 (Leisure and open space provision), CW14 (Use class restrictions - retail), CW15 (General locational constraints), CW16 (Locational constraints - retailing), CW22 (Locational constraints - minerals), HG1.19 (Allocated housing site), CM1.1 (identification of the boundary for the Principal Town Centre in the Heads of the Valleys Regeneration Area - Bargoed), CM4.2 (Principal town and local centre development sites), LE3 (Protection of country parks).

NATIONAL POLICY:

Wales Spatial Plan. Bargoed is located in the 'Heads of the Valleys Plus' Strategic Opportunity Area identified in the 2008 update to the Wales Spatial Plan.

Planning Policy Wales 7th edition July 2014 seeks to promote mixed-use development and locate development in locations accessible by sustainable forms of transport, by the re-use of previously developed sites in built up areas and also in town centres; promotes sustainability through good design which should include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings; requires Local Planning Authorities to develop through their community strategies and development plans a clear strategy and policies for retail development which seek to achieve vital, attractive and viable centres and to set out a framework for the future of town, district, local and village centres in their area which promotes a successful retailing sector supporting existing communities and centres; in determining planning applications to take account of the risk and impact of potential pollution from the development insofar as this might have an effect on the use of other land and the surrounding environment.

Technical Advice Notes: TAN 4 (Retailing and Town Centres), TAN 5 (Nature Conservation and Planning), TAN 11 (Noise), TAN 12 (Design) 2009 , TAN 22 (Planning for sustainable buildings).

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ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

CONSULTATION

Senior Engineer (Land Drainage) - No objection.

Principal Valuer - No objection.

Dwr Cymru - No objection subject to conditions.

Natural Resources Wales - No objection.

Wales & West Utilities - No objection.

Police Architectural Liaison Officer - No objection.

Network Rail - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: None.

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? This application relates to the cinema phase of the development. All such facilities where people congregate in the evenings have the potential to cause some anti-social behaviour. That should not preclude the grant of planning permission in this case for what is clearly a town centre use. Any problems can be addressed by the Police.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local development plan policy and supplementary planning guidance.

The principle of the development on the plateau site is fully in accord with Policy CM1.1 (identification of Bargoed as a Principal Town) and Policy CM4.2 (allocation of the site for a food superstore, retail, cinema and residential) in the Adopted Local Development Plan and also with guidance and policy in Planning Policy Wales.

Strategic Planning and Urban Renewal Manager has concluded that the retail impact section of the Town Planning and Retail Statement demonstrates that the development is in accord with the LDP and with Welsh national guidance. However, it is noted that the application will need to be referred to the Secretary of State in accordance with the Town and Country Planning (Shopping Development)(England and Wales)(No.2) Direction 1993.

Group Manager Transportation Planning has raised no objection subject to conditions dealing with detailed access arrangements for both vehicles and pedestrians.

Head of Public Protection has considered the environmental impacts of the development, in particular noise, air quality and contamination. He considers that air quality and contamination impacts are acceptable subject to any permission granted including conditions to mitigate and/or control those impacts.

The overall design philosophy of the development, in particular Phase 1, as described in the Design and Access Statement is considered to be acceptable and has been the subject of discussions between the applicant, their consultants and officers, This dialogue is continuing in respect of some detailed design matters and where there are still some outstanding matters it is considered appropriate and reasonable to reserve their final approval by conditions.

Comments from Consultees: These are dealt with in the policy section above.

Comments from public: None.

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Other material considerations: None.

In conclusion it is not felt that circumstances have changed since the original grant of outline planning consent for this development and as such the proposal is acceptable in planning terms. The application is therefore recommended for approval. The conditions recommended below reflect the fact that Phase 1 has been carried out, and also the sustainable construction of the building is now addressed by the Building Regulations. Conditions that impose on-going restrictions such as hours of operation have been repeated.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding the submitted plans no development of Phase 2 of the development hereby approved (residential, cinema, A3 uses) shall commence until approval of the details of the layout, scale, appearance and landscaping of that part of the development (hereinafter called the Reserved Matters) has been obtained in writing from the Local Planning Authority.
REASON: To ensure the satisfactory development of the site.
- 02) Application for approval of any 'reserved matter' shall be made to the Local Planning Authority not later than the expiration of five years beginning with the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) The development of Phase 2 shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Prior to the commencement of Phase 2 a scheme to deal with the contamination of that part of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include a ground investigation and risk assessment to identify the extent of contamination and the measures to be taken to avoid risks to the occupants of the development when the site is developed.
REASON: In the interest of public health.

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- 05) No building approved by this permission in Phase 2 shall be occupied until a report has been submitted to and approved in writing by the Local Planning Authority that verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: In the interests of public health.
- 06) If, during development of Phase 2, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval has been obtained from the Local Planning Authority on the method of dealing with the contamination.
REASON: In the interest of public health.
- 07) Prior to the commencement of development of Phase 2 a scheme for the drainage of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include provision of a grease trap in connection with any proposed A3 use. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) Prior to the commencement of any development in Phase 2 a construction phase noise scheme (to include proposed hours which the developer intends to work) and a construction phase dust mitigation scheme shall be submitted to and approved by the Local Planning Authority. Thereafter the agreed scheme shall be employed to deal with any noise and dust arising from the construction of the development.
REASON: In the interest of public amenity.
- 09) Prior to the commencement of any works on the proposed cinema use in Phase 2 a noise insulation scheme for the building to ensure that noise break-out from this use is designed to either not exceed or be well below the background noise climate shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Approved Scheme.
REASON: In the interest of public amenity.
- 10) The use of the cinema hereby permitted shall not be open to customers between the hours of 0100 hours and 0700 hours.
REASON: In the interest of residential amenity.

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- 11) Any A3 uses that occupy Units 1-7 in Phase 1 shall not be open to customers outside the following times:
(a) 0700 hours to midnight Sundays to Thursdays and (b) 0700 hours to 0030 hours on Friday and Saturday.
REASON: In the interests of residential amenity.
- 12) The use of the car wash and jet wash at the petrol filling station within Phase 1 shall not be open to customers between the times of 2200 and 0700 hours.
REASON: In the interest of residential amenity.
- 13) No development shall take place within Phase 2 until a detailed lighting scheme for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, inter alia, the position, height and type of lighting columns. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of visual and public amenity.
- 14) The use of the car parks shall be managed in accordance with a Management Plan, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority. Where appropriate the Plan shall make provision for the car parks to be closed by lockable barriers when the parking facilities are not available for public use.
REASON: To deter use of the car parks when they are closed in the interest of public amenity.
- 15) Prior to the commencement of the use of any A3 use permitted in Phase 2 of the development hereby approved, a scheme of odour/effluvia/fume control (including noise) shall be implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained for the duration of the approved uses.
REASON: In the interest of amenity.
- 16) No more than two of Units 1-7 shall be occupied for purposes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended. Once two of those units have been occupied for Class A3 purposes, no more of those units shall be occupied for purposes falling within that class without the approval of the Local Planning Authority.
REASON: To retain control of the use of the units in the interests of the vitality of the town centre, and crime and disorder.

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- 17) Before any soils or hardcore are brought onto site a scheme for their importation and testing for contamination, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 18) Prior to the commencement of any building work on site with the exception of preliminary works, full engineering details of the car park circulation areas and ramps between levels shall be submitted to the Local Planning Authority for the agreement of the Local Planning Authority in writing. They shall then be constructed in accordance with the agreed details prior to any beneficial occupation of the development and shall be maintained thereafter free of obstruction for the safe passage of vehicles.
REASON: In the interests of highway safety.
- 19) The proposed means of access/egress to/from the car parking areas shall be laid-out, constructed and maintained thereafter with the following vision splays:
Northern egress - 2.4m x 43m to the south, 2.4m x 33m to the north as measured to the nearest kerb line:

Southern egress - 2.4m x 43m to the north, 2.4m x 27m to the south side to accommodate the slower speed of approaching traffic from the south.

No obstruction or planting exceeding 0.9m in height when mature above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas
REASON: In the interests of highway safety.
- 20) Any gates shall be located and fitted so as to not open out over the highway.
REASON: In the interests of highway safety.

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- 21) Other than preliminary works within Phase 2 no development shall take place until a plan showing details of the provision of integral self-contained roosts to the outer walls of the new buildings in Phase 2 has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the new buildings in Phase 2 hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 22) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority prior to their removal/felling/clearing to ensure that breeding birds are not adversely affected.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 23) Prior to the commencement of the use of the supermarket and/or any A3 use in Units 1-7 hereby approved a scheme of odour/effluvia/fume control (including noise) shall be implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained for the duration of the approved uses.
REASON: In the interest of amenity.
- 24) The rating level of noise from all external and roof mounted plant/machinery installed at the site shall not exceed the existing background noise level by more than 5dB at any time when measured or calculated at 1 metre from the facade of the nearest existing and proposed noise sensitive properties. The measurement and assessment shall be made in accordance with BS4142:1997, or the most current British Standard if applicable.
REASON: In the interests of residential amenity.
- 25) No deliveries shall be taken at or dispatched from the uses permitted in Phase 1 and Phase 2 outside the hours of 0700 and 2200 hours.
REASON: In the interests of residential amenity.

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- 26) Prior to the commencement of the uses hereby-approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health.
- 27) No compaction shall take place within the service delivery yard unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of public amenity.
- 28) Unless otherwise agreed in writing with the Local Planning Authority reversing alarms shall not be used within the service delivery yard between the following times: 0700 and 0900 hours on Saturdays; 0700 and 1000 hours and 1700 and 2200 hours on Sundays and Bank Holidays. In the absence of reversing alarms details of an alternative system for managing risks with reversing vehicles during those times shall be submitted to and approved by the Local Planning Authority. The approved system shall thereafter be used at all times.
REASON: In the interests of public amenity and health and safety.
- 29) Music noise levels associated with any of the commercial/retail/leisure uses within both Phase 1 and 2 shall not exceed the external background noise levels up to 2300 hours and the music noise levels must be inaudible (10dB below background noise levels) at the nearest sensitive noise receptor after 2300 hours.
REASON: In the interest of public and residential amenity.
- 30) The occupancy of the petrol filling station hereby approved shall be restricted to the retailer that occupies the Primary A1 retail unit on the Bargoed Plateau hereby approved.
REASON: To ensure that the vitality and viability of the proposed retail development and thus the Principal Town of Bargoed is not undermined.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW1, CW2 and CW3.

On this decision notice the expression 'Preliminary Works' shall mean only any of the following: site clearance, demolition work, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements.
