

DECISION NOTICE

Mr Anthony Morgan,
Recycled Stone & Soils Ltd
Waterways House
Merthyr Road
Llanfoist
Abergavenny
Monmouthshire
NP7 9LN

APPLICATION NO. 13/P/00337

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995

NOTIFICATION OF APPROVAL OF DETAIL APPLICATION

In pursuance of its powers under the above mentioned Act and Order, TORFAEN COUNTY BOROUGH COUNCIL (hereinafter called the Council) as Local Planning Authority hereby **PERMITS:-**

Retention of use for the processing of construction & demolition waste (Amendment to planning permission 08/P/00594).

AT:

The Old Brickworks site, Little Mill, Pontypool, Torfaen

In accordance with the plan(s) and application submitted to the Council on **31 July 2013**.

SUBJECT TO THE CONDITION(S) SPECIFIED HEREUNDER:

1. Unless within 3 months of the date of this permission the works shown on Drawing No. COMP/001 under and on the approaches to the railway bridge, and the erection of the height restrictor shown on the Bridge Protection scheme are Drawing Ref No.LM03, are completed then the use of the site hereby approved shall cease until such time that the required works are carried out.

REASON : In the interests of amenity for all users of the access road and the integrity of the railway bridge.

2. Unless within 3 months of the date of this permission a scheme for the hard surfacing and provision of passing bays indicated on Drawing No. LM02 of the remainder of the access route, to the west of the area the subject of the works required by Condition 1, is submitted in writing to the Local Planning Authority and unless within a further period of 3 months of the Local Planning Authority written approval the agreed works are fully completed then the use hereby approved shall cease until such time that an approved scheme for the hard surfacing of the access route is completed.

REASON : In the interests of amenity for all users of the access road.

3. Notwithstanding details already submitted, unless within 1 month of the date of this permission details of a wheel wash facility shall be submitted of the written approval of the Local Planning Authority in writing to the LPA, and unless within a further period of 2 months the approved wheel wash facility is installed and is operational the use hereby approved shall cease until such time that the that an approved wheel wash system is installed and operational. Thereafter the approved use shall not operate unless the approved wheel wash system is fully functional in accordance with the details as agreed with the Local Planning Authority

REASON : To prevent the deposit of mud and soil on the access route.

4. Within 3 months of the date of this permission details shall be agreed in relation to the foul and surface water drainage arrangement shall be submitted to and agreed in writing , and thereafter installed in accordance with the agreed details.

REASON: In the interests of amenity

5. Notwithstanding the details shown on the submitted plans LM06 and C99/02, the bund to be constructed to the northern and eastern parts of the site, shall be done so in a manner which retains a 10m buffer zone of underdeveloped lane along the boundary of the site adjacent to the remainder of the Coed Brytovey SINC and should unless otherwise agreed in writing with the Local Planning Authority be securely fenced in accordance with the agreed details.

REASON: In the interests of nature conservation.

6. Within three months of the date of this permission, an ecological management plan for the buffer zones, the subject of Condition 5 shall be submitted to and agreed by the Local Planning Authority. The ecological management plan shall be implemented accordingly.

REASON: In the interests of nature conservation of protected species.

7. Unless within 3 months of the date of this permission the details of the construction of the perimeter bund shall be submitted to in writing to the Local Planning Authority for approval and unless within 18 months following the written approval of the Local Planning Authority, the bund is constructed in accordance with the approved details to the dimensions shown on drawing no. C99/02, then the use hereby approved shall cease until such time that an approved bund is constructed in the approved manner.

REASON: In the Interests of amenity

8. Notwithstanding the details of landscaping shown on Planting Plan No. C99/02, within 3 months of the date of this permission full details of a landscaping scheme incorporating additional tree planting details of a landscaping scheme incorporating additional tree planting, details of grass and flower mix to be used, together with their protection shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented during the first planting season following the completion of the proposed of the bund the subject of Condition 7 of this permission. Any trees, removed, felled, uprooted or diseased within 10 years of planting shall be replaced with trees of similar species and size to those originally required to be planted.

REASON :In the interests of visual amenity.

9. No processing of material or lorry movements associated with the use hereby granted shall occur outside the hours of 7:00am to 6:00PM Monday to Friday and between 8:00 and 1:00pm on Saturdays, and not at all on Bank/ Public Holidays and Sundays

REASON: in the interests of amenity.

10. The site shall be used solely for the processing of inert construction and demolition waste processing to a maximum of 65,000 tonnes per annum and for no other purpose whatsoever including any purpose in Class B2 of the Scheduled to the Town and Country (Use Classes) Order 1987.

REASON: To ensure that any proposed changes can be properly assessed.

11. The storage of any materials on the site shall be limited to 7.5m in height above the height of the approved perimeter bund.

REASON: In the interests of visual amenity.

12. All laden vehicles entering and leaving the site shall have their loads covered in a manner to ensure that all materials and dust are contained within the carrying vehicles.

REASON: In the interests of Highway Safety.

13. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

14. Within 2 months of the date of this permission the developer shall present in writing to the Local Planning Authority a scheme and working practices for the suppression of dust during periods dry weather or in the processing of dry material. Following the written agreement of the Local Planning Authority the developer shall ensure the agreed working practices are implemented and carried out in the agreed manner.

REASON: To minimise any potential adverse impacts of dust on adjoining premises.

NOTES TO APPLICANT (IF APPLICABLE):

1. The Development Plan covering Torfaen County Borough is the Gwent Structure Plan and Torfaen Local Plan. The following policies were relevant to the consideration of this application:
 - a) Adopted Torfaen Local Development Plan (to 2021) - Policies BW1 and W1.
2. Please be advised that Public Footpath 61 crosses the site. This must be kept open and free from obstruction for the public at all times or alternatively a legal diversion must be obtained and implemented. If the use of private vehicles damages the surface of the footpath to such an extent that it is dangerous to the public, then notice shall be served on the owners or responsible persons to make good the surface to the satisfaction of the Authority.
3. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb such species has been granted in accordance with the aforementioned Regulations.

DATED: 05 February 2014

A handwritten signature in black ink, appearing to be 'D. J. ...', written over a dotted line.

Signed
CHIEF OFFICER, PLANNING & PUBLIC PROTECTION SERVICE

PLANNING APPLICATIONS

APPEALS AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY (LPA)

Appeals to the Welsh Minister

- If you are aggrieved by the decision of your local planning authority to refuse the permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Ministers under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within six months of the date of this notice.
- Appeals must be made using a form which you can get from the Welsh Ministers, Planning Inspectorate at Crown Buildings, Cathays park, Cardiff CF10 3NQ, or online at www.planningportal.gov.uk/pcs.
- The Welsh Minister can allow a longer period for the giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh ministers need not consider an appeal if it appears that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Welsh Ministers do not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

Purchase Notices

If either the LPA or Welsh ministers refuse permission to develop land or grant it subject to conditions, the owner may claim that they can neither put the land to reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the LPA in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers).

Any further information concerning this decision may be obtained from the Planning & Public Protection Service, Ty Blaen Torfaen, Panteg Way, New Inn, Pontypool, Torfaen, NP4 0LS (01633 648009). Please quote the reference number of this decision in any correspondence.