



Blaenau Gwent County Borough Council

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (*as amended*)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

APPROVAL OF REMOVAL / VARIATION OF CONDITION

To

Cyan Properties Ltd
C/O Freeths LLP
1 Vine Street
London
W1J 0AH

In pursuance of its powers under the above mentioned Act and order, Blaenau Gwent County Borough Council ("the Council") as Local Planning Authority hereby **Permits** :-

Variation of Condition Application (regarding planning permission C/2006/0519), to enable an element of retailing convenience goods from the unit. It is proposed that Condition '16 (b)' be varied to have the following additional wording: - (b) "Except that Unit 2 and 3A may be used for the sale of convenience goods which shall not exceed 1,441 sq.m" at Units 2 & 3A Lakeside Retail Park, Nantyglo, Brynmawr

in accordance with the application submitted to the Council on 16/11/2021 subject to the conditions specified under:-

1. Approval of the details of the design and external appearance of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any commencement of development.
2. For the avoidance of doubt, details pursuant to siting and access hereby approved relate to drawing no. 0843-PO2 B dated 03.02.04 received by the Local Planning Authority on 5th April 2004.
3. No materials, products or refuse of any kind shall be stored in the open on the site.
4. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound must be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound must be equivalent to the combined capacity of the tanks. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system must be sealed with no discharge to any watercourse, land or underground strata. Associated pipe-work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
5. No deliveries shall be received at the service yard serving the units and restaurant to the west of site between the hours of 21.00hrs and 08.00hrs. Between these times the yard shall remain closed to all traffic.

6. The A3 premises hereby permitted shall be operated as a public house or restaurant only and for no other purpose [including any other use in Class A3 i.e. takeaway of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order].
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no retail mezzanine floors shall be inserted into the buildings hereby approved.
8. The units marked 1-4 on the approved plan shall be used for A1 non-food use only;
 - a) Except that Unit 1A may be used for the sale of food which shall be predominantly frozen food and shall not exceed 465sqm. For the avoidance of doubt, "predominantly" shall mean that freezer cabinets shall occupy not less than 60% of the sales floor area (excluding circulation space and checkouts).
 - b) Except that Units 2 and 3A may be used for the sale of convenience goods which shall not exceed 1,441 sq.m.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the units marked 1-4 on the approved plan in the western portion of the site shall be limited to an overall maximum of 3500sqm. They shall not be subdivided into units any less than 465sqm.GIA or subdivided into more than 7 individual retail units.
10. The main food store must be primarily a seller of convenience goods. The floorspace shall therefore have a maximum net sales area of 3500sqm. Of which a minimum of 60% shall be for the sale of convenience goods. Comparison goods are therefore limited to a maximum of 40% of the net sales area of 3500sqm. (For the avoidance of doubt, convenience goods shall include food, drink, pet food, tobacco, newspapers/magazines, health/beauty goods and household cleaning products including detergents).

The reasons for the Council's decision to grant permission for the development subject to the compliance with the conditions hereinbefore specified are:-

1. These reserved matters have not been submitted for approval.
2. To define the scope of the permission as an amended site layout plan was submitted.
3. In the interests of amenity.
4. To prevent pollution of the water environment.
5. To protect the amenities of the residential properties to the west.
6. To ensure that no alternative use is made of the premises when the traffic and amenity implications of a takeaway use has not been fully considered.
7. The impact of the development on the adjacent centre has been considered in the light of the submitted information only.
8. To protect the long term vitality and viability of Brynmawr Town Centre.
9. The impact of the development on the adjacent centre has been considered in the light of the submitted information only.
10. To protect the viability of the adjacent town centre.

The Adopted Development Plan for this area is the Blaenau Gwent Local Development Plan. This varied planning permission is issued having regard to policies in the Blaenau Gwent LDP including policies: DM1, DM2 & SP3

Signed



Service Manager Development & Estates

Date: 28/04/2022

IT IS IMPORTANT YOU READ THE NOTES ON THE REVERSE OF THIS NOTICE

NOTES

1. If the applicant is aggrieved by the decision to grant planning permission subject to conditions, they may appeal to the Welsh Government (WG) in respect of those conditions in accordance with Section 78 of the Town and Country Planning Act 1990 within strict timescales. You should contact the Planning Inspectorate in Cardiff to establish the deadline for your appeal to be submitted as it is different dependent on the type of application/case. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Cathays Park, Cardiff CF10 3NQ.
2. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the WG, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council, a purchase notice requiring that the Council purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990. In certain circumstances a claim may be made against the Council for compensation where permission is refused or granted subject to conditions by the WG on appeal. The circumstances in which such compensation is payable is set out in section 114 of the T&CPA 1990.
3. This permission does not purport to grant consent under any other legislation than the Town and Country Planning Act 1990. It does not grant consent to enter or develop land/buildings without the owners permission.
4. This is a planning permission. It may be necessary to also obtain consent under the building regulations or other legislation e.g. party wall act before the development is carried out.
5. The applicant is advised that the grant of planning permission does not entitle him/her to obstruct a right of way. If it is necessary to stop-up or divert a right of way to enable the development to be carried out, they must apply to the Rights of Way Officer, Blaenau Gwent CBC, Municipal Offices, Civic Centre, Ebbw Vale, for an order under 257 of the Town and Country Planning Act, 1990. Development should not be started until the decision of the Council has been taken on such application.
6. If you wish to deviate from your approved plans, it is advisable to contact the council. You may be able to follow the non material amendment procedure but be advised that a new planning application may be required if the changes are significant. Failure to notify the council may result in a development that does not have planning permission.
7. Mining / Ground Conditions: If the site subject to this planning permission is in a low risk area, the site may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com However your site may be in a high risk area as defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk
8. The developer/applicant is advised that the removal and disposal of all waste resulting from this development must be dealt with in accordance with The Waste (England and Wales) Regulations 2012, and the principles of the Waste Hierarchy. It is the applicant/developers responsibility to ensure that all waste is dealt with in the appropriate manner and to secure and produce evidence to enable tracking of such disposal upon request.