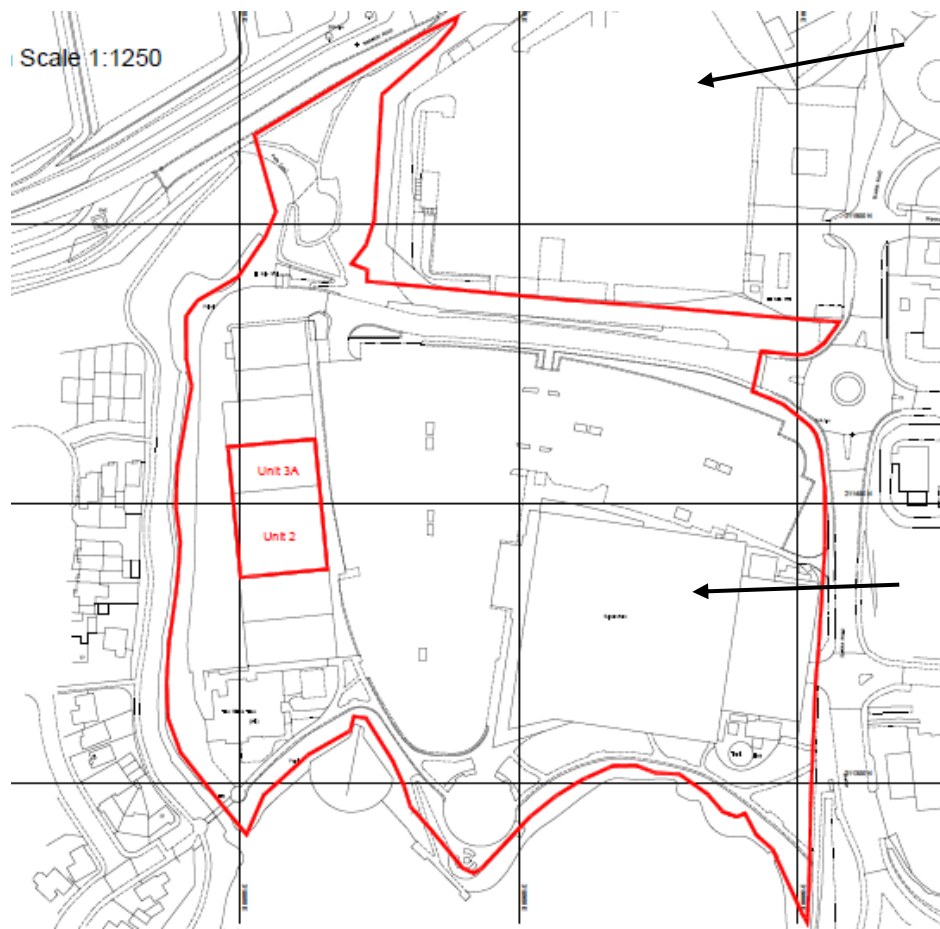


DELEGATED Planning Report

Application No: C/2021/0345	App Type: Variation of Condition (RVC)
Applicant: Cyan Properties Ltd C/O Freeths LLP London W1J OAH	Agent: Mark Harris Freeths LLP 1 Vine Street London W1J 0AH
Site Address: Units 2 & 3A, Lakeside Retail Park, Nantyglo, NP23 4SL	
Development: 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".	
Case Officer:	Joanne White



1. Background, Development and Site Context

- 1.1 This report will contain reference to four terms that are key to deciding this application. Below is a brief definition of each:
1. Convenience goods - The sale of Food items.
 2. Comparison goods - The sale of Non-Food items.
 3. Qualitative need - The overall objective of applying the qualitative need test is to achieve an appropriate distribution and range of sites for retail stores which meets the needs of all communities.
 4. Quantitative need - The quantitative retail need test is a way of calculating the need for future retail provision. It is based on forecasting of expenditure on a certain type of retail goods
 5. (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision.

Background

Outline planning permission was granted subject to conditions in June 2004 (C/2004/0050 refers) for the construction of A1 food and non-food retail units with an A3 family pub at the site now known as Lakeside Retail Park. A Reserved Matters application was subsequently approved subject to one condition (materials) in August 2004 (ref C/2004/0357).

The original outline permission (C/2004/0050) has been varied over the years to change the operational restrictions and allow certain units to be subdivided and adapted.

The most recent permission that appears to have been implemented is C/2006/0519 (granted December 2006) which varies Condition 16 of the original permission (C/2004/0050). This condition currently restricts the amount of food sales within the units.

Condition 16 of C/2006/0519 currently states that *“units 1-4 shall be used for A1 non-food use only except:*

- a) Unit 1A may be used for the sale of food which shall be predominantly frozen food and shall not exceed 465 sq.m;*
- b) Unit 2 a maximum of 30% of the net floorspace may be used for the sale of pre-packaged food and drink products.”*

The condition was imposed to protect the long-term vitality and viability of Brynmawr Town Centre.

Proposal

This application now seeks to vary criterion (b) of the above condition to allow the applicant to merge Units 2 and 3A to create one store for the sale of food goods (convenience). It is intended that the occupiers would be Iceland Food Warehouse.

It is proposed that criterion (b) now reads:

'Except that Unit 2 and 3A may be used for the sale of convenience goods which shall not exceed 1,441 sq.m (as shown on drawing 2883-LR-Unit 2 & 3A)'. The existing wording relating to part (a) of condition 16 is to remain unchanged.

The parking needs for the retail park will not be affected as there is no increase in floor space.

No external alterations are proposed as part of this application and in any event would be subject to separate future application(s).

Site Context

Lakeside Retail Park is a mixed use edge-of-centre development located approximately 300m to the south of Brynmawr Town Centre.

To the north of the retail park is the former NMC site, which is currently being developed to provide a mixed retail and restaurant scheme comprising of 4 units (restaurant, convenience food store, comparison and flexible use). It is intended that Home Bargains will relocate from unit 2 on Lakeside Retail Park to the new NMC site.

The Retail Park currently consists of the following components:

Unit 1A (465m2 Gross Internal Area 'GIA')	Farmfoods - sale of predominantly frozen food on the ground floor with no mezzanine floor
Unit 1B (465 sq.m GIA)	Poundland - a non-food discount variety store on ground and mezzanine floors.
Unit 2 (930 sq.m GIA)	Home Bargains - non-food discount variety store on the ground floor only with no mezzanine floor. This unit is to be vacated when

		the tenant's lease expires in June 2022.
Unit 3A (511 sq.m GIA):		Vacant (formerly Peacocks as a non-food clothing store on the ground floor only with no mezzanine floor).
Unit 3B (465 sq.m GIA)		Halfords - non-food store on the ground floor only with no mezzanine floor.
Unit 4A (273 sq.m GIA):		Card Factory - non-food store on the ground floor only with no mezzanine floor.
Unit 4B (368 sq.m GIA)		Pets at Home - non-food store on the ground floor only with no mezzanine floor.

Asda (food and non-food) store is also located to the south-east corner of the Retail Park with The Willow Tree public house located to the south-west corner.

For clarity, Iceland Food Warehouse is a different format to the traditional high street Iceland stores. Food Warehouse stores are generally twice the size of traditional Iceland stores and offer a wider range of frozen, chilled and grocery products along with bulk buy grocery and non-food lines. The product offer is designed for the destination-led car borne shopper.

A supporting letter from the Food Warehouse confirms that the proposed store at the Retail Park would operate alongside the existing Iceland stores located at Ebbw Vale and Abertillery and is intended to complement the high street Iceland stores rather than compete with them.

2. Site History

	Ref No	Details	Decision
2.1	2004/0050	Construction of A1 food and non-food retail units and A3 family pub	Approved 17.6.04
2.2	2004/0357	Construction of A1 food and non-food retail units and A3 family pub (RM)	Approved 12.8.04
2.3	2005/0600	Changes to elevations to retail units 1-4 permitted under approval of reserved	Approved 7.12.05

		matters C/2004/0357	
2.4	2005/0575	Variation of condition 17 re: 2004/0050 (unit 3A)	Approved 6.1.06
2.5	2005/0605	Construction of mezzanine for storage use (unit 3A)	Approved 6.1.06
2.6	2006/0519	Variation of condition 16 to enable an element of convenience goods retailing from unit 2	Approved 8.12.06
2.7	2007/0350	New shopfront and entrance door, relocation of rear door, installation of air conditioning with louvres on rear cladding and shopfit / fit out works (unit 3A)	Approved 4.7.07

3. Consultation and Other Relevant Information

3.1

Internal BG Responses

Team Leader Building Control: No response

Service Manager Infrastructure:

Highways: No objections

Service Manager Public Protection: No objections

External Consultation Responses

Town / Community Council: No objections

Welsh Water: No objections

Public Consultation:

- 32 letters to nearby businesses/houses
- 2 x site notices
- website public register of applications
- ward members for both Nantyglo & Brynmawr
- all members via weekly list of applications received

Response:

No responses received.

4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u> Planning Policy support the variation of condition application to allow food uses at units 2/3 Lakeside Retail Park. It considers that the applicant has met the requirements of Planning Policy Wales and Technical Advice Note 4 including need, the sequential test and its impact on the vitality and viability of the town centres. However, it is important to note that the Retail Impact Statement is inaccurate and refers to Aldi Ebbw Vale as being in an edge of centre location and in a non-policy protected area. According to the Local Development Plan, Aldi is located in the Ebbw Vale Town Centre boundary. Nevertheless, Planning Policy do not dispute the considerations in relation to this.</p> <p><u>LDP Policies:</u> SB1 – Settlement Boundary SP1: Northern Strategy Area – Sustainable Growth and Regeneration SP3 – The Retail Hierarchy and Vitality and Viability of Town Centres DM1 – New Development DM2 – Design and Placemaking DM3 – Infrastructure Provision</p> <p><u>PPW & TANs:</u> Planning Policy Wales (PPW) Edition 11 (February 2021) Future Wales 2040: The National Plan Technical Advice Note 4 (November 2016) – Retail and Commercial Development</p>
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5. Planning Assessment

5.1	<p>In determining applications that seek to vary conditions due regard must be made to any changes in National and Local Planning policies, consultation responses and the previous outline approval granted on this site to establish if the proposal now accords with relevant policies and site circumstances. It should be noted however that this is a fully implemented planning permission and as such only the change to the operational matters require full consideration. In assessing the application, I have also revisited the planning conditions attached to C/2006/0519.</p> <p>Notwithstanding the above, I do acknowledge that national and local planning policy have changed since the original permission and subsequent variations were granted, with the adoption of the Local Development Plan (LDP, 2012), Planning Policy Wales 11 (PPW) (February 2021) and Future</p>
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Wales Plan 2040.

PPW 11 states that “Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area. Planning authorities should anticipate such changes using appropriate conditions on the initial permission or in relation to requests for any subsequent change or variation of condition” (Para 4.3.29).

Since the site was originally allocated and since the original outline consent was granted the Council have shown flexibility by allowing various changes to conditions, including the subdivision of units, allowing food sales and the insertion of mezzanine floors for storage. This latest proposal must also be considered in a reasonable manner as per para 4.3.29, but notwithstanding this the Council must also ensure the proposal complies with the development plan and other advice within PPW.

Condition 16 (to restrict the amount of floor space for the sale of food) was imposed at the time to protect the vitality and viability of the town centre and would have been based on retail needs within the Borough at that time. Accordingly, the retail need within the Borough needs to be carefully considered when determining whether the proposed variation is acceptable.

The **existing** composition of units 2 and 3A are as follows:

Unit	Floorspace (sq.m gross)	Convenience (Food) Floorspace	Comparison (Non-Food) Floorspace
Unit 2: Home Bargains	930	30% (equates to 237m2 net)	70%
Unit 3A: Peacocks	511	0	100%

The **proposed** composition of units 2 and 3A is as follows:

Unit	Floor space (sq.m gross)	Convenience (Food) Floor space	Comparison (Non-Food) Floor space
Unit 2 & 3A: Iceland Food Warehouse	1441	100% (1,225 sq.m net)	0
Proposed change	-	+988 sq.m net	-988 sq.m net

The three tests of retail need, sequential test and retail impact assessment are outlined in detail below in relation to the proposed changes:

Quantitative Need

In terms of retail need, PPW is clear that precedence should be given to quantitative need for the proposed development (paragraph 4.3.15). Quantitative need assesses if there is further expenditure capacity in a catchment area.

Policy SP3 of the Local Development Plan (LDP) identifies a retail hierarchy for the Borough, identifying Ebbw Vale as the Principal Town Centre and Brynmawr as one of the District Town Centres.

As part of the evidence base for the preparation of the replacement LDP (RLDP) the Council commissioned a 'Blaenau Gwent Retail and Leisure Study' (the 'Retail Study' or the 'Study'). The Retail Study was finalised in August 2021. The Study concludes that there is no quantitative retail need for additional food (convenience) and non-food (comparison) retail floor space in the Borough during the plan period up to 2033, even before an allowance is made for committed retail developments.

The Retail Impact Assessment (RIA) submitted by the agent concurs with the findings of the Retail Study. However, the agent argues that just because there is no quantitative need for new convenience floor space this is not a reason to refuse planning permission on policy grounds and there are wider issues to be considered.

As it stands, the quantitative assessment for 2020 identified that there was residual expenditure to support 166sq.m (net) floor space for food retail but this is forecast to reduce to -243m² by 2025 with there being a surplus of 652m² by 2030. Conversely, at present, there is currently no need for any non-food retail floor space as there is already a surplus of 169sq.m (net) which is forecast to increase to 540sq.m by 2025 and 893sq.m by 2030.

CONVENIENCE (FOOD) FLOOR SPACE	2020	2025	2030	2033
Amount of new convenience floor space required square metres (net)	166	-243	-652	-883

COMPARISON (NON-FOOD) FLOOR SPACE	2020	2025	2030	2033
Amount of new comparison floor space required square metres (net)	-169	-540	-893	-1,221

Based on the above figures, the agent argues that whilst there is no need for

additional convenience floor space the proposal will assist in reducing the negative capacity for comparison goods which in turn will be a positive change in the plan period and a policy benefit.

The Council's Planning Policy Officer has confirmed that she agrees with this approach and that it would result in a policy benefit during the plan period. I concur with this view and acknowledge that no new retail floor space will be created by the proposal but there will be a shift in the ratio of comparison floor space to convenience floor space being offered.

Qualitative Need

Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.

PPW sets out a number of criteria which should be considered as part of a qualitative assessment and TAN 4 indicates that a combination of these criteria will need to be met in order to justify new retail development. The proposed development is considered to meet the following criteria:

- The application site is considered to be highly accessible by walking, cycling and public transport, given its location at the edge of the existing town centre and in close proximity to residential properties and the local bus station.
- The proposed development would improve the provision of local goods and services, which will reduce the leakage of expenditure from the area, improve local access and reduce unnecessary trips further afield. This is discussed in further detail within the Retail Impact Assessment section below.

I note that planning permission has recently been granted for a convenience food store at the former NMC site (Lidl, unit 2), located just to the north of the retail park. The approved convenience store will provide a unit of 1,794 sq.m GIA. There is also the existing Asda store and Farm Foods both located within the retail park. Nevertheless, the retail statement submitted in support of the application stipulates that the proposed Iceland Food Warehouse is a new retail format for the area with no other discount food stores of this size and type within the Brynmawr area and thus it will improve local consumer choice and competition in the food market as well as providing employment opportunities lost through the closure of Peacocks.

Sequential Test

PPW 11 (February 2021) states that the sequential approach to development applies to all retail and other uses that are complementary to retail centres.

The Retail Study identifies that it would be preferable for any development proposals at the retail park to continue to be the subject of policies that seek to support the town centre, adopting a 'town centre first' approach. Smaller scale developments/uses that could be accommodated within the existing town centre should continue to be encouraged within such locations first, with the retail park considered one of the next sequentially preferable locations.

The Planning Policy Team have confirmed through their annual retail surveys they agree with the agent that there are no sequentially preferable sites available, or other properties capable of conversion within or on the edge of Ebbw Vale or Brynmawr to accommodate the proposed convenience (1,441 sq m/gross) floor space within Units 2 and 3A.

This is supported by PPW which stipulates that "some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge-of-centre site (para 4.3.23)". On this basis I am satisfied that Lakeside, as an 'edge-of-centre' location, is an accessible and appropriate location for the proposed development.

Retail Impact Assessment

Table 4.1 of the Retail Study (below) identifies that Tesco, Ebbw Vale is the most popular destination for main food shopping within the Borough (20.1% of market share) closely followed by Asda on Lakeside Retail Park with 19.2% market share, and is also favoured by the highest percentage of residents within in the Brynmawr area (Zone 3).

Store used for most food and grocery shopping	Total (%)	Highest Use Zone(s) (% respondents)	Lowest Use Zone(s) (% respondents)
Tesco, Ebbw Vale	20.1%	Zone 1 (46.0%)	Zone 4 (3.2%)
Asda, Brynmawr	19.2%	Zone 4 (59.2%) Zone 3 (54.7%)	Zone 6 (5.5%)
Aldi, Ebbw Vale	15.5%	Zone 2 (26.5%) Zone 1 (23.6%)	Zone 6 (8.0%)
Morrisons, Ebbw Vale	15.4%	Zone 6 (30.0%)	Zone 4 (1.6%)
Tesco, Abertillery	8.1%	Zone 5 (34.9%)	Zones 1, 2, 3 & 6 (All 0.0%)

Table 4.1: Main Shops used for Food & Grocery Shopping
Source: 2020 Household Survey Q01

However, within the Brynmawr zone, the list of ‘top 10 other locations used for food shopping’ indicate that Aldi, Ebbw Vale is the most popular (26.2% market share) closely followed by Asda on the retail park (25.7%) and Morrisons Ebbw Vale with 19.2%. Farmfoods on the retail park is also a popular choice for Brynmawr residents with 19.1% market share.

Zone	Top 10 Other Locations used for Food and Grocery Shopping	Total	Zone 1 - Ebbw Vale South	Zone 2 - Ebbw Vale North	Zone 3 - Brynmawr	Zone 4 - Blaina	Zone 5 - Abertillery	Zone 6 - Tredegar
1	Aldi, The Walk, Ebbw Vale	20.5%	29.7%	24.3%	26.2%	9.7%	12.8%	17.5%
2	Morrisons, Beaufort Road, Ebbw Vale	20.0%	22.5%	35.0%	19.2%	6.3%	10.0%	21.1%
1	Tesco, North West Approach, Ebbw Vale	17.5%	25.5%	29.2%	10.3%	11.3%	4.1%	21.7%
4	Asda, Lakeside Retail Park, Nantytyglo, Brynmawr	15.0%	4.0%	15.3%	25.7%	13.4%	30.3%	3.0%
5	Tesco, Castle Street, Abertillery	7.2%	0.0%	0.0%	6.0%	8.8%	27.1%	0.0%
6	Lidl, Gelli Road, Tredegar	6.7%	1.2%	1.1%	0.0%	0.9%	0.0%	26.7%
1	Iceland, Unit 1, The Walk, Ebbw Vale	6.4%	21.6%	3.7%	3.3%	5.0%	0.0%	5.0%
3	Farmfoods, Lakeside Retail Park, Nantytyglo, Brynmawr	4.8%	1.8%	4.4%	19.1%	4.4%	3.1%	0.0%
5	Iceland, 31 High Street, Abertillery	4.5%	0.0%	0.0%	0.7%	6.4%	17.0%	1.6%
2	B&M, Rassau, Ebbw Vale	4.2%	8.5%	5.9%	4.1%	1.8%	0.9%	3.7%
Outside	Asda, Dowlais Top, Merthyr Tydfil	4.2%	2.3%	5.6%	0.0%	1.7%	0.9%	11.2%
3	Home Bargains, Lakeside Shopping Centre, Nantytyglo, Brynmawr	3.9%	3.6%	1.9%	7.6%	7.1%	5.7%	0.5%
6	Farmfoods, Gwent Shopping Centre, Tredegar	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	15.5%
4	Co-op, 53 High Street, Blaina	3.5%	1.9%	0.0%	2.8%	34.4%	1.5%	0.0%
1	Ebbw Vale	3.0%	7.1%	7.5%	2.0%	0.0%	0.5%	0.5%

Table 4.3: Most Popular ‘Other’ Food Shopping Destinations
Source: 2020 Household Survey Q04

This demonstrates that whilst Asda is most popular amongst Brynmawr residents for their main shop, Aldi, Morrisons and Farmfoods are also popular destinations for convenience goods. Consequently, it could be argued that the proposed development would assist in clawing back expenditure that is leaking to Ebbw Vale from the Brynmawr area, which in turn would reduce travel and improve sustainability in line with the aims of the Future Wales Plan:2040.

In considering the impact of the proposed development upon the town

centres, the submitted Retail Statement indicates that there will a £0m diversion/0% impact upon Brynmawr town centre and £0.08m/5.6% diversion impact upon Ebbw Vale town centre. The statement indicates that the zero impact upon Brynmawr town centre is as a result of there being no comparable or competing food stores within the town centre.

In respect of Ebbw Vale, there will be limited diversion from the existing Iceland store which is expected to be from existing Iceland customers that reside in Brynmawr. Paragraph 4.48 of the Retail Statement recognises that there will be some diversion from Aldi in Ebbw Vale (£1.36/5.6%) but states that this is an out-of-centre location. However, the planning policy team have confirmed that Aldi is in fact within Ebbw Vale town centre. Nevertheless, they agree with the findings of the Retail Statement in that the level of draw from Aldi (and Iceland) will not adversely affect the viability and vitality of Ebbw Vale town given that Aldi is a key draw for linked trips to the town centre and that the format/goods offered at the proposed development will be different to that of Aldi.

The submitted Retail Statement also includes an assessment of the impact of the proposed food store on existing food stores in Brynmawr and Ebbw Vale. Given the nature of the goods to be sold, the proposed store will primarily compete with existing dominant out-of-centre supermarkets which overlap with Iceland and the Food Warehouse. It is anticipated that the highest levels of diversion, based on the projected cumulative impact with the NMC site in operation, will be on the following locations:

- Asda, Lakeside (edge-of-centre): £5.46m diversion / 16.8% impact (£2.44m diversion / 7.5% impact based on this development alone)
- Tesco, Ebbw Vale (out-of-centre): £1.49m / 6.1% impact (£1.15m / 4.7% impact based on this development alone);
- Morrisons, Ebbw Vale (out-of-centre): £2.45m diversion / 10.4% impact (£1.11m diversion / 4.7% impact based on this development alone)

There will be a level of diversion from the adjacent existing Farmfood stores at Unit 1 equating to £0.19m (7.25% impact). This is as a result of the overlapping frozen food offer which will generate competition between the two retailers.

Whilst it is acknowledged that there will be a cumulative impact upon the

Asda store as a competing edge-of-centre supermarket, when considering the planning merits of the application in terms of policy, it is considered that there will be a negligible impact upon the vitality and viability of Brynmawr town centre. This is also recognised by the Retail Study which identifies that Brynmawr town centre has very limited convenience goods function with the main offer being provided at Lakeside Retail Park. As such I am satisfied that the development accords with TAN 4, PPW 11 and the Future Wales Plan:2040. Furthermore, it could be argued that the strengthening of Lakeside Retail Park as a retail destination together with the construction of the NMC site will complement the town centre and increase linked trips between the retail parks and the town centre.

Other Considerations

The submitted Retail Statement outlines that the occupation of the proposed units will reduce the vacancy level at the retail park following the closure of Peacocks in 2021 and the imminent vacancy of unit 2 when Home Bargains move to the NMC site (estimated to be summer 2022).

I acknowledge that the Retail Study identifies that the loss of key tenants at the Retail Park is a threat and that demand for retail space both in and out of centre has declined with no indication that this will change during the plan period. The Study also identifies that there is on-going competition from existing out-of-centre locations which have also experienced vacancies and so are competing to attract the limited number of new businesses seeking retail floor space.

Notwithstanding the above, it is noted that unit 2 is not yet vacant and unit 3A has been vacant since early 2021. The agent has advised that alternative tenant options within the non-food sector have been explored but there is no occupier demand. The agent argues this is because the former NMC site development has addressed any demand that did exist and due to the wider decline in the non-food retail market which has led to a decrease in physical stores. Nevertheless, the agent has not been able to provide any evidence of the units being actively marketed.

Despite the lack of marketing evidence, it is acknowledged that there is no policy requirement in PPW or the adopted LDP that necessitates the submission of such information. It could also be argued that it would be unreasonable to expect such information for unit 2 which is not yet vacant.

Moreover, as highlighted earlier in this report, the proposal would result in a policy benefit with a shift from comparison to convenience.

Conclusion

Whilst The Retail Study identifies that there is no need for any further convenience or comparison over the plan period, the Study also identifies that there are limited numbers of new businesses seeking retail floor space and that online shopping and 'local' town centre shopping is replacing trips to out of centre shops. Consequently, there is a real chance that these units could be left unoccupied. A balanced decision therefore needs to be made between the lack of quantitative need and the potential for long-standing vacant units within the retail park.

In reaching a balanced decision, I note that there is no evidence that the proposed development will have a significant adverse impact upon the vitality of Ebbw Vale or Brynmawr Town Centres and the agent's RIA demonstrates that there are no sequentially preferable sites available. Furthermore, the provision of convenience floor space will reduce the negative capacity of comparison retailing floor space which would be considered a policy benefit.

I am therefore satisfied that the variation of condition 16 of planning permission C/2006/0519 would be compliant with LDP Policy SP3 and PPW11, thus recommend approval accordingly.

As this application is a S73 application in which to vary condition 16, case law indicates that the most appropriate way to deal with such an application is to re-issue the permission having regard to all previous conditions, incorporating any amendments as necessary. It is also noted that the site has already been built in accordance with details previously submitted and as such there is no need to re-introduce conditions previously complied with or are no longer of relevance. Consequently, by virtue of removing obsolete conditions, Condition 16, which is the subject of this S73 application, will now become condition 8.

6. Legislative Obligations

6.1 The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future

6.2	<p>Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p> <p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
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7. Conclusion and Recommendation

7.1	<p>Planning permission be GRANTED subject to the following condition(s):</p> <ol style="list-style-type: none">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. Reason: These reserved matters have not been submitted for approval2. 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. Reason: To define the scope of the permission as an amended site layout plan was submitted.3. No materials, products or refuse of any kind shall be stored in the open on the site. Reason: In the interests of amenity.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. Reason: To prevent pollution of the water environment.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. Reason: To protect the amenities of the residential properties to the
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west.

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].

Reason: 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. 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.

Reason: The impact of the development on the adjacent centre has been considered in the light of the submitted information only.

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.

Reason: To protect the long term vitality and viability of Brynmawr Town Centre.

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.

Reason: The impact of the development on the adjacent centre has been considered in the light of the submitted information only.

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). Reason: To protect the viability of the adjacent town centre.
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The following policies in the Local Development Plan were material to this decision: DM1, DM2, SP3

Case Officer	Signed	Dated
TLDM		28.04.22
TMDM		
DSM		28.04.2022