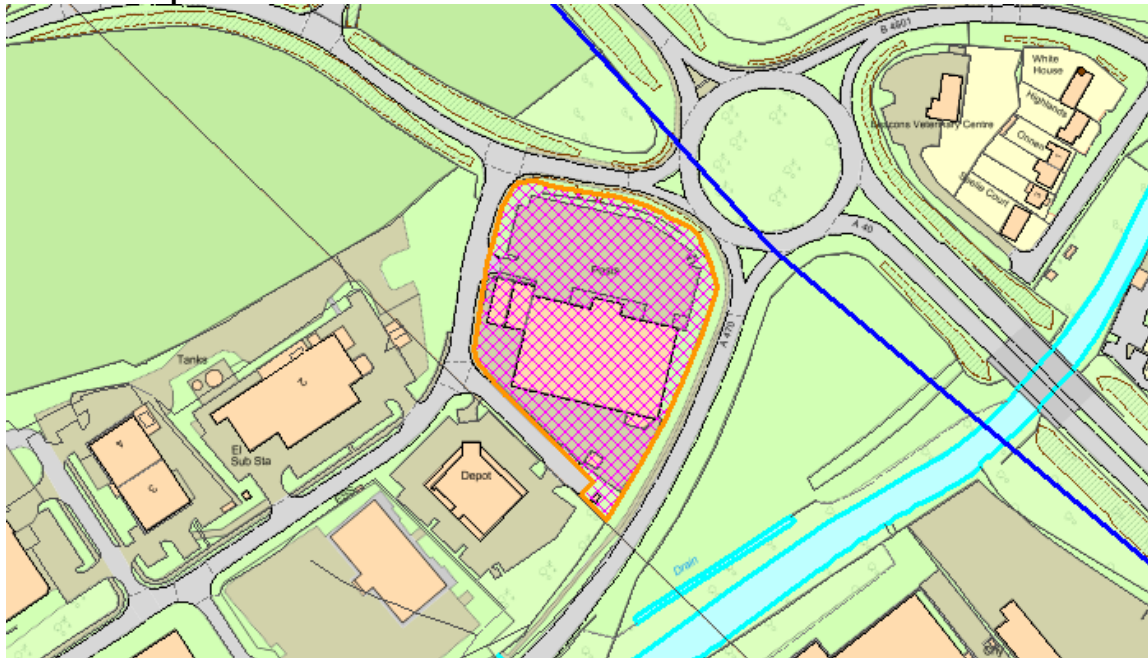


**PLANNING, ACCESS AND RIGHTS OF WAY COMMITTEE**

<b>Application Number:</b>	19/17240/CON	<b>Date Validated:</b>	19 March 2019
<b>Site Address:</b>	Retail Warehouse And Premises 1A Brecon Enterprise Park Brecon Powys LD3 8BT	<b>Decision Due Date:</b>	3 September 2019
<b>Grid Ref:</b>	E: 303093 N:228282	<b>Proposal:</b>	Variation of Condition 2 to enable beneficial occupation by B&M Retail Ltd pursuant to planning permission 14/11614/CON.
<b>Case Officer:</b>	Chris O'Brien	<b>Community:</b>	St David Within
<b>Reason(s) Application Reported to Committee:</b>	Requested by Head of Planning and Heritage		
<b>RECOMMENDATION:</b>	<b>Permit</b>		

Site location plan.



Plan 1. Application site, purple hatch with orange perimeter.

## 1. Description of Development

- 1.1 The proposal seeks the variation of a condition which would to enable the beneficial occupation of Unit 1A of Brecon Enterprise Park by B&M Retail Ltd.
- 1.2 The condition to which the application relates is No. 2. of permission 14/11614/CON. This varied condition 23 of consent 06/00204/FUL to allow the sale of A1 non-food goods by a Catalogue Showroom Retailer from up to 185 square metres of the existing Homebase sales area.
- 1.3 The condition sought is:

"The premises shall only be used for the sale of DIY/hardware and garden related products, furniture, floor coverings, soft furnishings, lighting, electrical products and other ancillary products thereto, and for no other purpose (including any other purpose in Class A1 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 with or without modification) unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the above the following additional goods are permitted to be sold provided the primary use of the premises as a DIY/hardware store with garden centre:

Toiletries	Up to 50 sq.m. net
Toys	Up to 125 sq.m. net
Non-fashion clothing	Up to 50 sq.m. net (with non-fashion clothing defined as underwear and nightwear; slippers, baby clothing, school wear and seasonal and safety items only).

These additional goods can only be sold by a single retailer on an ancillary and/or incidental basis to the main goods permitted to be sold in this condition."

- 1.4 The following documents have been submitted alongside the application:
- Supporting Retail Statement, including retail impact assessment (March 2019)
  - Drive time map (March 2019)
  - Retail impact tables (March 2019)
  - B&M Sales density calculation (April 2019)
  - Response to Third Party comments (May 2019)
  - Letter from Chief Executive in support of the application (June 2019)
  - E-mail suggesting revised condition (August 2019)

## 2. Site and Context

- 2.1 The application site is an existing planning unit, comprising a detached restricted goods retail unit (occupied at the time of writing by Homebase an Argos) and car parking area on Brecon Enterprise Park. The enterprise park is more than 1km west of Brecon town centre near the A470 (T), A40 (T) roundabout. The unit is accessed from the enterprise park access road, which is accessed from the Mynydd Illtyd Road.

## 3. Planning History

- 3.1 Relevant planning history is signposted within Table 1, below.

App Ref	Description	Decision	Date
K10949	Outline planning permission for restaurant, travelodge and tourist information centre.	Refused	9 <sup>th</sup> February 1990

P20778	Erection of non-food retail (DIY) (Class A1) warehouse, outdoor garden centre and associated service yard, car parking, access and landscaping works.	Refused	3 <sup>rd</sup> March 2006.
APP0072	Appeal (against decision P20778)	Withdrawn	2006
06/00204/FUL	Erection of non-food retail (DIY) (Class A1) warehouse, outdoor garden centre and associated service yard, car parking, access and landscaping works.	Permitted	13 <sup>th</sup> September 2006
14/11614/CON	Vary condition 23 of consent 06/00204/FUL to allow the sale of A1 non-food goods by a Catalogue Showroom Retailer from up to 185 square metres of the existing Homebase sales area.	Permitted	20th January 2015

Table 1. Relevant planning history.

#### 4. Relevant Local and National Planning Policy

- 4.1 The Brecon Beacons National Park Local Development Plan (2011- 2026) (Adopted December 2013) (LDP) is the relevant development plan.
- 4.2 Planning Policy Wales, Edition 10 (2018) (PPW), sets out the land use planning policies of the Welsh Government.

#### 5. Brecon Beacons National Park Authority Local Development Plan and Supplementary Planning Guidance

- 5.1 Relevant policies of LDP are signposted within Table 2, below.

Policy no.	Policy
SPI	National Park Policy
I	Appropriate Development in the National Park
BLPI	Brecon Enabling Appropriate Development
BLP2	Brecon Mitigating Impact
SPI2	Economic Wellbeing
33	Employment Sites
37	Protection of Employment Sites and Buildings
SPI3	Retail Strategy

Table 2. Relevant development plan policies.

- 5.2 Although adopted prior to the publication of Planning Policy Wales: Edition 10 (November 2018) and the Wellbeing of Future Generations (Wales) Act 2015, the LDP summary vision is the key goal and aspiration that all future development should work towards within the National Park:  
The Brecon Beacons will be a place where the wildlife, natural beauty, cultural heritage and special qualities of the National Park are protected and enhanced for future generations. Everyone who lives, works or visits the Park will experience a prosperous and vibrant area, while the impact on the local and global environment is minimised to acceptable levels. (LDP, page 7, para. 2.2.2)
- 5.3 Strategic objectives, from which all strategy and policy positions derive, are identified within the LDP to achieve the Vision for the Brecon Beacons National Park. (LDP, pages 8&9, Section 2.3

and Table 2.2).

- 5.4 Part of a group of objectives identified to foster the social and economic well-being of local communities and under the heading Retail & Town Centres is strategic objective SE6:  
To maintain and enhance the vitality and viability of the town centres in the National Park through the identification of prime retail centres.
- 5.5 Relevant to this application are the prime retail centres of Brecon and Talgarth, as identified on the LDP proposals map (areas shaded in sky blue). The spatial strategy sets out the vision for the retail function within these historic market towns.
- 5.6 Brecon is considered to be the primary retail centre (LDP, page 128, para. 7.7.1.2), where Policy B LPI criteria 3 is relevant. This cross references LDP Strategic Policy 13 – Retail Strategy, which is also relevant to this application:  
The retail strategy of the LDP is to maintain and enhance the vitality and viability of the identified retail centres and support proposals which contribute to the regeneration of the Town Centres by; a) Safeguarding existing retail uses in the Retail Centres; b) Maintaining and enhancing the diversity of uses in the identified Retail Centres; The Retail Centre is identified in the Proposals Map.
- 5.7 Reasoned justification (LDP, page 128, para. 7.7.2.3) sets out the desired outcome for the role, function and vitality of Brecon, Hay-on-Wye and Crickhowell retail centres as “to improve the ability of these centres to remain attractive places to live and visit, whilst also allowing them to provide a valuable role in meeting the needs of local communities and visitors.”
- 5.8 Further reasoned justification (LDP, page 128, para. 7.7.3.1) explains that in supporting existing town centres “the Authority will resist any proposals which may potentially damage or undermine the retail role of the identified town centres by restricting development outside the retail centres in accordance with national planning policy...”.

## 6. National Planning Policy and Advice

- 6.1 Relevant national planning policy and guidance is signposted within Table 3, below.

Document
Planning Policy Wales: Edition 10 (November 2018) (PPW)
Technical Advice Note 4: Retail and Commercial Development (2016) (TAN4)

Table 3. Relevant national planning policy and advice.

- 6.2 To make changes in practice over the long term to achieve strategic outcomes, the Welsh Government is clear, in its overarching objectives for retail and commercial centres, the planning systems must:
- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
  - Sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and,
  - Improve access to, and, within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport. Planning Policy Wales, Edition 10 (2018) (PPW) para. 4.3.3.
- 6.3 Imposing conditions on out of centre retail developments to avoid the loss of existing provision in retail and commercial centres is a Welsh Government expectation of an efficient and effective planning system. (PPW para. 4.3.29).

## 7. Summary of Consultation responses

7.1 Comments from consultees are summarised in Table 4, below.

Consultee	Comments
NP Strategy And Policy	Initial consultation: To ensure the proposal would support the retail strategy of the LDP, the retail assessment (including sequential test) and impact assessment submitted by the applicant require detailed scrutiny.  Re-consultation: No further comments.
Brecon Town Council	No response received to either consultation.
Brecon Chamber Of Trade	No response received to either consultation.
Powys County Council Highways	Initial consultation: Does not wish to comment on the application.  Re-consultation: I refer to the amended plans relating to the above site and have no further comments to make.
Welsh Government Transport Department	Initial consultation:  Re-consultation: I refer to your consultation of 22 March 2019 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Table 4. Summarised comments from consultees.

7.2 Copies of these consultation responses can be found on our website at:  
<https://planningonline.beacons-npa.gov.uk/online-applications/?lang=EN>

## 8. Third Party Representations

8.1 The application has been advertised by means of site notice and neighbour notification. At the time of writing, two third party representations have been received, one from representatives of Homebase and one from an individual. These are summarised as follows:

- Homebase have no plans to vacate store which trades well. Lease extends to Oct 2027 and intend to renew. Therefore store is not available to B&M Ltd.
- An objection based on levels and nature of likely employment compared to existing store. That the supporting information states B&M would generate jobs. Although no allowance is made that jobs would be lost, but as Homebase is not closing this is not a benefit.
- Observations that the application omits to state future of the Argos Store which is integral part of Brecon and that closure of Argos would mean customers needing to travel further to Merthyr Tydfil. Also that no allowance is made for additional car journeys by Homebase customers leaving catchment.
- Observations that the sales of goods proposed can and are sold from Brecon Town Centre.
- Proposed range of goods is not ancillary but important part of the business model. It is not a modest change in range of goods sold.
- Proposal indicates predominantly 'bulky' goods with no evidence and experience of other B&M stores suggest this is not the case.
- It is not stated where information about turnover of Homebase is from. No evidence that B& M will reduce leakage or impact on leakage from loss of Homebase.

## 9. Well Being and Future Generations (Wales) Act 2015

- 9.1 The well-being of Future Generations (Wales) Act places a duty on public bodies to carry out sustainable development to improve the way in which we achieve the social, economic, environmental and cultural well-being of Wales. The National Park must act in accordance with the sustainable development principle and seek to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. As part of this duty public bodies must set and publish objectives which are designed to maximise its contribution to achieving each of the well-being goals. The 7 goals are:
- A prosperous Wales
  - A resilient Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A Wales of vibrant culture and thriving Welsh language
  - A globally responsible Wales
- 9.2 The primary objective of Planning Policy Wales Edition 10 (2018) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015.

## 10. Officer's Report

### Background

- 10.1 Under s 73 of the Town and Country Planning Act 1990 (as amended) an application may be made to the Local Planning Authority (LPA) for the development of land without complying with conditions subject to which a planning permission was granted. A successful application results in a fresh grant of planning permission.
- 10.2 In such cases the LPA must only consider the question of the conditions. There are three options:
- 1) That the permission shall be subject to the same conditions as were previously imposed;
  - 2) That the permission should be granted subject to different conditions; or,
  - 3) That permission should be granted unconditionally.
- 10.3 A LPA may impose new conditions in the fresh planning permission, subject to the conditions being those which it could have lawfully imposed upon the earlier permission and which do not amount to a fundamental alteration to the proposal put forward in the original application.
- 10.4 To enable beneficial occupation by B&M Retail Ltd, a variation of Condition number 2 of permission 14/11614/CON (which varied planning condition 23 of planning permission 06/00204/FUL) is sought. The variation would enable the retailing of goods not currently allowed.
- 10.5 Following the application's validation and consultation, in addition to officers having reviewed the submissions, Lichfield's (planning and development consultants) were commissioned to prepare a retail critique of the application<sup>1</sup>, which initially sought, on an ancillary and/or incidental basis to the main goods permitted, permission to retail:
- Food and Drink Up to 300 sq. metres net
  - Toiletries Up to 100 sq. metres net
  - Toys Up to 200 sq. metres net

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<sup>1</sup> This information has not been published and is restricted.

- Non-fashion clothing Up to 50 sq. metres net
- 10.6 Officers have met with B&M Retail Ltd.'s planning agent on two occasions (25/06/2019 & 30/06/2019). A representative of B&M Retail Ltd. attended the first meeting, at which concerns about the robustness of the evidence submitted, and of the potential impact of the scale and type of retailing on the vitality and viability of Brecon Town Centre were communicated. In the period between the meetings it became clear that Homebase (owned by Hilco Capital Ltd.) will vacate Unit 1A of Warren Road Industrial Estate in August 2019.
- 10.7 Following these meetings, and through negotiation in which officers sought to minimise the level of convenience goods retailing and any potential for adverse impact on the vitality and viability of Brecon Town Centre, B&M Retail Ltd. has suggested a revised condition, removing the request for Food and Drink retailing and reducing the amount of space for the retailing of toiletries and toys on an ancillary and/or incidental basis to the main goods permitted, as follows:
- Toiletries Up to 50 sq. metres net
  - Toys Up to 125 sq. metres net
  - Non-fashion clothing Up to 50 sq. net (with non-fashion clothing defined as underwear and nightwear; slippers, baby clothing, school wear and seasonal and safety items only).
- 10.8 The permitted floorspace of the existing retail store, including mezzanine floors and office accommodation but excluding the garden centre is 3,444 sq. metres gross. The garden centre is an additional 804 sq. metres gross. The variation sought (225 sq. metres net) equates to 6.5% of the gross internal floorspace.
- 10.9 It is relevant to note the replacement condition sought, if permitted, would replace permission for the sale and display of any A1 non-food goods from up to 185 square metres of the existing Homebase sales area if occupied by a Catalogue Showroom Retailer, as permitted by application 14/11614/CON.

### **Planning considerations**

- 10.10 Whether the existing condition continues to serve a useful planning purpose, and whether the proposal amounts to a fundamental alteration to the original proposal (06/00204/FUL, as amended by 14/11614/CON) are the main planning considerations for this application.
- 10.11 Given the nature of the proposal, it is considered that, subject to the retention of relevant conditions of permission 06/00204/FUL, the proposal would not have a material impact upon visual amenity, neighbour amenity or ecology.

### **Appraisal – Principle of development**

- 10.12 The proposal is located within the Settlement Boundary of Brecon. Brecon is identified as the Primary Key Settlement within the National Park, a spatial hub supporting and providing opportunities for new employment and housing serving the town and region. The strategy position is supported through policy B LPI which sets out the forms of development which are considered appropriate in line with this strategy. Criteria 3 of this policy enables retail development appropriate to the settlement character and in accordance with the defined retail centre for the town as shown on the proposals map.
- 10.13 The proposal is not located within the defined retail centre, but rather, within a defined enterprise park, the uses of which are strictly controlled by Policy 37 of the LDP. However, as the proposal is located within an existing retail unit in A1 use, it is considered that the principle of A1 use is accepted on the site and there is no arising conflict with the policy position. The remaining issue relates to the detail of the proposal, and whether there is sufficient justification to vary the retail

offer at this out of town location.

- 10.14 Imposing conditions on out of centre retail developments to avoid the loss of existing provision in retail and commercial centres is the Welsh Government's expectation of an efficient and effective planning system. (PPW para. 4.3.29).
- 10.15 Paragraph 7.7.3.1 of the LDP sets out that the Authority will resist any proposal which may potentially damage or undermine the retail role of identified town centres by restricting development outside the retail centres in accordance with national planning policy. PPW identifies further relevant considerations:
- **Need:** When determining planning applications with defined retail and commercial centre boundaries or retail site allocations, planning authorities should first consider whether there is a need for additional retail provision (PPW 4.3.14), which may be quantitative (to which precedence should be given) or qualitative for both convenience and comparison floorspace (PPW 4.3.15).
  - **The sequential approach to site selection:** Where retail stores may not be able to find suitable sites or buildings within existing retail and commercial centres, out-of-centre locations may be considered, subject to application of the needs and impact test (PPW 4.3.23).
  - **The impact on existing centres:** Once a retail need is established, planning authorities may request a retail impact assessment on applications less than 2,500 sq. metres where the request is proportionate to potential impacts. (PPW 4.3.27).
- 10.16 Assessing the above in turn:
- 10.17 **Need:** Whilst the existing condition is based on a qualitative 'need' (that of improving customer access to a Catalogue Showroom Retailer), with a draw of £165,000 spend from Brecon Town Centre (of a total £1.65m annual turnover) and the creation 15 jobs, the Supporting Retail Statement, including retail impact assessment, (March 2019) asserts both a quantitative and qualitative need for the proposal.
- 10.18 Applying figures presented by the applicants, the proposal's resultant turnover from the sales of toys, toiletries and non-fashion clothing would be £567,000. The turnover is a little under a third of that presented to justify the previous variation enabling retailing by a Catalogue Showroom Retailer from the premises (14/11614/CON).
- 10.19 It is accepted this is not a like for like replacement, however it is also reasonable to give some weight to the qualitative merits of the proposal (access to a discount retailer) which may claw back some comparison goods expenditure leakage to the catchment area (based on a 15-minute drive time from the site including Brecon and Talgarth).
- 10.20 Both the Powys Retail Study (2012) & Addendum (2015) and Merthyr Tydfil Retail and Commercial Leisure Study Final Report (2017) indicate comparison and convenience goods expenditure leakage from the catchment area.
- 10.21 The loss of a Catalogue Showroom Retailer (see photograph I at the end of this report) will impact on qualitative provision in the retail catchment, although representations made on behalf of B&M Retail Ltd. suggest this may be offset, in part, by "well-established internet ordering and home delivery services which would remain available to local residents and businesses".
- 10.22 **The sequential approach to site selection:** B&M Retail Ltd. require a site of 0.8 – 1 Ha. It is accepted that B&M Retail Ltd. are not required to disaggregate proposed stores to accommodate the use on more than one site.
- 10.23 From the information submitted it appears there are no alternative sites of 0.8 – 1 Ha. within or



on the edge of the town centre currently available to B&M Retail Ltd. The fact B&M Retail Ltd. has a business model based on re-occupying existing stores rather than building their own stores is not, however, a valid reason for discounting sequentially better sites, which should be capable of accommodating the use rather than any particular business.

- 10.24 **The impact on existing centres:** Representations have been submitted that the goods, subject to the proposed new condition, can and are already sold from within the town centre [Brecon] and that enabling their retailing would be contrary to the reason for the condition 2 of permission 14/11614/CON. “To minimise the impact upon the vitality and viability of Brecon town centre and to prevent the types of retail uses that would otherwise be more appropriate within the town centre.”
- 10.25 Based on company average turnovers, Litchfield’s analysis indicates “the existing Argos store is likely to have a higher comparison turnover relating to non-bulky comparison goods than the B&M store. The impact on the comparison goods sector in the town centre is likely to be neutral at worse or marginally positive”.
- 10.26 Regarding the convenience element (toiletries), the existing condition does not prohibit the sale of toiletries by a Catalogue Showroom Retailer. In comparison to the current lawful use, the retailing of 50 Sq. m. net toiletries is not considered likely to have a significant effect on either Brecon or Talgarth town centres.
- 10.27 A retail impact assessment forms part of the supporting retail statement, concluding that any impacts on Brecon town centre will be negligible. Given the existing use of the unit, it is unclear that the impact on the either Brecon or Talgarth town centre’s turnover and trading ability, consumer choice, traffic and travel patterns, footfall will be otherwise, or that the proposed variation would significant affect the potential for a Business Improvement District in Brecon.
- 10.28 Imposing retail floor space restrictions via condition is an appropriate mechanism to minimise the impact upon the vitality and viability of Brecon [and Talgarth] town centres. Requiring the sale of the goods to be sold by a single retailer on an ancillary and/or incidental basis to the main goods permitted means the condition still prevents **the types of retail uses** [emphasis added] that would otherwise be more appropriate within the town centre i.e. DIY/hardware and garden related products, furniture, floor coverings, soft furnishings, lighting, electrical products and other ancillary products thereto.

## Employment

- 10.29 Regeneration and additional employment benefits may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced (PPW para. 4.3.17).
- 10.30 Since the application was submitted and the representations of Homebase were received, it has become clear that Homebase and Argos will vacate the unit in August 2019. B&M Retail Ltd. have clarified that enabling its beneficial occupation of the DIY/hardware store with garden centre will provide and estimated 15 full-time (30+ hours) and 55 part-time (<30 hours) jobs, with this increasing at seasonal times (a further 10 FTE jobs). Information on the range of employee benefits, indicative wages and the likely number of supervisory roles has also been provided.

## Highway safety

- 10.31 The Local Highway Authority and Welsh Government Transport Division have been consulted on the proposal. Neither has objected to the proposal and, accordingly, it is considered that it would not have a material adverse impact in terms of highway safety.

## Conclusion

- 10.32 The LDP restricts the development of out of town retail development to those which cannot be reasonably located within the town centre, and which will have little or no impact on the existing function of an existing town centre.
- 10.33 The replacement condition sought would remove permission for the sale and display of any A1 non-food goods by a Catalogue Showroom Retailer from up to 185 square metres of the existing sales area (3,444 Sq. m.) and replace it with the sale by a single retailer of defined A1 non-food goods from up to 225 square metres of the existing sales area (toiletries [up to 50 Sq. m net], toys [up to 125 Sq. m net] and non-fashion clothing [up to 50 Sq. m net]) of the existing sales area (3,444 Sq. m.).
- 10.34 Having reviewed the supporting information and third party responses, it is considered that the proposal cannot be accommodated within Brecon Town Centre and there will be no significant impact on the functioning of Brecon or Talgarth town centres as a result of the proposed development.

## 11. RECOMMENDATION:

11.1 That the application be permitted subject to the following conditions:

1. The development shall begin not later than five years from the date of this decision.  
Reason: To comply with the Town and Country Planning Act 1990 (as amended).
2. The development shall be carried out in all respects strictly in accordance with the approved plans under permission 06/00204/FUL (drawing nos. SW873/A(P)01 Rev.H, SW873/A(P)03 Rev. D)  
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. No service lines shall be erected or placed above ground level without the prior written permission of the National Park Authority.  
Reason: In the interests of the appearance and character of the area.
4. The use hereby permitted shall not be open to customers other than between 08:00 hours and 22:00 hours.  
Reason: To protect the amenities of the locality and nearby residents.
5. The loading and unloading of service and delivery vehicles, together with their arrival and departure from the site shall not take place outside the hours of 08:00 hours and 20:00.  
Reason: To protect the amenities of the locality and nearby residents.
6. Development shall be carried out in accordance with the approved details of floodlighting and external lighting discharged under condition number 7 of permission 06/00204/FUL and there shall be no other external illumination of the development.  
Reason: To protect the amenities of the locality and nearby residents.
7. Approved lighting (under condition 6 above) shall be turned off no later than 22:30 hours.

Reason: To protect the amenities of the locality and nearby residents.

8. The approved scheme discharging condition number 9 of permission 06/00204/FUL for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be implemented prior to the first occupation of the development hereby permitted.

Reason: To protect the amenities of the locality and nearby residents.

9. No materials or substances shall be incinerated within the application site.

Reason: To protect the amenities of the locality and nearby residents.

10. The approved plans discharging condition number 11 of permission 06/00204/FUL, which indicate the positions, design, materials and type of any boundary treatment, walls or fences shall be strictly adhered to unless the National Park Authority gives written approval to any variation.

Reason: In order to protect the visual amenities of the area.

11. None of the existing trees within the site, or forming the boundary to the site, shall be removed, felled, lopped, pruned or damaged in any way without the prior written consent of the National Park Authority.

Reason: In order to protect the visual amenities of the area.

12. A clear visibility shall be provided above a height of 0.26 metres above the carriageway level across the areas shown on plan no SW873/A(P)01 Rev.H. of permission 06/00204/FUL. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility, and the visibility shall be maintained free from obstruction thereafter.

Reason: To ensure the safety and free flow of traffic using the adjoining industrial estate road.

13. No storm water drainage from the site shall be allowed to discharge onto the county highway.

Reason: To ensure the safety and free flow of traffic using the adjoining industrial estate road.

14. The floorspace of the retail store hereby permitted including mezzanine floors and office accommodation should not exceed 3,444 sq m gross and the outdoor garden centre should not exceed 804 sq m gross.

Reason: To control the nature and scale of the retail floor area in order to minimise the impact upon the vitality and viability of Brecon town centre.

15. The premises shall only be used for the sale of DIY/hardware and garden related products, furniture, floor coverings, soft furnishings, lighting, electrical products and other ancillary products thereto, and for no other purpose (including any other purpose in Class A1 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 with or without modification) unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the above the following additional goods are permitted to be sold provided the primary use of the premises as a DIY/hardware store with garden centre:

Toiletries	Up to 50 sq. net
Toys	Up to 125 sq. net
Non-fashion clothing	Up to 50 sq. net (with non-fashion clothing defined as underwear and nightwear; slippers, baby clothing, school wear and seasonal and safety items only)

These additional goods can only be sold by a single retailer on an ancillary and/or incidental basis to the main goods permitted to be sold in this condition.

Reason: To enable the beneficial occupation of the DIY/hardware store with garden centre and minimise the impact on the vitality and viability of Brecon town centre.

## **I2: Photographs:**

### **Photograph I**



Photograph I. Showing existing catalogue showroom retailer (18.58pm 16/08/2019).