

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 22/2038/FUL

**Grid Ref:** E: 321953  
N: 311564

**Community Council:** Guilsfield Community

**Valid Date:** 20.12.2022

**Applicant:** Mr P Harding

**Location:** Hardings Shed & Garden Supplies, Groesllwyd, Guilsfield, Welshpool, SY21 9BZ

**Proposal:** Demolition of bungalow and change of use of land from residential to A1 retail use together with erection of an extension to shop and formation of additional parking area

**Application Type:** Full Application

### UPDATE REPORT

This report forms an update to the previous report circulated to Members of the Committee.

### Consultee Responses

CADW

31<sup>st</sup> March 2023

The proposed development is located some 35m west of registered park and garden PGW(Po)38(POW) The Garth, a nineteenth century landscape park and the site of particularly ornate Gothic early nineteenth-century house and stables, a rare architectural commission by the garden designer and writer John Claudius Loudon. The house and stables were demolished in the 1950s and the historic park is now used for agriculture. It contains remnants of the ornamental grounds including a terrace and two lakes, which survive as depressions to the east and north-east of the house terrace. The park is roughly triangular and covers about 200 acres. It is enclosed on its three sides by roads. Significant views are from the house terrace eastwards.

The proposed development increases the massing of built development present at the site. However, it does not lie within the identified significant view from the registered park and garden and though likely to be visible from within it views will be limited to fields at the northwest corner. In these views the proposed development will be seen as part an existing complex of buildings where those immediately to the south are of equivalent scale, form. As such whilst there may be a very slight visual change in the view from the registered park and garden this will not have any effect on the way that it is experienced, understood, and appreciated. Consequently, the proposed development will have no

impact on the setting of registered park and garden PGW(Po)38(POW) The Garth. Cadw therefore has no objections.

### **Principal Planning Constraints**

Mineral Safeguarding Sandstone Cat 2  
 Mineral Safeguarding Sand\_Gravel Cat 2  
 Listed Building - Gates and Gate Piers at the former E entrance to Garth  
 Registered Historic Park and Garden – The Garth

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
TAN4	Retail and commercial development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	External Lighting		Local Development Plan 2011-2026
DM8	Mineral Safeguarding		Local Development Plan 2011-2026
SP4	Retail Growth		Local Development

		Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
R4	New neighbourhood and village shops or services	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Welsh Historic Park & Garden

The proposed development is located approximately 35m west of registered park and garden PGW(Po)38(POW) The Garth, a nineteenth century landscape park and the site of particularly ornate Gothic early nineteenth-century house and stables.

As such, CADW have been consulted on the application and confirm that the proposed development does not lie within the identified significant view from the registered park and garden and though likely to be visible from within it, views will be limited to fields at the northwest corner.

Cadw concluded that the proposed development will have not cause a significant harm to the setting of registered park and garden and therefore raised no objections.

The development is therefore considered acceptable in this location.

## **RECOMMENDATION – Conditional Consent**

In light of the above considerations, it is therefore considered that the proposed development does comply with relevant planning policy. The recommendation is one of conditional consent.

### **Conditions**

1. The development to which this relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans approved on the date of this consent: HDG02.1.3.05, HDG02.1.3.00, HDG02.1.3.03, HDG02.1.3.04 Rev B & HDG02.1.3.04 Rev B.
3. No external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series and shall be implemented as approved and maintained thereafter.
4. Prior to the first beneficial use of the building hereby approved, the biodiversity enhancement measures shown on plans 'HDG02.1.3.04 Rev B & HDG02.1.3.04 Rev B' shall be erected and maintained thereafter as long as the development remains in existence.
5. No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

6. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.
7. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 6 has been received from the local planning authority.
8. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. *The verification report contents must be*

*agreed with the local planning authority before commencement of the remediation scheme.*

9. Prior to first beneficial use of the extension hereby approved, the additional parking bays shall be fully constructed in accordance with the approved plan (HDG02.1.3.03) and those parking spaces shall be retained for the duration of the development.
10. Prior to commencement of development a minimum of 10% of the approved car parking spaces shall have electric vehicle charging points details (scale and appearance) of the proposed electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. This provision shall be and shall be implemented as approved and retained and maintained thereafter for as long as the approved development remains in existence.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Policy DM2 of the Powys Local Development Plan (2018) in relation to the natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DM10 of the adopted Local Plan (2018)].
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors [in accordance with policy DM10 of the adopted Local Plan (2018)].

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DM10 of the adopted Local Plan (2018)].
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DM10 of the adopted Local Plan (2018)].
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
10. To comply with Policy 12 (Regional Connectivity) of Future Wales: The National Plan 2040.