

Version 2

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Development Management Procedure) (Wales)
Order 2012

FULL PLANNING PERMISSION

Agent:
Mr Geraint John
Geraint John Planning Ltd
Office 16 (House 1, 2nd Floor)
The Maltings
East Tyndall Street
Cardiff
CF24 5EA

Applicant:
Mr Andrew Walker
Wild Rose Cottage,
Duffryn Lane
St Nicholas
CF5 6TA

**Proposed mixed unit holiday accommodation scheme at Wild Rose Cottage,
Duffryn Lane, St. Nicholas**

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 19 May 2023 subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

01 Location Plan (received 5th April 2022)
03 Rev I Proposed Block Plan (received 10th March 2023)
12 Outbuilding Conversions- Proposed Plans and Elevations (received 5th April 2022)
Cadair Idris Layout 1 (received 5th April 2022)
Warren Pod Plans (received 24th October 2022)
Planting Location Plan, dated March 2022 (received 5th April 2022)
Planting Specification, dated March 2022 (received 5th April 2022)
Newt Barrier Plan (received 19th May 2023)

Precautionary Method Statement: Great Crested Newts, Reptiles and Other Amphibians, dated April 2023 (received 27th April 2023)
Reptile Mitigation Strategy, dated February 2022 (received 5th April 2022)

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any other persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD13 (Tourism and Leisure) of the Local Development Plan.

4. No touring caravans or camper vans are permitted to pitch at the site at any time.

Reason:

To minimise conflict between highway users in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

5. In the event following first beneficial use that the site is not used for the tourism accommodation hereby approved for a continuous twelve month period, this use shall permanently cease and all glamping pods, and grass protection matting along with the crushed stone filling shall be removed within a further six months of the cessation of the use.

Reason:

To safeguard the use of the site and protect the character and appearance of the rural area to accord with Policy MD1 (Location of New Development) of the Local Development Plan.

6. No development shall commence on site until a detailed scheme for the surface water drainage of the whole site, demonstrating how flows from the wider catchment will be dealt with in the design proposals, have been submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To prevent flood risk and pollution, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

7. All the trees and hedges to be retained and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be first submitted to approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies MG17 (Special Landscape Areas) and MD2 (Design of New Development) of the Local Development Plan.

2022/00449/1/CD

Details Approved 07/02/2024 Vale of Glamorgan Council

**Bs5837 2012 Tree Information Land Adjacent To Winchpit
Tree And Root Protection Information
Wild Rose Cottage TcP Tpp A4**

received 03/08/2023

8. Notwithstanding the submitted details, prior to the commencement of the works on the conversion of the buildings hereby approved, a schedule of finishing materials to be used, including for the walls, roofs, windows, roof lights and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development of the Local Development Plan.

9. Prior to the commencement of works to layout access and parking to the converted buildings and larger glamping pods hereby approved, details of surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development of the Local Development Plan.

2022/00449/1/CD

Details Approved 07/02/2024 Vale of Glamorgan Council

form a grass protection mats / grass reinforcement mesh as specified and referenced within the Discharge Of Condition Cover Letter (July 2023 V2) received 03/08/2023

10. Prior to the first time that it is installed, details of the temporary toilet and shower block, including the time period within the year that it will be present on the site, shall be submitted to and approved in writing by the Local Planning Authority. The temporary toilet and shower block shall be installed in accordance with the approved details.

Reason:

To clarify the details of the proposed temporary toilet and shower block and safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

11. Prior to the construction of the camping area within Zone 3 as shown drawing no. Plan 03 Rev I Block Plan, a reptile and amphibian barrier shall be erected around the area of development within Zone 3 in accordance with a plan and method statement that shall have been first submitted to and approved in writing by the Local Planning Authority. The method statement shall include the timing for the erection and duration of the barrier, its construction, and method for subsequent trapping and translocation of reptiles and amphibians.

Reason:

In the interests of biodiversity, and in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

12. Prior to the first beneficial use of the development hereby approved, an ecological mitigation, enhancement and management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover a period of 10 years from the first beneficial use of the site and be implemented in accordance with the approved details.

Reason:

In the interests of biodiversity, and in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

13. Prior to the first beneficial use of the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented and lighting shall be maintained in accordance with the approved details, for as long as it exist.

Reason:

In the interests of biodiversity, and in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

14. Prior to the first beneficial use of the development hereby approved, bat boxes and bird nesting boxes/features shall be provided in accordance with details that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of biodiversity, and in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Prior to the first beneficial use of each unit of accommodation, arrangements for the provision of cycle parking/storage for that unit of accommodation shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the submitted details prior to the first beneficial use of that unit and retained.

Reason:

To ensure sufficient cycle parking arrangements are provided on the site to encourage sustainable tourism, in accordance with Policies MD2 (Design of New Development) and MD13 (Tourism and Leisure Proposals) of the Local Development Plan.

16. Prior to the first beneficial use of the development hereby approved, details of the cycle hire scheme, the cycle storage area for this and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The cycle hire scheme shall be implemented in accordance with the approved details.

Reason:

To encourage sustainable tourism, in accordance with Policy MD13 (Tourism and Leisure Proposals) of the Local Development Plan.

17. Prior to construction of the electric vehicle parking spaces as shown on drawing no. 03 Rev I Proposed Block Plan, full details of the spaces and charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle parking spaces shall be completed in accordance with the approved details prior to the first beneficial use of the development hereby approved and shall thereafter be so retained.

Reason:

To safeguard the provision of satisfactory electric vehicle parking as required by Policy MD2 (Design of New Development) of the Local Development Plan and Policy 12 (Regional Connectivity) of Future Wales.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, 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 MD7 (Environmental Protection) of the Local Development Plan.

19. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial use of the development hereby approved; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies MG17 (Special Landscape Areas), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

Reason for Granting Planning Permission

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, SP9 – Minerals, SP10 – Built and Natural Environment, SP11 – Tourism and Leisure, MG17 – Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 –

Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity, MD11 - Conversion and Renovation of Rural Buildings and MD13 - Tourism and Leisure of the Local Development Plan, Future Wales – the National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposed development is acceptable in principle, and in respect of visual and landscape impact, neighbour impacts, ecology/biodiversity considerations, impact on trees, flood risk, impact on the historic environment, impact on agricultural land and in all other respects.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

1. **The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Local Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use (under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- **Unprocessed / unsorted demolition wastes.**
 - **Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - **Japanese Knotweed stems, leaves and rhizome infested soils.**
- In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed); and**

(iii) the safe development and secure occupancy of the site

rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

2. **New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

3. **Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include any change to the ordinary watercourse that may obstruct or alter its flow on a permanent or temporary basis.**
4. **In respect of the timing of the erection of the reptile and amphibian barrier as required by condition, it would be expected that such a barrier would be erected in March or April.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dated: 30 May 2023

Ian Robinson

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Head of Sustainable Development

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM**

NOTES

Notification to be sent to an applicant when a Local Planning Authority refuse planning permission or grant it subject to conditions.

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ or you can access their website here: <https://gov.wales/planning-appeals>
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority 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 Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a 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 Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS – email buildingcontrol@valeofglamorgan.gov.uk or visit https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/building_control/Making-an-Application.aspx

LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.