

Delegated Decision Report

Application No:	25/0015	Statutory Period Expires:	21st March 2025
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Site:	<i>Neuadd Wen Penylan Road Bassaleg Newport NP10 8RW</i>		
Proposal:	<i>RETROSPECTIVE APPLICATION FOR THE ERECTION OF 4 NO. SELF CONTAINED MIXED USE B1 AND D2 PODS</i>		
Applicant:	<i>Ashton</i>		
Type:	Full	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The proposal is a resubmission of a previously refused application 20/1178 for the construction of 4no. glamping pods for tourism. The previous application was refused for 3no. reasons relating to an intensification of traffic movements into the site, and the impact of improved visibility splays on the character and appearance and biodiversity.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located in the countryside between the settlements of Michaelston-y-Fedw and Bassaleg. Vehicle access is gained from Penylan Road The dwelling is set in large grounds which includes a private pond. An other residential dwelling lies to the south east of the application site which is also served by the same driveway access. The pods subject of this application lie to the east of the main dwelling accessed from an existing footpath which follows the ponds edge. An area of hardstanding to the west of the pond is proposed to serve as the dedicate parking area for users of the pods. Further correspondence from the agent has confirmed that the pods are proposed to be used for B1 and D2 uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Retention of 4no. self contained pods to be used for B1 or D2 purposes.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/1178	CONSTRUCTION OF FOUR SELF-CONTAINED GLAMPING PODS FOR TOURISM	Refused	23.11.2022

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 5 – Supporting the Rural Economy

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP5 – Countryside
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE4 – Historic Landscapes
- T4 – Parking
- CF8 – Tourism
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife and Development
- Waste Storage and Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Highways Officer: Objection maintained.

Highway Comments:

Following receipt of a rebuttal we would update our comments as follows.

For the avoidance of doubt a speed survey was suggested to allow the applicant to show that speeds are below the posted limit. Furthermore, relaxation to a 2m X distance also requires that low traffic flows are demonstrated, and they haven't been, but a survey may help the applicant to establish that (or not).

The standard approach is to accept the speed limit, which is 30 mph. This requires visibility splays of 2.4 x 43m. If these had been demonstrated the objection would not be maintained.

The applicant suggests that the Y distance can be measured to the centre line. This is only the case when it is impossible to travel on the nearside. The road in question is wide enough for vehicles to overtake and there are no constraints to prevent them.

The only relaxation allowed would be to measure the Y distance to a point 1m from the edge of carriageway. It should not be assumed that an overtaking vehicle is a car, but there is adequate space for two cars.

We would welcome a scheme showing the required visibility splays, but at this point must maintain the objection on highway safety grounds.

6.2 Planning Policy Manager: No response.

6.3 Environmental Health Officer: No response.

6.4 Public Rights of Way Officer: As this is retrospective planning I would have provided the below in relation to building work. I am assuming that the PROW has not been affected in any way as a result of build.

The following points should have been considered:

1. All PROW's (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);
2. The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);
3. The fabric of the PROW's must not be adversely affected in any way;

4. PROW users must be protected from any vehicles/plant associated with the works. All potential conflict should be risk assessed and managed accordingly.

6.5 Ecology Officer: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 17th March 2025 and a Site Notice was put up on the 21st March 2025.

7.1 NEIGHBOURS: 1no. objection (summarised):

- Concern if retrospective permission is granted this will lead to future applications for changes of use to the PODS being sought. e.g. permanent dwelling(s)/tourism.
- The retrospective and future planning application will affect my quality of life and change the surrounding landscape and environment.
- Increased traffic using the existing farm track.
- Concern regarding watercourse and how the PODS will impact on an area which already has issues with drainage and standing water.
- How will potable and foul water be dealt with?
- I'd like the planning committee to consider what businesses the PODS will be used for? The application states business and health but if that means woodwork or metalwork that will lead to increased noise. How will businesses like this operate alongside health related activities like yoga, meditation and/or talking therapies?
- My final point, how can this development even be considered for retrospective planning permission when despite the previous proposal being declined the applicants disregarded the decision and continued to erect the PODS anyway!?

7.2 MICHAELSTON-Y-FEDW COMMUNITY COUNCIL: No objection.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 The application site is located within the countryside as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy SP5 states that *development will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.*

8.1.2 The application seeks to retain the 4no. pods with a dual use for tourism and/or offices. The pods measure 4m (w) x 9m (l) x 3.1m (h) and include an area of hardstanding with glass balustrade forward of the principle elevations. It is noted that retaining walls have been built to facilitate a level surface for the siting of the pods; details of the retaining works have not been included in the submitted plans and the description of development makes no reference to those works. The pods are located to the east of the main dwelling and benefit from views towards the pond. The proposal also includes an area dedicated for the parking of vehicles serving the pods to the north west of the main dwelling. The parking area and pods are linked via a pedestrian footpath which follows the ponds edge. The application form confirms that the pods would employ 4no. persons. The hours of operation are not provided within any of the supporting information or application form. As per the previously considered scheme of 20/1178, it is considered that the proposed use of the pods for tourism, and in this case office space also, would not result in harm onto the wider context of the area which features a campsite to the east of the application site. Given the scale of the development proposed and the proposed uses for the pods, it is considered that this would not result in sufficient levels of harm on the wider countryside character and would not result in the loss of any agricultural land. The proposal is considered to accord with Policy SP5.

8.2 **Impact on Amenity**

8.2.1 With regard to the hours of operation for the tourism and office uses, it is considered that these can be suitably controlled by way of condition to ensure the tourism use does not become a permanent residence, and to ensure the office use is limited to typical office hours to ensure this use does not impact the amenity of existing or future occupants of the host dwelling.

8.2.2 The pods have a significant separation distance with the host dwelling, therefore the proposal would not result in any overshadowing or loss of light on the host dwelling. It is considered that any glimpsed views of the proposal from public vantage points would not harm the visual amenity of the area. It is considered the proposal accords with the aims of Policy GP2.

8.3 **Impact on the Highway and Parking**

8.3.1 The supporting information confirms that each pod would have 1no. parking space per pod – totalling 4no. parking spaces. The site is located within Parking Zone 6. The Parking Supplement Planning Guidance sets out the proposed office use would have a parking requirement of 1 space per 25sqm. The Parking Supplementary Planning Guidance does not have a specific parking requirement for glamping pods, therefore it is considered that due to the use of a pod being limited by the number of occupants, 1no. space per pod is considered reasonable. As the tourism and office use cannot occur concurrently in each individual pod, it is considered that a total of 4no. parking spaces is sufficient to serve the needs of the pods. The existing hardstanding as shown indicates that sufficient parking would be provided. The proposal accords with Policy T4.

8.3.2 The proposal would intensify the number of vehicles entering and leaving the site. Penylan Road is a typical country lane featuring a varying width, undulating topography and bounded by hedgerows. Turning to visibility splays at the junction with Penylan Road, despite the submission of additional comments from the agent, an objection is maintained by the Highways Officer who requests a visibility splay of 2.4 x 43m is achieved taking into account the current speed limit of 30mph. A speed survey was requested in order to justify the reduced visibility splay shown in the submitted drawings, which was denied by the applicant. In the absence of suitable information, it is considered that the justification put forward for a reduced visibility splay is not acceptable as the traffic flows and speeds have not been surveyed. The visibility splays as shown on the submitted drawing are measured from the centre line of the carriageway rather than from the edge of the highway; this methodology is considered to be flawed in the absence of suitable speed surveys to ensure traffic and speed flows are low.

8.3.3 On the basis of the information submitted and the failed negotiations with the applicant requesting additional information to justify the visibility splays submitted, it is considered that the intensification of vehicle movements at the junction with Penylan Road would likely result in harm on the safe and efficient use of the highway network contrary to Policy GP4.

8.4 **Impact on Biodiversity**

8.4.1 As the proposal is retrospective, any impact on biodiversity caused by the siting of the pods has already taken place. A Green Infrastructure Statement has been submitted which sets out opportunities for new green infrastructure are limited. The Green Infrastructure Statement goes further setting out that the proposal is *expected* to improve socio-economic conditions in Bassaleg.

8.4.2 It is considered that the wider application site, which is under control of the applicant, does represent an opportunity to provide enhancements to green infrastructure through a range of methods. Furthermore, it is unclear how any socio-economic benefits the proposal brings would benefit green infrastructure.

8.4.3 The Green Infrastructure Statement contains no reference relating to the step-wise approach or the DECCA framework. It is considered that the proposal fails to accord with the requirements of Planning Policy Wales (Ed. 12) and Policy GP5.

8.5 **Impact on Character and Appearance**

- 8.5.1 The previously refused application raised no issue with regard to impact on the wider character and appearance of the area; it is still considered that the siting of the pods would not erode the openness of the wider countryside, however it is noted that the structures are disconnected from the main dwelling due to the separation distance. The proposal is considered to not result in significant harm to warrant a reason for refusal based on Policy GP6.

8.6 **Impact on Ancient Woodland**

- 8.6.1 An area of ancient woodland is located to the north east of the site outside of the application boundary. The siting of the pods and use of hardstanding for car parking are not located in this area. Therefore, the proposal would not affect the area of ancient woodland and accords with Policy GP5.

8.7 **Impact on Tourism**

- 8.7.1 The proposal partly seeks to provide a tourism offer within the countryside; this is supported by Policy CF8 and through the general thrust of Planning Policy Wales (Ed.12) which seeks to encourage rural diversification and economic benefits in the countryside. It is considered the proposal accords with local and national policy.

8.8 **Provision of Waste Management Facilities in Development**

- 8.8.1 The proposed uses require waste management facilities for the tourism and commercial use. The applicant would be required to enter into a private contract to arrange these collection services. The blue edged site location plan shows that there is a suitable amount of existing hardstanding accessible from the main vehicle entrance to serve as a location for the storage of waste and recycling.

- 8.8.2 Should all other matters be acceptable, the waste and recycling storage area could be secured by condition to ensure that its siting and design would not adversely impact the wider countryside setting.

8.9 **Other Matters**

- 8.9.1 It is noted that the proposal does not contain any details or indication that the pods would contain any form of WC for use by patrons. It is wholly reasonable to expect the pods to be served by a form of foul drainage given the proposed uses. The application is lacking on this matter, however as the details of the proposal do not contain any reference to this, a reason for refusal is not included in this decision. However, any future proposal would need to demonstrate the foul and surface water arrangements.

9. **OTHER CONSIDERATIONS**

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

- 9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The proposal is not supported by sufficient evidence to demonstrate the visibility splays are suitable given the context of Penylan Road, nor is the proposal supported by a sufficiently detailed Green Infrastructure Statement which accords with the parameters of Planning Policy Wales (Ed.12). Therefore, the application is refused.

11. **DECISION**

Refuse, for the following reason(s):

01 The proposed development would result in the intensification of traffic movements at the junction leading onto Penylan Road. Insufficient and inaccurate information has been submitted, namely how the visibility splays have been calculated and the absence of a speed survey thereby curtailing the Local Planning Authority's ability to carry out a full and proper assessment to identify harm relating to highway safety. This would be contrary to policy GP4 (Highways and Accessibility) of the Newport Local Development Plan 2011-2026 (adopted January 2015).

02 The proposal is not supported by a sufficient Green Infrastructure Statement that demonstrates that the scheme has followed the DECCA framework or the step-wise approach as set out within the Section 6 Duty of Planning Policy Wales (Ed.12) and contrary to the aims of Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Floor Plan (Drawing ref: PP001), Location Plan (Received: 08.01.2025), Site Photos (Received: 08.01.2025), Existing Site Plan (Received: 08.01.2025), Existing Pod Elevations (Received: 08.01.2025), Visibility Splay Plan (Drawing ref: 24032-SK01), Technical Note – Transport dated 20th August 2024 (Received: 08.01.2025).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, GP2, GP4, GP5, GP6, T4, CF8 and W3 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did

not need to be screened under the Environmental Impact Assessment Regulations.