

# Delegated Decision Report

|                        |                |                                  |                          |
|------------------------|----------------|----------------------------------|--------------------------|
| <b>Application No:</b> | <b>25/0358</b> | <b>Statutory Period Expires:</b> | <b>20th October 2025</b> |
|------------------------|----------------|----------------------------------|--------------------------|

|                   |                                                                                                                                                          |              |             |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|
| <b>Site:</b>      | <b>Lawnside 2 Stow Park Circle Newport NP20 4HE</b>                                                                                                      |              |             |
| <b>Proposal:</b>  | <b>CONSERVATION AREA CONSENT FOR THE DEMOLITION OF EXISTING DETACHED SINGLE STOREY GARAGE WITH ASSOCIATED WORKS TO THE ACCESS AND BOUNDARY TREATMENT</b> |              |             |
| <b>Applicant:</b> | <b>A Chavali</b>                                                                                                                                         |              |             |
| <b>Type:</b>      | <b>Conservation Area</b>                                                                                                                                 | <b>Ward:</b> | <b>Gaer</b> |
| <b>Decision:</b>  | <b>GRANTED WITH CONDITIONS</b>                                                                                                                           |              |             |

## 1. BACKGROUND

- 1.1 A previous application for consent was refused under application ref 24/1041, which sought: *REMOVAL OF EXISTING DETACHED SINGLE STOREY GARAGE WITH ASSOCIATED WORKS TO THE ACCESS AND BOUNDARY TREATMENT.*

The reason for refusal was: *01 The development would have a significant adverse impact upon interests of acknowledged importance, namely the impact upon trees. No information has been provided to mitigate this impact. This would be contrary to Policy GP5 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015).*

## 2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 3 storey semi-detached property constructed of stone, located on a prominent corner plot on Stow Park Circle. The front and side elevation(s) face onto Stow Park Circle Road and are visible from the public realm. The property occupies an elevated position relative to main thoroughfare. The area is characterised by large residential properties bound by walls and hedges and a large number of mature trees within the residential curtilages. The site is located within the Stow Park Conservation Area and is subject to an Article 4 Direction.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is for Conservation Area consent for the demolition of the pitched roof, single storey, stone garage to the front of the property to facilitate a larger driveway. All other development proposed on site is being assessed under the corresponding planning application 25/0791.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                          | <b>Decision</b> | <b>Decision Date</b> |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| 25/0791           | REMOVAL OF EXISTING DETACHED SINGLE STOREY GARAGE WITH ASSOCIATED WORKS TO THE ACCESS AND BOUNDARY TREATMENT (RESUBMISSION FOLLOWING REFUSAL OF 24/1041) | PCO             |                      |
| 24/1041           | REMOVAL OF EXISTING DETACHED SINGLE STOREY GARAGE WITH                                                                                                   | R               | 05/06/2025           |

|         |                                                                          |    |            |
|---------|--------------------------------------------------------------------------|----|------------|
|         | ASSOCIATED WORKS TO THE ACCESS AND BOUNDARY TREATMENT                    |    |            |
| 20/0313 | TRIM BRANCHES TO TREE PROTECTED BY STOW PARK CONSERVATION AREA           | NO | 21/05/2020 |
| 11/0903 | TRIMMING OF TREES PROTECTED BY STOW PARK CONSERVATION AREA               | NO | 03/10/2011 |
| 08/0399 | TRIMMING OF HORSE CHESTNUT TREE PROTECTED BY STOW PARK CONSERVATION AREA | NO | 23/04/2008 |

## 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 9 - Resilient Ecological Networks and Green Infrastructure

### 5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

### 5.3 Technical Advice Note

Technical advice note (TAN) 24: the historic environment

### 5.4 The Historic Environment Act (2023)

### 5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy CE7 (Conservation Area)

## 6. CONSULTATION RESPONSES

### 6.1 Heritage Officer:

**\*Most up to date comments\***

I am satisfied with the proposed gate pier reconstruction: "*New pier to match existing*", as annotated within Drawing 427B - AL(90)03.

The proposed pennant paving is a very appropriate material for the area.

As per email from the agent dated 11 November 2025, please add a condition regarding reconstruction of the boundary wall. Perhaps just:

*Stonework for the proposed adjustments to the boundary wall shall be of rubble construction with coping, all to match the existing in terms of type, coursing and colour.*

**\*Original Comments\***

Where replacement paving is proposed between house and road (including the 'driveway crossover'), it is my view that the wording of the Article 4(2) Direction cannot control the materials of this replacement. However, I would suggest that Pennant flagstones would be a suitably characterful material for the publicly visible area between new gates and pavement - and should be encouraged.

There is little detail provided regarding proposed materials, beyond the statement that: "The architectural treatment of the proposed extended driveway, wall, reconstructed piers and railings is sensitively designed to match the local vernacular in terms of design, details and materials." Therefore, I would suggest a condition for material samples is added for the proposed gate piers – or that more details are requested up-front. They should be formed in buff-brick and rock-faced pennant stone as per the existing, to harmonise with the historic boundary wall.

Pending satisfactory material details, the character and appearance of Stow Park Conservation Area will be enhanced.

6.2 Newport Civic Society: No comments received.

6.3 HENEB: Information in the Historic Environment Record, curated by this Trust, shows that there no know archaeological assets within the application area, additionally it is situated outside of any Archaeologically Sensitive Area. A review of historic mapping shows the footprint of the existing building present on Ordnance Survey (OS) mapping dated 1841-1952. The proposed development involves the removal of the existing detached, single story garage with associated works. The area has been disturbed by the existing garage, and in an area of low archaeological potential, as such it is unlikely that archaeologically significant material will be encountered during the course of the proposed works

6.4 CADW: No comments received.

6.6 Tree Team:

As per the information provided by the developer from Treescene in the form of: the tree survey (9<sup>th</sup> of July 2025), Tree Constraints Plan, Arboricultural Impact Assessment (AIA) (18<sup>th</sup> September 2025).

It is clear that although some of the development will be within the RPA of some of the trees however, this is only within preexisting hard standing and so should have a minor impact (As per the AIA 5 . ROOT PROTECTION AREA (RPA) INCURSIONS).

The AIA in section 6. Protection of Retained Trees it references a Tree Protection Plan this needs to be provided to allow the below Condition 2.

## Conditions

1. A Pre-commencement site meeting with the builder, tree consultant and NCC Tree/Arb Officer.
2. The Tree Protective fencing as laid out by a Tree Protection Plan must go up before works commence and be the last thing to be removed from site post completion. This must be signed off by the appointed Tree Consultant.
3. An Arboricultural Watching brief to be undertaken by the Tree Consultant undertaken at least Monthly with a written report of each site visit to confirm compliance with submitted to the NCC Tree/Arb Officer.

## 7. PUBLIC REPRESENTATIONS

- 7.1 This application was advertised by means of a Site Notice put up on 03/10/2025 and via a Press Notice dated 11/10/2025. No representations have been received.

## 8. ASSESSMENT

- 8.1 This application seeks Conservation Area Consent for demolition at 2 Stow Park Circle. Under this application the demolition of the garage and boundary wall will be assessed only. All other works proposed on site will be assessed under the corresponding planning application, 25/0791. The primary considerations are the impact of the proposal on the character and appearance of the conservation area, impact upon trees and European protected species.

### 8.2 Visual Impact/Character

- 8.2.1 The site is located within the Stow Hill Conservation Area and subject to an article 4 direction. Policy CE7 (Conservation Areas) of the Newport Local Development Plan (2011-2026) is relevant to the assessment of this application. Additionally, the scheme also needs to accord with National Policy section 160 of the Historic Environment (Wales) Act 2023 which requires the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. On assessment, the single garage is visible from the street given its location.

- 8.2.2 The garage does not hold any key architectural design which contributes positively to the character and appearance of the Conservation Area however nor is it considered to be a visual detractor. Therefore, for completeness it is considered that the building/proposed demolition should be assessed in relation to the criteria set out in TAN 24, 5.15 which states that the consideration to demolish a building the following factors need to be considered:

1 The condition of the building, the cost of repair and maintenance in relation to its importance and the value derived from its continued use. Where a building has been deliberately neglected, less weight will be given to these costs.

2 The efforts made to keep the building in use or to secure a new use, including the offer of unrestricted freehold of the building for sale at a fair market price that reflects its condition or situation.

3 The merits of the alternative proposals for the site, including whether the replacement buildings would meet the objective of good design and whether or not there are substantial benefits for the community that would outweigh the loss resulting from demolition.

- 8.2.3 The aforementioned points will be addressed in turn. Point 1, the garage is not considered to have any special importance within the CA and due to its scale would not meet the requirements of the current parking standards to be counted as a parking space, accordingly no conflict has been identified with point 1. When considering point 2, the building is not in a poor state of repair however is no longer able to function as its original purpose due to its scale, an alternative use would not be appropriate in this case therefore point 2 is considered to be satisfied, as the garage is not identified as a significant contributor to the character and appearance of the area and as we have a suitably acceptable replacement/restoration scheme no conflict is identified with point 3.
- 8.2.4 The removal of the garage would not disrupt the symmetry between the semi-detached pair, nor would it demonstrably harm the character of the Conservation Area given its small scale. The reconstruction and relocation of the existing stone pillars either side of the proposed widened access would appear cohesive and would maintain the positive contribution to the development, preserving the character of the Conservation Area.
- 8.2.5 The Heritage Officer has provided comment on the application. There are no objections to the demolition of the garage. However, it is noted the officer has made comment on other elements of the scheme, including, railings, walls, and paving. However, this is not being assessed under this application, and the comments and condition will be assessed under the corresponding full application 25/0791.

### 8.3 Archaeology

- 8.3.1 HENEB were consulted and state there are no known archaeological assets within the application area, additionally it is situated outside of any Archaeologically Sensitive Area. The proposed development involves the removal of the existing detached, single-story garage with associated works. The area has been disturbed by the existing garage, and in an area of low archaeological potential, as such it is unlikely that archaeologically significant material will be encountered during the course of the proposed works. Therefore, this is deemed acceptable.

### 8.4 Trees

- 8.4.1 The application is supported by a tree survey. Tree T4 is recommended for removal in the Tree Survey due to poor quality (U category) not due to the proposed development. This is a mature sycamore in a potentially hazardous condition (stem/limb decay) adjacent to the public highway. There is also Tree Protective fencing as laid out by a Tree Protection Plan to protect existing trees on site. The tree team have provided comment and do not have objections in principle. The are recommendations within the report relating to suggested works to the trees, however, it has been confirmed with the applicant that these works are not being pursued under this application. The suggested condition for tree protection fencing will be conditioned for the duration of demolition and construction. However, the comments are fully assessed under 25/0791.

### 8.5 Ecology/Biodiversity

- 8.5.1 The application entails the demolition of the existing garage, although not actively used as a garage the building is in use and is considered to be in a good state of repair. Given its position within the plot/public realm, use and condition it is considered unlikely that the structure would house bats/nesting birds, however a

suitably worded informative will be added to any subsequent consent. Additionally, the proposed demolition is not considered to adversely impact upon wider ecology/biodiversity interests within the area given its limited scale and context.

## **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 Overall, it is considered that the demolition of the garage in this location is deemed acceptable and the character and appearance of the Conservation Area would be preserved. No unacceptable adverse impact would arise from the demolition of the garage.

## 11. DECISION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 427 - AL(90)03 Site Layout proposed; 427- AL(99)04 - Proposed North East Elevation.; 427- AL(99)03 - Existing North East Elevation; 427 - AL(99)02 - Proposed North West Elevation.; 427 - AL(99)01 - Existing Garage Plan and Elevations; 427 - AL(99)01 - Existing Garage; 427 - Railings and Gates A; 427 - AL(90)03 - Existing Site Layout-Topographical Survey REV A - 04.05; 427 - AL(90)01 - Topographical Survey; 427 - AL(90)00 - Site Location Plan; Tree Constraints Plan A3 2 Stow Park Circle; 18.09.25 AIA 2 Stow Park Circle; 427 - Heritage Impact Statement REV.A

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 Prior to the commencement of development, The Tree Protective fencing as laid out by the AIA at point 6; '18.09.25 AIA 2 Stow Park Circle', must go up before works commence and be the last thing to be removed from site post completion. This must be signed off by the appointed Tree Consultant.

Reason: To protect the trees within the development site.

03 The proposed development, hereby approved, namely, the section of the proposed boundary wall, to the front of the site, located adjacent to the reconstructed pillar, shall be reconstructed with the existing stone as confirmed via email document '*Email from Sam Westcott 11/11/2025 Wall Materials*'. The wall shall be of rubble construction with coping, all to match the existing in terms of type, coursing and colour, the boundary wall shall be completed within 12 months of the demolition of the existing boundary wall and retained thereafter.

Reason: To ensure the development is carried out to preserve the Conservation Area.

04 The proposed development, hereby approved, namely the reconstructed piers, the pennant paving laid on the driveway, the black railings and gate, and the 1.8m stone wall around the driveway shall be carried out in accordance with plans: 427B - AL(90)03 - *Proposed Site Layout*; 427B - AL(60)01 - *Proposed Railing*; 427B - AL(99)02 - *Proposed NW Elevation*; 427B - AL(99)04 - *Proposed NE Elevation*. 427 - *Railings and Gates A*, in terms of type, material, and colour, the reconstructed piers, the pennant paving shall be constructed in accordance with the approved details within 12 months of the demolition of the existing boundary wall/piers and shall be retained as such thereafter.

Reason: To ensure the development is carried out to preserve the Conservation Area

### NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP6, CE7 were relevant to the determination of this application.

02 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.

03 This consent does not relate to any tree works within the Conservation Area.

04 The Applicant is reminded to avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

05 Bats often roost in trees, and work on these trees may disturb a bat roost if one is present. All bats and their roosts are protected against disturbance under UK legislation. If works are planned on a tree in which bats are known to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of felling or removal of major limbs should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228