

# Delegated Decision Report

|                        |                |                                  |                      |
|------------------------|----------------|----------------------------------|----------------------|
| <b>Application No:</b> | <b>26/0304</b> | <b>Statutory Period Expires:</b> | <b>27th May 2026</b> |
|------------------------|----------------|----------------------------------|----------------------|

|                   |                                                                                                                                               |              |             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|
| <b>Site:</b>      | <i>Hornbeam 59 Stelvio Park Avenue Newport South Wales NP20 3EQ</i>                                                                           |              |             |
| <b>Proposal:</b>  | <i>PROPOSED 1 - 2 METRE CROWN REDUCTION OF THREE HORNBEAM LOCATED ON THE WEST SIDE OF REAR GARDEN, WITHIN THE STOW PARK CONSERVATION AREA</i> |              |             |
| <b>Applicant:</b> | <i>T Lloyd</i>                                                                                                                                |              |             |
| <b>Type:</b>      | <b>Trees in Conservation Areas</b>                                                                                                            | <b>Ward:</b> | <b>Gaer</b> |
| <b>Decision:</b>  | <b>GRANTED</b>                                                                                                                                |              |             |

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within the Stow Park Conservation Area which is subject to an Article 4 Direction, and within a registered historic park PGW(Gt)58(NPT) - Nos 15 and 17 Stow Park Circle. The application site was part of a redevelopment scheme for 4no. new dwellings. The surrounding area is predominantly characterised by residential development.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks the reduction of the crown of three hornbeam by 1-2 metre. The three trees are located on the West side of the garden and are being reduced due to the overall height.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                                                                                                                                                                                                                 | <b>Decision</b> | <b>Decision Date</b> |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| 23/0176           | NON-MATERIAL AMENDMENT RELATING TO PLANNING PERMISSION 17/0323 TO ALLOW RIDGE HEIGHT OF PLOT 4 TO BE REDUCED                                                                                                                                                                                                                                    | AC              | 27/04/2023           |
| 22/1097           | PARTIAL DISCHARGE OF CONDITION 13 (HISTORIC ENVIRONMENT MITIGATION) RELATING TO PLANNING PERMISSION 17/0323 FOR THE CONSTRUCTION OF FOUR DWELLINGS AND CONDITIONS 2 (TREE PROTECTION PLAN), 3 (ROOT PROTECTION BARRIER FENCING) AND 4 (APPOINTED ARBORICULTURALIST) RELATING TO NON-MATERIAL AMENDMENT 22/0486 FOR THE RE-POSITIONING OF PLOT 4 | A               | 09/02/2023           |
| 22/0486           | NON-MATERIAL AMENDMENT OF PLANNING PERMISSION 17/0323 FOR THE RE-POSITIONING OF PLOT 4                                                                                                                                                                                                                                                          | AC              | 08/09/2022           |

|                |                                                                                                                                                                                                                                                                                      |    |            |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|
| 22/0176        | PARTIAL DISCHARGE OF CONDITIONS 10 (MATERIALS) AND 14 (DETAILS OF HOUSE 4 AND WALKWAY) RELATING TO PLANNING PERMISSION 17/0323 FOR THE CONSTRUCTION OF 4 NO. DWELLINGS                                                                                                               | A  | 19/05/2022 |
| 21/0694        | PARTIAL DISCHARGE OF CONDITION 10 (EXTERNAL MATERIALS) OF PLANNING PERMISSION 17/0323 FOR CONSTRUCTION OF FOUR NEW DWELLINGS ON SITE OF SWIMMING POOL                                                                                                                                | A  | 16/09/2021 |
| <u>19/1305</u> | PARTIAL DISCHARGE OF CONDITIONS 8 (CEMP), 9 (SURFACE WATER DRAINAGE), 11 (BOUNDARY TREATMENTS), 12 (CONTAMINATION REPORT/STUDY), AND 13 (WRITTEN SCHEME OF INVESTIGATION) OF PLANNING APPLICATION REF 17/0323 FOR CONSTRUCTION OF FOUR NEW DWELLINGS ON SITE OF SWIMMING POOL.       | A  | 07/01/2021 |
| 19/1303        | PROPOSED NON MATERIAL AMENDMENT TO RE-WORD CONDITION 14 OF PLANNING PERMISSION 17/0323 TO ALLOW PHASING OF SCHEME PRIOR TO DETAILS OF HOUSE 4 BEING SUBMITTED                                                                                                                        | AC | 07/01/2021 |
| 19/0969        | NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0323 FOR THE CONSTRUCTION OF FOUR NEW DWELLINGS- TO REMOVE WINDOWS AND ALLOW FOR NEW OPENINGS IN HOUSE 4 AND REMOVAL OF PILLARS AND EXTEND GROUND FLOOR FRONT ELEVATIONS OF HOUSES 1, 2 AND 3 AND REAR ELEVATIONS OF HOUSES 1 AND 2 | GC | 24/10/2019 |
| <u>19/0063</u> | PARTIAL DISCHARGE OF CONDITION 03 (TREE PROTECTION PLAN), 06 (ARBORICULTURAL METHOD STATEMENT) AND 07 (ARBORICULTURALIST) OF PLANNING PERMISSION 17/0323 FOR THE CONSTRUCTION OF FOUR NEW DWELLINGS                                                                                  | A  | 14/02/2019 |
| 17/0323        | CONSTRUCTION OF FOUR NEW DWELLINGS ON SITE OF SWIMMING POOL                                                                                                                                                                                                                          | GC | 12/07/2018 |
| 16/0892        | SECTION 73 APPLICATION TO EXTEND THE PERIOD OF TIME TO ENABLE THE IMPLEMENTATION OF PLANNING CONSENT 11/0220                                                                                                                                                                         | GC | 22/12/2016 |
| 11/1342        | PARTIAL DISCHARGE OF CONDITION 10 (TREE PROTECTION), 12 (METHOD STATEMENT), 13 (DUST SUPPRESSION / WHEELWASH), 17 (JAPANESE KNOTWEED) AND 18 (SITE CLEARANCE) TO ALLOW THE DEMOLITION OF GARAGES AND CLEARANCE OF THE                                                                | A  | 02/02/2012 |

|         |                                                                                                                                                                                                                                   |    |            |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|
|         | FORMER SWIMMING POOL AREA ONLY OF PLANNING PERMISSION 11/0220 FOR DEMOLITION OF EXISTING GARAGES AND REDEVELOPMENT TO PROVIDE RESIDENTIAL PROPERTIES (4NO. APARTMENTS) WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE |    |            |
| 11/0246 | CONSERVATION AREA CONSENT FOR DEMOLITION OF 3NO. PRE-FABRICATED GARAGES                                                                                                                                                           | GC | 14/04/2011 |
| 11/0220 | DEMOLITION OF EXISTING GARAGES AND REDEVELOPMENT TO PROVIDE RESIDENTIAL PROPERTIES (4NO. APARTMENTS) WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE                                                                   | GC | 07/09/2011 |
| 09/0270 | FELLING AND VARIOUS WORKS TO TREES PROTECTED BY VIRTUE OF THEIR SITING WITHIN STOW PARK CONSERVATION AREA                                                                                                                         | NO | 24/04/2009 |
| 94/0211 | VARIATION OF STANDARD CONDITION TO ALLOW A FURTHER FIVE YEARS FOR THE CONVERSION OF HOUSE INTO SIX FLATS AND CONSTRUCTION OF ADDITIONAL FLATS                                                                                     | G  | 08/04/1994 |
| 92/0787 | VARIOUS WORKS TO TREES                                                                                                                                                                                                            | GC | 19/08/1992 |
| 91/0285 | DEMOLITION OF EXISTING HOUSE AND ERECTION OF FOUR DETACHED HOUSES                                                                                                                                                                 | R  | 05/07/1991 |

## 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.

- 6.1.6 The Welsh Government's specific objectives for the historic environment seek to.... preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous.
- 6.1.8 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is considered at the earliest stage of plan preparation or when designing proposals new proposals.
- 6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.
- 6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

### 5.3 The Historic Environment Act 2023 Wales

### 5.4 Technical Advice Note

Technical advice note (TAN) 5: nature conservation and planning  
 Technical advice note (TAN) 24: the historic environment

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

Policy GP2 (General Amenity)  
 Policy GP5 (Natural Environment)  
 Policy GP7 (Environmental Protection and Public Health)  
 Policy SP9 (Conservation of the Natural, Historic and Built Environment)  
 Policy CE7 (Conservation Area)

### 5.4 SUPPLEMENTARY PLANNING GUIDANCE

Trees, woodland, hedgerows and development sites SPG

## 6. CONSULTATION RESPONSES

- 6.1 Tree Team: The works proposed will not harm the long term health of the tree, therefore no objections to the proposed works.
- 6.2 Wildlife in Newport: No comments received.
- 6.3 Heritage Officer:  
 The site is located within Stow Park Conservation Area and the Registered Historic Park & Garden of Nos 15 and 17 Stow Park Circle Ref: (PGW(Gt)58(NPT).

The mature trees of Stow Park Conservation Area form an integral part of its character and contribute positively towards the character of the registered park and garden. They should be preserved wherever possible.

I will leave it to our tree team to conclude whether the works are necessary or a TPO should be served.

- 6.4 Ecology Officer: Looking at the works proposed there are unlikely to be any significant ecological impacts so I would not object to this application. However the Applicant should be 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. Their tree services contractor should be aware of this.

- 6.5 Landscape Officer: No comments received.

## **7. PUBLIC REPRESENTATIONS**

Neighbour and Ward member notification letters were sent on 23/04/2026, Site Notice was put up on 01/05/2026.

- 7.1 15 no. neighbours were consulted. 1 no. neighbour objected. Apartment 5, The Beeches:

*Does not specify which trees on a map, also 1-2 metres is a considerable reduction of the trees as well as the case that these trees are in a conservation area which tree contribute to pollution reduction.*

*There are bats which are a protected species reside in this area, not sure which trees they live in, but this may affect the population.*

*I would want more information on which trees on the map it will affect, objection to houses built on that patch of land was totally ignored, but now on top of environmental pollution (lights) from the properties, a tree reduction is not something should be considered.*

- 7.2 Councillor Stephen Marshall, Councillor Dimitri Bartrouni, and Councillor Bev Perkins were consulted and no comments have been received to date.

## **8. ASSESSMENT**

- 8.1 This application seeks permission for a 1 - 2 metre crown reduction of three hornbeam located on the west side of the rear garden at 59 Stelvio Park Avenue, within the Stow Park Conservation Area.

- 8.2 The tree officer has no objections to the reduction of the crown, and states the works proposed will not harm the long-term health of the tree, therefore there are no objections to the proposed works. As the site is designated within the Shrubbery Conservation Area, consideration should be given to the preservation or enhancement of the character of the area. The crown reduction would not remove the trees and would still retain a green landscape within the surrounding area. The Heritage Officer states that the site is located within Stow Park Conservation Area and the Registered Historic Park & Garden of Nos 15 and 17 Stow Park Circle Ref: (PGW(Gt)58(NPT).

The mature trees of Stow Park Conservation Area form an integral part of its character and contribute positively towards the character of the registered park and garden. They should be preserved wherever possible, and the officer advises that the tree team should conclude whether the works are necessary or a TPO should be served. As the tree team do not hold an objection, the works do not jeopardise the health of the tree, and since the trees are not being removed, the trees are to be retained and would still contribute positively to the setting.

- 8.3 The Ecology Officer was consulted on the application and states that from the works proposed there are unlikely to be any significant ecological impacts. However, the Applicant should be 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.
- 8.4 Neighbouring comments were received from a property with concerns relating to nesting bats. The Ecology officer has been consulted and has no objections. The neighbour also stated that the application does not specify which trees are subject to works on a map. It is noted that applicant has provided a sketch and photos of the trees in question. The concerns were also raised that the works would be a considerable reduction, and the trees are in the Conservation Area, the trees contribute to pollution reduction. Whilst it is noted that the trees are being reduced, the tree team have stated that this will not impact the health of the tree. The trees are large, and the reduction of 1-2m would still retain a large proportion of the trees.

## **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 In conclusion, the proposed 1–2 metre crown reduction of the three hornbeam trees is considered acceptable. The works would not harm the long-term health of the trees and would retain their positive contribution to the character and setting of the Stow Park Conservation Area and the registered historic park and garden. There are no formal objections from the Tree, Heritage or Ecology Officer, subject to ensuring no disturbance to nesting birds. Overall, the proposal preserves the trees and maintains the green landscape, aligning with conservation objectives.

**11. DECISION**

**GRANTED**

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Application Form, Site Location Plan and Site Photographs

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, GP6, CE7, SP9 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.