

Delegated Decision Report

Application No:	25/0132	Statutory Period Expires:	27th May 2025
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Site:	173 Chepstow Road Newport South Wales NP19 8GH		
Proposal:	WORKS TO TREES PROTECTED BY KENSINGTON PLACE CONSERVATION AREA		
Applicant:	Sister T Kolb		
Type:	Trees in Conservation Areas	Ward:	Beechwood
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 173 Chepstow Road is a church, situated in the Beechwood ward. It is attached to the neighbouring building and is set back from the highway, separated by high hedges and a low wall fence. The trees are situated at the frontage of the property.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application proposes to undertake works to 1no Copper Beech tree and 1no Beech tree. It is proposed to remove the vertical dead branches of 3no. Beech trees and in regard to the Copper Beech tree, to reduce the lateral limb over the car park and tip back the branches over the highway path

4. RELEVANT SITE HISTORY

None.

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- GP2 (General Amenity)
- GP5 (Natural Environment)
- GP7 (Environmental Protection and Public Health)
- CE7 (Conservation Areas)

- 5.4 SUPPLEMENTARY PLANNING GUIDANCE
NONE

6. CONSULTATION RESPONSES

- 6.1 Principal Heritage Officer: No objection
- 6.2 Tree Officer: No objection
- 6.3 Wildlife in Newport: No response received.
- 6.4 Ecology Officer:

The works to the trees are relatively minor so I do not see there is justification for asking for a bat survey on this occasion. Birds are nesting at the moment so 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.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 16.04.2025, Site Notice was put up on 18.04.2025

- 7.1 NEIGHBOURS: 3no neighbours were consulted, sharing a common boundary, and no response was received.
- 7.2 COUNCILLORS: 3no councillors were consulted, and no response was received.

8. ASSESSMENT

- 8.1 The development proposed seeks to undertake works to various trees at the site. The trees are protected by the Conservation Area. The NCC Tree Officer has offered no objections.
- 8.2 The NCC Ecology Officer has offered no objections, however they have submitted comments to advise the applicant 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.
- 8.3 In general, the trees appear to have grown up in an unfortunate position very close to a very high and retaining wall that is directly adjoining a garage.
- 8.4 The site is located within the Kensington Place Conservation Area and there are specific reasons that afford merit to the works, these being matters of public safety. The works are necessary, do not pose removal and will not cause any harm to the visual amenity of the Conservation Area.

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 proposed works to the trees are acceptable. The character and appearance of the Conservation Area is preserved and therefore would not warrant the individual protection of the trees. The proposed tree works are acceptable and in accordance with policies GP2, GP5, GP7 and CE7 so no objections are raised.

11. DECISION

NO OBJECTIONS

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Verification of Evidence 1
- Verification of Evidence 2

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, GP6 and CE7 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 The extent of the work hereby approved shall be agreed on site by the Council's Woodland/Tree Officer prior to any works to the trees commencing.