

Delegated Decision Report

Application No:	25/0947	Statutory Period Expires:	12th December 2025
-----------------	---------	---------------------------	--------------------

Site:	<i>The White Cottage Isca Road Caerleon Newport South Wales</i>		
Proposal:	FELLING AND WORKS TO TREES PROTECTED BY CAERLEON CONSERVATION AREA		
Applicant:	<i>B Dale</i>		
Type:	Trees in Conservation Areas	Ward:	Caerleon
Decision:	NO OBJECTIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located near to the junction of Isca Road and Bulmore Road. The trees are within a residential garden near to the intervening boundary with the neighbouring property; Shiaba.

2.2 The site is within the Caerleon Conservation Area.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposals include the sectional felling of 2no Cypress Trees and carrying out of crown reduction work on 1no Yew tree, to give approximately 2m clearance on adjacent property. The works are to be carried out in accordance with British Standards. This is a prior notification for tree works in a conservation area.

4. RELEVANT SITE HISTORY

REFERENCE	DESCRIPTION	DECISION
20/1137	REPLACEMENT FRONT DOOR, WINDOWS AND RAINWATER GOODS ON ISCA ROAD ELEVATION	GRANTED WITH CONDITIONS
24/0833	DEMOLITION OF REAR EXTENSION AND CONSTRUCTION OF 2NO. SINGLE STOREY REAR EXTENSIONS	GRANTED WITH CONDITIONS

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 HISTORIC ENVIRONMENT (WALES) ACT 2023

5.3 TECHNICAL ADVICE NOTES

Technical Advice Note (TAN) 10: Tree Preservation Orders

5.4 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.

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 - Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP5 - Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 - Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy GP7 - Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

5.6 SUPPLEMENTARY PLANNING GUIDANCE TREES, WOODLAND, HEDGEMROWS AND DEVELOPMENT SITES

6. CONSULTATION RESPONSES

6.1 Tree officer: I have reviewed this application and it is one where I have met the resident on site to discuss the trees on site earlier this year.

The Yew tree canopy is in close proximity to the abutting 3rd party property and so pruning to achieve a 2 m buffer is perfectly reasonable all works must be completed to BS3998:2010 standard by a competent and qualified Tree Surgeon.

The two Cypress are supressing two yews in better form and are in poor form from being historically pruned by the power line statutory undertaker. They are not in a condition that would enable a TPO and therefore NCC has no legal remit or recourse to prevent this work to them.

If possible, a condition of replacement planting at a rate of one for one (there is highly limited scope within the garden as it is heavily tree'ed) with the replacement being light standards (8-10 cm girth at 1m). The species can be agreed with the resident but should be a suitable species.

6.2 Principal Heritage officer: According the Caerleon Conservation Area appraisal:

3.5.1 The Conservation Area has two separate character zones connected via the bridge: the main core of Caerleon on the north side of the river, and Ultra Pontem on the south side. The centre of Caerleon is more compact and urban in nature with a network of different streets, whereas Ultra Pontem is quieter with only a handful of roads more akin to

village lanes.

3.7.1 The green spaces across the Conservation Area typically correspond with Scheduled Monument sites (although not all Scheduled Monuments are green spaces). These include the formal public space next to the town hall, the triangular green at Goldcroft Common, the barracks area and the amphitheatre field. These are well maintained, open spaces which provide both public and visual amenity. Private green spaces which contribute to the character of the Conservation Area include the mature trees which are visible over the wall of The Mynde and the green spaces on either side of New Road in Ultra Pontem. The high proportion of green and rural landscape around Ultra Pontem further strengthens its distinctly village-like character compared to the more densely built centre of Caerleon.

I will of course defer to our tree officer upon the need for reduction, but it is my opinion that every effort should be made to minimally impact upon these trees, due to their positive contribution towards the green and rural character of this part of Caerleon Conservation Area.

- 6.3 Heneb: The information held in the Historic Environment Record that is curated by this Trust indicates that the application area is close to the route of the Roman road, which the modern Isca Road follows, and which linked the Fortress with burial grounds, and civilian settlement outside the Fortress. Masonry remains of buildings of Roman date have been encountered during archaeological work in the area, and human burials of Roman date have been found within 30m of the application area. The site also lies within the Caerleon Archaeologically Sensitive Area, defined for the concentration of evidence of Roman activity. You will be aware that we have recommended archaeological mitigation in connection a recent planning application at this location.

If the tree to be felled is felled without any ground disturbance or stump removal, then it is unlikely that there would be damage to the archaeological resource. However, we would be concerned about the removal of the stump and roots as this work could have a significant impact on archaeological remains; we therefore have no objection to the felling of the trees subject to a condition being attached to the consent preventing any removal of the tree roots. If this cannot be achieved, then we would recommend that archaeological monitoring and recording (watching brief) is undertaken during the removal of the stump and roots. Please contact us if you need further information at this stage.

- 6.4 Ecology officer: I do not object to this application in ecological terms, and would not ask for a bat or any other surveys. However we should attach our bat advisory note in respect of the tree felling, to make the Applicant aware of what to do in the unlikely event that bats are discovered during works.

We should also remind the Applicant that these trees may support nesting birds at certain times of the year. They should 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.

The loss of these trees will have a significant impact on the green infrastructure of this area. Section 6.4.42 of PPW12 advises that '*Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits*', and also that where loss is unavoidable, three replacement trees should be planted for each tree lost. We should seek the views of our Tree Team and our Landscape advisor as to whether the tree felling is acceptable in Arboricultural and landscape terms (in the context of a Conservation Area) and if so, what compensation is appropriate in terms of replacement tree planting.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 10/11/2025, Site Notice was put up on 14/11/2025.

- 7.1 NEIGHBOURS: No responses have been received.

- 7.2 Councillor Cocks: I cannot find any information relating to this in relation to such matters as the detail of the work, rational etc. I object in principle to felling such trees in the conservation unless there are over riding reasons for doing so.

8. **ASSESSMENT**

- 8.1 The Trees are protected by reason of their siting within the Conservation Area and not by individual TPO's. The Tree Officer has been consulted on this application and raises no objection to the proposed felling of the Cypress tree and crown reduction to the Yew Tree. Accordingly, there would be no justification for attaching individual TPO's to the trees and the principle of the proposals is not resisted subject to the assessment of other material considerations considered below.

8.2 **Visual Amenity/ Character and Appearance**

The trees subject of this application are large and located on a prominent location, visible within the public realm, accordingly, the trees make positive visual contribution to the character and appearance of the area. However, the Yew Tree canopy is in close proximity to the adjacent property and so pruning to achieve a 2m buffer is reasonable. The two Cypress Trees are supressing two Yews in better form and are in poor form from being historically pruned by the power line statutory undertaker. They Tree officer advises that they are not in a condition that would enable a TPO. Whilst the Council's Tree officer and Ecology officer has requested a condition to require replacement tree planting, it is not possible to impose conditions on this type of application.

- 8.3 Whilst the comments raised by Councillor Cocks and The Principal Heritage Officer have been considered, it has been concluded that the proposed works would not result in an unacceptably harmful impact on the character or appearance of the area when balanced against the requirements of preventing damage to neighbouring property and other trees within the Conservation Area. Additionally, the Council's Tree Officer has no objection to the proposed works and would not support creating individual TPO's for the trees.

8.4 **Biodiversity**

The Council's Ecology officer has confirmed no objection is offered to the proposals. Additionally, The LPA has no reason to suggest that the development is being occupied by European Protected Species therefore no further information or survey works relating to this matter is considered to be necessary however suitably worded informatives will be added to any consent. The Ecology officer has requested replacement trees to be planted, however the Council cannot impose a condition requiring this.

8.5 **Other matters**

Heneb who are the Council's archaeological advisors have requested that if the tree stump is to be removed they would recommend that archaeological monitoring and recording (watching brief) is undertaken during the removal of the stump and roots. However, as noted above, it is not possible to impose conditions on this type of application but a note to applicant is appropriate.

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 Although the trees are considered to make a positive visual impact to the amenity/character of the area, the works are considered to be justified and no objection is raised to their loss and the LPA would not consider individual TPO's in this case.

11. **DECISION**

NO OBJECTIONS

NOTE TO APPLICANT

01 This decision relates to plan Nos: Application forms and site location plan received 4/11/25.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, GP6 and GP7 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.

04 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are 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 site clearance, demolition or construction 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

05 Trees may support nesting birds at certain times of the year. The applicant is advised 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.

Commented [JD1]: Can we add a note re HENEB matters