

Delegated Decision Report

Application No:	25/0479	Statutory Period Expires:	18th August 2025
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Site:	<i>Walnut House Wellfield Road Marshfield Cardiff South Wales</i>		
Proposal:	<i>WORKS TO 1NO. OAK TREE (PRUNING) PROTECTED BY TPO 08/2002</i>		
Applicant:	<i>D Rencricca</i>		
Type:	Tree Preservation Orders	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 It is proposed to undergo works relating to a 1no. oak tree protected by TPO 08/2002.

2. SITE LOCATION AND CONTEXT

- 2.1 Walnut House is a two storey, detached dwelling located in the Tredegar Park and Marshfield ward. The tree is located in the rear garden of the dwelling towards the north east of the plot. The tree is in relative close proximity to the dwelling with its branches extending beyond the roof and dormer.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to cut back the branches of a 1no. Oak Tree by 1.5m. The applicant has not given a detailed specification for the proposed tree trimming.

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.

TECHNICAL ADVICE NOTES

(TAN) 10: Tree Preservation Orders

- 5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2

Policy GP5

Policy GP7

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

6. CONSULTATION RESPONSES

- 6.1 Tree Officer: *In the absence of a detailed specification for the proposed tree trimming by a bona fide Tree Consultant – there are objections to this application.*

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 23.06.2025 and a Site Notice was put up on 23.06.2025.

- 7.1 NEIGHBOURS: *None.*

- 7.2 COUNCILLORS: *None.*

- 7.3 COMMUNITY COUNCIL: *None.*

8. ASSESSMENT

- 8.1 The development proposed seeks to undertake works to an Oak tree (T1). The tree is protected by TPO 08/2002. The proposed work seeks to cut back the branches of the crown by 1.5m and the justification given is that the branches are growing towards the house, however the applicant has not provided a specific schedule of works and therefore it is unclear exactly what is being proposed. It is unclear if a total crown reduction is proposed or if only the branches growing towards the dwelling would be cut back, without this information it has not been possible to conduct an appropriate level of assessment as to the impact of the proposed works and the Tree Officer has not been able to provide comments as to establish if the works are proportionate/necessary without resulting in any unacceptable impact upon the health/vitality of the protected tree. As there is insufficient information, the impact of the reduction on the health of the tree could not be assessed. The Tree Officer has objected to the development on the basis of a lack of information.

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 Insufficient information has been submitted to approve the proposed works; therefore the application cannot be supported by The Local Planning Authority.

11. **DECISION
REFUSED**

01 Insufficient information has been submitted to support the proposed works, it is unclear if the development is necessary or justified without resulting in an adverse impact upon the Protected Tree.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan.

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