

When telephoning, please ask for: Democratic Services
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 6 December 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 December 2023 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 9 November 2023 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 40)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 41 - 42)
The report of the Director – Development and Economic Growth

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



Membership

Chair: Councillor R Butler

Vice-Chair: Councillor T Wells

Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 9 NOVEMBER 2023**

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford
and live streamed on [Rushcliffe Borough Council's YouTube channel](#)

PRESENT:

Councillors R Butler (Chair), T Wells (Vice-Chair), A Brown, S Calvert,
A Edyvean, S Mallender, H Parekh, L Plant, C Thomas and R Walker

OFFICERS IN ATTENDANCE:

E Dodd	Planning Manager - Development Lead Specialist
P Cook	Deputy Planning Manager
A Baxter	Team Manager – Area Planning (West)
S Bridges	Area Planning Officer
G Elliott	Senior Planning Officer
A Walker	Solicitor
T Coop	Democratic Services Officer

APOLOGIES:

Councillors J Chaplain and E Georgiou

20 Declarations of Interest

The Chairman, Councillor Butler declared a non-pecuniary interest as Ward Councillor for application 20/02586/REM and would remove himself from the discussion and vote for this item.

The Vice-Chair, Councillor Wells declared a non-pecuniary interest as Ward Councillor for application 23/01565/FUL and would remove himself from the discussion and vote for this item.

21 Minutes of the Meeting held on 12 October 2023

The minutes of the meeting held on 12 October 2023 were approved as a true record and were signed by the Chairman.

22 Planning Applications

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

Councillor Wells removed himself from the Committee and did not contribute to

the discussion or vote on the following application.

**23/01565/FUL – Detached garage with first floor store and external stairs.
Car port (Retrospective) – 27 Main Street, Keyworth, Nottinghamshire**

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr H Cooke (Objector) and Councillor T Wells (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the application being within a conservation area and highlighted the comments made by the Conservation Area Advisory Group that stated the design was clumsy and not in keeping with the area in which it sits. The Committee said that although the staircase could not be viewed from the public realm they felt the design was not in keeping with its surroundings and created a consistent visual intrusion on the neighbouring property.

Councillor Thomas moved for refusal of the application, against the officer recommendation.

Seconded by Councillor A Brown

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. The proposed detached garage, car port and external staircase would, by reason of its scale and siting in relation to the neighbouring property, 31A Main Street, result in a significant adverse impact through being visually intrusive, overbearing and result in overlooking contrary to Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Local and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places Paragraph 130(c)
2. The proposed detached garage, external staircase and car port, by reason of their design, appearance, siting and location would not be a sympathetic addition to the host dwelling. The proposal would therefore result in an incongruous form of development contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places, Paragraph 135.

Councillor T Wells re-joined the meeting.

The Chairman, Councillor R Butler removed himself from the committee and did not contribute to the discussion or vote on the following application.

20/02586/REM – Application for matters reserved under application ref 10/00559/OUT for the approval of the access, appearance, landscaping, layout and scale for the erection of a new footbridge over the Grantham Canal – Site of Former Cotgrave Colliery, Stragglethorpe Road, Stragglethorpe, Nottinghamshire

Updates

Additional representations were received after the agenda was published and these were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr R Galij (Applicants Agent) and Councillor K Chewings (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the accessibility of the foot bridge for all users and in particular the needs of cyclists and people with mobility difficulties and pushchairs. The Committee felt the applicant had not explored other accessible designs such as a swing or a lift bridge which would allow boat traffic as stipulated by the Canal and River Trust.

Councillor A Brown moved for refusal of the application against officer recommendation.

Seconded by Councillor H Parekh

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. The detailed design of the proposed bridge fails to provide inclusive access for all users, and has not been designed as a cycle bridge, it is therefore detrimental to users amenity and ability to make use of the bridge to provide connectivity between the Former Cotgrave Colliery (now known as Hollygate Park) housing site and the rest of the Cotgrave.

This would be contrary to the following policies;

- Policy 10: Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1 Core Strategy, specifically

All new development shall be designed to make:

- b) create an attractive, safe, inclusive and healthy environment
- e) reflect the need to reduce the dominance of motor vehicles

and

- Policy 14: Managing Travel Demand of the Rushcliffe Local Plan Part 1 Core Strategy which states (inter alia)
 1. The priority for new developments is selecting sites already, or which can be made, accessible by walking, cycling and public transport. Where accessibility deficiencies do exist these will need to be fully addressed [.....]
 4. [.....] and the implementation of the approach will have regard to the needs of people with mobility difficulties.

The Chairman, Councillor R Butler re-joined the meeting.

23/01605/FUL – Change of use of former Chapel (Use Class F1) to Hall or meeting place for the principal use of the community (Use Class F2) – Catalyst Church, Westminster Drive, Upper Saxondale, Nottinghamshire

Updates

An additional representation was received after the agenda was published and this was circulated to the committee before the meeting.

In accordance with the Council’s Public Speaking Protocol for Planning Committee, Mr T Kirby (Applicants Representative) Mr I Storey (Objector) and Councillor D Soloman (Ward Councillor) addressed the Committee.

Comments

Members of the Committee acknowledged the concerns regarding additional traffic and parking on Westminster Drive and requested an advisory note for the applicant to provide a Travel Plan.

Councillor C Thomas moved the recommendation.
Seconded by Councillor S Mallender

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted must be carried out strictly in accordance with the following approved plans/drawings

Site Location Plan received by the Borough Council 23rd August 2023
Ref. 0001 Proposed Elevations received by the Borough Council 23rd August 2023

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. All external doors and windows shall be kept closed during any events/activities where there is amplified sound and/or amplified music (live or recorded) being played and there shall be no amplified music played within the outdoor area of the site.

[To protect nearby residential properties from unacceptable levels of noise pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. Prior to any new external lighting being brought into first use, the submission and approval of a lighting assessment for the external lighting (together with a lux plot of the estimated illuminance). Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21).

[To protect nearby residential properties from unacceptable levels of light pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

5. Before being brought into first use, the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

[To protect nearby residential properties from unacceptable levels of noise pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

6. The use hereby permitted shall only take place between the following hours:

08:00 to 22:00 on Mondays to Saturdays and;

08:00 to 20:00 on Sundays and Bank or Public Holidays.

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. The development hereby permitted must not be occupied or first brought into use until written details of bicycle parking/storage areas within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show provision for the secure parking/storage of at least 5 bicycles within the site. The development must not be occupied or first brought into use until the bicycle parking/storage areas have been provided in accordance with the approved details. Thereafter the bicycle parking/storage areas must be retained on the site in accordance with the approved details and must be kept available for the parking of bicycles at all times.

[To ensure the there is adequate provision for the secure parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the land must only be used for use class F2 (b) Halls or meeting places for the principal use of the local community and for no other purpose whatsoever (including any other purpose within Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[In order that the Local Planning Authority may retain control over any future use the land due its particular character and location, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Note to Applicant

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

The existing trees on the site are the subject of a Tree Preservation Order or protection by virtue of its Conservation Area setting and consent is needed for

any works to uproot, cut down, top or lop the tree(s). Unauthorised works to a protected tree are a criminal offence.

The applicant is advised, that to reduce the potential impact of vehicular movements within the vicinity of the site and to encourage the use of alternative mode of transport to the motor car, to produce a travel plan setting out how users of the site will be encourage to walk, cycle, use public transport and share car journeys. Users of the community should be made aware of the travel plan, copies of which should be made available to them.

23 **Planning Appeals**

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda.

The meeting closed at 8.56 pm.

CHAIR

This page is intentionally left blank



Planning Committee

Thursday, 14 December 2023

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g., public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

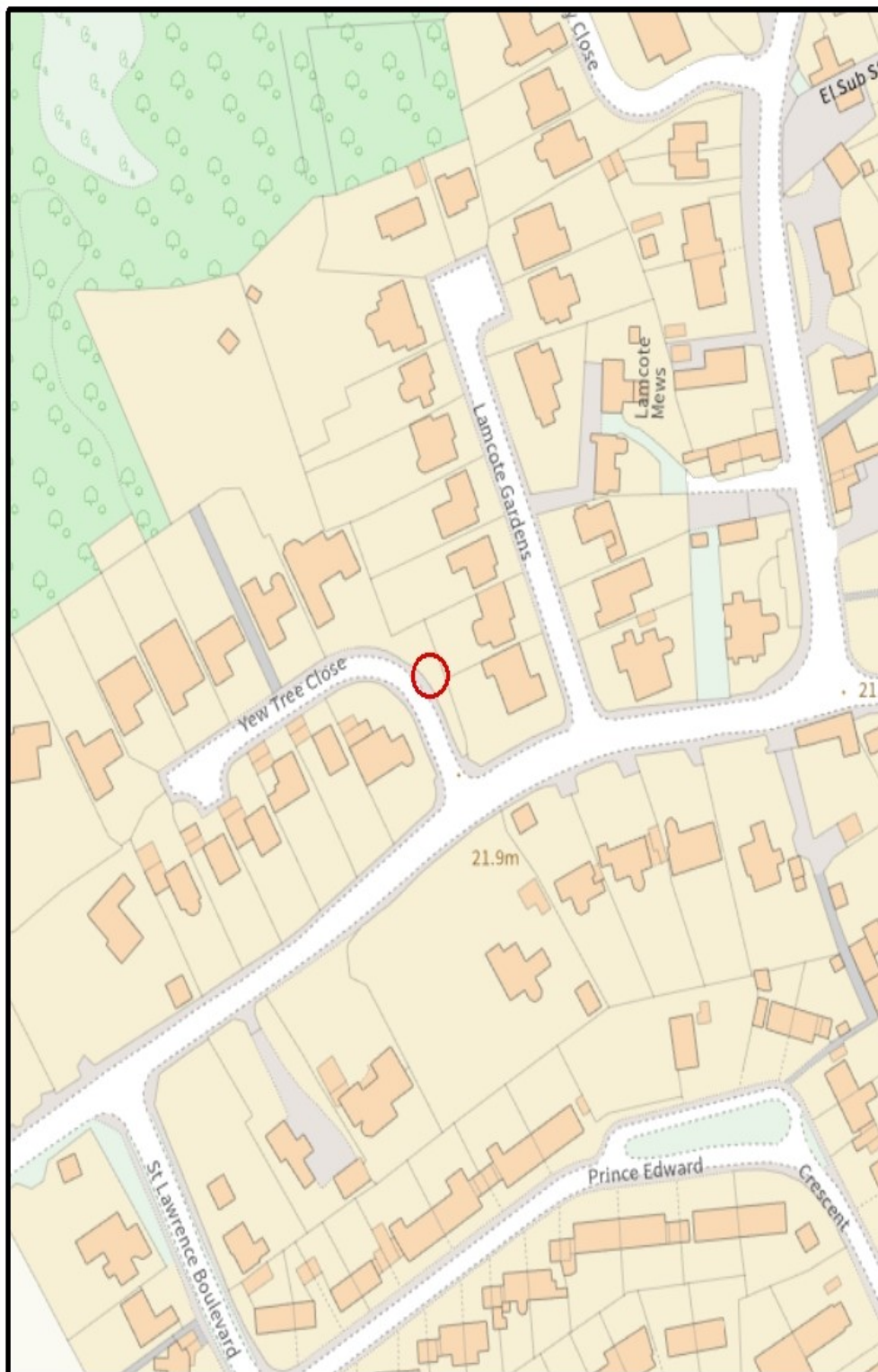
Application	Address	Page
23/01227/TPO	Street Record Yew Tree Close Radcliffe On Trent Nottinghamshire	13-21
	T1 - Cedar Tree (Cedrus) - Fell	
Ward	Radcliffe On Trent	
Recommendation	Grant consent subject to conditions	

Application	Address	Page
23/00119/TORDER	2 School Bungalow, Glebe Lane, Radcliffe On Trent, NG12 2FR	23-27
	To the Radcliffe on Trent No.3 Tree Preservation Order 2023	
Ward	Radcliffe on Trent	
Recommendation	Tree Preservation Order 2023 be confirmed without modification	

Application	Address	Page
23/00158/TORDER	St Mary's Church, Barnstone	29-35
	To Barnstone No.1 Tree Preservation Order 2023	
Ward	Neville and Langar	
Recommendation	Tree Preservation Order 2023 be confirmed without modification	

Application	Address	Page
23/00159/TORDER	80 Firs Road, Edwalton	37-40
	To Edwalton.1 Tree Preservation Order 2023	
Ward	Edwalton	
Recommendation	Tree Preservation Order 2023 be confirmed without modification	

This page is intentionally left blank



Application Number: 23/01227/TPO
Yew Tree Close, Radcliffe On Trent



scale 1:2000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Rushcliffe Borough Council - 100019419

This page is intentionally left blank

23/01227/TPO

Applicant Mr Maksym Lesiuk

Location Street Record Yew Tree Close Radcliffe On Trent Nottinghamshire

Proposal T1 - Cedar Tree (Cedrus) - Fell

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. The application relates to a Mature Cedar tree located on a piece of land fronting Yew Tree Close. This is located on the right hand side of the road as you enter Yew Tree Close.
2. The site is a narrow strip of land between a low brick wall which fronts the pedestrian pavement and a hedge which forms the boundary of properties on Lamcote Gardens to the east.

DETAILS OF THE PROPOSAL

3. The application seeks consent for works to a tree protected by a tree preservation order. The order is an older one created in 1980: "Rushcliffe Borough Council Radcliffe On Trent No.1 Tree Preservation Order 1980".
4. The application proposes the felling of the tree.

SITE HISTORY

5. Work has been undertaken to the tree in the past, however there is no relevant planning history.
6. Recent works have been reactive and responding to incidents where limbs have fallen from the tree requiring works to make good.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Upton) initially commented: I believe that this is the tree that was the subject of some local resident's concern a couple of months ago when work was started to fell it. The work was stopped, and in my opinion the tree looks acceptable and makes a contribution to the local environment. However, I have no expertise in the condition and safety of trees and therefore I will support the views of the Borough Council's Tree Officer.

8. Cllr Upton subsequently revised his position providing updated comments: *“Further to my previous comments on this planning application, I have become aware of more issues and comments concerning this cedar tree. In my opinion, this tree has an impact on the local landscape and contributes to the character of Yew Tree Close. It also makes a contribution to nature conservation and ecology. However, I am aware that some safety work may have to be done if it is to be retained. Therefore, I would like this application to have a full, transparent discussion and decision at a meeting of the Planning Committee, and to achieve this I formally object to this application.”*
9. One Ward Councillor (Cllr Brennan comments: *“I am not in a position to comment on the health of this tree. The felling of mature trees should be an action of last resort. I would rely on the advice of the RBC Tree officer as to the extent to which the tree presents a risk due to disease or age and support his conclusion.”*

Town/Parish Council

10. Radcliffe-on-Trent Parish Council resolved to support the professional recommendation of the RBC Tree Officer

Statutory and Other Consultees

11. The Borough Senior Landscape and Design Officer has submitted comments in which they raise no objection to the proposal, subject to a condition requiring replacement tree planting.
12. The full comments are available on the public file, these comments included a number of photographs and annotated photographs which will be shown as part of the committee presentation as well as being available on the file.
13. In summary, the primary purpose of a Tree Preservation Order is to protect trees which enhance the public realm and this is mainly due to the visual contribution they make to the local amenity. The appearance of trees is a significant factor in both making and justifying the ongoing protection of trees. The tree can be seen for short distances on Nottingham Road, but its main value is as an entrance feature to Yew Tree Close. The past failure of branches had affected the natural characteristics of the tree resulting in a sparse central section of canopy and increasingly unbalanced limbs over the road and adjacent gardens. Given the work that took place under the dead or dangerous exemption the tree no longer has any natural appearance or characteristics. As such it would not be appropriate to seek the retention of the tree and allowing its removal and conditioning a replacement is the best way to ensure trees enhance the entrance to Yew Tree Close.

Local Residents and the General Public

14. 5 letters of representation were received. 3 objecting to the proposals and 2 in support, the full details of these public comments are available on the public file.

15. Those raising objections to the proposal included the following observations:
 - a. The tree was described in comments as a “perfectly healthy tree”
 - b. The tree makes a strong positive contribution to local amenity
 - c. The tree supports and attracts the presence of local wildlife
 - d. There is no indication that the tree was/is diseased
 - e. There is no arboricultural evidence provided from a qualified specialist
 - f. There are no aesthetic reasons for the felling of the tree, or that if there are these are subjective.

16. Those commenting in support of the proposal included the following observations:
 - a. The tree has dropped large limbs in the past
 - b. The tree has/had limbs overhanging neighbouring properties representing a risk from future limbs dropping
 - c. The tree has/had limbs overhanging the road representing a risk from future limbs dropping
 - d. With lower limbs removed following previous issues the tree is top heavy and more vulnerable to winds
 - e. This top heavy character is also unnatural/unbalanced/unappealing
 - f. Cedar trees are notorious for shedding limbs.

PLANNING POLICY

17. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).
18. The full text of the Council’s policies are available on the Council’s website at: [Rushcliffe - Planning Policy](#).

Relevant National Planning Policies and Guidance

19. There are no sections of the NPPF which specifically refer to protected trees, however paragraph 131 briefly mentions:
20. “Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

Full details of the NPPF can be found [here](#).

21. Central Government has published separate guidance to local authorities on tree protection [here](#) the key points of which can be summarised as:

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;
- consider other material considerations, including development plan policies where relevant; and to ensure that appropriate expertise informs its decision.

Full details of this legislation can be found [here](#).

22. Legislation sets out circumstances where applicants may seek compensation for “loss or damage” which arises as a result of a local authority refusing consent for works to trees where the damage occurs and claim is made within 12 months of a decision being issue under section 203 of the Town and Country Planning Act 1990:

A tree preservation order may make provision for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of loss or damage caused or incurred in consequence—

- (a) of the refusal of any consent required under the order, or*
- (b) of the grant of any such consent subject to conditions.*

Relevant Local Planning Policies and Guidance

Relevant policy within the Local Development Framework is within Policy 37 (Trees and Woodlands) of Local Plan Part 2 (LPP2)

23. Within Policy 37, section 1 is the most relevant as sections 2 and 3 refer to situations of granting planning permission and woodland planting for biodiversity gain which are not relevant in this instance:

24. *“1) Adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the ‘right tree in the right place’.”*

25. Radcliffe on Trent has an adopted neighbourhood plan. The plan has no policies specifically relating to protected trees, and mentions trees only in relation to proposals for housing development and as part of Biodiversity Networks linked to development neither of which are relevant in this instance.

26. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and Neighbourhood Plans can be found in the Local Plan documents on the Council's website at:

<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

27. The main consideration in relation to this application is whether there is sufficient justification for the proposed works, taking into account the health and amenity value of the tree.
28. The council has had previous involvement with this tree over a number of years when limbs have fallen into the garden or road. The first such incident may have been a one off and at that time the tree owner was advised that the tree did not need felling as a result of a single incident and that works to remove any limbs damaged by the one which had fallen should be sufficient. That work was undertaken on the basis of the exemption which applies where a tree is dangerous, hence this tree has no planning history on file.
29. Earlier this year a further limb fell from the tree. Some of the comments from local residents made in support of the proposal reference these previous instances of falling limbs.
30. The Borough Landscape and Design Officer attended site, and given the previous incident and the potential for injury to persons or property advised that the tree did pose a risk to users of the road and neighbouring residents and that work could commence under the dead or dangerous exemption to remove the tree. There were signs of decay at the point of failure and there was concern that it could affect an adjoining limb originating at a similar height on the trunk. It should be noted that Cedar trees do have a tendency to drop limbs as a general point.
31. It is understood neighbours feel the fallen limbs were not decayed based on seeing the limbs sawn up into pieces with little evidence of decay. Decay was limited to branch junctions and would not necessarily have continued along the full length of the limb, as such what was described would not be unexpected given the location of the decay at branch junctions.
32. Works were commenced under the exemption but halted as the tree surgeon was uncomfortable continuing due to concerns from neighbours. Further advice was given by the Borough tree officer that an application could be submitted if this would provide the clarity over the works agreed.
33. This application was duly submitted. The tree currently stands as a vertical trunk with no limbs or foliage bar limited growth at the very top of the tree. Prior to recent works the tree had lost the majority of the middle proportion of the canopy resulting in an unbalanced canopy with growth limited to the top of the trunk and large limbs at the base. The tree was already far from a perfect example of its species but now is just a standing trunk.
34. Cedar trees have a reputation for dropping limbs particularly in periods of wind and rain or snow. Given the size of limbs dropped on both occasions in the

past and proximity to the road and public realm it seems entirely reasonable to suspect that further limbs could have been shed and the potential existed to impact on public safety.

35. Were the council to refuse consent for the proposed felling then any limbs which fall from the tree within the following 12 months and cause any loss or damage could see a claim for compensation made against the council for costs associated with such loss or damage.
36. With the tree in its current state there is no prospect of regeneration, and even if limited regeneration occurred this would occur only at the highest part of the tree and above the point of recent failure where decay was present at the union between the limbs and trunk. As the only future growth would be above a point of decay it would inherently be hazardous. For that reason, the tree is considered to have no remaining amenity value such that its removal is justified and would cause limited harm to amenity.
37. Arguably in light of the guidance in NPPF paragraph 131, and Policy 37 of Local Plan Part 2, a tree species known for dropping limbs is not “the right tree in the right place” given the context of neighbouring gardens and a road which the tree overhung prior to the works which commenced earlier this year under the dead / dangerous exemption.
38. The location would be suitable for a replacement tree, however given proximity to public realm, a replacement Cedar is not considered appropriate. However, some replacement would be possible a condition is suggested allowing flexibility of proposed replacement species however Yew is suggested as a likely option given the road name and the evergreen character of the tree.

RECOMMENDATION

Grant consent subject to conditions

1. The works must be completed no later than the expiration of two years beginning with the date of this consent.

[To ensure that the work is completed before the tree(s) has significantly altered in size, appearance and condition].

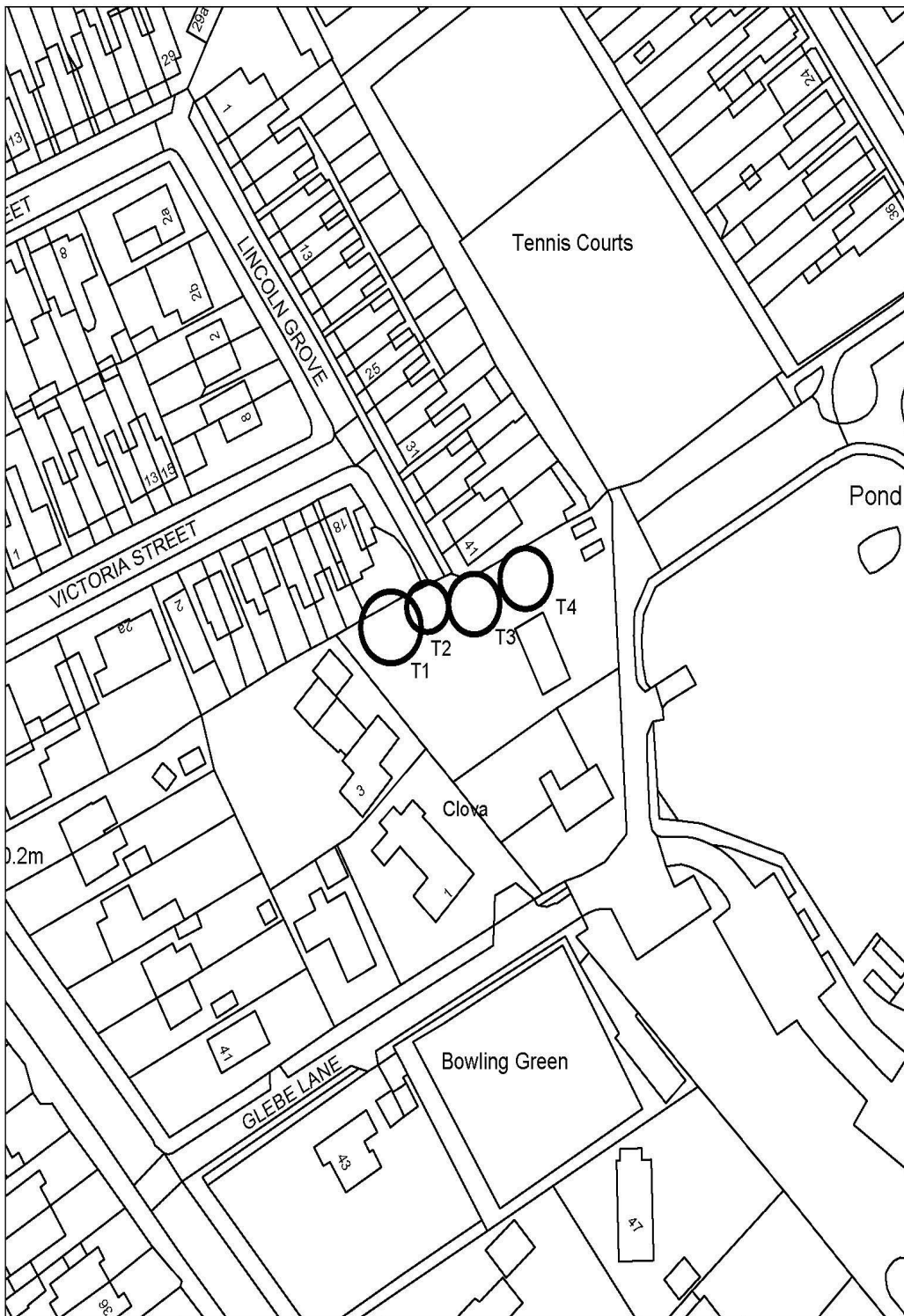
2. A replacement tree of a species, details of which have been submitted to and approved in writing by the Borough Council shall be planted in place of tree Cedar to be felled in the first planting season after the felling of that tree. The position and species of the replacement tree to be approved in writing by the Borough Council and then planted in accordance with such approval. Any replacement tree which, within a period of 5 years from the completion of the planting, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of a similar size and species, unless the Borough Council gives written consent to any variation.


[In the interests of amenity and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

NOTES TO APPLICANT

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

This page is intentionally left blank



 <p>Rushcliffe Borough Council</p>	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Radcliffe on Trent No.3 Tree Preservation Order 2023	Date July 2023	Project officer TP	
			Scale 1:1000	Drawn TP	Checked
			Drawing title Land at 2 School Bungalow, Glebe Lane, Radcliffe On Trent, Nottinghamshire, NG12 2FR	Reference 665.4	Rev.
<small>Rushcliffe Borough Council, Borough Development, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG This map is reproduced based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rushcliffe Borough Council 100019419</small>					

This page is intentionally left blank

23/00119/TORDER

Objector Mr and Mrs Johnson, 18 Victoria Street

Location 2 School Bungalow, Glebe Lane, Radcliffe On Trent, NG12 2FR

Objection To the Radcliffe on Trent No.3 Tree Preservation Order 2023

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects 2 Oaks and 2 Horse Chestnuts at 2 School Bungalow, a former caretaker's property previously associated with the South Nottinghamshire Academy. The bungalow was recently sold at auction with no access right from the Academy site. The trees are located on the northern boundary of the bungalow and are located to the south of Lincoln Grove and 18 Victoria Street.
2. Whilst the road at Lincoln Grove currently abuts the boundary of the bungalow where the trees are located there is no vehicular or pedestrian access at present. The 4 protected trees are large and act as a pleasant backdrop to the end of the road when viewed from Lincoln Grove.

DETAILS OF THE TREE PRESERVATION ORDER

3. The TPO was made when the Council became aware that the land ownership would change and that new owners would likely want to create a vehicular access to the bungalow from Lincoln Grove.
4. The TPO was made on the 26th July 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

5. The bungalow was previously accessible through the Academy grounds, but it was auctioned without access rights, as a result the Council has received informal enquiries about creating a vehicular access from the end of Lincoln Grove. As there is a change in level between the road and the grounds of the bungalow, constructing a vehicular access will not be straightforward and there will be a risk of root damage.
6. The Council has advised that access to the bungalow from Lincoln Grove will require planning permission.

REPRESENTATIONS

Local Residents and the General Public

7. The owners of 18 Victoria Street have objected for the following reasons:
 - They have lived directly behind the 2 protected Horse Chestnut trees for 12 years and during this time they have never been pruned or cut back, as a result they now encroach considerably on their land.
 - They shed leaves and conkers over the garden which are a danger to them and their pet dog.
 - The overhanging branches are considered to be both a nuisance and a health and safety issue as some look extremely fragile and with extreme weather they could easily come loose and break off.
 - They have invested in the property but feel they can't enjoy the garden in the summer months due to lack of sunlight, the amount of bird waste and fear of the trees failing.
 - In the past the property owners have engaged with the school over the issue but have been "fobbed off" and no work has taken place. The school have suggested the property owner can cut back overhanging branches, but they consider the school to be responsible for the maintenance and health and safety of the trees.
 - Elderly neighbours on both sides face the same issues and are concerned about slipping on leaves in wet weather.
 - They believe the TPO will make it harder to coordinate and get tree work actioned.
 - At the time of objecting other trees on the bungalow were being tended to, but the protected trees were not.

APPRAISAL

8. The Council generally cannot make the owner of a protected tree carry out work and despite the TPO being made the tree owner remains liable for its maintenance. The only exception to this is where trees are 'likely to cause damage' and under separate legislation the Council can serve notice on a tree owner where there is a foreseeable risk of failure, but at present the trees do not have any obvious defects which would warrant the Council taking action. As a landowner the owners of the bungalow will have a general duty of care when it comes to maintaining the tree.
9. A TPO does not prevent work to a tree, but an application needs to be made beforehand. Anyone can apply to work on a protected tree. If a neighbour applies, they will need to seek the Council's permission and then depending on the scale of works proposed, they can use their common law right to remove overhanging branches without the tree owner's permission, but any work, or access, beyond the property boundary would need the tree owner's permission in addition to the Council's.
10. The objection raises a number of issues regarding the impact the trees have on the use of the house and garden. The Council needs to consider these alongside the contribution the trees make to the setting of Lincoln Grove. Concerns over loss of light, leaf litter, bird droppings and the risk of failure are commonplace and whilst the Council needs to be mindful of the concerns of the neighbour, these issues on their own don't prevent the TPO being

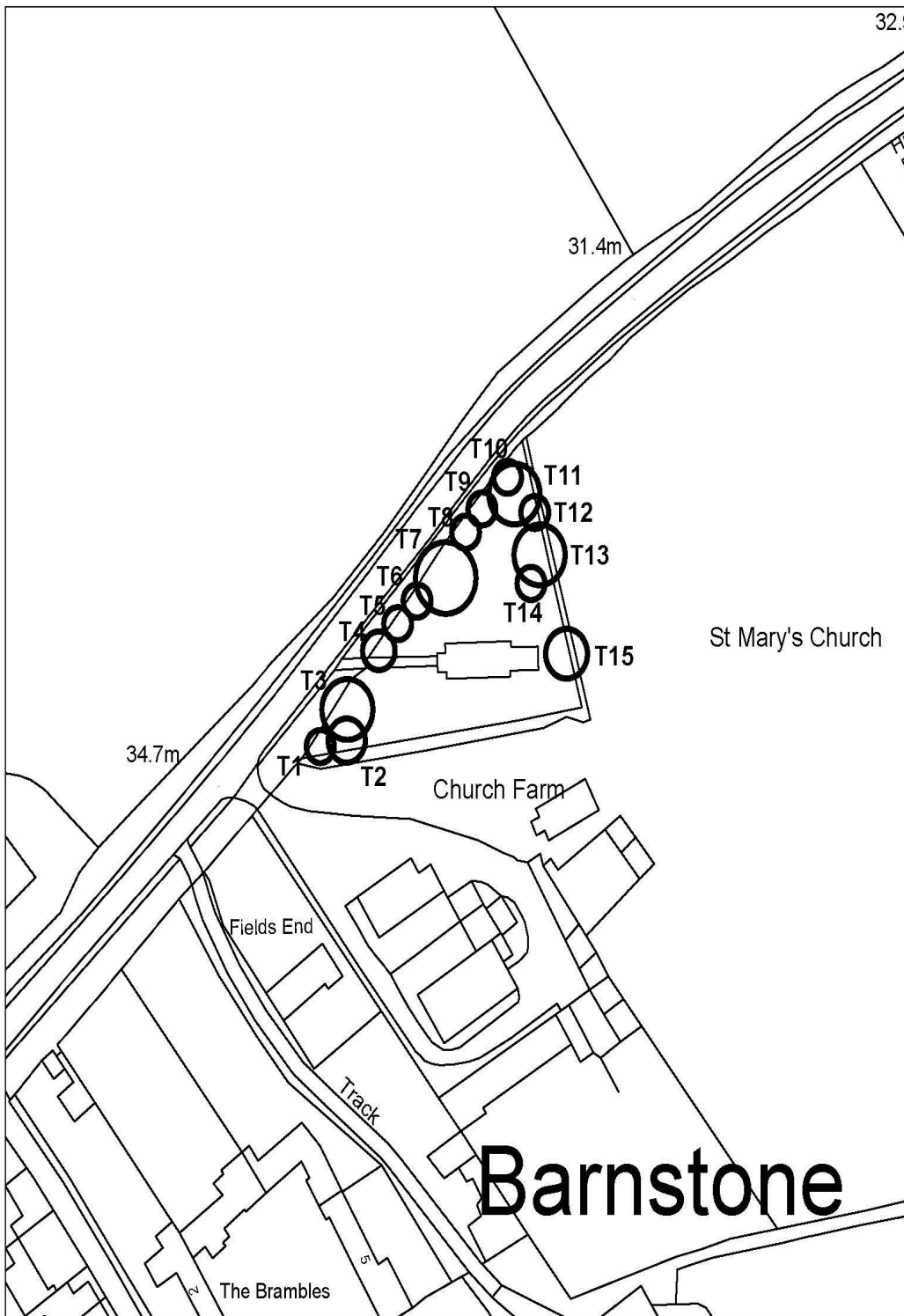
confirmed as many are natural occurrences and in legal terms are not a nuisance, but a mere inconvenience and one to be expected when living next to trees. Some of the issues raised can be controlled through pruning.



11. When considering applications to prune trees, Government advice is that the greater the public amenity value of the tree and the greater the scale of work the more justification is required. Each application is judged on its own merits so it is not possible at this time to give a clear indication of what work would be allowed, but some form of pruning would seem appropriate if the overall appearance of the tree was not harmed, as would the pruning back of overhanging branches which are considered to be a legal nuisance.
12. Neighbour's may not wish to prune back overhanging branches under their common law right as they need to fund the work, but it is often a quick way to achieve their aims of seeing trees pruned back and work to the boundary line does not require the tree owner's permission.
13. The future of the bungalow is not certain. At the very least it is likely the Council will receive an application to create a new vehicular access from Lincoln Grove and the TPO will ensure the trees are retained prior to this and provide greater enforcement options if works take place. A new vehicular access is likely to require some changes to ground levels and roots could be affected. The TPO will also allow the Council to condition replacements should trees need to be removed in the long term.
14. As the trees are located at the end of Lincoln Grove, they are a prominent feature that enhances the setting of the characterful Georgian properties. Given the recent sale of the bungalow and the fact that the future of the site is uncertain it is considered that confirming the TPO is prudent and will protect the trees in the medium to long term. Concerns over the proximity of the trees to adjacent properties could be considered through applications to prune them. This will require applications to be made to the Council, but this is not considered to be unreasonable.

RECOMMENDATION

It is RECOMMENDED that the Radcliffe on Trent No.3 Tree Preservation Order 2023 be confirmed without modification.

This page is intentionally left blank



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Barnstone No.1 Tree Preservation Order 2023	Date August 2023	Project officer TP	
		Drawing title St Mary's Church, Barnstone, Nottinghamshire	Scale 1:1000	Drawn TP	Checked
		Reference 665.27	Rev.		
<small>Rushcliffe Borough Council, Borough Development, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG This map is reproduced based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rushcliffe Borough Council 100019419</small>					

This page is intentionally left blank

23/00158/TORDER

Objector Mr and Mrs Dawn

Location St Mary's Church, Barnstone

Objection To Barnstone No.1 Tree Preservation Order 2023

Ward Neville and Langar

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects 9 Yews, 4 Sycamores and 2 Lime trees within the grounds of the St Mary's Church, Barnstone. A former chapel no longer in use as a place of worship, comprising a modest stone building with a central bell tower to the front. The site is enclosed by mature tree cover and post-and-rail boundary treatment. The site lies to the north eastern edge of Barnstone with neighbouring residential properties to the south west and open countryside to the north east.
2. The Council recently granted permission (reference 23/01281/FUL) to develop the Church into a residential property.

DETAILS OF THE TREE PRESERVATION ORDER

3. The value and importance of the trees was considered at the planning stage as an earlier site plan showed significant tree removal before it was revised. Some thinning out of trees on the site was considered reasonable given the change in use and the dense nature of the trees, as a result the TPO tried to be selective protecting 15 out of 33 trees. The TPO prioritised protecting trees on the boundary of the churchyard where they are most visible from the adjacent road. Trees growing close to the Church itself or on the rear boundary of the site where they would have least public visibility were not protected, this was also to allow some felling which would create a usable garden space and allow sun to the southern facing part of the site and Church.
4. The TPO was made on the 21st September 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

5. The Council has twice granted permission to change the Church into a residential property and construct an external garage, first in 2019 and then in 2023.

REPRESENTATIONS

Local Residents and the General Public

6. An objection has been received from the owners of the Church for the following reasons.
- The owners intend to rescue the Church from vacancy and make it into a family home for their children and dogs.
 - The objection relates to the 8 of the 9 Yew trees, whilst Yews are common in churchyards the Church is now redundant as a place of worship and will be converted into a family home. The trees are not of ancient significance according to their girth and the site is not located within a conservation area.
 - Yew trees are one of the most poisonous plants in the world with the Woodland Trust noting that “eating just a few leaves can make a small child severely ill and there have been some deaths linked to Yew poisoning. All parts of the tree are poisonous”.
 - The Human Rights Act 1998 states: *“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.”* Having so many Yew trees will deprive them of peaceful enjoyment as they won’t be able to let their children and dogs in the garden without constantly monitoring them and this will affect their mental wellbeing due to concerns of what they may have picked up or eaten.
 - The village is open with few trees which allows historic buildings to be viewed. The only adjacent property is to the south and the majority of protected trees are not between the Church and the neighbouring property.
 - The owner is not clear why the trees have been protected in the interests of public amenity and they believe the local community would prefer to see the Church rather than it being screened behind trees.
 - A BS5837 tree survey has been carried out, some of the trees protected are category ‘C’ trees, these are “low quality with an estimated life expectancy of at least 10 years.”
 - The tree survey notes that the “woodland setting is attractive but there has been minimal management of the trees and the old Church is largely obscured from view. Between the Church and the road, a double row of Yews leans over the roof leaving the area dark and oppressive with little natural light reaching the windows. There is scope to remove a proportion of the trees to open up the site without spoiling the setting.”
 - There are an excessive number of trees for the size of the site and they have dried out the ground creating movement in the building which they would like to prevent in future.

- Some trees are positioned in the northern corner of the site where strong winds could blow in. A tree recently fell into the field, if it had been one of the protected roadside trees it would have caused an inconvenience to village traffic and a risk to any passers-by.
- Most of the protected trees are located along the roadside. The trees will need constant care and pruning to keep them from overhanging the road. The objector questions whether now the trees are protected Rushcliffe should maintain them?
- The TPO is inconsistent with the recent planning permission which has conditioned details of building materials, is there a need for this when the trees will screen the work to the Church from public view?
- The objection does not cover the Yew tree shown as T4 as it would be cordoned off as part of the driveway so access to children and dogs would be prevented. Removed trees would be replaced and the owner would like the ability to prune trees overhanging the road.

APPRAISAL

7. Yew are a common churchyard tree and over 500 across the country have been found to pre-date the adjacent churches, they were commonly planted in Norman times as the poisonous foliage deterred grazing by animals. Whilst the Church is no longer used for worship, it is considered that the presence of Yew trees will still enhance the character and setting of the Church. The trees are not ancient or veteran and the site is not a conservation area, but despite this they still warrant protection and TPO's can be used to protect trees of any species, age and location.
8. Yew trees are well known for being poisonous but there are no controls on what can and can't be grown on private land and the public will give no thought to many garden plants that are poisonous. The Horticultural Trade Association places plants in 3 Categories, 'A' for most severe to 'C' least severe. Yew is in category 'B' with many other common garden plants such as Solomon's Seal, Euphorbia, Lily of the Valley and Foxglove. A landowner has a duty of care not to let poisonous plants grow into places where injury could occur, it would be wise not to let Yew trees grow into adjacent paddocks where livestock is kept and care needs to be taken when disposing of Yew cuttings. In this case a decision has to be taken if it is reasonable for the owners to wish to remove 8 of the 9 protected Yew trees due to the risk they pose, or whether this should have been considered when purchasing the Church given that they are common churchyard tree. It would also be possible for the owners to secure parts of the garden given that most of the protected Yews grow close to the boundary. Unprotected Yew trees close to the Church could be removed without the need to seek the Council's permission.
9. Despite Yew trees reputation for being poisonous recorded cases of such incidents are low. Most court cases have been as a result of farm animals eating cuttings that have been deposited close to boundaries or where trees have grown over into fields. Whilst the Human Rights Act protects the right to life, there will inevitably be a degree of risk in most common day to day activities and teaching children to manage risks is a part of life.

10. The most prominent trees have been protected and these tend to be on the boundaries facing the road rather than the farm to the south, this is due to Government advice that when protecting trees, they should be at least visible from a public vantage point and the Council gives little weight to the views from private properties. The protected trees have high amenity value due to their prominent roadside location.
11. The Council recognises that some tree removal could open up views to the Church and whilst this might change the character of the existing site it would not necessarily result in any loss of public amenity value as the Church is of historical and visual interest. As previously noted only 15 out of 33 trees were protected so there are ample opportunities for tree works to take place despite the TPO.
12. Tree surveys in accordance with BS5837 categorise trees in 4 ways, 'A' good quality trees, 'B' moderate quality, 'C' low quality and 'U' trees which should be removed. Of the 15 trees protected, 2 are category A, 11 category B and only 2 are category C. Whilst the Council tries to protect the best quality trees it also has to take into account their visibility and public amenity value and protecting low quality trees from time to time is appropriate. The Council recognised that the centre of the site close to the Church was dark and that trees were encroaching on the Church and such trees were omitted from the TPO.
13. Given the sheer number of trees on the site it isn't clear which ones are contributing to the movement in the building. Again, not all the trees have been protected including large trees on the rear of the site and many of the trees closest to the Church. It is considered that removal of unprotected trees would be the best way to go about reducing the risk of movement combined with works to convert the Church, after which further assessments could be made if it remains an issue to support a future TPO application. If the Council were to omit the Yews from the TPO this would leave the larger Sycamore trees remaining, but larger trees will extract more water from the soil and could be the trees which pose most risk of subsidence.
14. Trees can fail in high winds, but the position of the trees within the site shouldn't affect their ability to be protected. Should the worst happen and a protective tree fail, there are exemptions that allow work where there is an immediate risk of serious harm and work is urgently needed to remove that risk. In such situations the Council should be notified as soon as possible afterwards.
15. As the main aim of TPO's is to protect trees which enhance the public realm many protected trees are often in roadside locations and roadside trees in themselves are common. The TPO allows applications to be made to allow work to trees and these can also include repeat operations. It would be entirely appropriate for the Council to allow work to ensure trees provide adequate clearance over the highway (5.3 metres over roads and 2.6 metres over pavements.) The TPO does not take away any responsibility for the trees from the owners and the Council would not maintain them.
16. The Council used a planning condition to ensure the materials and rooflights would be in keeping with the character of the Church due to its historical interest and this is relevant whether it is visible to the public or not. As the

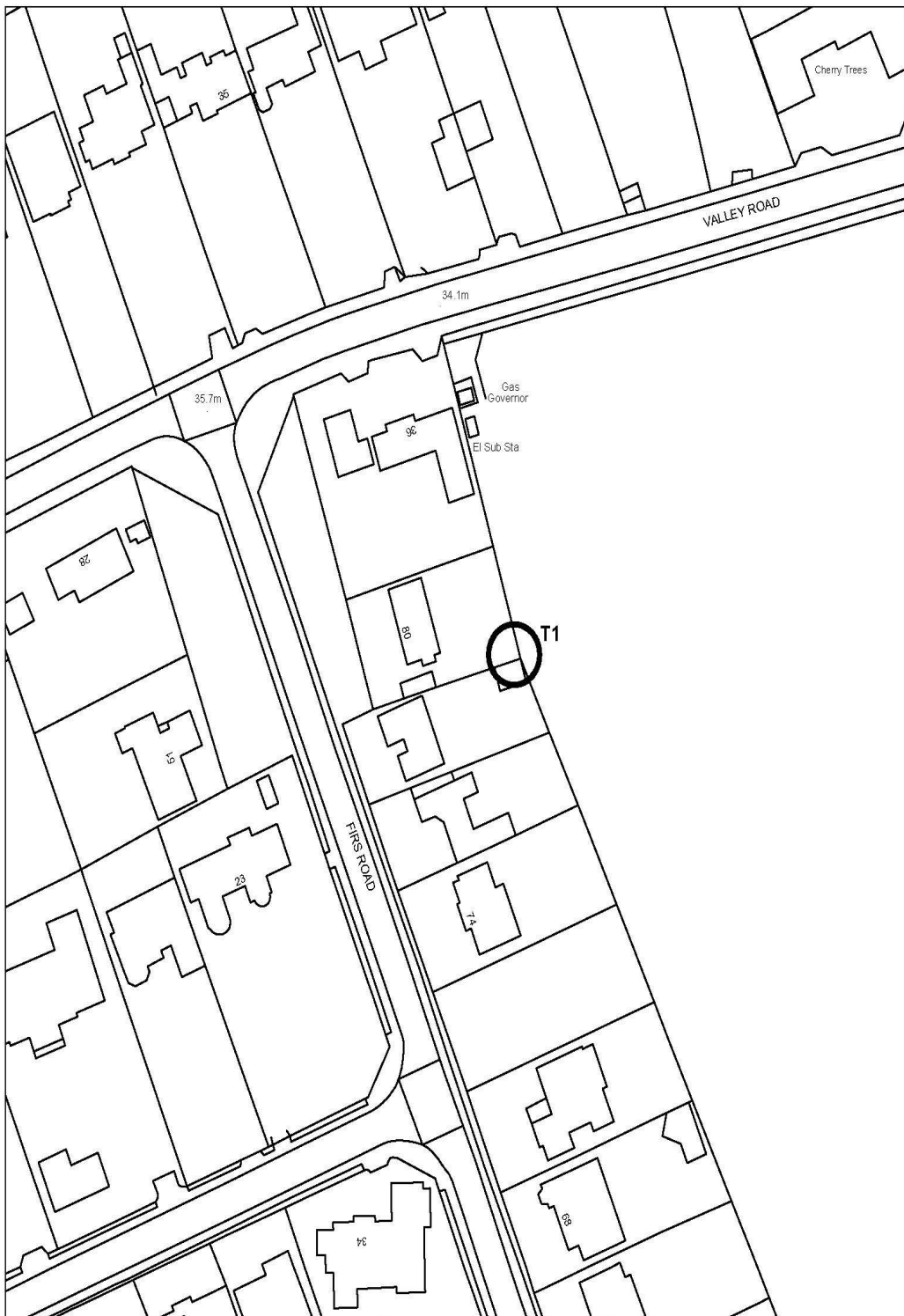
report should demonstrate not all trees are protected and it is likely the building will not remain entirely hidden by trees.


17. The Council also used a planning condition to ensure that if any trees were removed within 5 years of completion that replacements should be planted. This will allow the owners some freedom to fell trees that are not protected as long as suitable replacements are planted and there would be some flexibility when it comes to species selection.
18. The committee could ask for trees to be omitted from the TPO if it is confirmed. However, it is considered that the most prominent trees have been protected and whilst tree removal in the short term would require replacement planting, omitting trees from the TPO could create a situation where large-scale felling takes place and it would be sometime before replacement planting has an effect.

RECOMMENDATION

It is **RECOMMENDED** that the Barnstone No.1 Tree Preservation Order 2023 be confirmed without modification.

This page is intentionally left blank



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Edwalton No.1 Tree Preservation Order 2023	Date Sept 2023	Project officer TP	
		Drawing title 80 Firs Road, Edwalton, Nottingham	Scale 1:1000	Drawn TP	Checked
		Reference 665.43	Rev.		
<small>Rushcliffe Borough Council, Borough Development, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG This map is reproduced based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rushcliffe Borough Council 100019419</small>					

This page is intentionally left blank

23/00159/TORDER

Objector Mrs Maplethorpe

Location 80 Firs Road, Edwalton

Objection To Edwalton.1 Tree Preservation Order 2023

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects an Oak in the rear garden of 80 Firs Road, a 1950's bungalow set behind a tree lined grass verge. To the rear of the property are Rushcliffe owned sports pitches at Alford Road which benefit from a backdrop of mature trees, some of which are within the Council's land and others within adjacent gardens. The Oak is one of the larger trees within the wider backdrop of the playing field. From a distance it contributes to the wider belt, but from the field itself it is a good quality individual tree. The tree is also visible from Firs Road where it contributes to the sylvan character of the junction with Abbey Road which marks the edge of Edwalton conservation area.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made following a request from a member of the public who overheard a potential buyer of the property discussing development options for 80 Firs Road which included the removal of the tree.
3. The TPO was made on the 21st September 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

4. The Council is currently considering a side extension to the property. Planning reference: 23/01879/FUL.

REPRESENTATIONS

Local Residents and the General Public

5. At the time of making the TPO the property was for sale and an objection has been received from the daughter of the owner. The objection is for the following reasons:

- The tree is in the garden of her mother's property who is now in a care home. There have never been issues with the trees but some branches were lopped a few years ago
- The request to make the TPO is not due to the person loving the tree, but to put an obstacle in the way of the property being sold. No building work can be done at the property as there is a covenant that prevents anything but a bungalow on the site
- The buyer of the property will be notified of the TPO.

APPRAISAL

6. It isn't entirely clear at the current time if the property has been sold but an application to construct a side extension has been received from a third party. This has been reviewed and the extension is outside of the Oak's root protection area and whilst some form of temporary protective fencing will be needed during the construction period to protect the tree, the extension itself does not pose a risk to the tree.
7. The applicant for the planning application has discussed the protected tree with the Council's Senior Design and Landscape Officer, but no other objection to the TPO has been received.
8. It is often the case that a change in ownership may result in new occupiers of the property regarding the tree in a different light to the previous owners. Whilst the tree hasn't caused issues in the past, the Council does not know if new owners will value the tree in the same way. Experience has shown that trees are often perceived to be an inconvenience or nuisance due to loss of light, falling leaves, bird muck, or general concerns about the risk of failure. For this reason, it is considered prudent to confirm the TPO to ensure it continues to protect the tree.

RECOMMENDATION

It is **RECOMMENDED** that the Edwalton No.1 TPO 2023 be confirmed without modification.

Planning Ref: and link to Appeal decision notice	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/ Decision Date
22/01563/FUL	Springfields, Radcliffe Road, Holme Pierrepoint	Erect storage shed	Allowed	DEL	APP/P3040/W/23/33162 37	10/11/2023

This page is intentionally left blank