

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2023/0001890/TCA
<b>Site:</b>	35 Morningside, Coventry, CV5 6PD
<b>Ward:</b>	Sherbourne
<b>Proposal:</b>	<p>Cherry Plum (T1) - Crown Reduction - Reduce height from 7m to 6m to allow crown to clear telephone line. Spread from 5.5m to 5m.</p> <p>Hazelnut (T2) - Crown Reduction - Reduce height from 7m to 6m.</p> <p>Lime tree (confirmed to be a Hornbeam) (T3) - Crown Reduction - Reduce height from 5m to 4m.</p> <p>Plum tree (T4) - 2.5m high tree - Removal and replace with 1 walnut tree.</p> <p>Magnolia (T5) - Crown Reduction - Reduce height of tree from 5.5m to 5m to allow crown to clear telephone line.</p>
<b>Case Officer:</b>	Jessica Mantle

## SUMMARY

Trees in a designated Conservation Area (that are not protected by a Tree Preservation Order) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the Local Planning Authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exemption applies. The work may go ahead before the end of the 6-week period if the local planning authority gives written consent. This notice period gives the Local Planning Authority the opportunity to consider whether to make a Tree Preservation Order (TPO) on the tree.

The purpose of this report is to assess whether the trees subject of the notice are worthy of special protection through the designation of a Tree Preservation Order in the interests of the amenity of the area.

## KEY FACTS

<b>Reason for report to committee:</b>	The applicant is a Council employee within the Development Management Team.
<b>Current use of site:</b>	Single dwellinghouse
<b>Proposed use of site:</b>	Single dwellinghouse
<b>Conservation area</b>	Earlsdon Conservation Area
<b>Listed building</b>	No
<b>Locally listed</b>	No

## RECOMMENDATION

Officer recommendation is that a Tree Preservation Order would not be expedient to make in this instance. Planning Committee are therefore recommended to grant consent for the proposed tree works.

## REASON FOR DECISION

- The proposed works are acceptable in principle.
- The proposed works will not have an adverse impact upon the amenity of the Conservation Area or the visual amenity of the street scene.
- The proposal accords with HE2 of the Coventry Local Plan 2016.

## SITE DESCRIPTION

The application property is a detached dwelling with a hipped roof, located on the south side of Morningside on a bend in the road. The site has a tapered shaped plot with a wider rear garden area, that adjoins public highway, The Firs, to the rear. The site is within a residential area and Earlsdon Conservation Area.

## APPLICATION PROPOSAL

The application is a notice under section 211 of the Town and Country Planning Act 1990 for works to trees in a designated Conservation Area. The proposed works are as follows:

Cherry Plum (T1) - Crown Reduction - Reduce height from 7m to 6m to allow crown to clear telephone line. Spread from 5.5m to 5m.

Hazelnut (T2) - Crown Reduction - Reduce height from 7m to 6m.

Lime tree (confirmed to be a Hornbeam) - Crown Reduction - Reduce height from 5m to 4m.

Plum tree (T4) - 2.5m high tree - Removal and replace with 1 walnut tree.

Magnolia (T5) - Crown Reduction - Reduce height of tree from 5.5m to 5m to allow crown to clear telephone line.

## PLANNING HISTORY

There have been a number of historic planning applications on this site but none are of relevance to this notice.

Application Number	Description of Development	Decision and Date
HH/2020/1821	Erection of single storey side extension, pitched roof over existing flat roof to front elevation, bay window to front elevation and detached outbuilding to include	Granted 18/09/2020

	wood burning stove and flue. New garden wall & gate.	
PL/2023/0001157/HHA	Application for proposed tiled hipped roof over existing front dormer window and relocation of wood store from rear garden to side of house.	Granted 20/07/2023

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF published in March 2012 and updated in September 2023 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate, and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy HE2: Conservation and Heritage Assets

### **Supplementary Planning Guidance/ Documents:**

Not applicable

## **CONSULTATION**

### **Non-statutory**

Coventry Tree Officer – No objection

### **Neighbour consultation**

There is no statutory duty for public consultation for an application for works to trees in Conservation Areas.

## **APPRAISAL**

The primary consideration of this report is whether the trees subject of the notice are worthy of special protection through the designation of a Tree Preservation Order in the

interests of the amenity of the area. In making that decision the key criteria for assessing amenity are:

- Visibility from public vantage points;
- Individual impact - related to size and form (now or in future), rarity, value as a screen or contribution to the character or appearance of a Conservation Area);
- Wider impact - significance of the trees within the local surroundings (collective value).

Policy HE2 indicates that important landscape features of value to the amenity of a locality, including mature woodlands and trees will be protected against unnecessary loss or damage.

The Hazelnut (T2), Hornbeam(T3) and Plum (T4) tree are all located within the rear garden of 35 Morningside, which lies within the Earlsdon Conservation Area. Due to their positioning in the rear garden, the trees offer little to no visual amenity contributions to local public vantage points of the area. The Councils Tree Officer confirms that the small Plum tree (T4) is in decline and infected with Silverleaf fungus. The Hazelnut (T2) and Hornbeam (T3) tree grow adjacent to the rear high-sided southern garden wall and the neighbouring structure. The Hornbeam tree (T3) is not appropriate for long-term retention in its location as it will potentially grow into a large tree 20m high x 20m spread. The proposed works to the Hazelnut (T2) and Hornbeam (T3) tree will help in allowing their retention within the immediate restricted landscaped garden setting, and also allow for the establishment of the adjacent crown of the mature native Silver Birch tree.

The ornamental trees within front garden T5 Magnolia and T1 Cherry Plum (Purple Leaved Plum) are located adjacent to the Western side boundary. The proposed works to these trees are remedial in nature, and chiefly for the reasons to shorten back crown tips from adjacent overhead cables, whilst retaining for a more reasonable prospective within the immediate restricted landscaped garden setting.

The proposed tree works are considered to be acceptable in principle and will not result in any significant impact upon the conservation area or visual amenity in accordance with Policy HE2 of the Coventry Local Plan 2016.

### **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

The proposed tree works are considered to be acceptable in principle and will not result in any significant impact upon the conservation area or visual amenity in accordance with Policy HE2 of the Coventry Local Plan 2016. Officer recommendation is that a Tree Preservation Order would not be expedient to make in this instance. Planning Committee are therefore recommended to grant consent for the proposed tree works.