

PLANNING COMMITTEE

JANUARY 16th 2024

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

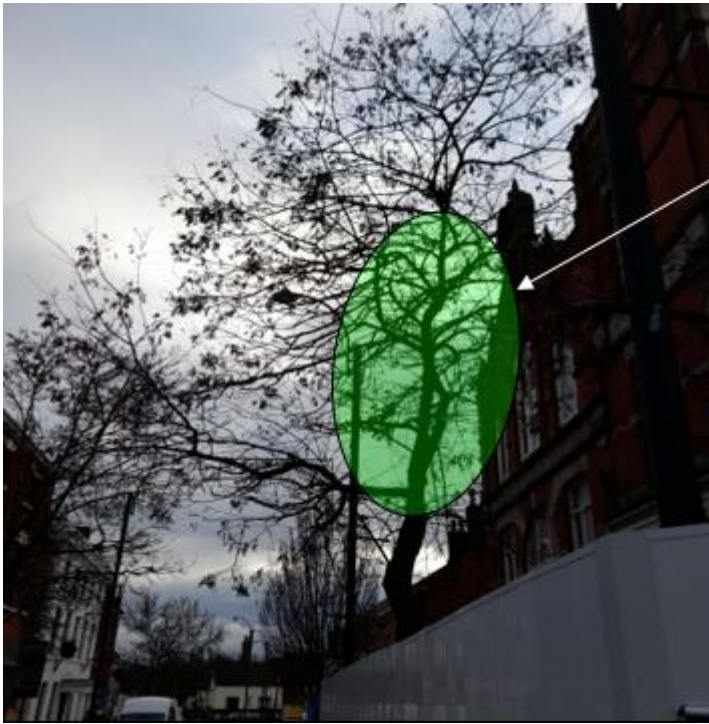
Application Reference	0289/2023
Proposal	Works to a tree in a conservation area
Site Address	5 Colehill, Tamworth, B79 7HA
Case Officer	Debbie Hall
Recommendation	Consent to works

1. Introduction

- 1.1 This application is for works to a Robinia tree in Tamworth Town Centre. The tree is located to the front of the old Co-op on Colehill and is within a Conservation Area. It has been reported to Planning Committee as the application relates to wider developments under the Future High Streets work that is currently ongoing in the town centre.
- 1.2 All trees in a conservation area are protected and therefore an application under section 211 of the Town and Country Planning Act 1990 is required.
- 1.3 The authority can deal with a section 211 notice in one of three ways. It may:
 - a) make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
 - b) decide not to make an Order and inform the person who gave notice that the work can go ahead; or
 - c) decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
- 1.4 It is proposed to trim the tree in the form of a crown reduction to facilitate the renovation of the former Co-op building in order that enough space can be made to erect scaffolding. Furthermore the tree currently obscures the street lighting. The tree will be pruned back to suitable growth points in order to achieve a 3m space between the nearest part of the tree and the building.
- 1.5 The works are being carried out on behalf of Tamworth Borough Council. The tree belongs to Staffordshire County Council.
- 1.6 It was originally requested that the tree be removed however the Tree Officer objected to this proposal and requested that the tree be trimmed instead.

Photos





Intended crown reduction

2. **Policies**

2.1 **Local Plan Policies**

SS1 The Spatial Strategy for Tamworth
SS2 Presumption in Favour of Sustainable Development
EN4 Protecting and Enhancing Biodiversity

2.3 National Planning Policy

[National Planning Policy Framework 2021](#)
[National Planning Practice Guidance](#)

3. **Relevant Site History**

3.1 No relevant planning history.

4. **Consultation Responses**

4.1 The Tamworth Tree Officer objected to the initial proposal to fell the tree. It was therefore agreed with the agent that the tree could be trimmed instead.

4.2 On reconsulting the Tree officer the response received stated that, provided the amended proposals would leave the tree balanced and pruned to BS3998 STANDARDS, the proposed works would be acceptable.

5. **Equality and Human Rights Implications**

5.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.

5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

6.1 The key issue to be considered is;

- Amenity Value

6.2 Amenity Value

6.2.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. The most up to date national planning guidance which relates specifically to trees are contained in the recently adopted Local Plan Policies. As well as the local there is guidance within the National Planning Policy Framework (NPPF) and [The Planning Practice Guidance](#)

6.1.2 The site is to the front of the old Co-op building on Colehill in the Town Centre. The tree is positioned approximately 4.2 metres from the building itself and makes a positive contribution to character and appearance of this location within the town centre and the Conservation Area.

6.1.3 It is proposed to prune back the tree to suitable growth points leaving 3m space between the nearest part of the tree and the building to allow for scaffolding erection. All work is to comply with BS3998 employing a suitably qualified and experience Arboricultural Association Approved Contractor to carry out the work.

6.1.4 As the Robinia tree will be retained and the proposed works maintain the appearance of the tree, albeit at a lesser scale, the contribution to the character will not be significantly impacted and therefore it is recommended that the works be allowed.

6.1.5 Subject to consent for the works being approved, the works are proposed to take place in January 2024 and the scaffolding is expected to be in situ for 8 months.

7 Conclusion

It is proposed to undertake works to the Robinia tree on Colehill. The tree is within the Town Centre and a Conservation Area and makes a positive contribution to the character and appearance of the area. As the tree will be retained and the proposed works maintain its appearance it is recommended that the consent be given for the works.

7 Recommendation

b) Not to make a Tree Preservation Order and confirm the works go ahead.