

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: 12<sup>th</sup> February 2015  
title: TREE WORKS NOTIFICATION, SPEX OPTICIANS  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: PHIL JOHNSON

## 1 PURPOSE

- 1.1 To request that Members formally confirm the intention to allow the works as identified within the notification without making a new tree preservation order

## 2 BACKGROUND

- 2.1 A tree works notification (application number 3/2014/1100) was submitted on 15<sup>th</sup> December 2014. The notification outlines the intention to remove three trees to the rear of Spex Opticians (adjacent to the market area) due to their potential to further damage a wall to an extent where it would become a concern to public safety.
- 2.2 The trees are not protected by a tree preservation order, but are located on the boundary of the Clitheroe Conservation Area (the character area of the conservation area designated as the 'Central Area' – which is not designated specifically for trees). As such the notification is not an application for permission, but a notice of intention to carry out work (under section 211 of the Town and Country Planning Act 1990). The Council does not have the power to refuse permission or to grant permission, the options available to Committee are to either make a new tree preservation order in order to protect the trees from removal, or not to make a new tree preservation order and therefore allow the work to go ahead as described within the notification.
- 2.3 The applicant has indicated their intention to plant two replacement trees further back from the wall in order to protect public amenity whilst ensuring the wall is not damaged further by trees.

## 3 ISSUES

- 3.1 On 4<sup>th</sup> December 2014 the Countryside Officer (Phil Johnson) conducted an assessment of the trees and concluded that the trees were all in good condition with no visible signs of defects. However, it was also noted that the trees were located very close to a tall wall that acts partially as a retaining structure, damage to the wall was indicative of tree related damage. Additionally, the trees are currently only at semi-maturity and as such would be expected to grow to a mature height and girth of more than double their current size, this would put the trees in direct physical contact with the wall and this would without doubt cause very significant damage (likely resulting in the collapse of the wall).

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – No implications identified.

- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to allow the Section 211 Notification to pass without placing the trees under the protection of a tree preservation order – thereby authorising their removal by default.

PHIL JOHNSON  
COUNTRYSIDE OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### **BACKGROUND PAPERS**

See attached copy of the Notification and an assessment carried out by the Countryside Officer on the trees in question.

For further information please ask for Phil Johnson, extension 4505.

REF: PJ/P&D/12-02-15



RIBBLE VALLEY  
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

For office use only

Application No. 3/2014/1100

Date received

Fee paid £

Receipt No:

# Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

## Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application will not be able to proceed.

### 1. Applicant Name and Address

Title:  First name:

Street name:

Company (optional):

Unit:  House number:  House suffix:

Use me:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 2. Agent Name and Address

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 3. Trees Location

All trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:  House number:  House suffix:

Use name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the right of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

PLAN ENCLOSED SHOWS AN OUTLINE OF THE PLOT WITH A SYMBOL TO IDENTIFY THE TREES.

### What Are You Applying For?

Are you seeking consent for works to tree(s)  Yes  No subject to a TPO?

Are you wishing to carry out works to tree(s)  Yes  No in a conservation area?

### Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

1. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

### 4. Trees Ownership

Is the applicant the owner of the tree(s):  Yes  No  
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title:  MR First name:  KEVIN

Last name:  HORKIN

Company (optional):  SPEX OPTICIANS

Unit:  3 House number:  1 House suffix:  1

House name:  1

Address 1:  New MARKET STREET

Address 2:  1

Address 3:  1

Town:  CLITHEROE

County:  LANCASHIRE

Country:  UNITED KINGDOM

Postcode:  BB7 2JW

### Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/> +44	<input type="text"/> 1200 423704	<input type="text"/>
<input type="text"/> +44	<input type="text"/> 7538 720987	<input type="text"/>
<input type="text"/> +44	<input type="text"/> 1200 422237	<input type="text"/>

Email address (optional):

kevin@spexopticians.co.uk

### 6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

REQUIRE TREES TO BE REMOVED DUE TO POTENTIAL DANGERS CONCERNING PUBLIC SAFETY AND PROPERTY PROTECTION.

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### Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

**For all trees**  
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

**For works to trees covered by a TPO**  
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:  Yes  No  
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.  Yes  No  
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

**Documents and plans (for any tree)**  
Are you providing separate information (e.g. an additional schedule of work for Question 7)?  Yes  No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

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DOCUMENT NOT OFFICIALLY IDENTIFIED.

# 1. Authority Employee / Member

With respect to the Authority, I am:

- a) a member of staff
- b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes

No

If Yes, please provide details of the name, relationship and role

I AM A COUNCILLOR FOR RIBBLE VALLEY BOROUGH AND TOWN COUNCIL.

## D. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

### Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

### Identify all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

### Identify works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
  - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

## 1. Declaration - Trees

We hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

12/12/14

(This date must not be before the date of sending or hand-delivery of the form)

## 2. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
-44	01200 423704	
+44	7538 720987	
Country code:	Fax number (optional):	
-44	1200 422237	

Email address (optional):  
kevin@spexopticians.co.uk

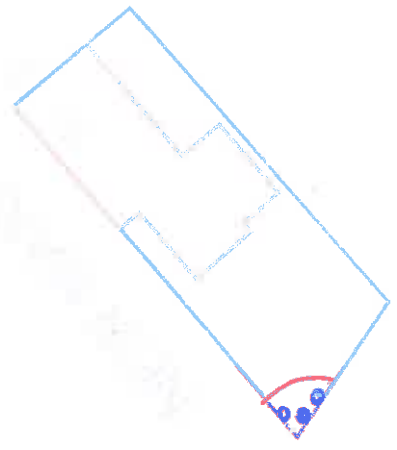
## 13. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
Country code:	Mobile number (optional):	
Country code:	Fax number (optional):	

Email address (optional):

Riviera Valley Council  
Town and Country Planning Act 1990



**ATTENTION**  
WORK MUST NOT START UNTIL YOU  
HAVE CHECKED IF BUILDING REGULATION  
APPROVAL IS REQUIRED. TELEPHONE  
BUILDING CONTROL ON 01206 47

Eastham  
Houses

Starling Club





Kind Regards,  
Kevin Horkin  
PJ Oliver.

Thanks for visiting the trees on site today. Please find attached relevant photos showing the trees and damage created to the stone wall. Hopefully these photos meet the criteria of evidence needed to be provided as described in the application form. The application form will be delivered to reception in the council offices before 5pm.

Hello Phil,

**From:** Oliver Alcock @ The Horkin Group [oliver@horkingroup.co.uk](mailto:oliver@horkingroup.co.uk)  
**Date:** 4 December 2014 14:42  
**Subject:** TREE Application  
**To:** [phil@huronstonewall.org.uk](mailto:phil@huronstonewall.org.uk), [devon@huronstonewall.org.uk](mailto:devon@huronstonewall.org.uk), [caz@huronstonewall.org.uk](mailto:caz@huronstonewall.org.uk)  
**CC:** Kevin Horkin [kevin@horkingroup.co.uk](mailto:kevin@horkingroup.co.uk)













**Oliver Alcock**  
**IT MANAGER**







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SPEX services

footwear ONLINE

 New Market House, New Market Street, Clitheroe, BB7 2JW  
 01200 423704  01200 422237  @olivers@thehorkingroup.co.uk



**SMALL BUSINESS**  
**SATURDAY.**  
— 6<sup>th</sup> DECEMBER —

**SUPPORT, INSPIRE AND PROMOTE**  
**SMALL BUSINESS, ON 6TH DECEMBER**  
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# TREE WORK ASSESSMENT

<b>TPO:</b>	Clitheroe Conservation Area	<b>DATE:</b>	4 <sup>th</sup> December 2014
<b>SPECIES:</b>	1x Sycamore, 2x conifer	<b>ASSESSOR:</b>	Phil Johnson
		<b>SIGNED:</b>	
<b>ADDRESS:</b>	Spex Opticians, New Market St, Clitheroe		

**VISUAL TREE ASSESSMENT:**

The trees are all in reasonable condition with no signs of any significant defects. However, there is visible and obviously tree related damage to the adjacent wall. Additionally, the trees are in close proximity to the wall (which is some 2 – 2.5m tall) and are only at semi-maturity. As the trees continue to grow it is a certainty that in this location they would cause the collapse of the wall.

<b>RELATED ISSUES:</b>	<b>YES</b>	<b>NO</b>		<b>YES</b>	<b>NO</b>
Planning Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Highway issue	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Statutory Undertaker	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Damage to property (proven)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health & safety issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nuisance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>				

<b>AMENITY EVALUATION:</b>	<b>YES</b>	<b>NO</b>
Carried out	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Necessary	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Application works appropriate    **YES**     **NO**

Why?

Felling is the only feasible option in this case.

Alternative works more appropriate    **YES**     **NO**

Describe Alternative Works:

N/A