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LICENSING & APPEALS SUB-COMMITTEE

Minutes of a Meeting held on Wednesday 16 March 2022 in the Council Chamber, Town Hall, Matlock DE4 3NN at 2.00pm.

PRESENT

Councillor Andrew Statham - In the Chair

Councillors Mark Wakeman and Clare Gamble

Chris Payne (Trees & Landscape Officer), Jon Bradbury (Consultant Development Manager), Kerry France (Principal Solicitor) and Tommy Shaw (Democratic Services Team Leader)

Mr Peter Blackshaw (Representation)

322/21 – ELECTION OF CHAIRMAN

It was moved by Councillor Mark Wakeman, seconded by Councillor Clare Gamble and

RESOLVED
(Unanimously)

That Councillor Andrew Statham be elected as Chairman of the Sub-Committee

323/21 – DERBYSHIRE DALES TREE PRESERVATION ORDER No. 191 AT RUSSELL'S DEPOT, DALE ROAD NORTH, DARLEY DALE.

The Sub-Committee visited the site prior to the meeting to appraise the situation of the Tree Preservation Order (TPO) and consider the public amenity value of the tree.

The Sub-Committee considered a Tree Preservation Order made under Sections 198, 201 and 203 of the Town and Country Planning Act 1990, issued in respect of TPO 191 (several trees of mixed species) at Russell's Depot, Dale Road North, Darley Dale.

The Chairman invited the participants to introduce themselves, asked whether Members had any declarations of interest (for which there were none) and confirmed that the Sub-Committee was quorate.

The Tree & Landscape Officer, supported by the Consultant Development Manager, gave an outline of TPO 191 and informed the Sub-Committee that the apparent good structural and physiological condition, visibility to the public, ecological/biodiversity services and long remaining life expectancy of the group of trees justified formal protection with a TPO.

The Tree & Landscape Officer, supported by the Consultant Development Manager, further informed the Sub-Committee that the justification for the TPO, without modification, was to protect the public amenity of the trees being considered and their contribution to the character and appearance of the area.

The Sub-Committee and the other parties were afforded an opportunity to raise any questions or request clarification of the Tree & Landscape Officer's report.

The Sub-Committee then heard objections to the TPO from Mr Blackshaw.

The Sub-Committee had the opportunity to ask a question or request clarification of any points made by those making objections.

The Tree & Landscape Officer and Consultant Development Manager were also afforded the opportunity to ask a question or request clarification of any points made by those making objection.

The Tree & Landscape Officer and Consultant Development Manager were then requested to sum up and give a short summary of the TPO.

All parties were afforded an opportunity to request clarification of any points.

The Sub-Committee members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

324/21 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Clare Gamble, seconded by Councillor Mark Wakeman and

RESOLVED The Sub-Committee having considered all the evidence put before
(Unanimously) it, the Sub-Committee determined:

That the appeal of TPO 191 be dismissed.

Reason(s) for Decision

The Sub-Committee considered that the group of trees made a significant contribution to the areas' public amenity and required protection due to risk of potential harm from proposed development.

Chairman: _____

Date: 16/03/2022

Meeting Closed: 3:17pm



Decision Notice

LICENSING & APPEALS SUB-COMMITTEE

Site visit made on 16 March 2020

Councillors Andrew Statham, Clare Gamble and Mark Wakeman

Decision date 16th March 2020

<i>Appeal</i>	TREE PRESERVATION ORDER No. 191	TREES at Russell's Depot, Dale Road North, Darley Dale
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- This hearing by the Licensing and Appeals Sub Committee was, in accordance with the Council's constitution, to consider and determine objections made against Tree Preservation order No 191 as it was not been possible to reach agreement between the objectors and the authority.
- The hearing was to determine whether Tree Preservation Order should be confirmed, with or without modification.
- Tree Preservation Order 191 was made on the 02nd November 2021 by Derbyshire Dales District Council.
- The Order included a group of approximately 17 trees referenced within the area noted as G1 within the order being of mixed species description of each tree and a location where the tree was situated. Additionally within in the order is a map detailing the position of each of the G1 area subject of the order numbered 191
- Within the order was a notification that any objections to the order was to be received in writing no later than 16th December 2021.
- Any objection was to be Regulation 6 of the Town and Country Planning Act (Tree Preservation (England) Regulation 2021) compliant and a copy of Regulation 6 was appended to Order 191.
- An objection was received on the 11th November 2021 detailing their reasons for objection
- The Sub Committee was presented with the evidence as follows.

- Written report from the Council with 4 Appendices
 - Tree Preservation Order 191
 - Plan to locate trees references in Tree Preservation order 191
 - Tree Preservation Order Notice
 - Objection Letter
 - Oral Statements from Council Officers Dr Chris Payne (Trees & Landscape Officer) and Jon Bradbury (Consultant Development Manager)
 - Oral Statements from Mr. Blackshaw.
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Decision

1. The Sub-committee considered whether the relevant trees have considerable public amenity that contribute to the character and appearance of the area and whether was there a danger that the relevant trees are in danger of being felled or damaged?
 2. In the Sub Committee's opinion, these trees do have a considerable landscape value in the local area and without the TPO one or more of the trees could be in danger of being felled or damaged.
 3. The Sub-committee considered the objections and determine that the **appeal is dismissed.**
 4. Tree Preservation Order number 191, 2021 is to be confirmed without modification
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