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LICENSING & APPEALS SUB-COMMITTEE

Minutes of a Meeting held on Monday 16 March 2020 in the Committee Room, Town Hall, Matlock DE4 3NN at 2.00pm.

PRESENT

Councillor Andrew Statham - In the Chair

Councillors Graham Elliott and Stuart Lees

Chris Payne (Trees & Landscape Officer), Jon Bradbury (Development Control Manager), Kerry France (Principal Solicitor) and Simon Johnson (Democratic Services Officer)

Miss Kerry Hallam (Representation on behalf of Mrs Judith Hallam) and Ms Elaine Hallam (Representation)

Angela Gratton (Democratic Services Officer) and James Cunningham (Legal Assistant) as observers

2 Members of the Public

344/19 – ELECTION OF CHAIRMAN

It was moved by Councillor Graham Elliott, seconded by Councillor Stuart Lees and

RESOLVED
(Unanimously)

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

345/19 – DERBYSHIRE DALES TREE PRESERVATION ORDER No. 181 AT CRICH VIEW, RIBER ROAD, MATLOCK.

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 181 (a mature Scots Pine Tree) at Crich View, Ribber Road, Matlock.

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 Development Control Manager, gave an outline of TPO 181 and informed the Sub-Committee that the apparent good structural and physiological condition, visibility to the public, size, ecological/biodiversity services and long remaining life expectancy of the tree justified its formal protection with a TPO.

The Tree & Landscape Officer, supported by the Development Control Manager, further informed the Sub-Committee that the justification for the TPO, without modification, was to protect the public amenity of the tree being considered and its contribution to the character and appearance of the Riber Conservation 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 the following:

- Miss Kerry Hallam on behalf of Mrs Judith Hallam.
- Ms Elaine Hallam

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

The Tree & Landscape Officer and Development Control 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 Development Control 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.

346/19 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Stuart Lees, seconded by Councillor Andrew Statham and

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

It was resolved that confirmation of Tree Preservation Order No. 181
be refused without modification

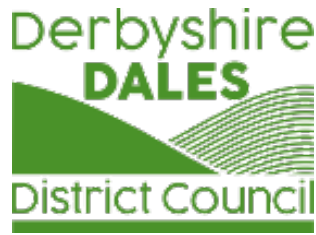
Reason(s) for Decision

The Sub-Committee considered that the tree (a mature Scots Pine) did not contribute to the areas' public amenity given its situation in relation to other trees and public view, or to the Riber Conservation Area.

Chairman: _____

Date: 16/03/2020

Meeting Closed: 2:32pm



Decision Notice

LICENSING & APPEALS SUB-COMMITTEE

Site visit made on 16 March 2020

Councillors Andrew Statham, Graham Elliott and Stuart Lees

Decision date 16th March 2020

<i>Appeal</i>	TREE PRESERVATION ORDER No. 181	TREES AT CRICH VIEW, RIBER ROAD, MATLOCK.
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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 181 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.
- Following receipt by the Council on the 26th August 2019 of a notice that works to a tree within a conservation area was requested, the Council evaluated the request and responded that a Tree Preservation Order was appropriate to prevent the work or control the extent of the work proposed
- The Application was given a reference number of T/19/00129/TCA
- Tree Preservation Order 181 was made on the 01st October 2019 by Derbyshire Dales District Council.
- The Order included 1 tree referenced T1 within the order giving a description of the tree and a location where the tree was situated. Additionally within the order was a map detailing the position of the tree subject of the order number 181
- Within the order was a notification that any objections to the order was to be received in writing no later than 04th November 2019.
- Any objection was to be Regulation 6 of the Town and Country Planning Act (Tree Preservation (England) Regulation 20212 compliant and a copy of Regulation 6 was appended to Order 181.

- An objection was received on the 28th October 2019 2020 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 181
 - Plan to locate the tree referenced in Tree Preservation order 181
 - Tree Preservation Order Notice
 - Objection Letter
 - Oral Statements from Council Officers Dr Chris Payne (Trees & Landscape Officer) and Jon Bradbury (Development Control Manager)
 - Oral Statements from Kerry Hallam (Representative of Judith Hallam) and Elaine Hallam.
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Decision

1. The Sub-committee considered whether the relevant tree has considerable public amenity value that contributes to the character and appearance of the Riber Conservation Area. Secondly, whether was there a danger that the relevant tree was in danger of being felled or damaged?
 2. In the Sub-Committees opinion the Fir tree in question adds very limited value to the local landscape.
 3. The Sub-committee considered the objections and determine that the **appeal is upheld.**
 4. Tree Preservation Order number 181, 2019 is to not to be confirmed by Derbyshire Dales District Council.
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