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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 3.00pm.

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)

Mr William Anderson – Anderson Tree Care Ltd (Representation on behalf of Mrs Jennifer Else and Dr Doreen Holden), Dr Doreen Holden (Representation) Mrs Jennifer Else (Representation) and Councillor David Hughes (Representation as Ward Member)

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

4 Members of the Public

347/19 – ELECTION OF CHAIRMAN

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

RESOLVED That Councillor Andrew Statham be elected as Chairman of the Sub-Committee
(Unanimously)

348/19 – DERBYSHIRE DALES TREE PRESERVATION ORDER No. 184 AT BEECH HOUSE, LUMSDALE, 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 trees.

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 184 (11 mature trees) at Beech House, Lumsdale, Matlock and the garden of Pine Trees, Lumsdale, 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 184 and informed the Sub-Committee that the apparent good structural and physiological condition, visibility to the public, size and long remaining life expectancy of the trees justified their 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, will ensure the appropriate future management of the trees at Beech House and Pine Stones which have considerable public amenity and contribute to the character and appearance of the Lumsdale 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.

For clarification, in reply to Mr Anderson's query as to his allocation of time to make representation, the Democratic Services Officer informed Mr Anderson his allocation was 3 minutes, as provided by Part 2 – 'Article 3' and summarised in Part 4 – 'Rules of Procedure' of the District Council's Constitution.

The Sub-Committee then heard objections to the TPO from the following:

- Mr William Anderson on behalf of Mrs Jennifer Else and Dr Doreen Holden.
- Dr Doreen Holden
- Councillor David Hughes speaking as Ward Member
- Mrs Jennifer Else

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.

349/19 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Andrew Statham, seconded by Councillor Graham Elliott and

RESOLVED
(Unanimously)

The Sub-Committee having considered all the evidence put before it, the Sub-Committee determined:

That Tree Preservation Order No. 184 be confirmed without modification

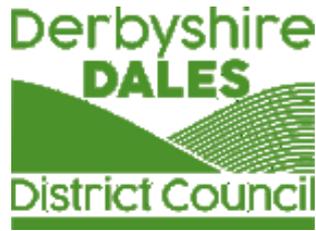
Reason(s) for Decision

The Sub-committee considered that the relevant trees have considerable public amenity and contribute to the character and appearance of the Lumsdale Conservation Area.

Chairman: _____

Date: 16/03/2020

Meeting Closed: 3:52pm



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

Appeal	TREE PRESERVATION ORDER No. 184	TREES AT BEECH HOUSE, LUMSDALE, 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 184 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 of a s211 Notice by email on the 20th May 2019 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
- Tree Preservation Order 184 was made on the 19th December 2019 by Derbyshire Dales District Council.
- The Order included 11 trees referenced T1 to T11 within the order giving a 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 11 trees subject of the order numbered 184.
- Within the order was a notification that any objections to the order was to be received in writing no later than 21st January 2020.
- 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 184.

- An objection was received on the 04th February 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 184
 - Plan to locate trees references in Tree Preservation order 184
 - 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 William Anderson, Doreen Holden and Cllr David Hughes
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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 Lumsdale Conservation 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 184, 2019 is to be confirmed without modification
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