

REGULATORY & APPEALS COMMITTEE

3 DECEMBER 2019

Present:

Councillors J Petherick (Chairman), Hayes (Vice-Chairman), Austen and Kerswell

Members in Attendance:

Councillors Goodman-Bradbury

Apologies:

Councillors Evans and Russell

Officers in Attendance:

Marie Downey, Solicitor

Mark Waddams, Senior Arboricultural Officer

Debbie Rosenveldt, Licensing Assistant

Trish Corns, Democratic Services Officer

Beth Tipton, Administrative Assistant

65. MINUTES

The minutes of the meeting held on the 5 November, 2019 were approved as a correct record and signed by the Chairman. It was noted that Solicitor Marie Downey had been present.

66. DECLARATIONS OF INTEREST.

None.

67. HACKNEY CARRIAGE VEHICLE EXTENSION WF08 ZSR

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Skoda Octavia vehicle registration WF08 ZSR The vehicle is over 11 years old being registered in May 2008

The Committee adjourned to inspect the vehicle. On reconvening the Chairman welcomed all those present and introduced the Committee, and the Solicitor set out the procedure for the Hearing.

The Licensing Officer introduced the report and it was noted that the vehicle has a current MOT until 14 August 2020. The taxi inspection test was booked.

The Applicant was not in attendance.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old, with the exception of purpose built cabs. The Council has the discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use.

Resolved

The application for a Hackney Carriage Vehicle Licence renewal and extension for vehicle registration WF08 ZSR be refused.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Licensing Officer, the Regulatory & Appeals Committee was not satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it was considered the vehicle was not fit for use for the general public and paying customers.

68. THE DISTRICT OF TEIGNBRIDGE (19 CHOCKLAND ROAD), KINGSTEIGNTON TREE PRESERVATION ORDER 2019

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 16 September, 2019 and would cease on 16 March, 2020. The District of Teignbridge Tree Preservation Order (19 Chockland Road), Kingsteignton, Newton Abbot 2019 protects a mature copper beech tree located within the garden of 19 Chockland Road, Kingsteignton.

The Committee considered all written representations received in relation to the trees and their amenity value. Members also considered an oral submission from the objector, who was in attendance at the meeting, and photographic evidence of the trees presented by the Council's Arboricultural Officer.

Objections were summarised in the report circulated with the agenda, and particularly related to loss of amenity for the tree owner, health and safety issues, such as, the tree being potentially dangerous and dropping substantial dead wood, it requires pruning, has outgrown its location, and detritus from the trees, including sharp nut shells, being dangerous for grandchildren and pets.

The Committee heard from the Council's Arboricultural Officer who showed photographs of the tree taken from various public vantage points. He advised why the Tree Preservation Order should be confirmed, which were detailed in

the agenda report. In particular, the tree has high amenity value, was in situ and of a substantial size when the occupier purchased the property. The garden, along with adjacent gardens, seem largely unaffected by the shade caused by the tree, and detritus falling from the trees is regarded as a natural occurrence and shouldn't be regarded as a reason to undertake the felling of trees. No information has been provided by a suitable qualified arboriculturalist that identifies any significant faults with the tree and there has been no evidence submitted that the value of the property may be reduced.

The Committee also heard from the owner and objector, who agreed the tree has amenity value and that the main structure of the tree was sound. However, the large amount of detritus, including nuts and cases restricted the use and enjoyment of the garden, because of danger to pets and grandchildren. In addition, 'summer branch drop' and branches falling in high winds resulted in a health and safety issue, particularly for his grandchildren restricting the garden's use and enjoyment.

In response the Council's Arboricultural Officer reiterated that no significant faults have been identified with the tree and that the Council would be sympathetic to any maintenance applications for the tree. The officer also reiterated that whilst the Council is sympathetic to the owner having to undertake more grooming for his dogs, detritus falling from the trees is regarded as a natural occurrence and shouldn't be regarded as a reason to undertake the felling of trees.

The Committee considered the tree provided a high amenity value and was an asset to the local area and landscape. The protection of the tree in question complied fully with Government guidance and it was therefore expedient in the interests of amenity to make provision for its preservation.

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considered the tree a highly visible and mature specimen that contributes to the visual amenity of the area. The loss of the tree would have a detrimental impact upon the visual amenity of the area. The tree has an amenity rating of 16. The suitable benchmark rating for inclusion within a tree preservation order is 15.

69. THE DISTRICT OF TEIGNBRIDGE (MARSH ROW), EXMINSTER TREE PRESERVATION ORDER 2019

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 17 September, 2019 and would cease on 17 March, 2020. The District of Teignbridge Tree Preservation Order (Marsh Row) 2019 protects an area of trees located within and adjacent to a field to the

southeast of Marsh Row cottages, and as shown on the plan that forms part of the tree preservation order.

The Committee noted that the objection to the tree preservation order had been withdrawn.

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considered the trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area. The trees collectively have an amenity rating of 20. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Cllr J PETHERICK
Chairman