

PLANNING COMMITTEE

Monday, 19th February, 2018

Present:-

Councillor Brittain (Chair)

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| Councillors | Hill T Gilby Callan Elliott Simmons Catt | Councillors | Caulfield Miles Davenport P Barr Wall Sarvent |
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*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting and were attended by the following Members:

CHE/17/00634/OUT - Outline application for residential development (application site boundary amended 21.11.17 from previously advertised / consulted), updated coal mining risk assessment received 21.01.18 at 1 Bridle Road, Woodthorpe, Derbyshire, S43 3BY for Mr and Mrs Needham.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons.

CHE/17/00855/FUL - Demolition of existing dwelling and erection of replacement house - CMRA rec'd 15/01/2018 at farmhouse of 23 Bridle Road, Woodthorpe, Chesterfield, Derbyshire, S43 3BY for Mr S Weatherall.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons.

CHE/17/00874/REM - Proposed application for reserved matters for che/16/00069/OUT on land adjacent to 89 Sheffield Road, Stonegravels, Chesterfield, Derbyshire for the Derby Diocesan Board Of Finance Ltd.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

CHE/17/00758/COU - Proposed change of use of part of premises to fast food takeaway to run alongside existing shop at 2a Springfield Avenue, Chesterfield, Derbyshire, S40 1DB for Mr Ishmail Ali.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

118 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bingham and Brady.

119 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

120 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 29 January, 2018 be signed by the Chair as a true record.

121 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/17/00874/REM - PROPOSED APPLICATION FOR RESERVED MATTERS FOR CHE/16/00069/OUT ON LAND ADJ TO 89 SHEFFIELD ROAD, STONEGRAVELS, CHESTERFIELD, DERBYSHIRE FOR THE DERBY DIOCESAN BOARD OF FINANCE LTD

In accordance with Minute No.299 (2001/2002) Mr John Holmes (objector) and Mr David Nightingale (objector), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.
Location Plan - 679 003 Rev A
Site Plan As Existing - 679 001
Site Plan As Proposed – 679 101
Plot 1 Proposed Floor Plans and Elevations - 778 100
Plots 2 & 3 Proposed Floor Plans and Elevations – 778 200
02. In accordance with the requirements / provisions of condition 9 of the outline planning permission (which require revision to reflect this agreed layout detail), further details of the proposed method of construction of the car port to Plot 3 which lies within the root protection area of the adjacent trees shall be submitted to and agreed in writing by the Local Planning Authority. Only the details approved in writing by the Local Planning Authority shall be implemented as part of the development.

CHE/17/00855/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT HOUSE - CMRA REC'D 15/01/2018 AT FARMHOUSE OF 23 BRIDLE ROAD, WOODTHORPE, CHESTERFIELD, DERBYSHIRE, S43 3BY FOR MR S WEATHERALL

In accordance with Minute No.299 (2001/2002) Mr Shane Weatherall (applicant), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
Existing Site Location Plan
Existing Block Plan
Existing Plans & Elevations DSC.712.A3.02
Proposed Block Plan
Proposed Plans & Elevations DSC.712.01
Proposed Side Elevations
Design & Access Statement and Covering Letter
Coal Mining Risk Assessment
03. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
04. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
05. The dwelling shall be occupied until space has been laid out within the site in accordance with approved planning layout for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

06. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
07. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter. Please note that it is expected that provision is made within the new dwelling (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.
08. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
09. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
10. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
11. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the

approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

12. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the building.

CHE/17/00758/COU - PROPOSED CHANGE OF USE OF PART OF PREMISES TO FAST FOOD TAKEAWAY TO RUN ALONGSIDE EXISTING SHOP AT 2A SPRINGFIELD AVENUE, CHESTERFIELD, DERBYSHIRE, S40 1DB FOR MR ISHMAIL ALI

In accordance with Minute No.299 (2001/2002) Mr John Church of John Church Planning Consultants (agent for the applicant), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing no 104/15/Y11-01c with the exception of any approved non material amendment.
03. Before the use hereby permitted commences, details of a scheme for the mechanical ventilation of the working area and for the filtration of grease and cooking odours, including details of its siting, location, maintenance schedule noise attenuation measures for the ventilation machinery, shall be submitted to and approved in writing by the Local Planning Authority and thereafter so retained in accordance with the approved details unless further written approval from the Local Planning Authority for an alternative scheme is gained.

CHE/17/00634/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPLICATION SITE BOUNDARY AMENDED 21.11.17 FROM PREVIOUSLY ADVERTISED / CONSULTED), UPDATED COAL MINING RISK ASSESSMENT RECEIVED 21.01.18 AT 1 BRIDLE ROAD, WOODTHORPE, DERBYSHIRE, S43 3BY FOR MR AND MRS NEEDHAM

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site

investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
 - B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
 - C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
8. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public rising main i.e. a protected strip width of 6 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
10. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
11. Before any other operations are commenced, a new estate street junction shall be formed to Woodthorpe Road located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other subdivision of the site.
12. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.
13. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles,

located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

14. The proposed access to Woodthorpe Road shall be no steeper than 1:30 for the first 10m and should not exceed 1:12.
15. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.
16. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
 - The submission of a scheme of intrusive site investigations for approval;
 - The undertaking of that scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.
17. Prior to the commencement of development a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include measures as outlined in Section 5 of the ecology report, along with the following:
 - details of bird and bat (positions /specification/numbers), including sufficient mitigation for swallows.
 - sensitive lighting plan.

- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).
- ecologically beneficial landscaping.

Such approved measures should be implemented in full and maintained thereafter.

18. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

122 **BUILDING REGULATIONS (P880D)**

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

Approvals

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| 17/01209/OTHC | Other Works (Commercial) - New Industrial Unit to Provide PDI Centre. Site Of Proposed Valeting Bay And Vehicle Compound Storage at Station Road Whittington Moor Derbyshire |
| 17/01986/DCC | Derbyshire County Council - Internal refurbishment and remodelling of offices at County Hall (North Complex) Smedley Street Matlock Derbyshire The S Room DE4 3JJ |
| 17/02067/MUL | Multiple Domestic - Single storey extension - kitchen, bathroom, utility room – Lounge extension at 34 Highfield Avenue Newbold Chesterfield Derbyshire S41 7AX |
| 17/01789/DEX | Domestic Extensions/Alterations – Extension at 1 Penmore Close Hasland Chesterfield Derbyshire S41 0SH |

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| 17/02135/DEX | Domestic Extensions/Alterations - Knocking conservatory down, single storey extension to be put in its place at 360 Ashgate Road Chesterfield Derbyshire S40 4BW |
| 17/02003/PART | Partnership Application - Single storey front and rear extensions, two storey side extension, alterations to roof including rear facing dormer, entrance porch and the provision of a detached double garage at 113 Church Lane, Underwood, Nottingham, NG16 5FS |
| 18/00082/DEX | Domestic Extensions/Alterations - Single storey rear extension at 2 Westwood Close Inkersall Chesterfield Derbyshire S43 3JE |
| 17/02053/PART | Partnership Application - Side extension to Kitchen at 12 Doctor Lane Harthill Sheffield S26 7XL |
| 17/02112/MUL | Multiple Domestic - Two storey extension, one storey extension and loft extension at 11 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB |
| 18/00006/OTHD | Other Works (Domestic) - Proposed Garage Conversion at 103 Cuttholme Road Loundsley Green Chesterfield Derbyshire S40 4PU |
| 17/02097/DCC | Derbyshire County Council - Bathroom adaptation at 39 New Road Crich Matlock Derbyshire DE4 5BX |
| 18/00024/OTHD | Other Works (Domestic) - Internal wall removal between lounge and kitchen at 56 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EE |
| 18/00132/DRO | Domestic in-roof Extensions/Alterations - Loft conversion at 340 Brimington Road Tapton Chesterfield Derbyshire S41 0TF |
| 17/02124/PART | Partnership Application - Rear extension at 31 |

Cobnar Avenue Sheffield S8 8RL

- 17/02118/OTHD Other Works (Domestic) - Installation of double stacked porta cabins at Engine Shed Barrow Hill Railway Centre Campbell Drive Barrow Hill Chesterfield Derbyshire S43 2PN
- 17/02141/DEX Domestic Extensions/Alterations - Single storey domestic extension at 31 Barley Lane Holme Hall Chesterfield Derbyshire S42 7JA
- 18/00148/PART Partnership Application - Single storey rear extension at 4 Bunting Close Walton Chesterfield Derbyshire S42 7NU
- 18/00150/DEX Domestic Extensions/Alterations - Second storey extension at 53 Foljambe Avenue Walton Chesterfield Derbyshire S40 3EY

123 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/17/00632/FUL Demolition of existing stone wall and re-building in materials to match the property and formation of a hardstanding area - Revised plans received 20.11.17 At 10A Broomhill Road Old Whittington Derbyshire S41 9DA For Mr Clive Moorwood
- CHE/17/00782/FUL Proposed two storey B1, B2 & B8 At Unit 1 Digital House Foxwood Road Sheepbridge S41 9RF For A M International Agencies Directors Pension Fund
- CHE/17/00820/FUL Rear extensions to private dwelling house At 215

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| | Hady Lane Hady S41 0DA For Mr Simon Davidson |
| CHE/17/00824/FUL | Two storey side and single storey rear extension At 41 Larch Way Brockwell Chesterfield Derbyshire S40 4EU For C Rooney |
| CHE/17/00825/FUL | Proposed garage/store - re submission of CHE/17/00551/FUL At 61 Lindale Road Newbold S41 8JH For Mr Darren Pugh |
| CHE/17/00827/FUL | Single storey extension to dwelling - Re-submission of At 47 Tapton View Road Newbold Derbyshire S41 7JY For Mrs Yasmin Shafiq |
| CHE/17/00831/FUL | Security fencing to the top of existing boundary walls facing At Chesterfield Police Station New Beetwell Street Chesterfield S40 1QP For Mr Hardyl Dhinsa |
| CHE/17/00835/FUL | Erection of 2 storey rear extension At 5 Lancelot Close Walton S40 3ET For Mr Josh Smithurst |
| CHE/17/00836/FUL | Loft extension / roof alteration At 92 Langer Lane Chesterfield Derbyshire S40 2JJ For Mr Paul McCann |
| CHE/17/00843/FUL | Changes to the external façade Unit 4 Brimington Road North Industrial Park Brimington Road North Chesterfield S41 9AJ For Stoneacre Motor Group |
| CHE/17/00851/ADV | Six fascia signs At York House St Marys Gate Chesterfield Derbyshire For Mr James Boyle |
| CHE/17/00858/FUL | Two storey side extension At The Old Stables 35-35A Prospect Road Old Whittington Derbyshire S41 9DS For Mr and Mrs M Payne |
| CHE/17/00860/FUL | Resubmission of CHE/16/00798/FUL - first floor front extension due to different building materials At 112 Broomfield Avenue Hasland Derbyshire S41 0ND For Mr J Dooley |

- CHE/17/00861/FUL Two storey side extension and extension of dropped kerbs. At 40 Greenways Walton Chesterfield S40 3HF For Mr James Hodgson
- CHE/17/00888/FUL Rear single storey extension At 30 Manor Avenue Brimington Derbyshire S43 1NQ For Mrs Vivienne Swift
- CHE/17/00892/ADV Two non-illuminated advertisement signage At Cammac Coal Dunston Road Chesterfield S41 9RL For Strata Homes Ltd
- (b) Refusal
- CHE/17/00838/TPO (T43) Ash - To fell. shading to house, continual falling At The Hawthornes 8 Lancaster Road Newbold Derbyshire S41 8TR For Mr Gary Fearnehough
- (c) Discharge of Planning Condition
- CHE/17/00821/DOC Discharge condition 3 (Drainage) from approved application CHE/17/00568/FUL At London Borough Estate Barrow Hill Derbyshire For Chesterfield Borough Council
- CHE/17/00833/DOC Discharge conditions 15 (remedial works & mitigation measures), 16 (site investigations on the mine entry (ADIT)) and 17 (mine entry (shaft) remediation scheme) on application CHE/16/00421/FUL - Erection of a bungalow At Land adjacent To 105 Kendal Road Newbold Derbyshire For Blackamoor Ltd
- CHE/17/00884/DOC Discharge planning conditions 2 (Drainage), 3 (foul and surface water), 4 (surface water), 6 (site storage), 9 (parking and turning), 10 (estate roads), 11 (gates), 13 (wheel wash facilities), 14 (soft landscaping), 15 (windows), 16 (sustainable homes), 17 (energy efficiency), 18 (working

hours), 19 (designing out crime), 20 (external dimensions) and 21 (S106 agreement) of application CHE/14/00409/REM1 - Two sets of three terrace houses with three bedrooms plus private parking and private rear gardens. One detached unit containing four one bedroom apartments with private parking for each apartment and communal rear gardens At Former Garage Site Barker Lane Chesterfield Derbyshire For Mr John Frederick

124 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/17/00828/TPO

Consent is refused to the crown lifting of T1-T3 by 8 metres because this is considered excessive when the trees are only 12-13 metres high. Consent is also refused to the reduction of branches of T1-T3 which are growing towards the lighting stands because there are none near to the trees.

Consent is granted to the crown lifting of nine trees by 4 metres and a crown clean to remove dead branches within the crown. Consent is also granted to the reduction of branches growing over the tennis court of T1-T3 pruning back to suitable replacement branches.

CHE/17/00847/TPO

Consent is refused to the all-round crown reduction of the tree because other pruning operations are available to reduce the perceived problems and the reduction of the tree will greatly reduce its natural growth habit and amenity value.

Consent is granted to the crown lifting of the tree by 3.5 metres, the removal of two lower branches growing towards the property, the reduction of one further lower branch by 2 metres and the crown thinning of the tree to allow light to filter through the canopy.

CHE/17/00792/TPO

Consent is granted to the felling of one dead Hawthorn by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council. The replacement tree is to be a Hawthorn and planted as near as is reasonably possible to the original tree.

Consent is also granted to the removal of one small Sycamore tree before its location becomes a problem growing towards the new development and the pruning of two Field Maples to remove branches growing towards the new building plot.

CHE/17/00826/TPO

Consent is refused to the crown reduction by 1 metre of two Oak trees because this is considered unnecessary as the two trees are located away from any properties and the works would reduce the natural appearance of the trees and reduce their amenity value.

Consent is granted to the crown lifting and crown thinning of the two trees.

CHE/17/0004/TPO

Consent is granted to the crown lifting, crown

thinning and reduction of branches growing towards 21 Pearson Croft to give a 2 metre clearance from the dwelling.

CHE/17/00838/TPO

Consent is refused to the felling of one Ash tree because the tree has been inspected and found to be in a good condition with the exception of minor dead wood in the crown. The tree is located in the rear garden of the property but still adds character to the local area and streetscene. It is felt that the felling of the tree is excessive for the perceived problems and the re-pollarding of the tree is more acceptable which would remove the dead wood which is falling from the tree and alleviate the light issues.

125 APPEALS REPORT (P000)

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

126 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

127 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Act.

128 APPEAL BY PEPPERMINT GROVE LTD REGARDING THE SHRUBBERIES, NEWBOLD ROAD, CHESTERFIELD

The Development Management and Conservation Manager submitted a report informing Members of advice received from the Council's Barrister relating to the appeals by Peppermint Grove Ltd. in relation to The Shrubberies, Newbold Road, Chesterfield and sought Members' views on the options available to the Council.

***RESOLVED –**

That the option summarised at paragraph 5.1 of the report, be agreed.