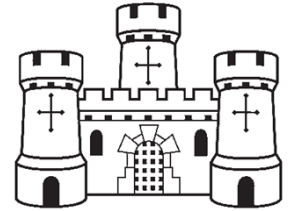


# Public Document Pack

**Date of meeting** Thursday, 2nd February, 2017  
**Time** 6.30 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Civic Offices  
Merrial Street  
Newcastle-under-Lyme  
Staffordshire  
ST5 2AG

## Planning Committee

### SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- 6A Application for Major Development - Land off Festival Way, Stoke on Trent. GT Energy UK Ltd. 16/00893/FUL (Pages 3 - 4)
- 7A Application for Major Development - Audley Working Mens Club, New Road, Bignall End. Sandycroft Construction Ltd. 16/01036/FUL (Pages 5 - 6)
- 10A Tree Preservation Order - 14 Hawthorne Gardens, Talke. TPO177 (Pages 7 - 10)

**Members:** Councillors Burgess, Fear, S Hambleton (Vice-Chair), Heesom, Mancey, Northcott, Panter, Pickup, Proctor (Chair), Reddish, Simpson, Snell, Sweeney, Turner, G Williams and J Williams

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

**FIELD\_TITLE**



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Contacting the Council:

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Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**2<sup>nd</sup> February 2017**

Agenda item 6

Application ref. 16/00893/FUL

**Land under Wolstanton, Porthill, Dimsdale and Basford**

As set out in the main agenda report, the development as proposed within this application, two boreholes, are in connection with a proposed geothermal heat plant (or energy centre) located within Festival Park. As Stoke City Council are the local planning authority dealing with the main element of the development, the energy centre, and the development within the Borough cannot happen without the development within the City taking place it is appropriate that they take the lead role in this development and any decision issued by the Borough Council is consistent with and reflects the approach adopted by the City Council.

Since the preparation of the main agenda report it has become clear that the City Council will not be reporting their application to their Planning Committee until early March, beyond the 13<sup>th</sup> February application determination date. It will not be possible to identify what other conditions are reasonable and appropriate to the development and which ensures consistency with the decision of the City Council, as set out in the third bullet point of the recommendation, until the City Council have reached a decision. The wording of the conditions recommended within the first bullet point will also need to be consistent with such conditions as set out in the decision issued by the City Council also and again it will not be possible to agree the appropriate wording until the City Council have taken their application to their Committee.

In light of this your Officer is seeking an agreement from the applicant to extend the determination period for the application until 15<sup>th</sup> March.

In addition the City Council are exploring the possibility of securing a sum of money, through a Section 106 planning obligation, to be used to employ a competent person to comment upon the procedure of monitoring of any seismic activity and the undertaking of such monitoring ~~of any seismic activity~~. Should the City Council establish that such an obligation is appropriate and lawful it may be appropriate for the Borough Council to be a party to the obligation, however the City Council has not yet received ~~Legal~~ legal advice confirming that this is appropriate and as such it is not possible at this time to provide a clear recommendation as to the need or otherwise of a S106.

As such the recommendation is amended as follows:

- (a) **That the Head of Planning be given the delegated authority to secure a Section 106 obligation, if required, by a date yet to be identified, to ensure that monitoring of any seismic activity associated with the development is carried out appropriately and, subject to the completion of any such Section 106 obligation, to PERMIT the application subject to the following conditions:**
- **No extraction of geothermal water to commence until the specific details of the protocol and the threshold levels for the implementation of the threshold-based traffic light system associated with the monitoring of seismic activity have been submitted and approved by the Local Planning Authority. Operation of the energy centre and extraction of geothermal water to proceed in accordance with the approved protocol and threshold levels unless otherwise agreed by the Local Planning Authority or other similar measures that ensure consistency with the decision of the City Council in respect of application 60407/FUL.**
  - **Development to be carried out in all other respects in accordance with the submitted information including the identified mitigation measures.**

- Any other conditions that are reasonable and appropriate to this development that ensures consistency with the decision of the City Council in respect of application reference 60407/FUL

b) In the event of such an obligation being considered necessary by the Head of Planning and not being forthcoming by the date referred to in recommendation a) that the Head of Planning have delegated authority to refuse the application on the grounds that insufficient protection has been secured against seismic activity; unless he considers appropriate to extend that period

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**2<sup>nd</sup> February 2017**

**Agenda item 7**

**Application ref. 16/01036/FUL**

**Audley Workingmens Club, New Road, Bignall End**

Since the preparation of the main agenda report the applicant has submitted an amended plan for the side gable of plot 1 which introduces a window at ground floor and a dummy window feature at first floor.

The features are of an appropriate design and whilst the design features of the previously approved scheme were preferable the proposed features would break up an otherwise large expanse of brick on this prominent elevation and are considered acceptable.

**The RECOMMENDATION remains as per the main agenda report**

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## Confirmation of Tree Preservation Order

**LAND AT 14/15 HAWTHORN GARDENS, TALKE.**

### **Tree Preservation Order No.177 (2016)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects trees situated in the garden of 14 and 15 Hawthorn Gardens, Talke, ST7 1TD. The Order was made to safeguard the longer term visual amenity that the trees provide arising from uncertainty as to the future of the site and that the trees could be felled as an obstacle to development.

The Order was made using delegated powers on 9<sup>th</sup> September 2016. Approval is sought for the Order to be confirmed with amendments.

**The 6 month period for this Order expires on 9<sup>th</sup> March 2017**

## RECOMMENDATION

That Tree Preservation Order No 177 (2016), land at 14 Hawthorn Gardens, Talke, be confirmed with amendments and that the owner of the site be informed accordingly.

## Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage and wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

## Representations

Letters/emails have been received from three interested parties:

The first points out that the ash tree, T1, is within the garden of 15 Hawthorn Gardens and not number 14.

The second expresses concern about the extent of the work that has been done to the trees covered by the TPO and that it may have been carried out without permission.

A further two letters were received from a neighbour, the second of which was also signed by 5 other neighbours, concerned about the extent and quality of the work carried out both to trees covered by the Order and to other trees on the site. Also with regard to the loss to benefits of health, wildlife and security caused by the loss of trees from the site that have not been included in the TPO, as well as the manner in which the work was executed.

Your officers comments as follows:

The position of the ash tree, T1, has been checked on site and it is proposed to amend the Order accordingly.

Not all trees on the site met the criteria necessary to be included in the TPO and benefits to health, wildlife and security are not primary issues when assessing trees. Many were in a poor condition and as a consequence most of these have been removed by the owner. Despite issues with the methods of working on the trees your officers made every effort to work with the owner and her tree surgeon to achieve an appropriate outcome. Suitable pruning to the TPO trees was discussed with them prior to the work being carried out and an application for work to protected trees was made to the Borough Council. With the exception of one tree being crown-raised higher than would normally be sought, your officers are generally satisfied with the work carried out, and it is hoped that the crown raised tree will regain an appropriate form given sufficient time.

### **Issues**

The trees are situated in the grounds of 14 and 15 Hawthorn Gardens, which backs onto the Newcastle Road (A34). The Order includes 4 individual trees and 2 groups of trees. They are mature trees of oak, horse chestnut and sycamore and are clearly visible from Newcastle Road. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. There were other trees on the site that are not of sufficient amenity value to be included in the Order.

In September 2016 it was brought to the attention of the Council that tree work was being carried out at 14 Hawthorn Gardens and your officers visited the site and spoke to the owner. It became apparent that major tree works were to be carried out and although the owner cooperated with your officers the exact amount of work was uncertain. This gave rise to concern that important trees could be lost to remove them as an obstacle to development of the garden. Your officers inspected the trees and carried out a TPO assessment, and found several of them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years.

The Order was made and served on 9<sup>th</sup> September 2016 in order to protect the long term well-being of the trees.

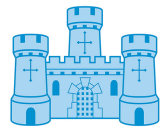
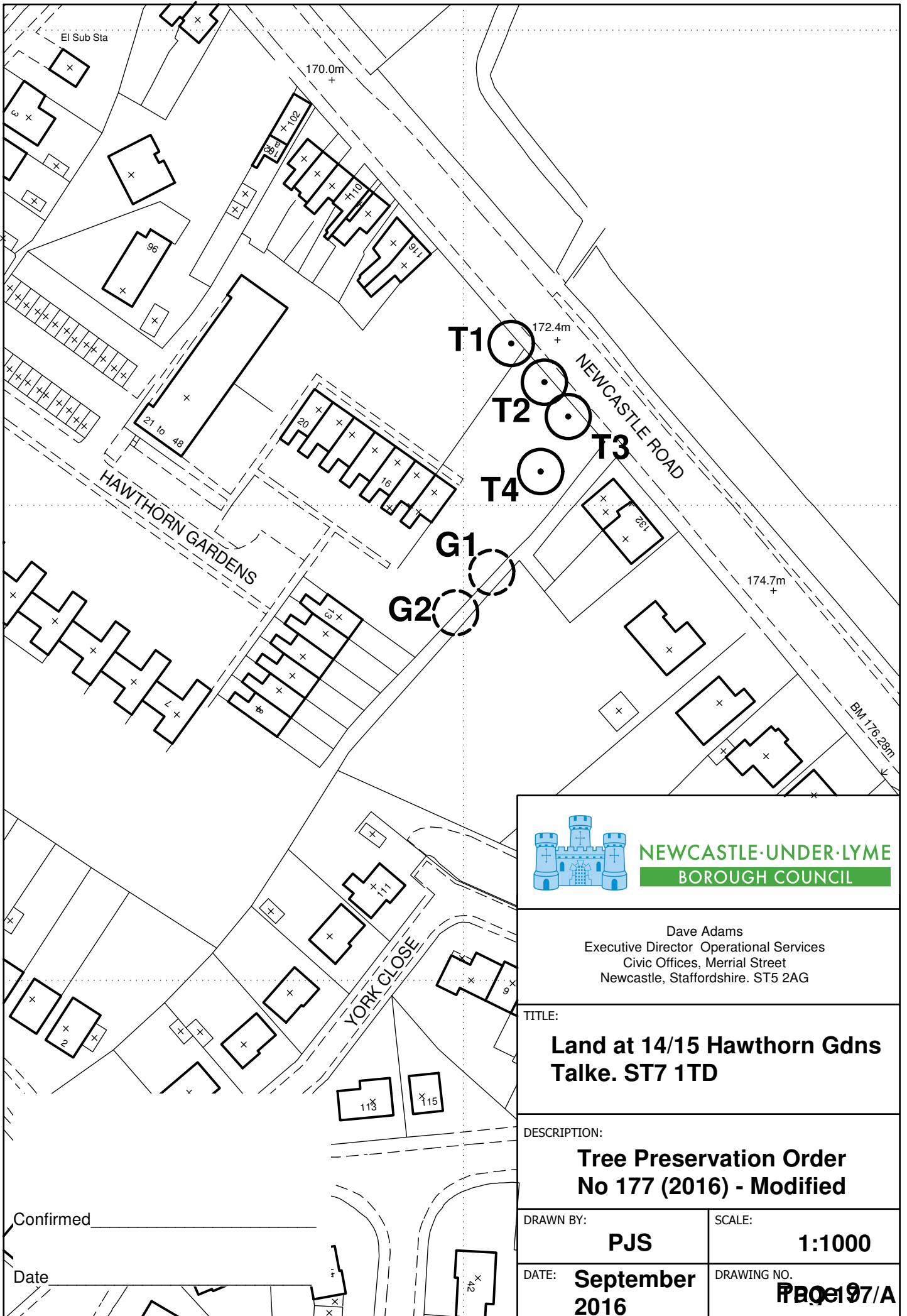
### **Amendments**

Since the Order was made it has become apparent that the ash tree (T1) is within 15 Hawthorn Gardens and its position has been corrected on the plan. The owner of number 15 was served the Provisional Order and is aware that the ash tree is included in it.

### **Date report prepared**

9<sup>th</sup> January 2017





**NEWCASTLE UNDER LYME**  
BOROUGH COUNCIL

Dave Adams  
Executive Director Operational Services  
Civic Offices, Merrial Street  
Newcastle, Staffordshire. ST5 2AG

TITLE:  
**Land at 14/15 Hawthorn Gdns  
Talke. ST7 1TD**

DESCRIPTION:  
**Tree Preservation Order  
No 177 (2016) - Modified**

DRAWN BY:  
**PJS**

DATE:  
**September  
2016**

SCALE:  
**1:1000**

DRAWING NO.  
**Page 197/A**

Confirmed \_\_\_\_\_

Date \_\_\_\_\_

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