

**DELEGATED**

**AGENDA NO 4**

**PLANNING COMMITTEE**

**DATE 18 DECEMBER 2013**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**13/2568/EIS**

**Tall Trees Hotel Worsall Road, Kirklevington**

**Construction of a Housing Development comprising approximately 330 dwellings and associated roads, landscaping and public open space (Demolition of the existing hotel facilities).**

**Expiry Date: 10 January 2014**

**UPDATE REPORT**

**SUMMARY**

1. This report updates the report for agenda item 4.

2. A consultation response from Yarm Town Council been received and is set out below: -

Having considered the documents presented to Yarm Town Council it was agreed that Yarm Town Council object to planning application 13/2568/EIS on the following grounds. The impact of traffic and traffic flow. Overdevelopment of the site. Loss of a green site. Environmental effects. The fact that the development is outside the limits of the boundaries of the Town and on Health and Safety grounds. Yarm Town Council request sight of the Emergency plans in relation to the Gas pipe running through the proposed development and would bring into question section 216 and 217

3. The additional response relates to issues addressed in the main report and therefore do not alter the recommendation of the main report. In respect of emergency plans the pipeline as required under the Pipeline Safety Regulations has an emergency response plan that is prepared by the Cleveland Emergency Planning Unit on behalf of the local authority in conjunction with the operator and the emergency services. On notification of an incident on the pipeline to the services the plan will be initiated. The pipeline plan is supported by a number of additional plans including the Stockton generic major incident plan. Dependant on the specific scenario and the conditions on the day a range of actions may be undertaken to mitigate the impact of the incident. These will be assessed on the day by responders and may include isolation, evacuation or shelter.

4. Comments have also been received from a resident at Saltergill Park, Low Worsall stating "extreme concern at increased traffic in an already heavily congested area. Yarm High Street totally incapable of coping with the developments envisaged". The additional response relates to an issue addressed in the main report and therefore does not alter the recommendation of the main report.

## 5. Health and Safety Response

The Health and Safety Executive has submitted the following correspondence:

I wrote to you about this application on 1 November 2013, confirming that HSE advised against the granting of planning permission on safety grounds because of the presence in the vicinity of a major accident hazard pipeline (ref 2110- FM06 Elton/NZ609021). The original HSE advice was obtained through PADHI+ on 16 October 2013

In my letter I indicated that HSE would consider withdrawing this advice if the necessary modifications were made to reduce the risks to the proposed development from the pipeline, and if suitably worded conditions were attached to the planning permission to limit the occupation of the proposed development site until the necessary work on the pipeline has been completed.

Since then there has been email correspondence between Stockton-on-Tees Borough Council, Elder Lester McGregor, the applicant's agent, National Grid Gas plc and HSE about the modifications which are required to the pipeline.

National Grid Gas plc have now confirmed that a section of the pipeline can be upgraded to thick-walled pipe in the vicinity of the proposed development site, and have provided HSE with details of the proposed modifications to be made to the pipeline between OS Grid refs 441294, 510875 and 441400, 510661.

HSE has carried out a reassessment of the risks from the pipeline based on those details. The resultant reduction in risks which would apply to the pipeline, in the vicinity of the proposed development, should the thick-wall section be laid are reflected in the consultation zones shown in the enclosed HSE draft Consultation Zone map (HID CEMHD 5 Ref #2110a Rev 1, dated 11 December 2013).

Elder Lester McGregor, the Agent's for the applicant, have produced a revised proposed layout for the development, taking account of the revised consultation zones. Drawing entitled 'Indicative Site Layout'; Drawing No 1017/011M; Last plotted 11/12/2013. This layout shows that no dwellings will be sited within the joint inner/middle consultation zone.

On the basis of this draft consultation zone map, and the 'Indicative Site Layout' drawing, HSE would not advise against the granting of planning permission. However, until the thick-walled section of the pipeline is in place, HSE will continue to advise against the granting of planning permission in this case unless suitably worded conditions are attached to the permission which will limit the occupation of the proposed development site until the pipeline has modified. I attach three draft conditions for consideration (see Annex); if the planning authority decides to grant planning permission in this case, HSE should be consulted on any changes to the wording of these, and any other relevant conditions before a decision is formally issued.

Should the planning authority be minded to grant permission without any conditions requiring appropriate improvements to the pipeline, then HSE should be given the opportunity to consider requesting that the Secretary of State call-in the application for his own determination, as detailed in HSE's letter of 16 October 2013.

Annex

Stockton-on-Tees Borough Council planning application 13/2568/EIS: Proposed development at Tall Trees Hotel site, Worsall Road, Kirklevington.

HSE suggested draft conditions for outline planning consent - 12 December 2013.

#### Condition A - Scheme of Upgrade Works

Prior to the commencement of any development within 135 metres of the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021) , a scheme for the upgrade of that pipeline to thick wall pipe (minimum 22.2 mm thickness) , in accordance with IGEM/TD/1 Edition 5 Communication 1735 'Steel pipelines and associated installations for high pressure gas transmission' (or any superseding guidance), .between grid reference 441294,510785 and grid reference 441400,510661 , shall be submitted to and approved in writing by the local planning authority in consultation with National Grid Gas pic and the Health & Safety Executive.

Reason - In the interests of public safety

#### Condition B - Location of Development Prior to Upgrade Works

'Until such time as the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021) has been upgraded to thick wall pipe (minimum 22.2 mm thickness) in accordance with a scheme agreed under Condition A, any development within 135 metres of the pipeline may proceed at the developer's risk, but shall not be occupied until such time that the proposed pipeline modifications are completed and notified as such to the Health & Safety Executive'.

Reason - In the interests of public safety

#### Condition C - Development Following Upgrade Works

Upon completion of the pipeline upgrade works agreed under Condition A , no residential dwellings or play area shall be constructed within the Inner Zone as identified on HSE's consultation zone map for the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021), in the vicinity of the Tall Trees Hotel site (HID CEMHD 5 Ref #2110a Rev.1 dated 11 December 2013 - a draft of this map is attached for information - the final version will be produced after the scheme under Condition A is approved).

6. It is recommended that the above additional conditions be agreed should the application be approved.

7. The Indicative Site Layout has been amended to reflect the revised consultation zones.

#### 8. Heads of Terms

9. For clarification, in the Heads of Terms section of the main report under 'Highway Mitigation' the Pelican Crossing and 3m wide footway/cycleway should be included in the list of S278 works.

#### 10. Extension of time period

11. In order to allow sufficient time for the S106 to be concluded with all relevant signatories and given the Christmas holiday period it is recommended that should the application be approved then the time period for completion of the legal agreement is extended to the 31<sup>st</sup> January 2014 rather than the 10<sup>th</sup> January 2014 as currently recommended in the main report. Furthermore in the event that the legal agreement having not be signed, or there still being outstanding matters on the 31<sup>st</sup> January that the application be delegated to the Head of Planning to be refused.

#### **CONCLUSION**

The recommendation of the main report remains unchanged, which is that the application be approved with conditions along with the additional conditions, changes to the HoTs and extended period for completion of the S106 as set out above.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Gregory Archer Telephone No 01642 526052**

### **WARD AND WARD COUNCILLORS**

**Ward**                      **Yarm**  
**Ward Councillor**      **Councillor A B L Sherris**

**Ward**                      **Yarm**  
**Ward Councillor**      **Councillor Mark Chatburn**

**Ward**                      **Yarm**  
**Ward Councillor**      **Councillor Ben Houchen**

### **IMPLICATIONS**

#### **Financial Implications:**

As Report

#### **Environmental Implications:**

As Report

#### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

#### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

#### **Background Papers**

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document : Open Space, Recreation and Landscaping

Supplementary Planning Document 6 : Planning Obligations