

## PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 9 October 2024.

**Present:** Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley and Cllr Barry Woodhouse.

**Officers:** Elaine Atkinson, Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Julie Butcher and Sarah Whaley (DoCS).

**Also in attendance:** Applicants, Agents and Members of the Public.

**Apologies:** .

### **P/28/24 Evacuation Procedure**

The evacuation procedure was noted.

### **P/29/24 Declarations of Interest**

There were no declarations of interest.

### **P/30/24 Planning Protocol**

The planning protocol was noted.

### **P/31/24 24/0847/FUL Land North Of Lidl, Yarm Road, Stockton-on-Tees Erection of a drive-thru restaurant (Class E/ Sui Generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works**

Consideration was given to planning application 24/0847/FUL Land North of Lidl, Yarm Road, Stockton-on-Tees.

Planning permission was sought for the erection of a drive-thru restaurant (Class E/ Sui Generis) with associated access, servicing, car parking, hard and soft landscaping at Yarm Road in Stockton.

The application was a main town centre use and accordingly a sequential assessment had been undertaken which demonstrated that there were no suitable or available sites in the town centre or on the edge of centre, which would suit the needs of the applicant and therefore the principle of development in this location was considered acceptable.

The application had been considered in full and it was not considered that the development would result in any significant conflict with the policies of the Local Plan and there were no technical reasons why the proposed scheme was unacceptable in planning terms and would justify a refusal of the application.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that it was considered that given the nature of the proposal and the business model, the proposed development satisfied the requirements of planning policy in that there were currently no sequential preferable site available and that there was no demonstrable evidence that the associated impacts would have any significant detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Stockton Town Centre. In addition, the proposal was also considered to have some social and economic benefits which weighed in its favour

In planning terms, the proposed development was considered to be acceptable in all other regards. The proposed development was therefore recommended for approval subject to those planning conditions set out within the main report.

The Principal Planning Officer informed the Committee that condition 2 and 16 had been amended since the original report.

The Applicants Agent attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- The Applicant had worked closely with Council Staff to achieve a suitable proposal.
- McDonalds had carried out a consultation with residents and had agreed to reduce the proposed operating hours from 24-hours to 06:00 until 24:00 hours Monday to Sunday.
- There had been no objections from the Councils Highways, Transport and Environment Service nor from National Highways.
- The noise assessment showed negligible impact.
- There would be significant benefits in terms of job creation during construction and in the restaurant once the build was complete.
- The development was proposed on a vacant brown field site.

An Objector attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- Residents received letters 3 days prior to the Planning Committee hearing, and as most worked during the day they were not able to attend.
- There were traffic concerns on Yarm Road and the arrival of McDonalds would exacerbate the current situation.

- Residents would be subject to smells from the restaurant as well as rats.
- The local community regularly held events including litter picks and the proposed development would spoil this.
- Homes were bought on the nearby estate with no knowledge of plans for a takeaway.

Ward Councillor Sufi Mubeen attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Crime and Anti-Social Behaviour (ASB) was high in the Ropner Ward. Just recently there had been two sex workers raped within the Ward, which was currently under police investigation.
- The Police and Council were working together to try and tackle local crime concerns.
- The Applicant did not care that their proposal would be a magnet for crime and ASB.
- Comments had been received from Cleveland Police who had stated that the applicant had closed their eyes and ears to the potential problems in the area.
- These types of premises increased / attracted ASB.
- The Applicant was urged to work with the Police and the Council to look at robust processes to manage the restaurant effectively and mitigate against concerns raised.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- In terms of comments raised by Cleveland Police, those comments were related to crime, however they had not objected to the proposed application. Cleveland Police had recommended good quality lighting and CCTV. They also stated they would work with the applicant in 'Designing out Crime'.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

- It appeared that although Cleveland Police had encouraged the applicant to get in touch at their earliest convenience, the applicant had not done this
- Concerns were raised in relation to traffic entering and exiting the site particularly when the traffic lights at the junction to the application site were red, which could cause queues and back logs onto Yarm Road, causing traffic issues and holding people up who just wanted to access Lidl.
- Questions were also raised as to whether additional mitigation to queuing traffic could be included such as a yellow box.
- Comparisons were made to a McDonalds located at Durham Road which had experienced traffic queues exceeding 13 vehicles particularly during the COVID pandemic.

- Assurances were sought in terms of flooding and the impact it may have on the nearby railway.
- Assurances were also sought to preserve as many trees as possible along the boundary of the railway as they would absorb water and were also considered a good sound barrier.
- The proposed site could be contaminated as the site had previously had a long history of heavy industry use.
- It was requested that high quality CCTV as recommended by Cleveland Police be conditioned.
- Clarity was sought as to whether the exterior of the proposed site would be completely enclosed by fencing to stop people crossing through the neighbouring estate to get to the restaurant.
- Was the railway line fenced on both sides and if so would it provide sound proofing for residents?
- Crime in the Ropner Ward was one of the highest in the Borough, and bringing a McDonalds to the area would exacerbate the current situation.
- Local Ward Councillors had been working hard with Cleveland Police and the Council to try and reduce ASB, however the proposal would be a magnet and hub for people to commit crime.

Would there be gates at the main entrance when the restaurant was closed, to stop people using the carpark for crime?

- Although the operating hours had already been reduced to a closing hour of midnight it was suggested that this should be reduced further.
- Good CCTV monitoring and lighting would act as a deterrent for ASB.
- The Durham Road McDonalds alongside a 24-hour Tesco had seen very little ASB.
- It was requested that the proposed mesh fence was changed to a solid fence to stop litter getting trapped between the proposed mesh fence and the current solid fence, particularly on the west end which would also reduce the impact on the street scene.
- Litter picking of 150 metres was not far enough and should be increased further.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- The Principal Engineer for Highways, Transport and Environment explained there would only be a maximum queue of 3 vehicles at the entrance to the site although 4 vehicles could be accommodated which would mitigate against any traffic queues / blockages. The maximum queue at the McDonalds Drive Thru would be 13 accommodated by a one-way system. There would be no conflict between the two queues.

- A Traffic Management Plan could be included if Members were minded to request it, however it could not be guaranteed that this would be a yellow box.
- In terms of the comparisons made to queuing traffic at McDonalds on Durham Road, it was explained to the Committee that traffic modelling had been undertaken for the newly proposed McDonalds and during peak times 13 vehicles would be the maximum queuing traffic and this would not back onto Yarm Road as queues could be contained within the McDonalds site.
- Cleveland Polices response was standard for applications such as this. Their Comments had been passed on to the applicant.
- Regards the response from Northumbrian Water referring to flood zone 1, this was a generic response. Northumbrian Water were happy with the drainage proposals.
- Network rail, submitted a standard response and officers had conditioned lighting and would consult with Network rail further.
- Many of the of trees on the boundary to the railway line were covered by Tree Preservation Orders (TPO's) and would be retained
- Following preliminary investigations regards land contamination, there were no initial concerns, however, should something be discovered, construction would stop, a reassessment would be undertaken and anything that was found would be dealt with appropriately.
- The site would not be completely enclosed; however, access would not be via the estate.
- Officers confirmed that the fencing was heavy weight fencing which would give some acoustic provision on the southern west end side.
- The Committee were informed that there was no direct evidence between a fast-food outlet and crime.
- The operating hours had already been reduced from 06:00 to 24:00 hours which was considered reasonable.
- There were no plans for a gated entrance.
- Noise levels had been assessed at the worst-case scenario.
- Network Rail had requested a 2.4 metre mesh fence which had been conditioned . McDonalds would be responsible for making sure the boundary was kept clean and tidy. An alternative fence could be conditioned if required, however this would need consultation with Network Rail.
- Officers did not consider it a reasonable request to ask McDonalds to extend the distance to litter pick on the public highway, this would also require a licence to do so.

A motion was proposed and seconded to amend and include the following conditions:

Condition 6, remove the Network Rail requirement for mesh fencing and provide suitable fencing as agreed by the Local Authority in consultation with Network Rail.

A vote took place and the motion was carried.

That a condition be included that a requirement for good quality CCTV be placed and installed.

A vote took place and the motion was carried.

That a Traffic Management plan condition be included to mitigate against traffic queues should problems arise.

A vote took place and the motion was carried.

That the operating hours be reduced from 24:00 hours to 22:00 hours

A vote took place and the motion was defeated.

A vote then took place on the Officer recommendation with the amended conditions as detailed below and the application was approved.

RESOLVED that planning application 24/0847/FUL be approved subject to the following conditions and informatives;

#### 1 Time Limit

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

#### 2 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
4230567-1200	20 June 2024
11927_AEW_2245_1005	14 May 2024
11927_AEW_2245_1002	14 May 2024
11927_AEW_2245_1003	14 May 2024
11927_AEW_2245_1004	14 May 2024
11927_AEW_2245_1006	14 May 2024
A6541-04C	14 May 2024
11927_AEW_2245_1001	14 May 2024
Landscape Management Plan (Ref:A6541)	14 May 2024

#### 3 Materials

The external materials to be used in the building hereby approved shall be as detailed on Plan 11927\_AEW\_2245\_1005 received 14 May 2024.

#### 4 Hours of Operation

The Drive-thru and restaurant shall not be open for use outside of the hours of 0600 to 2400 hours Monday to Sunday.

## 5 Soft Landscaping

The landscaping scheme as show on plan A6541 04 C shall be completed in the first planting season following:

- (i) Commencement of the development;
  - (ii) or agreed phases;
  - (iii) or prior to the occupation of any part of the development;
- and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

## 6 Network Rail Boundary Fencing

Prior to bringing the scheme into use the developer must provide a suitable fence adjacent to Network Rail's boundary (approx. 2.4m high) in accordance with a scheme to be submitted and agreed in writing by the local planning authority and ensure the boundary fence is retained and maintained for the life of the development. Network Rail's existing fencing/wall must not be removed or damaged.

## 7 External lighting;

Prior to installation, details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

## 8 Lighting Monitoring condition

Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA), in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the lighting scheme shall cease the use/operation of the lights (upon instruction of the Local Planning Authority and notwithstanding any other restriction(s) or limitation(s) imposed by any other condition attached to this planning permission) and shall, not later than 28 days from being notified by the Local Planning Authority of any complaint from Network Rail, submit to the Local Planning Authority for its approval in writing details of a scheme of remedial measures to address the concerns raised by Network Rail, and details of a timescale for implementation of the remedial measures identified. The use/operation of the lights shall not re-commence until such time as the remedial measures have been carried out in accordance with the approved details and timetable. The remedial measures shall thereafter be maintained as such.

## 9 Air Quality Assessment

Work shall be undertaken in accordance with the Mitigation Measures identified as H and D in Appendix 3 - IAQM Construction Phase of the Air Quality Assessment (ref: NJD24-0047- 002R).

## 10 Odour Risk Assessment

The Plant to be installed in the kitchen extract system shall be in accordance with the Section 5.4.3 of the submitted Odour Risk Assessment (ref: NJD24-0047-003R). The

plant and identified extraction system shall be installed before the development is brought into use and thereafter, the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

#### 11 Construction Management Plan

Construction Work shall be undertaken in full accordance with the submitted Construction Environmental Management Plan (Ref: 003\_4230567\_HG\_CEMP)

#### 12 Traffic Management Plan

Prior to bringing the development into use a traffic management plan shall be submitted and approved in writing by the local planning authority. The management plan shall provide details of how the access into the application site from the internal access road will be managed to prevent queuing on the adopted highway and detail any associated mitigation measures to be implemented. The site shall thereafter be operated in accordance with the approved details.

#### 13 CCTV

Prior to commencement of development (other than site preparation works), a scheme for the provision and installation of CCTV shall be submitted and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained for the life of the development.

#### 14 Ecology and mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in Section 5.0 Mitigation, Compensation and Enhancements of the submitted Ecological Appraisal (Revision B - 3rd May 2024) Report Reference Number: A6541.

#### 15 Ecology Survey

If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

#### 16 Habitat and wildlife

As detailed in BS 3998:2010 Prior to work commencing, any trees its surroundings should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

#### 17 Biodiversity Net Gain

The development hereby permitted shall be carried out in accordance with the submitted Ecological Appraisal Revision B - 3rd May 2024 Report Reference Number: A6541 (Section 6) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Plan shall be implemented in full.



No development shall commence until a Biodiversity Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

#### 18 BREEAM requirement

Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted for approval demonstrating how BREEAM 'Very Good' will be met where feasible/viable. Unless otherwise agreed, the development must take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted and approved in writing by the local planning authority.

#### 19 Construction working Hours

No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

#### 20 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

#### 21 Restaurant - Control of use;

Notwithstanding the provisions of Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed unit shall be used as a restaurant and hot food takeaway only.

### INFORMATIVES

#### Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

#### Informative: Registering a New Food Business

The applicant should register the business with the Environmental Health Unit. Visit <https://www.stockton.gov.uk/register-food-premises> then click 'Apply to Register a Food Business Establishment'. Please note the statute states new businesses should be registered 28 days prior to being operational. For further advice, please email [Environmental.Health@stockton.gov.uk](mailto:Environmental.Health@stockton.gov.uk)

Informative: Network Rail;

Network Rail have a number of requirements and should be contacted before work commences. Contact Details are below;

Asset Protection Eastern - For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk).

Land Information: For land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk). Property Services - For agreements to use, purchase or rent Network Rail land, email [propertyservicesneem@networkrail.co.uk](mailto:propertyservicesneem@networkrail.co.uk).

Informative: Secure by Design

Cleveland Police would encourage the applicant to get in touch at their earliest convenience to discuss measures that might be incorporated into the scheme in order to reduce crime and anti-social behaviour. ([doco@cleveland.police.uk](mailto:doco@cleveland.police.uk))

**P/32/24**

**24/0578/FUL 15 Swinburne Road, Eaglescliffe, Stockton-on-Tees Dormer extension to rear plus skylight to front**

Consideration was given to planning application 24/0578/FUL 15 Swinburne Road, Eaglescliffe, Stockton-on-Tees.

The application was an end of terrace, two storey property on Swinburne Road located within Eaglescliffe conservation area.

The application had been revised and now sought planning permission for a small dormer extension to the rear and a skylight to the front.

6 objection comments were made to the original application which included 2no dormers, one to the front and one to the rear of the host dwelling. The majority of objection comments were regarding the impact on the Conservation Area, the impact on the character of the area, the precedent it may set for future developments and overlooking impacts.

The Historic Buildings Officer also made an objection to the original application with regards to the impact on the conservation area and the impact on the character of the street scene.

As above the scheme had been amended to address the concerns raised. There were no objections made to the revised scheme.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that Skylights were present elsewhere in the street scene at no.'s 1, 2, 12, 12A and 16 Swinburne Road. The proposed dormer would be located on the roofscape it would be screened by the roof and therefore would not be visible in the street scene. Consequently, it was not considered that the proposals would be significantly out of character within the street scene or conservation area.

Separation distances complied with the council's guidance and ensured satisfactory amenity for neighbouring occupiers. Additionally parking provision would meet with the council's required standards.

It was recommended that the application be approved with conditions for the reasons specified above.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

- Clarity was sort regarding the positioning of the Velux window on the proposed application site due to the property being in a conservation area.

- There appeared to be conflicting information within the officers' report where the Historic Buildings Officer had stated that the flat roof and grey cladding were not in keeping with surrounding properties and recommended a rear dormer be resubmitted, and then paragraph 21 of the report, 'Impact on Heritage' stated that the dormer to the rear of the property would not be highly visible on the street scene and therefore did not have an adverse impact on the overall character of the conservation area.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- The Planning Services Manager explained to the committee that typically Velux windows in a conservation area would be avoided however as there were already 4 or 5 properties which were identical it made it difficult to resist.

- In terms of the grey cladding it was felt although it was a modern intervention it was not harmful enough to warrant a refusal.

A vote took place and the application was approved.

RESOLVED that planning application 24/0578/FUL be approved subject to the following conditions and informatives below;

#### 01 Time Limit

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

#### 02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
SBC00002	7 August 2024
(00)04 A.	22 July 2024
(-9)03 A	22 July 2024
(-9)04 A	22 July 2024
(00)03 A	22 July 2024
(05)02 A.	22 July 2024
(21)03 A	22 July 2024
(21)04 A.	22 July 2024

### 03 Materials

The proposed external finishing materials shall be in accordance with the external finishing materials described within the submitted application form.

### INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

#### **P/33/24 Appeals**

The Appeals were noted.

#### **P/34/24 Appeals**

The Appeals were noted.