

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2023/0715/FF
LOCATION: LIVERTON MINES GARAGE LIVERTON
TERRACE LIVERTON MINES SALTBURN BY
THE SEA TS13 4QG
PROPOSAL: CHANGE OF USE FROM CAR SHOWROOM
TO MIXED USE OF HOT FOOD TAKEAWAY
(SUI GENERIS) WITH EXTERNAL FLUE TO
REAR AND CAR VALETING CENTRE

[Planning Application Details \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

BACKGROUND

Members will recall that the application was presented to Regulatory Committee on 2nd April 2024. Following the public speaking and during the debate concern was raised with the proposed opening hours of the hot food takeaway element of the application.

The hot food takeaway part of the application originally proposed to open 5pm till Midnight (Monday to Sunday, including Bank Holidays).

Members voted to defer the application to allow the applicant time to consider the opening hours as there was concern over activity associated with the use until midnight. During the debate it was evident that there were mixed views from the committee over what time would be suitable.

The agents have discussed the matter with the applicant and provided the following updated information as a result of the decision at committee in April:

I have spoken with the client and he has proposed opening times of 4pm - 11pm, which is in line with the takeaway in Loftus, the closest to the site. Also, Brotton Pizza closes at 11:15pm, Skelton closes at 12:30am. The client is also looking to seek evidence of the nightlife at the nearby pub, which is open until 12:30am some evenings.

The opening until 11pm is considered acceptable and would not have an adverse impact on the character and the appearance of the area or on neighbour amenity for the reasons outlined in the original report which is below.

The recommendation remains that planning permission be granted subject to the conditions below; (condition 6 has been updated from the original report to reflect the change in hours).

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan and site plan received by the Local Planning Authority on 06/12/2023

Plans and elevations as proposed received by the Local Planning Authority on 04/12/2023

Extraction and ventilation details received by the Local Planning Authority on 04/12/2023

REASON: To accord with the terms of the planning application.

3. Prior to the development being brought into permitted end use, a noise assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties from car washing and valeting activities. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the approval of the Local Planning Authority. The approved report shall include mitigating measures for protecting the neighbouring residential occupants from noise, and vibration and shall thereafter be retained.

REASON: In the Interest of neighbour amenity in accordance with Redcar and Cleveland Local Plan Policy SD4.

4. Prior to the installation of equipment for fume extraction, details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved extraction equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval and shall be operated at all times when cooking is being carried out on the premises.

REASON: In the interests of the amenity of the area in accordance with Redcar and Cleveland Local Plan Policy SD4.

5. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holiday.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

6. The use of the car wash/valeting services shall not be carried out outside the hours of 09:00-17:00 on Monday to Sunday.

The use of the hot food takeaway shall not be carried out outside the hours of 16:00 - 23:00 on Monday to Sunday.

REASON: To safeguard the residential amenity of nearby occupiers in accordance with Local Plan Policy SD4.

APPLICATION SITE AND DESCRIPTION

Permission is sought for change of use from car showroom to mixed use of hot food takeaway (sui generis) with external flue to rear and car valeting centre.

The application relates to Liverton Mines Garage, Liverton Terrace, Liverton Mines. The garage building is located on the north side of Liverton Terrace within a predominately residential area containing a mix of terraced and semi detached dwellings. To the west of the site lies The Old Post Office shop and the public house of Hollywell View.

This application seeks consent to change the use of the vacant car showroom to a mixed use of hot food takeaway and car valeting centre. The application proposes minimal external alterations. The existing door on the front elevation which serves the w.c will be blocked up to allow for access from inside the building to the w.c and an external flue will be installed to the rear of the building. The flue will extend out approximately 1.2m beyond the roof slope. The existing sales office will convert into the car valet office and customer waiting area. The main car showroom area will be converted into food prep and storage area and customer waiting area. The current w.c will be for staff within the food prep area. The proposed floor space for the car valeting area will be 30 square metres. The car valeting area proposes to open 9am till 5pm (Monday to Sunday, including Bank Holidays). The hot food takeaway element will have a proposed floor space of 76.3 square metres and proposes to open 5pm till Midnight (Monday to Sunday, including Bank Holidays).

The proposed site plan includes the provision of six parking spaces within the site and bin storage to the west side of the building.

The application has been accompanied by site location plan and site plan and existing and proposed floor plans and elevational drawings. In addition, the

application includes Extraction and Ventilation details and two supporting statements, one from the previous owner who states they used car cleaning equipment over a period of three years without a complaint from residents and from a former employee who worked washing cars and valeting for 7 years at the site.

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF)

REDCAR & CLEVELAND LOCAL PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits
SD4 General Development Principles
SD7 Flood and Water Management
LS3 Rural Communities Spatial Strategy
ED3 Hot Food Takeaways
ED8 Rural Economy

OTHER POLICY DOCUMENTS

Shop Fronts and Advertisements Supplementary Planning Document
(February 2021)

PLANNING HISTORY

R/2016/0376/FF - Change of use of part of existing garage and car sales to mixed use of garage; car sales and hand car wash facility (opening hours 09:00 - 18:00 each day) – granted – 19/07/2015

L/1995/0773/FF - Additional use of premises for display and sale of motor vehicles (retrospective) – granted – 19/12/2005

RESULTS OF CONSULTATION AND PUBLICITY

The application has been advertised by means of a site notice and neighbour notification letters.

As a result of the consultation period six written representations have been received objecting to the proposals. The comments are summarised as follows:

- *Concerned regarding impact from noise from cars*
- *Impact of noise and trouble from people hanging around*
- *Impact from smell*
- *Problems with littering*
- *Question regarding the drain for car wash, when it was car wash Council informed the garage he was not licenced to wash on this site. Area is high risk of flooding without added water and chemicals.*
- *12 is too late for takeaway to be open, most village in bed by 11pm*
- *Where are bigger waste bins to be sited*
- *Concerned the roof of building is asbestos and if there is a fire would be at risk of exploding*
- *Concerns about smells from flue overlooking my garden*
- *Concerns about late night revellers/noise up to midnight*
- *Rubbish build up*
- *Noise from compressors and overspray into my garden (if hand wash not a problem)*
- *Question what privacy/security measures for surrounding properties*
- *Parking – big concern already for residents not been able to park outside their own properties*
- *Drainage – already high risk flooding area*
- *Very little information has been given and we need to know what is being proposed for the above concerns*
- *Why need another car wash, when there is another one just over a mile away which is never busy*
- *Drains not equipped to deal with the extra waste water Liverton Terrace has flooded numerous times*
- *It is a quiet rural village, what is proposed will change the dynamics of the village, I don't think the residents realise how this will impact on them. Think the consultation should have been put to whole village, extra traffic until midnight how would this benefit our village*
- *Liverton Mines does flood. Local Plan Policy SD4 (f) a development will not increase flood risk either onsite or downstream. SD 7 Flood and water management advises under n) that there should be cognizance of 'surface water run off consideration (p54)'. The proposed car valeting business will involve the washing of cars daily from 9am to 5pm. The last significant flood in this location was Sat. August 5th, 2023, when the houses next to the proposed site were flooded.*
- *LS3 Rural Communities – Liverton Mines. Paragraph 3.17 relates to Environmental Safeguarding. – the setting of settlements – proposal will not safeguard the setting. Established settlement in area of high social deprivation.*
- *Concerns regarding obesity rates, Redcar and Cleveland higher than national average. Already have one fast food outlet in Liverton Mines. Loftus, less than a quarter of a mile away there are fast food outlets and supermarkets. Open till 10pm daily. Delivery services are available*
- *Since fast food opening in retail park at Pheasant Fields, Skelton, the B1366 road has seen significant increase in litter, which blocks drains on road from Liverton to Liverton Mines*

- *Proposed car valeting and fast food outlet will include additional light, noise, vibration levels and litter due to nature of business activities*
- *Policy ED8 e) relates to promoting and retaining rural community facilities and local services which meet rural needs. Proposed site development does not meet rural needs*

Loftus Town Council (10/01/2024)

No objection in principle subject to any concerns regarding ventilation/extraction being addressed, concern over the late opening hours and any impact this may have on the local environment.

Redcar and Cleveland Borough Council (Development Engineers) (20/03/2024)

The proposed change of use will not have a material impact in demand for car parking, nor will it in terms of the level of traffic generation when considering the existing use of the property, which could continue without the need for further planning consent. As a result, we have no objections to the change of use.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land) (08/12/2023)

I have no objections to the above proposal.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance)

Comments received 07/12/2023

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note the proposed development is in close proximity to neighbouring properties whose amenity may be adversely affect by noise associated with construction noise associated with the development.

Additionally I have also considered this development in terms of noise and odour from the proposed extraction system which has the potential to adversely affect the amenity of neighbouring properties. With regard to odour, whilst the applicant has provided information regarding the system the applicant has not provided details of how they propose to mitigate cooking odours associated with extraction system.

Similarly in terms of noise, whilst the applicant has provided details of the system they propose to use, (including silencers), the existing noise levels at the site are not known and therefore there is insufficient information to

determine whether the proposed silencers will be sufficient to prevent an adverse affect on neighbour amenity.

In order to minimise the environmental impact I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

-The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

REASON: In the interest of neighbour amenity.

- Prior to the installation of equipment for fume extraction, details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved extraction equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval and shall be operated at all times when cooking is being carried out on the premises.

REASON: In the interests of the amenity of the area

Comments received 17/01/2024

Just following on from our call earlier, there is some chance that the noise associated with the car washing activities could have a detrimental effect on the residential neighbours, as such I'd recommend the following: - Prior to the development being brought into permitted end use, a noise assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties from car washing and valeting activities. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the approval of the Local Planning Authority. The approved report shall include mitigating measures for protecting the neighbouring residential occupants from noise, and vibration and shall thereafter be retained.

Reason: In the Interest of neighbour amenity.

Comments received 04/03/2024

I have reviewed the supporting statement submitted and whilst acknowledged that previous use of jet washing equipment at the premises may not have resulted in complaints it is not known what equipment the applicant intends to use for valeting purposes or the noise levels that would be emitted from such

equipment. Similarly existing noise levels at the site are also unknown and therefore it is possible that the amenity of neighbouring properties could be affected by such a use.

As such I would reiterate my previous comments made on 17/01/2024, namely:

-Prior to the development being brought into permitted end use, a noise assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties from car washing and valeting activities. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the approval of the Local Planning Authority. The approved report shall include mitigating measures for protecting the neighbouring residential occupants from noise, and vibration and shall thereafter be retained.

Reason: In the Interest of neighbour amenity.

I would also take this opportunity to reiterate my other comments made on 07/12/2023, namely:

- The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

REASON: In the interest of neighbour amenity.

- Prior to the installation of equipment for fume extraction, details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved extraction equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval and shall be operated at all times when cooking is being carried out on the premises.

-REASON: In the interests of the amenity of the area

**Redcar and Cleveland Borough Council (Health and Safety) (Food Team)
(07/12/2023)**

No objection

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- The impacts on surface water drainage

The principle of development

The application site is located within the development limits and proposes a different commercial use to an existing commercial unit. The principle of a change of use and alterations to the building in this location is acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan

Local Plan Policy ED3 considers proposals for hot food takeaways. However, the policy only applies to units within a town, district or local centre. Liverton Mines does not have a local centre. Therefore, as the site is not part of a designated centre, policy ED3 is not applicable in the assessment of the application.

The proposed use is considered acceptable for an existing commercial unit and the principle of a change of use in this location is considered acceptable and in accordance with the aims of Redcar and Cleveland Local Plan Policy SD3. The proposals need to accord with other policies within the Local Plan, which will be discussed in the sections below.

The impacts on the character and appearance of the area

Policy SD4 of the Council's Local Plan permits development, which is suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings.

The application propose minimal alterations to the front elevation of the building, blocking up the existing external door into the toilet. Beyond this a flue is to be installed at the rear of the building. The flue will project 1.2m beyond the roof slope at the rear of the building, however due to the sloping roof the flue will not be a prominent feature in the street scene.

Concerns have been raised by local residents regarding the impact of a hot food takeaway on the area and car washing/valeting. The building is an existing commercial unit which has previously been granted consent for use as a hand car wash and cars will have been washed regularly as part of the sales element of the site.

In terms of the hot food takeaway use, it is granted whilst the building has been used for commercial purposes, the previous business would operate during the daytime. The hot food takeaway will operate on an evening. The application form states the hot food takeaway will open between 5pm and

midnight every day. In terms of neighbouring businesses, the building is close to Hollywell View, a public house. The pub's Facebook page includes information regarding opening hours, the premises is open till 23:30 on a Monday and Tuesday and until 00:30 on a Friday night. It is not known how accurate this information is however, it is acknowledge the pub will be open late on an evening, similar to the proposed hot food takeaway so there will be people moving around the area during the evening. As such due to the existing commercial use and neighbouring public house it is considered the proposed hot food use will not be out of keeping with the existing commercial use within the immediate area and is acceptable.

The proposals are considered suitable in relation to the proportions, massing, height, size, scale, materials and detailed design features and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

Policy SD4 of the Council's Local Plan permits development where it will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings.

Local residents have raised concerns regarding noise from people and cars, smell from cooking, litter and issues with the water spray from the car wash.

The Council's Environmental Protection team have assessed the proposals in terms of nuisance. The team note the close proximity to neighbouring properties whose amenity may be adversely affected by noise associated with construction noise, noise and odour from the proposed extraction system and noise from car washing activities. Environmental Protection do not object to the proposals in terms of nuisance but have requested the inclusion of several conditions should the application be recommended for approval. The conditions relate to the submission of further details on equipment for fume extraction to control odour and noise from commercial kitchen exhaust systems. In terms of the noise from the car washing activities, Environmental Protection have reviewed the supporting statements written by previous owners and employees of the site. Whilst Environmental Protection acknowledge the previous use of jet washing equipment at the premises may not have resulted in complaints, it's not known what equipment the applicant intends to use for valeting purposes or the noise levels that would be emitted from such equipment. As such a condition requiring the submission of a noise impact assessment prior to the development being brought into permitted end use has been suggested. As discussed above there has been previous car washing activities at the site. The final suggested condition would restrict any construction or demolition to between 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Subject to the inclusion and discharge of Environmental Protection's conditions it is considered neighbouring amenity can be protected and the development will not have a sufficiently detrimental impact on amenity and the

proposals accord with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The application proposes minimal external alterations limited to bricking up the w.c door and the external flue to the rear of the building. It is considered the proposed external alterations due to their minor nature will not have a detrimental impact on neighbouring amenity. As discussed above the noise and smell from the kitchen equipment can be controlled via a condition to an acceptable level. The proposed alterations will not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on highways safety

Policy SD4. p. expects development proposals to provide suitable and safe vehicular access and parking suitable for its use and location.

The proposed site plan illustrates six parking spaces within the site. When the site was used for car sales the hardstanding area would contain many more cars than 6. The proposal will use the existing two vehicular accesses to the site.

The Council's Development Engineer has assessed the proposals and has no objections. The officer considers the proposed change of use will not have a material impact in demand for car parking, nor will it in terms of the level of traffic generation when considering the existing use of the property.

The application raises no issues in terms of highways safety and the application accords with part p of policy SD4 of the Redcar and Cleveland Local Plan

The impacts on surface water drainage

Policy SD4. f. permits development which will not increase flood risk either on site or downstream of the development. Policy SD7 states flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk.

Comments have been raised concerned with existing flooding problems. The application site is within Flood Zone 1 and is not an area subject to the risk of surface water flooding. The application proposes the use of an existing building and hard surface to the front. There are existing drains within the site and running along the eastern boundary of the site. The site slopes towards the drains. Considering the site is not an area noted for surface water flooding and the site has previously been used for car washing without complaints, the proposals/existing infrastructure are acceptable in terms of surface water drainage.

The application raises no issues in terms of surface water drainage and the application accords with part f of policy SD4 and policy SD7 of the Redcar and Cleveland Local Plan.

Other matters

The application falls outside of scope for requiring additional information / assessment in relation to nutrient neutrality.

CONCLUSION

For the reasons outlined above the proposal is considered acceptable. The proposal would not have a significant adverse impact on neighbour amenity and the proposal raises no issues in terms of highways safety or flooding. The scale and design is acceptable and the proposal would respect the character of the site and surroundings. The proposal accords with policies SD3, SD4 and SD7 of the Redcar and Cleveland Local Plan.

RECOMMENDATION

Taking into account the content of the report the recommendation is to:

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan and site plan received by the Local Planning Authority on 06/12/2023

Plans and elevations as proposed received by the Local Planning Authority on 04/12/2023

Extraction and ventilation details received by the Local Planning Authority on 04/12/2023

REASON: To accord with the terms of the planning application.

3. Prior to the development being brought into permitted end use, a noise assessment shall be carried out to assess the likelihood of adverse impacts on nearby noise sensitive properties from car washing and valeting activities. Where adverse impacts are identified then a scheme of works detailing how the impacts will be reduced to acceptable levels shall be submitted for the approval of the Local Planning Authority. The approved report shall include mitigating measures for protecting the neighbouring residential occupants from noise, and vibration and

shall thereafter be retained.

REASON: In the Interest of neighbour amenity in accordance with Redcar and Cleveland Local Plan Policy SD4.

4. Prior to the installation of equipment for fume extraction, details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall not be brought into end use until the approved extraction equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.

All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval and shall be operated at all times when cooking is being carried out on the premises.

REASON: In the interests of the amenity of the area in accordance with Redcar and Cleveland Local Plan Policy SD4.

5. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Public Holiday.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

6. The use of the car wash/valeting services shall not be carried out outside the hours of 09:00-17:00 on Monday to Sunday.

The use of the hot food takeaway shall not be carried out outside the hours of 17:00 - 00:00 on Monday to Sunday.

REASON: To safeguard the residential amenity of nearby occupiers in accordance with Local Plan Policy SD4.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.