

Item B. 5 **07/00446/COU** **Permit retrospective planning permission**

Case Officer **Mr Andy Wiggett**

Ward **Clayton-le-Woods North**

Proposal **Retrospective application to extend existing car park area into landscaped area**

Location **Brook House Hotel 662 Preston Road Clayton-Le-Woods Chorley PR6 7EH**

Applicant **Mr S Brelsfold**

Additional Information

The application was deferred at the last Committee meeting for a site visit. There has been further correspondence with the objectors concerning the Council's planning position with regard to what action it might take to restore the situation of the land to its former condition and how legally this cannot be achieved.

Proposal This application is a retrospective one to retain a newly laid out car parking area on land within the curtilage of a hotel and brasserie. The land was previously used as a landscaped area with grass and trees on it. The hotel is situated on the main Preston Road and the car park is partly screened from the main road by a substantial hedge. Along the boundary with property on Well Orchard there is a 2m high fence and a line of mature shrubs forming a landscaped barrier. Part of the area of the original landscaped buffer, about 8.5m wide, has been retained where it adjoins no. 654 Preston Road.

Background: New owners of the hotel carried out works to increase the car parking area by removing the landscaped area. Complaints were received and the hotel was requested to submit a planning application to regularise the engineering operations carried out.

Policy LT3 – Small – Scale Tourism and Visitor Facilities.

Planning History In 1990 permission was granted for an extension to the hotel and part of the application involved the use of part of an orchard to the south of the existing car park and behind the properties in Well Orchard as a car park for 12 additional spaces. In determining the application the Council were concerned to protect the nearest houses from additional noise and disturbance caused by vehicle movements. The applicant was requested to retain that half of the orchard nearest to the houses and no. 654 Preston Road and provide a landscaped screen along the southern boundary of the site. A standard landscaping condition was attached to the permission.

In 2006, planning permission was granted for a conservatory to be used as a brasserie at the hotel. Advice was sought on various options to enlarge the hotel further, including increasing the number of car parking spaces. The case officer advised that "I

would suggest a wider landscape buffer is allowed for in the car parking arrangements next to the boundary with the properties on Well Orchard and no. 654 Preston Road, to ensure neighbour amenity is not compromised”.

Consultations

Parish Council - commented that objections have been received from adjacent residents and would ask that these are taken into account. Additionally, it is hoped that the car park is adequate as on-road parking close to a roundabout would be a dangerous option.

Lancashire County Council Highways - commented that they had no objections to the increased car parking as it would reduce any need to park on the main A6. However needed a plan to show the car parking spaces marked out.

Director of Streetscene, Neighbourhoods & Environment: The views of the Environmental Health Section have been sought about the noise increase in moving the car parking closer to the residential properties and they have responded by saying that the results of noise reading would not support a refusal on those grounds.

Representations

Two letters of objection have been received together with a petition signed by 12 people. Letters from the local MP have also been received about the matter. The points raised include:

- The planning history of the site explains why the former orchard was retained to protect their amenity;
- Extending the car park and removing the landscaped buffer has affected the privacy of the dwellings;
- The properties are now overlooked with coaches being parked on the newly created parking area;
- The properties are now subject to noise and disturbance at all times of the day and night;
- Request that a noise barrier be erected between the car park and existing fence;
- Concerned that a proposed take away service will increase vehicle movements at the site.

Applicant's Case

- The hotel has recently been extended with a conservatory coupled with an improved lounge/bar area.
- Further improvements are planned and it is anticipated to continue and improve the business on both the hotel side and corporate functions.
- Additional car parking is required as a consequence.
- The applicant was not aware that permission was needed

Assessment

When the area of the new car park is viewed on site there is now an effective visual screen to the gardens and properties on Well Orchard as the planting put in following the 1990 approval has matured. Planning permission is only needed for the engineering operation of creating the car park not the use of land for that purpose as it is within the curtilage of the hotel. No conditions were attached to the 1990 planning permission requiring the landscaped area to be a permanent feature or that the land could not be used for car parking.

However, it is clear that the Council intended to maintain a landscaped buffer of a suitable width to protect the amenity of property next to the hotel considered to be at risk of disturbance from the effects of vehicle movements. Circumstances have changed since that decision with the level of activities at the hotel increasing with changes in business aspirations. This has inevitably led to the nearby residents requesting that the status quo is returned in terms of the landscaped buffer.

Given the planning history, I consider it reasonable to seek a compromise where the applicant would get increased car parking capacity but at the same time protecting the amenity of nearby residents. I consider that this could be achieved by widening the existing landscaped strip. This would still leave space for additional car parking. The applicant's agent was requested to pursue this with his client. However, the applicant is not prepared to amend the layout and wishes the application to be determined on the basis of how it has now been laid out.

I would advise that if the matter went to appeal, given the quality of the remaining landscaping on the boundary of the properties on Well Orchard, it could well be that an Inspector would feel that this was adequate for the purpose as the existing parking area will be the subject of vehicle movements in the evening. An Inspector would also be conscious of the need to avoid the likelihood of parking on the A6 due to lack of off-street parking at the hotel.

Conclusion:

The proposal has given rise to a considerable level of objection which, given the planning history of the site was inevitable. However, the situation has changed since 1990, the landscaped screen has matured, the level of business has increased with the subsequent need for more car parking. As the Council did not in 1990, condition that the landscaped area should remain as that in perpetuity and that the area could not be used for any other purpose, any attempts to take enforcement action to restore the position would not be likely to be successful. This is because the owner could landscape the area with reinforced grass and still park cars there.

Recommendation: Permit retrospective planning permission
