

Planning Committee: 13 February 2024

Item Number: 8

Application No: [W 23 / 1628](#)

Town/Parish Council: Warwick
Case Officer: Kie Farrell

Registration Date: 04/12/23
Expiry Date: 29/01/24

01926 456645 Kie.farrell@warwickdc.gov.uk

Warwick Arms Hotel, 17 High Street, Warwick, CV34 4AT
Laying of new stone patio and timber sleepers over existing patio area
(retrospective application) FOR Mr Guy Middlebrook

This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the laying of new stone patio and timber sleepers over an existing patio area within the rear courtyard of the Warwick Arms Hotel.

THE SITE AND ITS LOCATION

The application site is the Warwick Arms Hotel which is a Grade II listed building in the Warwick Town Centre and Warwick Conservation Area.

The patio area is to the rear of the main hotel building within the existing rear courtyard which can be accessed through the rear door of the Hotel building or via Back Lane.

The hotel benefits from an existing car park (separate from the rear courtyard), accessed off Back Lane.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Holding objection until comments are received from Environmental Health and Conservation. The Town Council notes the serious concerns expressed by the residents of 4 and 6 Back Lane and anticipates these being addressed appropriately so a workable solution is found for all parties.

WDC Conservation Officer: No objection.

WDC Environmental Health Officer: No objection, subject to conditions.

Public Response:

15 comments in support of the proposal received on the following grounds:

- A successful hotel in Warwick is good for the town
- Support improvements to the hotel
- Keeps smokers off the front High Street pavement
- Lovely outdoor space
- Has improved existing patio and not created a new area

7 objections received on the following grounds:

- Noise disturbance
- Impact on listed building
- Access to garages blocked by parked staff/ guest vehicles
- Cigarette smoke pollution
- Children playing football in courtyard

ASSESSMENT

The impact on the character and appearance of the Conservation Area and the setting of the Listed Building

The application site is within the Warwick Conservation Area.

The Council's Conservation Officer has been consulted and considers the impact of the proposal on the Conservation Area to be neutral, raising no objection.

The Conservation Officer's comments are set out in full below:

"The area in question forms part of the rear external courtyard and is primarily recessed between two sections of the hotel. A small number of stone setts have been replaced with stone slabs to form an external area and whilst there is minor harm resulting from this, the majority of the courtyard remains as stone setts therefore the historic narrative of the space is considered to remain legible. The building operates as a hotel, which is considered to be the optimum viable use for the heritage asset, and a safe, designated external space for smokers is considered to relate to this function. The sleepers are low level, and the barriers offer a degree of visual permeability whilst the stone slabs are muted in colour. Overall, I would not consider the significance of the heritage asset to be impacted by the proposal and the minor visual impact from the installation of the barriers, as well as the minor harm from the removal of the stone setts, to result in a neutral impact, as these are balanced when weighed against the public benefits of providing a safe, level, designated external area within a courtyard where there are moving vehicles.

Paragraph 205 of the NPPF explains that great weight should be given to the conservation of an asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, from a conservation perspective, the minor harm of the replacement of a small section of stone setts with slabs to provide an external smoking area with even flooring is considered to adhere to this policy."

The proposal is therefore considered to accord with Local Plan Policy HE1.

Planning and Conservation Officers are satisfied that as none of the timber sleepers (or any other part of the proposal) attach to or touch the listed building and therefore there is no separate requirement for listed building consent.

Impact on character of surrounding area

The National Planning Policy Framework, December 2023 (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed patio area abuts the rear elevation of the main hotel building and comprises patio stones and timber sleepers with tables and chairs contained by a boundary treatment comprising metal poles and vinyl panels.

The patio area is approximately 8m wide by 8m deep (floor area approximately 64 sq m).

The patio area is located to the rear of the Warwick Arms Hotel and so will not be seen in the High Street street scene.

The patio area will be visible from the rear windows of the neighbouring residential properties (Nos. 2, 4, 6, 8 and 10 Back Lane), however it is not considered that it will have a harmful visual impact on the occupiers of these properties.

Officers consider that the proposal will not have a detrimental impact on the overall character and appearance of the site or surrounding Conservation Area.

The proposal would therefore comply with the aforementioned policies.

Impact on the amenity of the neighbouring uses

Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy and noise.

The patio area is at the narrow west end of the U-shaped courtyard area abutting the main Hotel building which fronts High Street. On the northern side of the courtyard are Hotel bedrooms and on the southern side of the courtyard are the rear elevations, garages and rear entrances to the two-storey private residential dwellings at Nos. 2, 4, 6, 8 and 10 Back Lane.

There is recent history of noise complaints from occupiers of nearby residential properties regarding noise from hotel customers and staff using the patio area / outdoor courtyard area.

It should be noted that there is currently no restriction on the hours of use of the existing outdoor courtyard area which has historically been used for drinking, smoking and socialising incidental to the lawful use as a hotel.

The Environmental Health department were consulted on the proposal with regards to noise impact on neighbouring residential properties.

Given the recent noise complaint history the Environmental Health Officer has recommended two conditions. The first condition would restrict the use of the patio area to between the hours of 07.30 and 22.00 on any day and the second condition would prohibit amplified music. The applicant has confirmed that he is willing to accept these conditions.

Given that there is currently no restriction on the hours of use of the outdoor courtyard area, it is considered that the proposed contained patio area along with the conditions suggested by the Environmental Health Officer represent a good opportunity for the Local Planning Authority to gain control over the hours of use of this outdoor drinking/smoking area which will protect the residential amenity of the neighbouring residential dwellings on Back Lane.

Subject to the suggested restrictive conditions, it is considered that the proposal will not result in material harm to the residential amenity of occupiers of the neighbouring properties and therefore the proposal complies with Local Plan Policy BE3.

Highway Safety and Parking

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The hotel's rear courtyard and separate car park (13 spaces) are accessed via Back Lane. The proposal does not result in any changes to these existing access arrangements.

The rear courtyard area is used for informal car parking and deliveries. The hotel benefits from an existing separate car park which is not affected by the proposal.

The proposal does not result in the loss of any existing formal car parking spaces.

The proposal is considered to be in accordance with Policies TR1 and TR3 in terms of highway safety and parking.

CONCLUSION/SUMMARY

The proposal will not result in an unacceptable impact on the character of the surrounding area, nor will it have a harmful impact on the Warwick Conservation Area or setting of the Listed Building.

Subject to conditions restricting the hours of use of the patio area and prohibiting amplified music, the proposal will not have a harmful impact on the amenity of neighbouring residential properties.

The proposal is considered to be acceptable in terms of Highways Safety and Parking.

The proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan (WAH/02) and approved drawing WAH/03 and specification contained therein, submitted on 17th November 2023 and drawing WAH/04 submitted on 23rd November 2023. **Reason:** For the avoidance of doubt and to

secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 The patio area shall not be used/ occupied between the hours of 2200 and 0730 on any day. **Reason:** To ensure that the use of the patio area does not result in unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 3 No speakers for the amplification of music and/or voice shall be placed in the patio area or on the outside of any building forming a part of the patio area. **Reason:** To ensure that the use of the proposed patio area does not cause unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
