

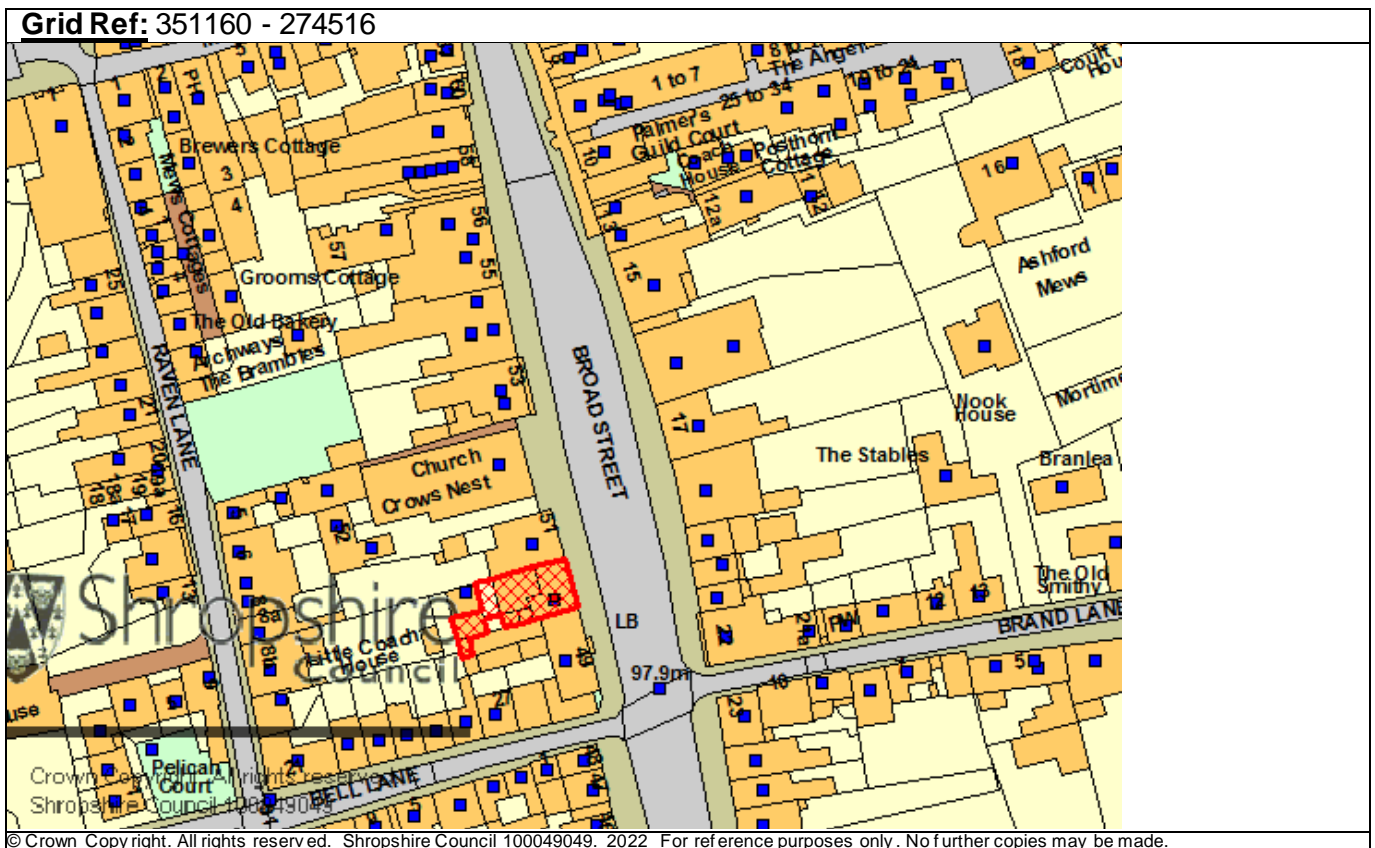
	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
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## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<p><b>Application Number:</b> 22/01791/LBC</p>	<p><b>Parish:</b></p>	<p>Ludlow Town Council</p>
<p><b>Proposal:</b> Alterations and extension to include change of use to form a residential townhouse affecting a Grade II Listed Building</p>		
<p><b>Site Address:</b> Golden Moments 50 Broad Street Ludlow Shropshire SY8 1NH</p>		
<p><b>Applicant:</b> Barratt</p>		
<p><b>Case Officer:</b> Elizabeth Griffiths</p>	<p><b>email</b> : elizabeth.griffiths@shropshire.gov.uk</p>	



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks to listed building consent to 50 Broad Street, Ludlow for internal alternations and a rear extension.
- 1.2 The proposal is the subject of two applications:  
22/01790/FUL – application for full planning permission  
22/01791/LBC – application for listed building consent

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located with Ludlow Conservation Area and on the west side of Broad Street. The building is Grade II listed and is currently used as a Indian restaurant with living accommodation above. The building extends over three levels including a basement, with a single storey range of buildings that extends west into rear garden spaces. There are stepped levels to the rear and several flying freeholds, as built-over and built-under adjoining the property to the south at No 49. The agent has confirmed via email that the Restaurant lease expired in 2020 and is currently in holdover and has been given notice by the landlord.
- 2.2 The building was originally a town house and then was converted into a public house (Jester Inn) and obtained permission under SS/1987/49/P for its current use.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Town Council view is contrary to the Officer recommendation.. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planner, consider that the material planning considerations raised in this case warrant determination by Committee.

### 4.0 Community Representations

#### 4.1 Consultee Comment

##### 4.1.1 Ludlow Town Council - Objection

The proposed development would have a detrimental effect on the character of the local area.

##### 4.1.2 Historic Environment - Comments

Further to our previous comments, photographs have been provided which are useful. Based on the information provided the alterations proposed are generally considered acceptable in conservation terms. We would recommend the following conditions be imposed on any approval: Joinery details, Roof details, Samples of external materials, Metal rainwater goods, Scribe around historic features, Hitherto unknown evidence, Retain & protect architectural features

More details required (18/05/22)

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes alterations and extension to include change of use to form a residential townhouse at Golden Moments, 50 Broad Street, Ludlow a Grade II listed building within the Ludlow Conservation Area. Whilst in principle there are no conservation objections to the change of use of the building to residential use, it is slightly unclear the impact upon the fabric and character of the building. The Heritage Assessment is currently lacking in any photographic evidence. Photographs of the areas to be altered to support an assessment of the impact would be useful. Please reconsult conservation when this is available.

4.1.3 Shropshire Council Drainage - no objection, recommended informative

4.1.4 Shropshire Council Affordable Housing - Comments  
There are no affordable housing obligations are applicable in this instance

4.1.5 Shropshire Council Archaeology - No comment

## 4.2 Public Comments

4.2.1 A notice at the site has advertised the application and 10 objections have been received in response to this publicity and are summarised as follows:

- It adds character and colour to a lifeless part of Ludlow
- Well run restaurant that does not cause noise or nuisance and would be a loss to the town
- This is an attempt to increase the value of the properties
- How does this proposal "improve the amenity of the neighbourhood, meet the needs of people with local connections" or that it will "make better use of the building"?
- It states that this will restore a former town house - medieval frame?
- Draws attention to an "illegal extraction flue"
- Broad Street has been an environment where both activities live in harmony.
- Replace with holiday lets does nothing for town economy
- The local community should stand united behind the family and support it in the way in which it supported our community during the pandemic.

Officer note - these comments do not relate to the impact of the proposal on the historic fabric of the building.

## 5.0 THE MAIN ISSUES

Impact on Listed Building

NOTE: The impact of the broader planning issues are considered within the officers

report attached to planning permission 22/01790/FUL.

## **6.0 OFFICER APPRAISAL**

### **6.1 Impact on Listed Building**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.2 The proposed development has the potential to impact on the listed building and surrounding listed building in this conservation area and therefore the proposal has to be considered against Shropshire Councils policies CS17 and SAMDev MD13 and with national policies and guidance including PPS5 Historic Environmental Planning Practice Guide and Section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.1.3 Shropshire Core Strategy Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 in the adopted SAMDev Plan reinforces CS6 by making sustainable design a critical element of any new development.

6.1.4 The application would see changes to the internal layout of the building as the ground floor is currently used as a restaurant and the proposed would see this converted into residential space, the first floor would see the current space reordered and the flat roof rear extension would be removed and replaced with a 2 storey extension. The signage and external lighting would be removed from the front elevation and all works are fully described within the supporting documentation and plans submitted with the application. These submissions have been reviewed by the Conservation officer who agrees with the conclusions of the reports and has no objection. All internal works are fully reversible and would have no adverse impact on the historic fabric of the building. The previous and poor rear extension will be removed and improved with a new 2 storey extension, and any essential repairs will also be undertaken. Overall, the proposal will preserve historic fabric and preserve and enhance the external character and appearance of the building.

## **7.0 CONCLUSION**

It is considered that the proposed alterations to enable the change of use to a dwellinghouse will secure its viable use and future maintenance and repair. The proposed alterations and rear extension have been sensitively designed and overall

will preserve the historic fabric and preserve and enhance the character and appearance of the building and on balance it is considered that the benefits outweigh any harm

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

West Midlands Design Charter

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD2 - Sustainable Design

MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

SS/1972/3547 Alterations to 50 Broad Street GRANT 8th December 1972

SS/1972/3547/L/459 Alterations to 50 Broad Street, Ludlow GRANT 8th December 1972

SS/1970/2034 Installation of a new doorway REFUSE 2nd October 1970

SS/1970/2034/L/193 Installation of a new doorway REFUSE 2nd October 1970

SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007

SS/1/5815/U/ Application to fell a Lime tree OBJECT 20th July 1995

SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1987/49/P/ Change of use from Public House with living accommodation to licenced Restaurant with living accommodation. PERCON 5th March 1987

SS/1/98/009390/TP Felling of an Ash tree REFUSE 17th December 1998

SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007

SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to

buildings at ground floor level, internal alterations and installation of new windows PERCON  
18th August 1994

SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to  
buildings at ground floor level, internal alterations and installation of new windows PERCON  
18th August 1994

SS/1987/49/P/ Change of use from Public House with living accommodation to licenced  
Restaurant with living accommodation. PERCON 5th March 1987

Appeal

SS/4/00/00022 Refusal of planning permission on 1/98/ 009390/TP ALLOW 3rd July 2000

**11. Additional Information**

View details online: [22/01791/LBC | Alterations and extension to include change of use to form a residential townhouse affecting a Grade II Listed Building | Golden Moments 50 Broad Street Ludlow Shropshire SY8 1NH](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Andy Boddington

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

5. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

6. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

7. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

8. Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within 6 months in accordance with a scheme submitted to, and approved by, the local planning authority.



Reason: To ensure satisfactory preservation of this Heritage Asset.

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

9. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

**Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.