

AGENDA ITEM



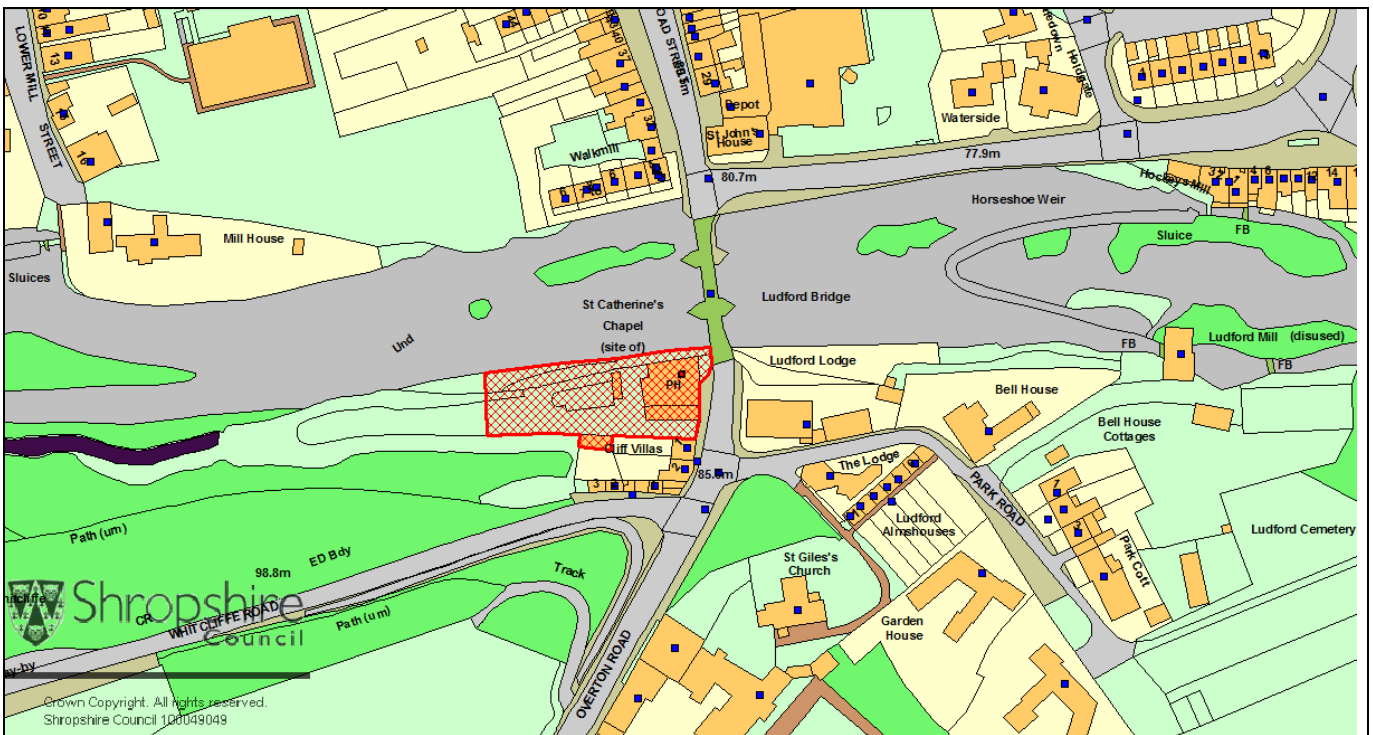
Committee and date

Development Management Report

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

Summary of Application

Application Number: 23/03457/FUL & 23/03458/LBC	Parish:	Ludford
Proposal: Alteration of existing first floor terrace to create two additional guest bedrooms with additional guest terrace above.		
Site Address: Charlton Arms Hotel Ludford Ludlow Shropshire SY8 1PJ		
Applicant: Mr Cedric Bosi		
Case Officer: Sara Jones	email: sara.jones@shropshire.gov.uk	
Grid Ref: 351249 - 274183		



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Recommendation: - Grant Planning Permission and Listed Building Consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application proposes the erection of an extension over the existing first floor terrace to create two additional guest bedrooms at the Charlton Arms Hotel, Ludford, Ludlow. The proposal involves an extension of the existing modern addition constructed in 2005 where there is currently a conservatory and terrace area and would create a terrace at second floor level. The footprint of the building would remain unchanged.
- 1.2 The information submitted with the application states that the rationale for the extension stems from the demand for letting bedrooms exceeding that available within the current configuration of the Charlton Arms and that the existing first floor terrace is under used for much of the year with an awkward stair access and issues of water penetration into the building structure. The scheme therefore proposes to construct two additional bedrooms over the existing terrace and associated sitting area, creating a weatherproof enclosure. The proposal would also lead to the existing bedroom above having improved access onto the second-floor balcony.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Charlton Arms is an established public house business with restaurant and hotel accommodation. The building is Grade II listed dating back to the 18th Century, it has been extended and altered at various times during its history, the most recent significant alterations being at the beginning of this century comprising of contemporary glazed extensions and terraced balconies.
- 2.2 The building is located in the northeast corner of its plot, set immediately alongside Ludford Bridge which forms one of the main accesses into Ludlow from the South and is a Scheduled Monument and Grade I listed. The River Teme which flows along the east of the site is a Site of Special Scientific Interest (SSSI).
- 2.3 Vehicle access off Ludford Road is to the north of the site and leads to a gravelled car park. High stone cliffs bound the north of the site, above which lies the Whitcliffe, a public open space managed by the Shropshire Wildlife Trust. The site lies within the Ludlow Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the constitution this application has been concluded by Committee Chair to be determined by planning committee due to objections from the parish councils based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of conditions and the team manager/principal planning officer in consultation with the Chair agrees that the parish council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

Consultee Comment

- 4.1 SC Archaeology – No comment.
- 4.2 SC Conservation – No objection
Comments:
The proposed extension is of a similar style and form to the existing extensions and will not adversely impact the historic fabric of the listed building. It would generally be read against the existing massing of the building. It is therefore considered that the proposed extension would not create any undue harm to the listed building or the conservation area in this instance.
- 4.3 SC Ecology – No objection, recommend conditions and informatives.

- 4.4 SC Drainage – No comment from the drainage and flood risk perspective, regarding this proposal as there are no proposed changes to the footprint of the building.

Public Comments

- 4.5 Ludford Parish Council – Objects

Comments:

The public comments from both Ludlow Town Council (LTC) and the Civic Society are negative. They are consistent in the fact that the view from the town side of the Conservation Area will be harmed. This relates to the massing and overly horizontal elevation of the building as set against the rock face; as the proposed design alters the shape from a gentle tier to an uncompromising rectangular block. This in turn will overwhelm Ludford Bridge, the scheduled ancient monument, and the normally low level of the river. The Civic Society states that there will be a loss of the traditional building as the proposed extension overwhelms the listed elevation and Ludford Parish Council (LPC) agree. LPC feel that this planning application will remove the only viewing spot for true historic context of Ludlow Town.

In summary LPC has the following comments:-

1. The appearance of the listed building will be changed and lost forever.
2. The last alteration provided lower basement bedroom accommodation. This removed the open terrace and added greater weight to the overall design, with partitions, furniture etc.
3. The scale of the proposed development is inappropriate when set against the Whitcliffe rock face, the low flow level of the river and the open aspect of the site as seen from the bridge and the conservation area.
4. By removing the upper terrace a valuable public open space will also be lost.

LPC appreciates the economic mitigation from the applicant and welcomes an alternative plan.

- 4.6 Ludlow Town Council – Objects

Comments:

1. The north elevation is not a true representation of the current building.
2. The alterations damage the aesthetical view from the conservation area in Ludlow.

- 4.7 Ludlow Civic Society Planning Group -
- feels strongly that the project is overdeveloped and overwhelms the original building.
 - loses the quality of pavilion and terracing, instead becoming an overwhelming horizontally emphasised block.

- seen from the bridge, this proposal loses the sense of a traditional building in relation to the bridge as an ensemble of parts and overwhelms the bridge as an historic structure.
- suggests the proposal should be pulled away from the existing building and seen as an independent building or pavilion further down the car park.
- urges Shropshire Council to refuse consent.

5.0 THE MAIN ISSUES

Principle of development
Visual Amenity & Impact on Heritage Assets
Ecology
Neighbour Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The Charlton Arms Hotel is an established business which provides around 10 bedrooms, a restaurant, public bar and function suite and is approximately 350 metres from the centre of Ludlow. The National Planning Practice Framework (NPPF) requires the planning system should support strong, vibrant and healthy communities, foster well-designed, beautiful and safe places, with accessible services and support communities' health, social and cultural well-being.

6.1.2 Such national objectives are supported at the local level through Core Strategy policy CS8, which recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire's residents and this includes eating and drinking establishments. Plan policy CS15 seeks to ensure that the vitality and viability of Shropshire's town and rural centres are maintained and enhanced to 'support the delivery of appropriate comparison and convenience retail; office; leisure; entertainment and cultural facilities'.

6.1.3 In principle the proposal is judged to be acceptable as it would enhance the facilities available at this existing public house and would support the growth of the existing holiday room letting business which is of benefit economically and socially to the community and visitors to the area.

6.2 Visual Amenity & Impact on Heritage Assets

6.2.1 The Charlton Arms Hotel is situated within a prominent location and makes a significant contribution to the existing character and visual appearance of the area. It is within a particularly sensitive part of the historic environment.

6.2.2 Core Strategy policy CS6 seeks to ensure that proposals are appropriate in scale, density, pattern and design taking into account local context and character. SAMDev Plan policy MD2 provides further guidance on achieving

this objective requiring development to respect the local distinctive or valued character and existing amenity.

- 6.2.3 Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Furthermore, policy MD13 sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. These policies are consistent with the guidance set out in National Planning Policy Framework (NPPF) with respect to the Historic Environment and the duty to have special regard to the desirability of preserving or enhancing the special interest of listed buildings and their settings.
- 6.2.4 Additionally, under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act contains a similar obligation with regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in the exercise of statutory functions.
- 6.2.5 In considering the impact of the proposals upon heritage assets those of particular note are the Grade II listed Charlton Arms itself, Ludlow Conservation Area in which the property lies and the Scheduled Ancient Monument of Ludford Bridge (Grade I), which lies directly adjacent the site. The Charlton Arms was originally listed in 1954 and described as:
House, now inn. C19 front to C18 core. Roughcast; turnerised slate roof with gable to rear (rear pitch old plain tiles); brick end stack and stack to rear. L-shaped plan. 2-storeys and attic; 3-window range: 6/6 sashes and, to right, tripartite 2/2: 6/6: 2/2 sash, with 8/8 sash over. Entrance to centre left: C20 glazed door recessed in porch under chamfered stucco arch with stone band over; to left, C19, 8/8 sash; to right, canted bay with 2/2: 6/6: 2/2 sashes. Small wing to left, of brick, with 2/2 sashes and 2-light casement, under segmental arches. Rear elevation of rubble and roughcast; brick modillion eaves; plank shutter to attic; mullion and transom light to rear wing, and to south gable, over 6/6 sash. Front to Teme: semi-circular oriel, with 3 bowed 6/6 sashes, under lead roof; 2/2: 6/6: 2/2 sash to right, with 2 similar sashes over; brick modillion eaves. Fixed lights and casement to basement, and outshut to right.
- 6.2.6 The NPPF states that applications should describe the significance of heritage assets and the potential impacts of a development on this significance. Accordingly, as part of the application the applicant has submitted a Heritage Statement.

- 6.2.7 The building was significantly extended to the rear in 2005. The works proposed as part of this application take the form of tiered additions to the first and second floor of the existing modern extension at the rear of the Charlton Arms. The scale and nature of the existing extensions forms a tiered addition in stone and glazing to the rear of the property which is clearly seen as a modern addition whilst respecting materials and finishes of the existing. The area which relates to the current proposal is already in use as a balcony seating area with balustrading and associated furniture and paraphernalia. The proposed extensions seek to enclose this area and create a tiered level above with a traditional gabled form to second floor. Whilst the built form will increase over first and second floor the overall massing is considered to sit well within the existing envelope and footprint of the modern additions and will generally be read against existing built form. The extensions do not project further than the existing footprint, the overhang having now been reduced and will be of recessive materials to provide subservience in that regard. Balustrading to second floor will be glazed to minimise the visual appearance and bulk of development at this level.
- 6.2.8 Taking into account the existing built form on site, the nature of which already obscures the rear elevation, the proposed additions are not considered to create any further unduly harmful impact upon the character and form of the listed building or its setting and will generally be read against existing built form and in association with existing modern extensions. The nature of views from within the Ludlow Conservation Area and Ludford Bridge are such that the existing extension provides a visual bulk to the rear of the public house which is seen as a modern and separate addition, the proposed extensions will sit within this footprint envelope and against existing built form, therefore the proposed extensions will not obscure any main views through the conservation area or within the setting of Ludford Bridge.' Therefore, there would be no impact in this instance and in NPPF terms the proposals would not result in harm of a substantial or less than substantial nature to the significance of heritage assets.
- 6.3 Ecology
- 6.3.1 This application is supported by an Ecological Impact Assessment (Churton Ecology, June 2023) which has been assessed by the SC Ecology Team who have confirmed that they are content with the level of survey work and raise no objections to the proposals subject to appropriate conditions and informatives.
- 6.4 Neighbour Amenity
- 6.4.1 It is judged that given the distance separation and the intervening buildings the proposals would not unduly harm the existing residential amenity enjoyed by the occupiers of the nearby residential properties.
- 7.0 CONCLUSION**

- 7.1 The proposed extension would not harm the historic fabric of the Listed Building and would have no impact on the significance of the Listed Building, the character and appearance of the Ludlow Conservation Area and setting of the listed building and adjacent Heritage Assets. The development would not harm the residential amenities of neighbouring dwellings and ecological interests can be satisfactorily addressed by the imposition of suitable conditions. The scheme is therefore considered to comply with policies CS6, CS17, MD2, MD12 and MD13 of the adopted Local Plan and to meet the requirements of the NPPF. In making this decision special regard has been given to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme therefore complies with the main objectives of the relevant development plan policy, and it is recommended that planning permission and listed building consent is granted.

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

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS15 - Town and Rural Centres

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

MD2 - Sustainable Design

MD11 - Tourism Facilities and Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

11/03625/FUL Erection of 2 no. holiday lodges GRANT 13th December 2011

11/03626/LBC Erection of 2 no. holiday lodges NPW 23rd August 2011

HEPRE/17/00338 Extension of conservatory over existing patio area- grd II listed building
LBCRQ 12th December 2017

17/06004/FUL Enclosure of existing terrace to provide extension to restaurant GRANT 18th
June 2018

17/06005/LBC Enclosure of existing terrace to provide extension to restaurant affecting a
Grade II Listed Building GRANT 18th June 2018

18/03791/LBC Conversion of the existing function room and bar at basement level to letting
accommodation; erection of a wooden pergola canopy over the riverside balcony affecting a
Grade II Listed Building GRANT 10th October 2018

18/04118/FUL Erection of a wooden pergola canopy over the existing riverside balcony.
GRANT 26th October 2018

23/00252/FUL Alteration of existing first floor terrace to create two additional guest bedrooms
with additional guest terrace above and alterations to existing walkway along the riverside to
create a customer terrace and serving facility WDN 12th April 2023

23/00253/LBC Alteration of existing first floor terrace to create two additional guest bedrooms
with additional guest terrace above and alterations to existing walkway along the riverside to
create a customer terrace and serving facility affecting a Grade II Listed Building WDN 11th
April 2023

SS/1978/68/L/191 Conversion of cellar into a bar and extension to existing public bar.
PERCON 10th March 1978

SS/1978/68/P/ Conversion of cellar into a bar and extension to existing public bar. PERCON
10th March 1978

SS/1974/637/P/ Erection of fire escape. PERCON 1st July 1974

SS/1974/637/L/1 Erection of fire escape. PERCON 1st July 1974

SS/1/05/17208/LB Renovation and extension to existing public house/hotel; conversion of
existing to form revised accommodation; demolition of single storey extensions and removal of
cement render and make good stonework PERCON 6th September 2005

SS/1/05/17207/F Renovation and extension to existing public house/hotel; conversion of
existing to form revised accommodation; demolition of single storey extensions and removal of
cement render and make good stonework PERCON 6th September 2005

SS/1/05/17656/LB Amendment to existing planning approval to form back of house facilities
beneath kitchen extension in construction void and to utilise river frontage for dining;
amendments to windows of new bar and dining room. PERCON 8th December 2005

SS/1/05/17655/F Amendment to existing planning approval to form back of house facilities
beneath kitchen extension in construction void and to utilise river frontage for dining;
amendments to windows of new bar and dining room. PERCON 8th December 2005

SS/1/05/17580/LB Display of an externally illuminated advert (existing signage to be removed)
PERCON 24th November 2005

AGENDA ITEM

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Charlton Arms Hotel

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXXJESTDJ4100>

List of Background Papers

Planning application reference 23/03457/FUL and 23/03458/LBC, and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member:

Cllr Vivienne Parry

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions to include

STANDARD CONDITION(S)

1. Time limit,
2. Accordance with the approved plans
3. All gutters, downpipes, soil and vent pipes and other external plumbing to be cast iron or cast aluminium.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Approval external material samples,
5. Approval of roof construction details including details of eaves, undercloaks ridges, valleys and verges
6. Approval of joinery details to include all external windows and doors and any other external joinery

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Approval of Bat and Bird Boxes specification and location

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

8. Prior approval of any external lighting to demonstrate will not impact on ecological networks and/or sensitive features.