



## MINUTES

Minutes of a meeting of the **REPRESENTATIONAL COMMITTEE** held at the Guildhall, Mill Street, Ludlow on **WEDNESDAY 24<sup>th</sup> AUGUST 2016** at **7pm**.

### R/415 **PRESENT**

Chair: Councillor Ginger

Councillors: Councillors Clarke, Draper, Gill, Kemp, R Jones, Lyle, Sheward (Vice) and Smithers

Officers: Gina Wilding, Town Clerk  
Stephanie Williams, Admin Assistant

### R/416 **HEALTH & SAFETY**

The Chairman informed Councillors of the fire exits, fire assembly point and asked that everyone sign the attendance log.

### R/417 **APOLOGIES**

No apologies were received.

### R/418 **DECLARATIONS OF INTEREST**

Disclosable Pecuniary Interests  
None

Conflicts of interest  
None

Personal Interest

Cllr	Item	Reason
Lyle	16/ 16/ Item13 Grant application Public open session 16/02033/FUL	Knows the applicant Knows the applicant Knows the objector Knows the applicant
Draper	16/03468/TCA	Knows the occupant
Ginger	Item 12 Rose and Crown 16/03468/TCA	Knows the licensee Knows the objector
Sheward	16/03096/OUT	Knows the author of the letter

**R/419      PUBLIC OPEN SESSION (15 minutes)**

There were 3 members of the public present.

Mr and Mrs Laishley 112 Corve Street Ludlow

Mrs Laishley expressed their concerns regarding 16/02033/FUL Stone House Development Corve Street Ludlow. She stated that the proposed development would impact on the neighbouring properties in Corve Street as the development is in close proximity to listed properties. She said the development would be over bearing and out of keeping with the existing street scene because it would be a three storeys building and only one other building is three storeys high.

Purcell Development and Shropshire Council's Case Officer met with Mr and Mrs Laishley on site to discuss the restricted access to the rear of their property. Mrs Laishley reported that it had been agreed by the developers to move the proposed buildings 2 meters north thus allowing more acceptable access to 112 Corve Street. Mrs Laishley had requested that the revised plans are publicised on Shropshire Council's Planning Portal and requested that Ludlow Town Council object to the development.

Mr Roger Furniss Apple Tree Barn Linney Ludlow

Mr Furniss informed members that the requested grant money will support the costs of providing the Ludlow Hockey Team with high level international coaching at Durham University during the tour. He thanked Ludlow Town Council for the opportunity to speak at the meeting.

**R/420      LUDLOW'S UNITARY COUNCILLORS QUESTION AND ANSWER SESSION**

There were no Unitary Councillor present.

**R/421      MINUTES  
RESOLVED  
(GG/PD)**

That the minutes of the Representational Committee meeting held on Wednesday 27<sup>th</sup> July 2016 be approved as a correct record and signed by the Chairman.

**R/422      ITEMS TO ACTION**

The Chairman thanked staff for completing the items to action.

**RESOLVED (unanimous)  
GG/JS**

To note the items to action

**R/423 LUDLOW CONSERVATION AREA ADVISORY COMMITTEE (LCAAC)****RESOLVED** (unanimous)**GG/CS**

To note the minutes of the meeting Wednesday 27th July 2016 and the agenda of 24<sup>th</sup> August 2016.

**R/424 NOTICES OF PLANNING DECISIONS FROM SHROPSHIRE COUNCIL  
SHROPSHIRE COUNCIL DECISIONS****RESOLVED** (unanimous)**GG/JS**

That the decisions be noted

<u>ITEM</u>	<u>STATUS</u>
12/04328/OUT	PENDING
13/02286/FUL	REGISTERED
14/02846/OUT	PENDING
15/04599/LBC	PENDING
15/05049/FUL	REGISTERED
15/05125/DEM	UNKNOWN
15/05374/LBC	REGISTERED
15/05373/FUL	REGISTERED
15/05013/FUL	REGISTERED
15/05542/FUL	PENDING
16/00221/FUL	PENDING
15/05373/FUL	PENDING
16/00426/FUL	REGISTERED
16/00436/FUL	REGISTERED
16/00840/TCA	REGISTERED
16/01156/FUL	PENDING
16/01267/TCA	PENDING
16/01200/TCA	PENDING
16/01172/ADV	PENDING
16/01067/FUL	PENDING
16/01182/FUL	PENDING
16/00761/FUL	PENDING
16/01015/FUL	PENDING
16/00788/REM	PENDING
16/01767/DIS	PENDING
16/02094/TCA	PENDING
16/02345/FUL	PENDING
16/01156/FUL	PENDING
16/02033/FUL	PENDING
16/02530/FUL	PENDING
16/02945/TCA	PENDING

16/02226/LBC	PENDING
16/02321/LBC	PENDING
16/02163/FUL	PENDING
16/02587/TCA	PENDING
16/00788/REM	PENDING

## R/425 SHROPSHIRE COUNCIL DECISIONS

<u>ITEM</u>		<u>STATUS</u>
16/03003/TCA	Whitcliffe Common Ludlow	NO OBJECTION
16/02980/TCA	Whitcliffe Common Ludlow	NO OBJECTION

Ludlow Town Council had previously objected to the felling of the two oaks on Whitcliffe Common and clearly stated at Representational Committee on 27<sup>th</sup> July 2016:

- i) *To object to the felling of the oak trees numbered 8 & 9;*
- ii) *That the oak trees numbered 8 & 9 should be protected by a TPO;*
- iii) *That the proposed tree works except the felling of oak trees numbered 8 & 9 should be permitted.*

### RESOLVED (unanimous) TG/DL

Ludlow Town Council is disappointed that Shropshire Council had decided that they had no objection to the felling of the two oak trees and strongly disagreed with the decision.

- i) Members were concerned that the decision to fell the tree sets a precedent that values the right to a view too highly.
- ii) The trees act as a frame to the view of Ludlow from Whitcliffe and the trees are of high public amenity.
- iii) The view of Ludlow from Whitcliffe is not obscured if you walk a short distance along the common in either direction from the trees.
- iv) The impact of the trees varies depending on the time of year because they are deciduous and lose their foliage during the winter months.

## R/426 RESOLVED (unanimous) GG/ JS

That the decisions be noted

ITEM	ADDRESS	DECISION	PAGE
16/01055/FUL	18 Wheeler Road Ludlow SY81JD	GRANTED	
16/02590/TPO	Dyke Ruscoe & Hayes Ltd 110 Corve Street Ludlow SY8 1DJ	REFUSED	
16/02444/FUL	40 Dinham Ludlow SY8 1EH	GRANTED	
16/02945/TCA	Hillcrest 59 Gravel Hill Ludlow SY8	NO	

	1QS	OBJECTION	
16/02126/FUL	3 Saunders Close Ludlow SY8 1RH	GRANTED	
16/02350/FUL	Torrington 22 Stanton Road Ludlow	GRANTED	
16/01962/FUL	26 Bringewood Ludlow	GRANTED	
16/02803/AMP	Linney House Ludlow SY8 1EE	GRANTED	
15/01292/OUT	Bankside Burway Lane Ludlow	GRANTED	

### **PLANNING APPLICATIONS**

#### **R/427 16/03096/OUT Fishmore Road**

A decision regarding the planning application was made at the previous meeting and members were being asked to consider a letter regarding the treatment of the trees and flora on the site.

#### **RESOLVED (unanimous)** **GG/DL**

- i) To note the letter received.
- ii) To send a copy to Shropshire Council Planning Department

#### **R/428 16/03159/FUL 5 Market Street Ludlow** **16/03160/LBC** **RESOLVED (unanimous)** **GG/RJ**

No objection

#### **R/429 16/03372/VAR Pellow House Old Street Ludlow** **RESOLVED (unanimous)** **GG/JS**

No objection

#### **R/430 Suspend Standing Orders** **RESOLVED (unanimous)** **GG/JS**

To suspend standing orders

Further discussion took place in relation to 16/03159/FUL and 16/03160/LBC

#### **R/431 Reinstate Standing Orders** **RESOLVED (unanimous)** **GG/JS**

To reinstate standing orders

R/432 **16/03462/AMP 40A Dinham Ludlow SY8 1EH**  
**RESOLVED (unanimous)**  
**GG/JS**

No objection

R/433 **16/03468/TCA St Leonards Press Corve Street Ludlow**

Members decided that the two aspects of the application need individual consideration

**RESOLVED (unanimous)**  
**GG/JS**

i) No objection to remove 4 no. Yew trees

*The felling of four of the remaining group of yews will affect the view from Corve Street where the crowns have an important visual impact breaking up the line of the wall viewed from the street. However, the objective of the thinning is to allow further growth of the retained crowns which will retain this visual contribution.*

ii) Object to remove 1 no. Cypress tree  
Shropshire Council should be asked to prevent the felling under a Tree Preservation Order.

*No evidence is presented to show that the proximity of the tree has had either a direct impact on the building from overhanging branches or an impact on the structure through roots affecting the foundations. The latter involves a complex interaction of foundation design, soil texture and water conditions as well as species on none of which is evidence presented.*

*The rot/defect at the base of the trunk is minor and the rolls of new growth around the site show that the tree is still growing vigorously and is likely to compartmentalise the damage.*

*As the applicants photograph shows this cypress is highly visible from the public footpath through the site and visually breaks up the profile of the building. In my opinion the arguments for its removal are weak and involve significant loss of public amenity.*

R/434 **16/03012/LBC 6 Castle Street Ludlow**  
**16/02921/ADV**

**RESOLVED (8:0:1)**  
**PK/GG**

To Object for the following reasons:

i) Unauthorised works have been undertaken on a listed building before the end of consultation period

- ii) The Conservation Officer was not consulted
- iii) The works are in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 7 as quoted below:

**AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS**  
Control of works in respect of listed buildings

*7. Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed works affecting building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.*

**R/435**    **16/03315/LBC 44 Lower Broad Street Ludlow SY8 1PH**  
**16/03314/FUL**

**RESOLVED (unanimous)**  
**GG/MC**

To object to the erection of front porch

Members believe that the existing porch structure should be repaired, or if this is not possible, replaced with like for like to retain the appearance of the building.

Members had no objection to the alterations and extension to existing outbuildings

**R/436**    **16/03498/FUL Hillcroft Gravel Hill Ludlow SY8 1QU**

Members felt that the footprint and layout of the proposed dwelling was acceptable

**RESOLVED (unanimous)**  
**MC/TG**

To object to the cladding which is incongruous with the overall street scene and neighbouring properties

**R/437**    **16/03787/DIS 51 Mill Street Ludlow**

The Conservation Officer and members welcomed the professional drawings presented as part of the resubmission.

**RESOLVED (unanimous)**

No objection

**R/438**     **16/03766/TCA The Cottage St.Julians Avenue Ludlow****RESOLVED (unanimous)**  
**JS/PD**

No objection

**R/439**     **PLANNING ENFORCEMENT ROSE AND CROWN CHURCH STREET**  
**LUDLOW**

The Conservation Officer informed members that Joules Brewery have installed a flue on the West elevation in Quality Square. He stated that the flue is not on the approved plans and the size and position of the flue is not acceptable.

Concerns were also expressed that the position of the bar and alterations to windows were not agreed on the original plans.

Ludlow Town Council also received communication from Ludlow Civic society informing members that, on 18<sup>th</sup> August 2016, Ludlow Civic Society unanimously condemned the installation of the monstrous vent outside the Rose and Crown, which must be in breach of planning requirements in such a sensitive conservation area.

**RESOLVED (unanimous)**  
**TG/MC**

- i) With reference to comments from Shropshire Council's Conservation Officer and Ludlow Civic Society regarding the flue installed a flue on the West elevation in Quality Square, which is not on the approved plans, Ludlow Town Council demand that Shropshire Council take enforcement action against Joules Brewery in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 38 <sup>(1)</sup> and the National Planning Policy Framework, paragraph 207 <sup>(2)</sup>.
- ii) Ludlow Town Council ask that the Conservation Officer update the committee on the progress of the enforcement action.

**1. Planning (Listed Buildings and Conservation Areas) Act 1990,  
Section 38**

Power to issue listed building enforcement notice.

(1 ) Where it appears to the local planning authority —

(a) that any works have been or are being executed to a listed building in their area; and

(b) that the works are such as to involve a contravention of section 9(1) or (2),

they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section (in this Act referred to as a "listed building enforcement notice").



(2) A listed building enforcement notice shall specify the alleged contravention and require such steps as may be specified in the notice to be taken

(a) for restoring the building to its former state; or

(b) if the authority consider that such restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent; or

(c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.

(3) A listed building enforcement notice—

(a) shall specify the date on which it is to take effect and, subject to sections 39(3) and 65(3A), shall take effect on that date, and

(b) shall specify the period within which any steps are required to be taken and may specify different periods for different steps, and, where different periods apply to different steps, references in this Part to the period for compliance with a listed building enforcement notice, in relation to any step, are to the period within which the step is required to be taken.

(4) A copy of a listed building enforcement notice shall be served, not later than 28 days after the date of its issue and not later than 28 days before the

(a) on the owner and on the occupier of the building to which it relates; and

(b) on any other person having an interest in that building which in the opinion of the authority is materially affected by the notice.

(5) The local planning authority may —

(a) withdraw a listed building enforcement notice (without prejudice to their power to issue another); or

(b) waive or relax any requirement of such a notice and, in particular, may extend the period specified in accordance with section 38(3), and the powers conferred by this subsection may be exercised whether or not the notice has taken effect.

(6) The local planning authority shall, immediately after exercising the powers conferred by subsection (5), give notice of the exercise to every person who has been served with a copy of the listed building enforcement notice or would, if the notice were re-issued, be served with a copy of it

(7) Where a listed building enforcement notice imposes any such requirement as is mentioned in subsection (2)(b), listed building consent shall be deemed to be granted for any works of demolition, alteration or extension of the building executed as a result of compliance with the notice.

## **2. National Planning Policy Framework, paragraph 207**

### **Enforcement**

207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement

proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

**R/440     Suspension of Standing Orders (6:2:1)**

**RESOLVED**  
**CS/MC**

To suspend standing orders

Members discussed 16/03012/LBC & 16/02921/ADV

**R/441     Reinstatement of Standing Orders (6:2:1)**

**RESOLVED**  
**CS/MC**

To suspend standing orders

**R/427     GRANT APPLICATION- LUDLOW HOCKEY CLUB**

The Chair thanked Mr Furniss on attending the meeting to clarify how the requested grant will be spent to benefit the members of the Ludlow Hockey Team.

**RESOLVED (unanimous)**  
**GG/JS**

To award the grant of £300.00 to Ludlow Hockey Team for the Youth Hockey Tour to Durham.

**R/443     PAVEMENT PERMIT- Pot Luck Tower Street Ludlow**

**RESOLVED (unanimous)**  
**GG/CS**

No objection

**R/444     Closed Consultation Pavement Permits**

**RESOLVED (unanimous)**  
**TG/CS**

- i) In relation to the application for a pavement permit outside Carvells Art of Tea, 13 King Street to seek clarification from Shropshire Council on whether Fish Street has been pedestrianised or is it still a roadway.

ii) To note all listed closed consultation pavement permits

R/445

**ROAD CLOSURES**

**RESOLVED (unanimous)**

**TGG/JS**

To note the road closures

Meeting closed at        pm

\_\_\_\_\_  
Chairman

Date

NB: No Closed Session minutes will be issued