

**Minutes** of the meeting of the **PLANNING COMMITTEE**  
held on **Monday 29<sup>th</sup> April 2024** at **7:00pm**  
in **The Pump Rooms, off Teme Street, Tenbury Wells, WR15 8BA**

**PRESENT:** Cllrs. S. Bowkett, L. Davies, M. Davies, N. Ferguson, D. Ingram and R. Perrin.

**IN ATTENDANCE:** The Town Clerk, the Assistant to the Town Clerk, Cllr. E. Bunting, Cllr. R. Connolly, Cllr. A. Gould, Cllr. D. Patrick, Cllr. S. Russell, Malvern Hills District Councillor A. Wilmott and 27 members of the public.

**P24.01 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**P24.02 DECLARATION OF INTEREST**

A declaration of interest was made, under the Code of Conduct pursuant to the Localism Act 2011, in respect of item **P24.06 Town and Country Planning Act 1990 s.247** on the agenda, by Cllr. N. Ferguson due to having a pecuniary interest in the application.

**P24.03 PUBLIC PARTICIPATION**

Cllr. Ferguson addressed the Committee, as a member of public, with regards item **P24.06 Town and Country Planning Act 1990 s.247** in respect of the closure and proposed new footpaths on the grounds of Cadmore Lodge. Cllr. Ferguson stated that since the cessation of the golf course on site, that the use of the footpaths had become haphazard, and the owners are looking to formalise the designated paths. This has caused conflict with the local residents and the owners are keen to find a solution, however one path remains particularly contentious with the owners recommending the use of a service track, which is positioned to the back of the lodge and round the boundary of the property. Also, one footpath historically crossed over onto an adjoining property and it is now suggested that the footpath stays within the boundary line of Cadmore Lodge.

On the topic of nesting swans, Cllr. Ferguson stated that swans are creatures of habit and that they currently have three places that they exit the lake. By re-positioning the path behind the lodge the issue of disturbing the swans would be negated.

Cllr. Ferguson left the meeting.

A member of the public addressed the Committee (**Appendix A**) on behalf of residents of St. Michael's and Berrington outlining a preferred option for proposed new footpaths on the Cadmore site as detailed in agenda item **P24.06 Town and Country Planning Act 1990 s.247**.

**P24.04 MINUTES**

To approve as a true and accurate record the resolutions and minutes of the previous meeting held on 26<sup>th</sup> February 2024.



It was proposed by Cllr. M. Davies seconded by Cllr. L. Davies and unanimously

**RESOLVED:**

**That the minutes of the Planning Committee meeting held on 26<sup>th</sup> February 2024 were confirmed as a true and accurate account of the meeting and were duly signed by the Chair as a true and accurate record of the proceedings.**

**P24.05 PLANNING APPLICATION – MALVERN HILLS DISTRICT COUNCIL**

Applications can be viewed online by following the link and searching on the application number <https://plan.malvern hills.gov.uk/>

**Planning Ref: M/24/00217/FUL**

Proposed use of land to accommodate and manage horses and erection of barn with internal stabling units and storage for farm machinery – Land At (Os 5865 6769), Berrington Road, Tenbury Wells.

Following a discussion, it was proposed by Cllr. D. Ingram seconded by Cllr. L. Davies and unanimously

**RESOLVED:**

**To SUPPORT the planning application Planning Ref: M/24/00217/FUL**

**P24.06 TOWN AND COUNTRY PLANNING ACT 1990 s.247**

Members considered the proposed stopping up of Highway at Cadmore Lakeside Hotel, Berrington Green, Tenbury Wells, WR15 8TQ and proposed new highway (footpath) to be provided.

Members discussed the proposals for the footpaths and the statements put forward in public participation on behalf of the applicants and the residents.

It was proposed by Cllr. L. Davies seconded by Cllr. S. Bowkett and

**RESOLVED: (3 For, 1 Against, 1 Abstention)**

**To OBJECT to the proposed plans for stopping up of Highway at Cadmore Lakeside Hotel, Berrington Green, Tenbury Wells, WR15 8TQ and proposed new highway (footpath) to be provided.**

**P24.07 TREE PRESEVATION ORDER**

Members noted the Tree Preservation Order 715 (2024) – Pine tree in rear garden, and to the north of, The Byre, 11 Kyrewood Court, Kyrewood, Tenbury Wells.

**P24.08 PLANNING DECISIONS**

Members noted the following planning decisions by Malvern Hills District Council

(i) **Planning Ref: M/23/00440/LB: APPROVED**



Temporary repairs and stabilisation of the roof. Replace missing and fractured cast iron gutter with existing retained on site. Clean, paint and realign gutter and reconnect to rainwater pipes – The Round Market, Market Square, Tenbury Wells, WR15 8BL.

**(ii) Planning Ref: M/23/00761/CLE: APPROVED**

Application for a Lawful Development Certificate Existing for the use of two log cabins erected as holiday accommodation to be used as permanent residential properties – Hawk Cabin and Stoat Cabin At, Cadmore Lodge, Berrington Green, Tenbury Wells.

**(iii) Planning Ref: M/23/00864/CU: APPROVED**

Change of use of land to a day nursery (Class E(f)), siting a cabin, parking and associated works – Land At (Os 5811 6580), St. Michaels.

**(iv) Planning Ref: M/23/01797/FUL: REFUSED**

Proposed conversion of an unused building into a two-storey two-bedroom house – G.H. Bowkett Ltd, Market Square, Tenbury Wells, WR15 8BL.

**(v) Planning Ref: M/23/01781/FUL: APPROVED**

Rear extension and loft conversion to provide additional dentist clinic rooms and facilities (Variation of condition 3 Ref: 20/01701/FUL) – Dental Surgery, 32 Teme Street, Tenbury Wells, WR15 8AA.

**P24.09 DATE AND TIME OF NEXT MEETING**

Monday 3<sup>rd</sup> June 2024 at 7:00pm

Meeting closed 7.29pm

Signed .....

Date .....



## Appendix A

### CADMORE LODGE – PROPOSED DIVERSION OF PUBLIC RIGHTS OF WAY AS PART OF RESERVED MATTERS APPLICATION.

### APPLICANT’S PROPOSED AMENDMENTS IN RESPONSE TO TENBURY TOWN COUNCIL RESOLUTION.

On behalf of the residents of St Michaels and Berrington, I refer to the Planning Agenda item P24.06, in respect of a proposed revision to the footpaths at Cadmore Lodge, submitted by Messrs PlanIT and the photographs presented by the applicant, Councillor Ferguson.

Reference to the Highways Act 1980 shows that the minimum width of a public footpath should be 1.5 metres, except where crossing a field in which case it can be 1.0m wide.

The footpath route around the northern edge of the lake, including the landowner’s footbridge, is 1.5 metres wide, other than where the landowner’s brick wall protrudes into the footpath, reducing it to one metre.

The position of the fence enclosing the footpath from the hotel, shown in their photographs was erected by the Landowner so that could be relocated

The implication in these photographs is that the footpath is unsafe.

That is challenged by local residents who regularly use the footpaths.

Reference to the Highways Act 1980, indicates that the responsibility for public footpaths is shared between the Highways Authority and the landowner. Footpaths cannot be left to deteriorate so that their condition becomes an excuse for them to be relocated to a position more convenient to the landowner.

The Applicant has accepted the Resident’s proposed revision to Footpath 525[C], maintaining it within the Western site boundary.

The applicant proposes to redirect Footpath 542[C] from around the Northern edge of the lake to a new route behind the Hotel.

If you refer to photographs submitted by the Residents, you will see that Photograph ‘A’ shows that the existing route is a Highways signed footpath, between the Lake and the Hotel and Photograph ‘B’ shows the splendid views of the lake, currently enjoyed by walkers of that route.

Reference to the map shows that the Applicant proposes to sever the currently continuous East – West route and redirect it around the rear of the Hotel, shown in yellow.

For an indication of what the walkers would experience please refer to Photograph ‘C’ which shows that the proposed route would pass through the service area of the Hotel, past the refuse bins, caravan and the open Outbuilding, home to obsolete kitchen equipment and other detritus and also, nesting Owls.

The footpath route would then climb a hill through an overgrown neglected area of site and then continue along the Eastern boundary of the site, obscured from views of the lake.

The opportunity to walk around the southern end of the lake and cross Cadmore Brook is frustrated by the condition of the footbridge which has been allowed to fall into disrepair as shown in Photograph ‘D’ on the sheet.

The Residents continue to request that the North – South footpath route, along the Western side of the lake, should be as they previously proposed and endorsed by both Planning and Full Council meetings.

This is a much more straightforward route and is closer to the original Footpath 736[C] which was on the western side of the Brook before it became submerged by the creation of the lake. **BOOK**

For context, a Roe Deer has recently been seen near to these ancient footpath routes and so, they should not be changed for the economic convenience of the current landowner, to the detriment of future generations.

I was a member of the Town Council when the planning application was submitted for twenty five holiday lodges on this site and I objected to the numbers proposed.

My fellow Councillors chose to support the application because they felt that it could encourage tourism and attract more visitors to Tenbury.

Residents feel that in the interests of transparency, a new Reserved Matters application should be required because these fundamental changes to long established footpaths are materially different from that which was originally proposed.

If the footpaths are all pushed to the site boundaries, losing proximity to the lake and wildlife, local people and visitors would be excluded from the features that currently attract them.

An outcome directly contrary to what your predecessors were hoping for when they supported the original planning application.

The Residents request that the Town Council stand by their decision to support the modifications to the footpath routes proposed by the Residents as follows:

1. Modify Footpath 524[C] so that it stays within the site on the Western boundary.
2. Retain and confirm the Footpath route around the Northern edge of the lake, in front of the Hotel.
3. Site the North – South route 736[C] along the Western edge of the lake.