



LEDBURY TOWN COUNCIL

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7 July 2023

TO: Councillors Bradford, Harvey, Howells, Hughes, l'Anson and Morris (Chair)

You are hereby summoned to attend a meeting of the **Planning, Economy & Tourism Committee** which will be held in the **Council Offices, Church Lane, Ledbury**, on **Thursday, 13 July 2023 at 7.00 pm** for the purposes of transacting the business set out below.

Yours faithfully

Angie Price
Clerk

FILMING AND RECORDING OF COUNCIL MEETINGS

Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner. Whilst those attending meetings are deemed to have consented to the filming, recording, or broadcasting of meetings, those exercising the rights to film, record or broadcast must respect the rights of other people attending under the Data Protection Act (GDPR) 2018

AGENDA

1. To receive apologies for absence
2. To receive any declarations of interest and written requests for dispensations

(Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by the Ledbury Town Council Code of Conduct for Members and by the Localism Act 2011)

(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at Herefordshire Council at least 72 hours prior to the meeting)

3. Public Participation

Members of the public are permitted to make representations, answer questions, and give evidence in respect of any item of business included in the agenda. The period of time, which is at the Chairman's discretion, for public participation shall not exceed 15 minutes. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than five minutes. Questions/comments shall be directed to the Committee Chairman.

MINUTES

- 4. To approve and sign the minutes of the Planning Economy & Tourism Committee meeting held on 8 June 2023 (Pages 108 - 116)**
- 5. To review the Action Sheet (Pages 117 - 119)**

ECONOMY

- 6. Minutes of a meeting of the Markets Working Party (To follow)**

TOURISM

- 7. Painted Room Visitor numbers March-May 2023 (Page 120)**
- 8. Tourist Information Centre Council Offices (Pages 122 - 123)**
- 9. Update from Buses4Us (Pages 124 - 125)**

PLANNING

- 10. Planning Consultations**

	Application Number	Deadline for comments/ determination	Application details
10.1	230680	Deadline for further comments 03.07.2023 Target Determination date	Application for approval of reserved matters following outline approval of 212114 – one dwelling and associated vehicular access – Parkway House, Little Woolpits Lane – Parkway, Herefordshire, HR8 2JG – Re-consultation

10.2	231593	Deadline for comments 17.07.2023 Target Determination date	Retrospective planning application for the change of use of land to a dog daycare business and associated development – The Bullen, Ledbury, Herefordshire, HR8 2JE
10.3	231366	Deadline for comments 14.07.2023 Target Determination date	To revert the small shop area on the ground floor back to residential use – 3 Church Street, Ledbury, Herefordshire, HR8 1DH
10.4	231853	Deadline for comments 26.07.2023 Target Determination date	Proposed lowering of a section of wall along a length of approximately 25 meters and replace with a timber close boarded fence to match the height of the existing wall (Part retrospective) – Bye Street Car Park, Ledbury, Herefordshire,
10.5	231916	Deadline for comments 20.07.2023 Target Determination date	Proposed single storey extension - 38 Woodfield Road, Ledbury, Herefordshire, HR8 2XJ
10.6	231923	Deadline for comments 21.07.2023 Target Determination date	Proposed works to existing damaged stone plinth filled and covered with proposed tiling to match – Sear House, Bye Street, Ledbury, Herefordshire

11. **Tabled Applications** (If any)
(applications received after agenda despatch where deadline dates for comments are earlier than the next committee meeting)
12. **Planning Decisions** (Pages 126 - 131)
13. **Enforcement Notice withdrawal in respect of Little Bush Pitch, Ledbury, Herefordshire, HR8 2PX** (Pages 132 - 135)
14. **Traffic Regulation Order Scheme to Implement no entry restriction on Woodleigh road, Ledbury** (Pages 136 - 138)
15. **Application for Premises Licence at Ledbury Mini Market, 10 New Street, Ledbury, HR8 2DX** (Pages 139 – 140)
16. **Appeal Decision – 49 Bank Crescent, Ledbury, 220374 – Appellants Costs Decision** (Pages 141 - 147)
17. **To give consideration to areas in Ledbury that would benefit from on-street charging infrastructure** (Pages 148 - 149)

18. **Report prepared by Councillor Howells in respect of McCarthy Stone proposals**
(Pages 150 - 161)

WORKING PARTIES

19. **Neighbourhood Development Plan**

To give consideration to if or when the Neighbourhood Development Plan Working Party should be established in the 2023/24 Municipal Year

GENERAL

20. **Section 106 (Standing item)**

To review Ledbury Town Council S106 Wish List

Link to Ledbury S106 wish list

<https://www.herefordshire.gov.uk/downloads/file/25255/parish-and-town-council-s106-wish-lists>

21. **Date of next meeting**

To note that the date of the next meeting of the Planning, Economy & Tourism Committee is scheduled for 10 August 2023 at 7.00pm in the Council Offices, Church Lane, Ledbury

Distribution: Full agenda to: - Committee Members (6)
File Copy (1)

Full agenda excluding confidential papers to:

Press (2)

Ward Councillors (2)

Library (1)

Agenda front pages to all non-committee members (4)

LEDBURY TOWN COUNCIL
MINUTES OF A MEETING OF THE PLANNING, ECONOMY & TOURISM
COMMITTEE

HELD ON 8 JUNE 2023

PRESENT: Councillors Bradford, Harvey, Howells, l'Anson & Morris (Chair)

ALSO PRESENT: Angela Price – Town Clerk
Sophie Jarvis – Minute Taker
Stef Simmons – Ledbury South Ward Councillor
2 representatives from Buses4Us

P21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hughes.

P22. DECLARATIONS OF INTEREST AND WRITTEN REQUESTS FOR DISPENSATIONS

RESOLVED:

No declarations of interest were received.

P23. TERMS OF REFERENCE

It was noted that the Neighbourhood Development Plan section on the Terms of Reference was out of date and needed updating.

RESOLVED:

That the Terms of Reference be amended to take into account the changes to the Neighbourhood Development Plan following it being “made” in June 2023.

P24. PUBLIC PARTICIPATION

Claire Stone and Chris Howley from Buses4Us provided an update on the suggestion to possibly extend the Daffodil Line the Hawk Rise Estate and eventually to the Viaduct site, once developed. Buses4Us informed members that this would not be possible for the Daffodil Line, however they did advise that it may be possible for the 476 Ledbury to Hereford service to extend to these areas.

Buses4Us informed members that they have a good relationship with the transport department at Herefordshire Council and that they would be willing to work with Ledbury Town Council in an attempt to introduce this service.

Ledbury South Ward Councillor Simmons arrived at 7:09pm.

Councillor Morris thanked the representatives from Buses4Us for attending the meeting and for the update on introducing a bus service to the Hawk Rise Estate and the new Viaduct site once completed.

RESOLVED:

That Buses4Us work with Ledbury Town Council and Herefordshire Council with a view to a bus service being implemented from/to Hawk Rise and the new Viaduct site, once completed.

The Buses4Us representatives left the meeting at 7:20pm.

P25. TO APPROVE AND SIGN THE MINUTES OF THE PLANNING, ECONOMY & TOURISM COMMITTEE MEETING HELD ON 18 MAY 2023

Councillor Harvey requested that the bookmark function be used on the electronic agendas to help with finding each item more efficiently. Councillor Harvey informed the Clerk that she would be happy to help staff set up this function.

Councillor Bradford proposed that the minutes of the Planning, Economy & Tourism Committee meeting held on 18 May 2023 be signed as a correct record. Councillor Howells seconded this, and all members were in favour.

RESOLVED:

- 1. That the minutes of the Planning, Economy & Tourism Committee meeting held on 13 April 2023 be approved and signed as a correct record.**
- 2. That the bookmark function be used on electronic agendas for future committee meetings.**

P26. TO REVIEW THE ACTION SHEET

The Clerk updated members on the following points on the Action Sheet.

P6(4) – That following the visit to the TIC in Hereford, the Community Development Officer provide a report to committee.

This visit is taking place on Wednesday, 14 June 2023 and a report will be provided from this visit at the next Planning, Economy & Tourism Committee Meeting.

P7(1) – That the draft Charter Market Policy and the draft Strategy document for the short, medium & long term of the Charter Market be provided to regular traders for comment, and that they be given two weeks to provide feedback on these documents.

This action point is on the agenda to be discussed.

P7(2) - That a separate document be created to show the pitch fees once the Charter Market Strategy has been agreed.

This action point will be completed once the draft Charter Market Policy and the draft strategy document for the short, medium & long term of the Charter Market has been approved.

P8 - That the Clerk write to Bloor Developments and the Planning Officer at Herefordshire Council to inform them that there is an expression of interest from Buses4Us to extend the Daffodil Line to the Hawk Rise estate and the Viaduct development site.

This has been completed and there has been no response back.

P9(1) - That the Clerk invite David Fall to attend a meeting with members of the Planning, Economy & Tourism Committee to discuss St Katherine's Square in further detail. This invitation should also go to Roger Allonby and Councillor Harvey to attend.

A response has been received from Councillor Harvey regarding this and this will be included on the agenda for Full Council scheduled for 29 June 2023 for further consideration.

P9(2) - That the Clerk investigate whether the plaque that has been misplaced at Herefordshire Council can be retrieved

Councillor Harvey has agreed to look into this.

P10 - That Town Council offer to sell the Daffodil Line tote bags in the TIC on a sale or return basis, with no initial purchasing outlay to the Council.

These have been delivered and will be sold in the TIC.

P18 - That the final version of the Traffic Management Working Party report be brought to the next Planning, Economy & Tourism Committee Meeting on Thursday, 8 June 2023, and that in the meantime a copy be provided to all Members for consideration at the Full Council meeting scheduled for 25 June.

This final version of the Traffic Management Working Party report is yet to be complete. Councillor Howells will have this completed for the next Planning, Economy & Tourism Committee Meeting.

RESOLVED:

That the Action Sheet be received and noted.

P27. RAIL & BUS FOR HEREFORDSHIRE – SPRING 2023 NEWSLETTER

RESOLVED:

That the Rail & Bus for Herefordshire – Spring 2023 Newsletter be received and noted.

P28. MARKETS WORKING PARTY

i. Draft Markets Strategy Outline

The Clerk informed members that a response had been received from a trader with their feedback on the draft Markets Strategy.

Members agreed that this document needs to be referred to the Markets Working Party to go through it all line by line as members would like to discuss this in more detail.

ii. Draft Markets Policy

Members agreed that the draft Markets Policy should also be referred to the Markets Working Party for further discussion.

RESOLVED:

That both the draft Markets Strategy Outline & the draft Markets Policy be referred to the Markets Working Party to be discussed in more detail.

P29. TOURIST INFORMATION CENTRE COUNCIL OFFICES

Councillor Harvey expressed that she was disappointed that a lot of trouble had gone to, to ensure the Victorian Wing at the Master's House could be available to become a Tourist Information Centre and that this space is not being utilised. Councillor Harvey did mention that the newly purchased feather flags for the outside of the Town Council Offices look lovely and are a great addition to the TIC.

Members agreed that the quotes received from architects for the reconstruction of the reception area in the Town Council offices seemed a rather large amount of money to spend on something that was supposed to be a temporary measure. Members felt that the TIC should be kept small and gradual in the Town Council offices until it is suitable to have it moved to a different location but still manned by the Town Council. It was agreed that the TIC would be more suitable if it was in a separate building to the Town Council offices.

Councillor Bradford mentioned that the Market House is an empty building that is already owned by the Town Council and that this would be an ideal place to relocate the Tourist Information Centre to, once the correct measures have been put in place to ensure that it is accessible to all.

It was noted that the Herefordshire Business Improvement District (BID) could be contacted to give advice and guidance on the best way to move forward with the TIC. Members also mentioned that Leominster and Bromyard have successful TIC's in place and it might be wise to arrange a visit to these too.

RESOLVED:

1. **That a temporary plan be drawn up for the Tourist Information Centre being in the Town Council offices for the short term and an interim report be provided at the next Planning, Economy & Tourism Committee meeting.**
2. **That research takes place into the Tourist Information Centre being relocated to a suitable premises and that Herefordshire Business Improvement District be approached to help with this.**

P30. ADVERTISING BANNERS

Councillor Harvey informed members that Tewkesbury have straight hanging banners in town that look great and that this would be suitable for Ledbury to have with its own theme and information included on. Members agreed that this would be an excellent way forward.

Members also noted that there should be some advertising banners on the bypass street lights and that this option be investigated again.

It was agreed that the theme of these banners could be put to the community to ask what people would like to see on them rather than Ledbury Town Council making the decision. It was suggested that local schools could also be approached to ask if they would like to design something to be included on the banners.

Members all agreed that this idea be put out to the public and put on the agenda for the Environment & Leisure Committee to be discussed further.

RESOLVED:

That the public be approached on what they would like to see on the banners in Ledbury to promote the town and that this be included on the Environment & Leisure Committee for further consideration.

P31. PLANNING CONSULTATIONS

i. Planning Application No. 230973

Proposal to allow 7 kerbstones to be dropped at front of house to allow for driveway access – 116 Bridge Street, Ledbury, HR8 2AW

All members were in favour of having no objections to this planning application.

RESOLVED:

No objections.

ii. Planning Application No. 231641

Proposed works: Wellingtonia – remove shear cracked limbs and deadwood. Western Red Cedar – remove limb with risk of failure. Reduce crown by 10 feet in view of close proximity of neighbour’s house – Ashmead, Woodleigh Road, Ledbury, Herefordshire, HR8 2BG

All members were in favour of having no objections to this planning application.

RESOLVED:

No objections.

iii. Planning Application No. 231425

Proposed extension to existing garage – 12 Spring Grove, Ledbury, Herefordshire, HR8 2XB

4 members were in favour of having no objections to this planning application. 1 member abstained.

RESOLVED:

No objections.

P32. TABLED APPLICATIONS

RESOLVED:

There were no tabled planning applications.

P33. PLANNING DECISIONS

RESOLVED:

That the Planning Decisions document was received and noted.

Councillor Harvey provided a verbal in respect of Planning Application No. 222107.

Members considered that it would be beneficial to request an official report from Herefordshire Council about the derelict building on the High Street where Shaw Healthcare used to be, as it was understood that there has now been an enforcement notice placed on this building.

RESOLVED:

- 1. That the Planning Decisions be received and noted.**
- 2. That Herefordshire Council be asked to provide an official report on No. 14 High Street (the old Shaw Healthcare building), to include what the next steps are in relation to this building made safe and usable again.**

P34. APPLICATION FOR VARIATION OF PREMISES LICENSE – TALBOT HOTEL, NEW STREET, LEDBURY, HR8 2DX

Members discussed that they did not think it would be appropriate to have live music outside of the building because of the noise disruption to neighbours, especially on a Sunday.

RESOLVED:

That Ledbury Town Council do not support the application for variation of premises license at the Talbot Hotel, New Street, Ledbury, HR8 2DX on the grounds that it is within a built up area of the town.

P35. PUBLIC PATH DIVERSION ORDER – FOOTPATH ZB1 (PART) LEDBURY

Members considered that the footpath diversion did not seem appropriate as it has doubled the distance for some walkers and not adhered to the Neighbourhood Development Plan. It was noted that this path diversion order has already been approved and therefore too late for any further comments to be made.

RESOLVED:

That the public path diversion order – footpath ZB1 be received and noted.

P36. SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

That Standing Order 3(x) be suspended for 30 minutes to allow the remainder of the business of the agenda to be completed.

P36. WORKING PARTIES

- i. **To consider which, if any Working Parties the Committee wish to stand up for the 2023/24 Municipal Year**

Previous Working Parties

- **Traffic Management**
- **Neighbourhood Development Plan**
- **Markets**

Councillor Howells proposed that the Traffic Management and the Markets Working Parties stand for the 2023/24 Municipal Year and that the Neighbourhood Development Plan be discussed at the next Planning, Economy & Tourism Committee meeting. Councillor Morris seconded this.

RESOLVED:

That the Traffic Management and the Markets Working Party stand for the 2023/24 Municipal Year and that the Neighbourhood Development Plan Working Party be put on the agenda of the next Planning, Economy & Tourism Committee meeting to be discussed further.

P37. SECTION 106

- i. **Ledbury S106 monies available**
- ii. **Link to Ledbury S106 wish list**

<http://www.herefordshire.gov.uk/downloads/file/25255/parish-and-town-council-s106-wish-lists>

Ledbury Ward Councillor, Stef Simmons provided a verbal update on the Ledbury S106 monies available. She informed members that there will be a call for an additional wish list from towns in about two weeks' time.

RESOLVED:

That the S106 update be received and noted.

P38. DATE OF NEXT MEETING

To note that the date of the next meeting of the Economy, Planning & Tourism Committee is scheduled for 13 July 2023.

The meeting ended at 9:15pm.

Signed Dated
(Chair)

DRAFT

Action Sheet June 2023

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
P23	That the terms of reference be amended to take into account the changes to the Neighbourhood Development Plan following it being "made" in June 2023.	TC	Aug-23	Meeting to be arranged with Cllr Howells to review and amend Terms of Reference	To be referred back to committee in August
P24	That Buses4Us work with Ledbury Town Council and Herefordshire Council with a view to a bus service being implemented from/to Hawk Rise and the new Viaduct site, once completed.	TC	13.07.2023	Update to be included on July agenda	On-going
P25(2)	That the bookmark function be used on electronic agenda for future committee meetings	LTC Administration /Receptionist	15.06.2023	Staff met with Cllr Harvey and bookmark system now in place on all agendas	Completed
P28	That both the draft Markets Strategy Outline & the draft Markets Policy be referred to the Markets Working Party to be discussed in more detail.	TC	04.07.2023	Both documents considered at a meeting of the Markets WP. Further work to be carried out by officers and Cllr Hughes with submission to August Planning meeting	In progress
P29(1) P29(2)	That a temporary plan be drawn up for the Tourist Information Centre being in the Town Council offices for the short term and an interim report be provided at the next Planning, Economy & Tourism Committee meeting.	TC/CDO	TBC	Report to be provided at August meeting	In progress

P29(2)	That research takes place into the Tourist Information Centre being relocated to a suitable premises and that Herefordshire Business Improvement District be approached to help with this.	TC/CDO	TBC		On-going
P30	That the public be approached on what they would like to see on the banners in Ledbury to promote the town that this be included on the Environment & Leisure Committee for further consideration.	CDO/DTC	20.07.2023	Report to be included on E & L agenda for further consideration of banners - public to be consulted	In progress
P33(2)	That Herefordshire Council be asked to provide an official report on No. 14 High Street (the old Shaw Healthcare building), to include what the next steps are in relation to this building being made safe and usable again.	TC	05.07.2023	Email sent to HC enforcement officers - response awaited	In progress
P34	That Ledbury Town Council do not support the application for variation of premises license at the Talbot Hotel, New Street, Ledbury, HR8 2DX on the grounds that it is within a built up area of the town.	TC	09.06.2023	Objection submitted - response received advising the submission made was not adequate. Further response sent on 06.07.2023 in anticipation of it being considered as evidence at the meeting on 20.07.2023	Completed

P36	That the Traffic Management and the Markets Working Party be re-established for the 2023/24 Municipal Year and that the Neighbourhood Development Plan Working Party be put on the agenda of the next Planning, Economy & Tourism Committee meeting to be discussed further.	TC	13.07.2023	NDP On agenda for further consideration to set up	On-going
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Key:	Incl event			incl. meeting			incl bank holiday			incl school activity days			incl out of hours booking			incl staff training			incl. clerical work		
	Visitor Nos	Hours Open	Staff Hours	AV Daily visits	Visitor Nos	Hours open	Staff hours	av. Daily visits	Visitor Nos	Hours open	Staff Hours	AV Daily visits	Visitor Nos	Open Hours	Staff Hours	AV Daily visits	Visitor Nos	Hours open	Staff Hours	AV Daily visits	
Mar-23																					
Mon	22	12	13	5.5																	
Tues	32	12	13	8																	
Weds	29	12.5	14.5	7.25																	
Thurs	57	12	14	14.3																	
Fri		Closed	1																		
Sat	9	Closed	5																		
Sun			Closed																		
totals	149	48.5	59.5																		
Apr-23																					
Mon	41	12	13.5	13.6																	
Tues	70	16	18	17.5																	
Weds	76	17	21	19																	
Thurs	58	16	18	14.5																	
Fri	4		closed	4																	
Sat	129	18	20	28.6																	
Sun			closed																		
totals	378	79	90.5																		
May-23																					
Mon	46	12	13.5	15.3																	
Tues	72	20	22.5	14																	
Weds	72	20	25.5	14																	
Thurs	81	16	18	20.3																	
Fri			closed																		
Sat	86	12	17.5	21.5																	
Sun			closed																		
totals	357	80	97																		
Jun-23																					
Mon																					
Tues																					
Weds																					
Thurs																					
Fri			closed																		
Sat																					
Sun			closed																		
totals	0	0	0	0																	
Jul-23																					
Mon																					
Tues																					
Weds																					
Thurs																					
Fri			closed																		
Sat																					
Sun			closed																		
totals	0	0	0	0																	

Key:	Incl event			incl. meeting			incl bank holiday			incl school activity days			incl out of hours booking			incl staff training			incl. clerical work		
	Visitor Nos	Hours Open	Staff Hours	AV Daily visits	Visitor Nos	Hours open	Staff hours	av. Daily visits	Visitor Nos	Hours open	Staff Hours	AV Daily visits	Visitor Nos	Open Hours	Staff Hours	AV Daily visits	Visitor Nos	Hours open	Staff Hours	AV Daily visits	
Aug-23																					
Mon																					
Tues																					
Weds																					
Thurs																					
Fri			closed																		
Sat																					
Sun			closed																		
totals	0	0	0	0																	
Sep-23																					
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Fri			closed																		
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totals	0	0	0	0																	

PLANNING, ECONOMY & TOURISM COMMITTEE	13 JULY 2023	AGENDA ITEM: 8
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Report prepared by Olivia Trueman Community Development Officer

TOURIST INFORMATION CENTRE – COUNCIL OFFICES

Purpose of Report

The purpose of this report is to provide members of the Planning, Economy & Tourism Committee with information on a recent visit to the Hereford TIC.

Detailed Information

On Wednesday, 14 June 2023 the Community Development Officer and Receptionist visited the Tourist Information Centre in Hereford to help understand the process of managing a TIC. They met with both the Tourism and Communications Manager and the TIC Officer, who were both employed by Herefordshire Council.

Location, Fees , Advertisement

The TIC is situated in the Town Hall and is located on St Owen’s Street, which is a 5-minute walk from the centre of the city. The building houses the town's civic administration, including council chambers and the registrar's office, the TIC, and the main offices for the Hereford BID.

On arrival, the signage was clear and prominent, which could be seen from the nearest bus stop. A large Tourist Information flag was raised from the building and boards were placed near the entrance.

The building was kitted out with promotional material from local businesses and nearby attractions. Officers advised the CDO that they used Glide Media who provide free stands and leaflets. A representative of Glide Media will visit the TIC regularly to change the replenish the stand with new and existing leaflets and promotional material.

<https://www.glidemedia.co.uk/about.php>

Local artists are encouraged to advertise their artwork in the building with the agreement that the TIC take 20% of the profits. However, most of the post cards, fridge magnets and trinkets are made in house, purchased from local suppliers or on a sale of return basis.

Ordnance survey maps are also available to purchase, which have proven to be popular.

Funding, Loyal Free, BID

Although the TIC was mostly funded by Herefordshire Council, it was made clear that the Hereford BID were able to help fund free activities in conjunction with the Loyal Free App. One incentive was the Hereford Bull Trail where visitors could visit all the pubs and bars in Ledbury and get their trail card stamped (this could include soft drinks). Once the trail card was complete a T-shirt could be purchased from the TIC at a reduced rate of £5. More information can be found on the below link.

<https://www.herefordcitylife.co.uk/discover/city-trails/herford-bull-trail>

The CDO met with a member of the Hereford BID and was provided with the contact details for the newly appointed Chief Executive at Herefordshire County Business Improvement District

It was made apparent that the team at the Hereford TIC were proactive and had good working relationships with the Hereford BID and businesses.

Recommendation

That Members note the information provided by the CDO and consider whether they wish to pursue any of the points raised within, in relation to the Ledbury TIC, in particular Glide Media and working with the Herefordshire Bid to improve the TIC.

PLANNING, ECONOMY & TOURISM COMMITTEE	13 JULY 2023	AGENDA ITEM: 9
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Report prepared by Angela Price – Town Clerk

Purpose of Report

The purpose of this report is to provide Members of the Planning, Economy & Tourism Committee with an update from Buses4Us following the discussions held with them in relation to having bus services on Hawk Rise and the Viaduct Site.

Detailed Information

At the meeting held on 8 June 2023, Buses4Us were asked whether the Daffodil Line could be extended to both Hawk Rise and the Viaduct housing sites.

Unfortunately, they advised that this was not something that the Daffodil Line would be able to do, however they did say that they had a good working relationship with officers at Herefordshire Council and that they would contact them to discuss and following the meeting Clare Stone sent the email below in respect of the meeting and actions from it.

- *“Bus for Hawk Rise. Though the 232 can't do this, the 476 DRM service from Ledbury to Hereford can and will once bus stops are installed. My colleague Les Lumsdon is in regular contact with HCC transport officers and through this email I will ask him to liaise with them about getting your bus stops installed. I do not believe there should be a need for LTC to pay for these. I would suggest we see what the county council comes up with first.*
- *Once the stops are in we can liaise with DRM re a timetable amendment. I also suggested that at this point we look to produce and design a timetable leaflet for the extended route and distribute it door-to-door on the estate and possibly other locations on the route. We could help with design, production and distribution of such a leaflet, but we would look to the council for funding. Depending on how many you wanted to print and how "fancy" you wanted to go with the design I would budget between £1k and £2k for this. It will really help to drive passenger numbers on the service and aid sustainability on a commercial basis.*
- *Bus stops for The Viaduct site. I am still trying to find contact details for the Hawk Rise residents who are concerned about lack of buses. but in the meantime I wonder if Les has any suggestions. Les, the developers are resisting putting bus stops on the plan for this large new development as they claim there isn't the demand. Do we have any thoughts/comments/planning policy that LTC could use to counter this argument and get bus stops/bays and turning circles included in the plan?*
- *S106 monies for bus services. We discussed the possibility of you adding a "Ledbury Hopper" service to your S106 wish list, to replace the Aldi service which may be ending shortly. Though 106 has rationally been used for "built"*

infrastructure there are now plenty of examples up and down the country where it is being used to introduce bus services. using 106 for this purpose is certainly a good way to offset the carbon footprint and particle pollution impact of new development. Happy to explore this with you in more detail if that would be helpful.”

Recommendation

1. Members are requested to receive the above information, noting that Clare will provide further updates in due course.
2. That Members make a recommendation to Full Council that the Traffic Management Working Party be authorised to work with Clare Stone to explore the possibility of S106 monies being used for a “Ledbury Hopper” type service.

Planning Decisions Log

Planning App	Details	Case Officer	LTC's Recommendation	HFDS Decision
LTC MEETING 13 OCTOBER 2022				
222107	Approval of reserved matters relating to layout, scale, external appearance and landscaping (pursuant to outline planning permission appeal ref: APP/W1850/W20/3244410 and LPA ref. 171532) for 230 dwellings with associated drainage, highway infrastructure (internal roads, footways, footpath/cycleway and spine road) and play area (Phase 1) - Land North of Viaduct Adjoining Orchard Business Park Ledbury Herefordshire	CS	That Councillor Howells provide a draft response to all committee members, via email, by the end of business Monday, 17 October and that committee members provided any feedback to the draft by no later than the close of business on Wednesday, 19 October, and the final draft be provided to the Clerk by the end of business Thursday, 20 October to allow the Clerk to provide the response to Planning Officers before going on annual leave on 21 October 2022.	No decision

LTC MEETING 10 NOVEMBER 2022

223248	Proposed demolition of existing buildings on site and erection of Retirement Living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works – Building and curtilage of Greenacres bungalow and land to the rear of The Knapp and Westmead, The Homend, Ledbury, Herefordshire	CS	Members discussed possible issues with this planning application as they felt it would intrude on the green space which is noted in the Neighbourhood Development Plan (NDP). It was discussed that a member of the Committee should produce a draft planning-based report on this including the following issues which were raised: <ol style="list-style-type: none"> 1. The height of the building 2. The ecological value of the land 3. Potential traffic issues 4. NDP 	No decision
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LTC MEETING 12 January 2023

223476	Conversion of portal barn to single dwelling – Portal Barn, Upper Mitchell Farm, Ledbury, Herefordshire, HR8 1JF	MN	No objections	Approved with conditions
223742	LISTED BUILDING CONSENT. Replacement main entrance door – Masefield Solicitors Office, Worcester Road, Ledbury, Herefordshire, HR8 1PN	KR	No objections	No decision

223921	Proposed dwelling – Land to the rear of 8A High Street, Ledbury, Herefordshire, HR8 1DS	EB	Object on the grounds that this application will result in the over development within a conservation area.	No decision
LTC MEETING 9 February 2023				
222107	Approval of reserved matters relating to layout, scale, external appearance and landscaping (pursuant to outline planning permission appeal ref: APP/W1850/20/3244410 and LPA ref. 171532 for 230 dwellings with associated highways infrastructure (internal roads, footways, footpath/cycleway and spine road) and play area (Phase 1) – Land North of viaduct, adjoining Orchard Business Park, Ledbury, Herefordshire.	CS	Object on grounds outlined by Herefordshire Council and many other organisations.	No decision
230103	Proposed variation of condition 2 of planning application 200066 (Demolition of retail building (A1) and erection of production building (B2)) – additional HGV yard, 1 loading bay to be added 3 loading bays to be removed and parking spaces to be consolidated to the south of the extension - Countrywide Stores Dymock Road Ledbury Herefordshire HR8 2JQ	OJ	No objections	No decision
LTC MEETING 11 April 2023				
223602	Remove existing central bar and erect a new bar counter and back-fitting at rear of room. Form new window opening to serve courtyard. Refurbish toilets. Repairs to existing flooring and panelling. Lay new clay tile flooring. Re-position door and partition. Erect close boarded bin enclosure. Relocate water tank and 2m high fence enclosure – The Talbot Inn, New Street, Ledbury, Herefordshire, HR8 2DX LISTED BUILDING CONSENT	EB	No objection	Approved with conditions

230491	Proposed additional of Ring Main Unit (RMU) and enclosure on the north elevation – Countryside Stores, Ledbury, Herefordshire, HR8 2JQ	OJ	No objection	Approved with conditions
230652	Proposed demolition of mid C20 former hop kilns on the roadside and replacement with new storage building; Refurbishment of the late C19/early C20, 2 storey brick building for offices, staff facilities and two-bed apartment. Erection of mono-pitched, open-fronted canopy to link the proposed new storage building to the existing warehousing (the northern range) – Juggs Green Business Park, Staplow, Ledbury, Herefordshire, HR8 1NR	EB	No objection	No decision
230680	Application for approval of reserved matters following outline approval of 212114 – one dwelling and associated vehicular access – Parkway House, Little Woolpits Lane, Parkway, Herefordshire, HR8 2JE	EB	No objection	No decision
230688	Proposed change of use from detached residential garage to commercial dog grooming salon with signage and mechanical vent added – Wylde House, Ledbury, Herefordshire, HR8 2EE	EB	No objection	No decision
230711	Proposed extension to integral garage to rear of house, proposed independent hot tub enclosure in garden, widening of existing patio door and internal alterations to existing dwelling – Alvestone House, New Street, Ledbury, Herefordshire, HR8 2EE	JD	No objection	Approved with conditions
230712	Proposed extension to integral garage to rear of house, proposed independent hot tub enclosure in garden, widening of existing patio door and internal alterations to existing dwelling – Alvestone House, New Street, Ledbury, Herefordshire, HR8 2EE – LISTED BUILDING CONSENT	JD	No objection	Approved with conditions
230754	Proposed additional plant on North elevation – Countryside Stores, Ledbury, Herefordshire, HR8 2JQ	OJ	No objection	Approved with conditions

220783	Retrospective change of use of land and laundry/wash room for existing travelling site – Little Bush Pitch, Bush Pitch, Ledbury, Herefordshire, HR8 2PX	MT	Members noted that Ward Councillors would be attending the next Planning Meeting at Hereford Council to voice Ledbury Town Council's opinions of this being a retrospective planning application which could be seen to breach Herefordshire Council's policy.	No decision
223921	Planning Re-consultation – Land to the rear of 8A High Street, Ledbury, Herefordshire, HR8 1DS	EB	Objection - on the grounds of over development in a conservation area and that this planning application does not fall within the design principles of the Ledbury Neighbourhood Development Plan.	No decision
LTC MEETING 18 May 2023				
230954	Proposed extension to side and rear of property – 4 Beggars Ash Cottages, Beggars Ash, Wellington Heath, Ledbury, Herefordshire. HR8 1LN	LS	No objection	No Decision
230959	Proposal to extend existing bungalow, including replacement garage. Extension to include rooms in roof and roof realignment – Brambles, Orchard Lane, Ledbury, Herefordshire, HR8 1DQ	LS	No objection	No Decision

230987	Proposed change of use and conversion of the former Methodist Chapel to a restaurant and associated managers flat – Methodist Church, The Homend, Ledbury, Herefordshire, HR8 1BP	LS	No objections, subject to the comments submitted by Severn Trent in respect of drainage being complied with and disabled access being considered	No Decision
231059	Proposed installation of a double electric vehicle charge point between 2 parking bays in the Bye Street, Long Stay Public Car Park – Bye Street Long Stay Car Park, Bye Street, Ledbury, HR8 2AA	AB	No objections	Council approved application
LTC MEETING 8 JUNE 2023				
230973	Proposal to allow 7 kerbstones to be dropped at front of house to allow for driveway access – 116 Bridge Street, Ledbury, HR8 2AW	EB	No objections	No decision
231641	Proposed works: Wellingtonia – remove shear cracked limbs and deadwood. Western Red Cedar – remove limb with risk of failure. Reduce crown by 10 feet in view of close proximity of neighbour's house – Ashmead, Woodleigh Road, Ledbury, Herefordshire, HR8 2BG.	OK	No objections	No decision
231425	Proposed extension to existing garage – 12 Spring Grove, Ledbury, Herefordshire, HR8 2XB	JE	No objections	Approved with conditions

Miss A.Walker
Little Bush Pitch
Bush Pitch
Ledbury
Herefordshire
HR8 2PX

Dear Miss Walker

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
RE: ALLEGED UNAUTHORISED OPERATIONAL DEVELOPMENT- ALLEGED UNAUTHORISED
DEVELOPMENT AT LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX**

I refer to your application for a certificate of lawful use as a dwelling, ref 231281 dated 24/4/23.
Following consideration of the evidence submitted with this application I can advise that the
Enforcement Notice ref 3543 dated 21/3/23 is hereby withdrawn.

I have copied this letter to the Planning Inspectorate accordingly and expect them to confirm shortly
that no further action will be taken on the corresponding appeal as a consequence.

I hope the above serves to clarify the matter, if you require any further assistance please contact the
above named officer.

Yours sincerely,



**Mr Mark Tansley
DEVELOPMENT MANAGER**



The Planning Inspectorate

3C Hawk
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 03034445761
Customer Services:
0303 444 5000

Email: teame2@PlanningInspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref: EN2023/003543/ZZ
Our Ref: APP/W1850/C/23/3320726

Mr M Tansley
Herefordshire Council
P O Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

20 June 2023

Dear Mr M Tansley,

Town and Country Planning Act 1990

Appeal by Miss Abigail Walker

**Site Address: Little Bush Pitch, Hereford Road , Ledbury, Herefordshire , HR8
2PX**

In exercise of the power in s173A(1)(a) of the Act, the LPA have withdrawn the enforcement notice and I understand that they have notified you.

We will take no further action on this appeal(s).

A copy of this letter has been sent to the Appellant.

Yours sincerely,

Rebecca Gray

Rebecca Gray

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

LTC Clerk

From: Lewis Oxenham <lewis@adltraffic.co.uk>
Sent: 03 July 2023 16:57
To: Connolly,Ian; enquiries@WMAS.NHS.UK; enquiry@fta.co.uk; Sandra Wiles; j.evison@rha.uk.net; info@hwfire.org.uk; LTC Clerk; Harvey, Liz (Cllr); justine.peberdy@herefordshire.gov.uk; stefanie.simmons@herefordshire.gov.uk; neil.james@balfourbeatty.com; philip.price@herefordshire.gov.uk
Cc: Tom Hayward; Will Cox; callum.bush@herefordshire.gov.uk
Subject: Statutory Consultation: Implementation of No Entry Restriction on Woodleigh Road, Ledbury
Attachments: Statutory Consultation - Woodleigh Road.pdf

Dear Statutory Consultees,

RE: TRAFFIC REGULATION ORDER SCHEME TO IMPLEMENT NO ENTRY RESTRICTION ON WOODLEIGH ROAD, LEDBURY.

Please find attached a Statutory Consultation Letter and Proposal Plan which detail the above Traffic Regulation Order (TRO) proposal and the reasoning behind it.

Would you please kindly confirm your support or issue any other comments you have to the email provided on the letter by noon on Monday 24th July 2023. If you have no comments to convey, it would be most useful if you could confirm this in writing to the same email address.

I look forward to your responses.

Kind Regards,

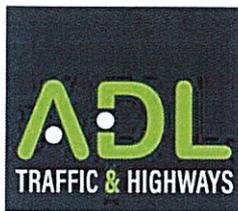
Lewis Oxenham | Graduate Traffic Engineer

T 01454 332100 | E lewis@adltraffic.co.uk

ADL House, The Oaklands Business Park,
Armstrong Way, Yate, Bristol, BS37 5NA



www.adltraffic.co.uk



ADL House, Oaklands Business Park,
Armstrong Way, Yate, BS37 5NA

info@adltraffic.co.uk

Herefordshire.gov.uk

Scheme Ref. 3409-158

3rd July 2023

Dear Statutory Consultee,

RE: **TRAFFIC REGULATION ORDER SCHEME TO IMPLEMENT NO ENTRY (FALSE ONE WAY) RESTRICTION AT WOODLEIGH ROAD/NEW STREET JUNCTION, LEDBURY, HEREFORDSHIRE.**

I write on behalf of Herefordshire Council to advise you that a new Traffic Regulation Order (TRO) scheme is being investigated at the Woodleigh Road/New Street junction, Ledbury, Herefordshire.

The proposed scheme introduces a No Entry (Except Cycles) restriction at the Woodleigh Road/New Street junction in order to prevent motor vehicles from turning into Woodleigh Road from New Street. This would effectively create a "False One Way" restriction as it would make the narrow section from the bridge to the junction one-way for the majority of traffic movements. The scheme is being funded as part of the Extraordinary Market Town Funds project.

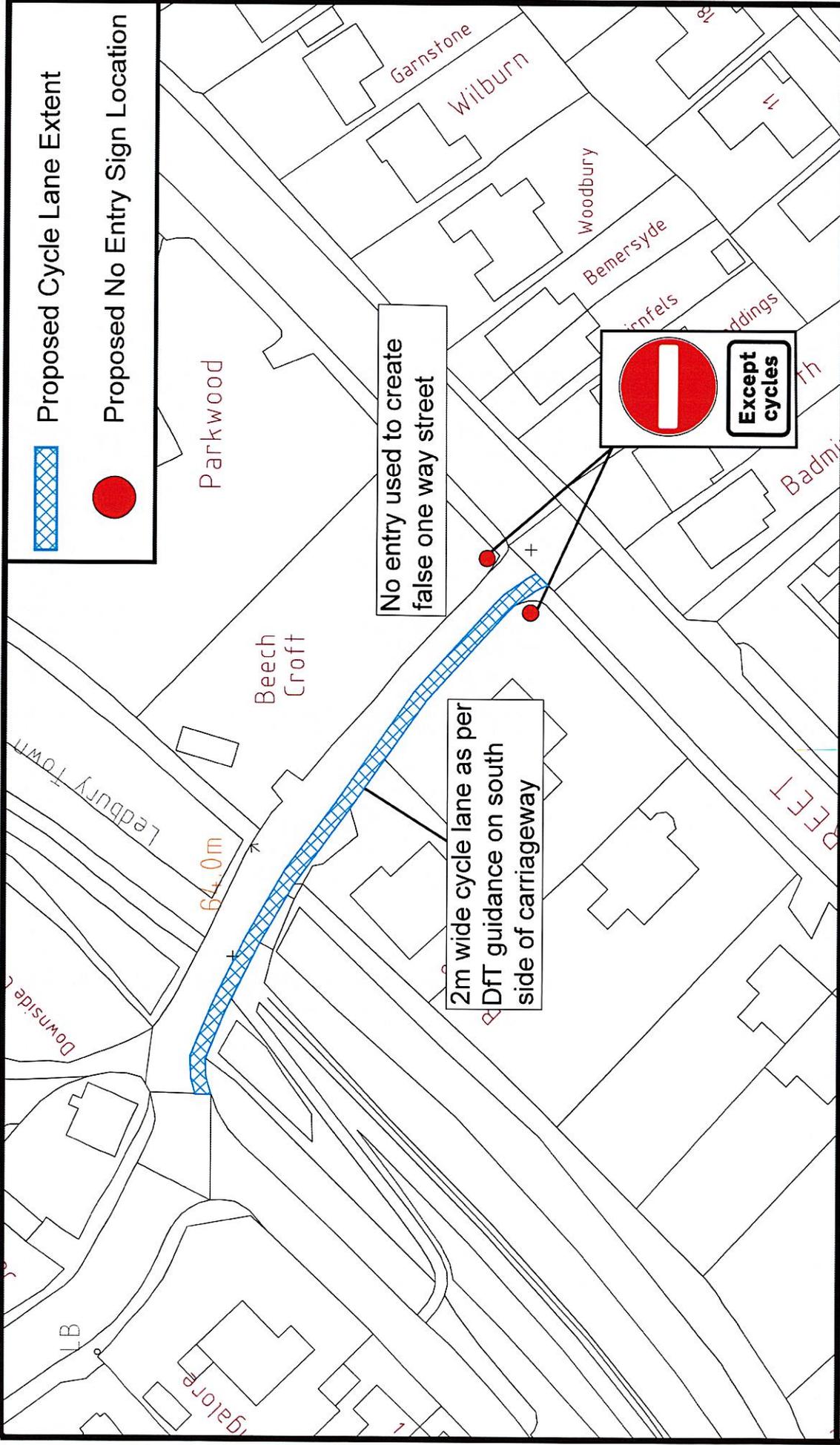
A meeting and site assessment with the Ward Councillors has been undertaken and a proposal has been drawn up as a result of this visit. I attach an **initial proposal drawing** which outlines the potential restrictions and signage. These measures are primarily proposed for the following reasons:

- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.
- For preserving or improving the amenities of the area through which the road runs.

A Traffic Regulation Order (TRO) process has now been initiated and this is the Formal (Statutory) Consultation stage of the TRO process. If you have any observations or comments, please contact ADL Traffic & Highways Engineering Ltd by email at lewis@adltraffic.co.uk or at the above address. The deadline for receipt of comments is **noon of Monday 24th July 2023**.

Yours sincerely,

**LEWIS OXENHAM BSc (Hons)
GRADUATE TRAFFIC ENGINEER**



ADL
TRAFFIC
HIGHWAYS

The Oaklands Business Park
Yates, Bishop
B52 7BN
Tel : 01454 327100
Fax : 01454 327583
E-Mail : CAD@ADLTRAFFIC.CO.UK

NOTES

1. THESE DRAWINGS ARE PREPARED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY CONTRACT.
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6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.

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AMENDMENTS

REF.	DATE	DESCRIPTION

ADL Job No: 3409 - 158

Project: Woodleigh Road Ledbury

Title: Proposal Plans

Date: April 2023

Checked: WC

Scale: NTS n A3

Drawn: LO

Approved: TH

Date: 27.04.23

Rev: 27.04.23

LTC Clerk

From: TalkCommunityEnquiries <TalkCommunityEnquiries@herefordshire.gov.uk>
Sent: 27 June 2023 11:06
To: LTC Clerk
Subject: Grant of a Premises Licence - Ledbury Mini Market
Attachments: Memo to Cllr & Parish Council 26.06.2023.docx

Good afternoon

Please see attached a memo reference an application to grant a premises licence for Ledbury Mini Market

Any representations need to have name/address and contact details and should be emailed to licensing@herefordshire.gov.uk no later than 24 July 2023

Many thanks
Emma

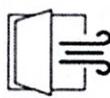
Herefordshire.gov.uk

Licensing Team
Economy and Environment Directorate
Tel: 01432 261761
Plough Lane
Hereford
HR4 0LE

Please note: Licensing operate an up to 10 working day response to all calls/emails



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FRESH AIR



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HAND
WASHING

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Council's Homepage www.herefordshire.gov.uk

TalkCommunityEnquiries
Cllr Liz Harvey

Via Email

Dear Sir/Madam

An application has been received on 26 June 2023 for a grant of a premises licence at:

Ledbury Mini Market, 10 New Street, Ledbury. HR8 2DX

Applied for:

Licensable Activities

**Sale/Supply of Alcohol (consumption off the premises)
Monday – Sunday
08:00 – 21:00**

Consultation dates are as follows: Begins **27 June 2023** and ends **24 July 2023**

Any representation should address one of the four licensing objectives:

- Prevention Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

A copy of the application can be found at the below website within 24hrs (working days only) of the date on this memo.

<https://www.herefordshire.gov.uk/business-1/current-licensing-applications>

Details on how to make a representation can be found at the below website address

<https://www.herefordshire.gov.uk/business-1/current-licensing-applications/2>

Any representations need to have name/address and contact details and should be emailed to licensing@herefordshire.gov.uk no later than **24 July 2023** addressing the four licensing objectives above.

Yours faithfully

EMMA BOWELL
SENIOR LICENSING TECHNICAL OFFICER
Environmental Health & Trading Standards

LTC Clerk

From: Carroll, Tracy <Tracy.Carroll@herefordshire.gov.uk>
Sent: 22 June 2023 13:22
To: Harvey, Liz (Cllr); LTC Clerk
Cc: Adam Lewis (Planning); Banks, Andrew; Banks, Samantha; Bisset, James; Boswell, Ben; Brookes, Emily; Buckley, Rebecca; Carlisle, Heather; Chesterton, Sam; Coleman, Yvonne; Council Tax; Duberley, Elizabeth; Dyer, Jack; Evans, Joshua; Gibbons, Kelly; Griffiths, Fay; Houghton, Holly; Jackson, Ruth; Jenman, Rebecca; Johnson, Karla; Jones, Ollie; Joyce, Nick; Kaye, Oliver; Kitto, Stephanie; Koch, Nigel; Land Charges; Lekaj, Ingrid; Lewis, Debra; Lloyd, Clive (Development Supervisor/Enforcement Officer); Lloyd, Jackie (Technical Support Officer); Low, Scott; Morgan, Elsie; Morris, Amber; Munro, Kerrie; Neill, Mandy; Neilson, Matthew; Pearson, Tracy; Practice Management; Roopra, Kam; Rowles, Simon; Ruttledge, Conor; Schenke, Wendy; Smart, Chloe; Smith, Laura; Steeple, Jason; Tansley, Mark; Webster, Gemma; Wilkinson, David; Withers, Simon
Subject: Appeal Decision 220374 - 49 Bank Crescent Ledbury
Attachments: 220374 - Appeal Decision - 49 Bank Crescent Ledbury.pdf; 220374 - Appellants Costs Decision - 49 Bank Crescent Ledbury.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon

The appeal was allowed.

The appellants application for costs was refused.

If you have any further questions, please contact the Case Officer, Mr Matthew Neilson.

Regards,
Tracy Carroll
Technical Support Officer

Herefordshire.gov.uk

Economy and Environment Directorate
Development Management
Tel | 01432 383504

E mail: tracy.carroll@herefordshire.gov.uk



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Costs Decision

Site visit made on 16 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Costs application in relation to Appeal Ref: APP/W1850/W/22/3311527 Briar Bank, 49 Bank Crescent, Ledbury, Herefordshire HR8 1AF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Julie Evans for a full award of costs against Herefordshire Council.
 - The appeal was against the grant subject to conditions of planning permission for small scale demolition works with new single rear and two storey side extension to existing property at 49 Bank Crescent.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's alleged unreasonable approach during the determination of the planning application and the imposition of a condition which the applicant states is unreasonable and does not meet the tests set down in the PPG.
3. The applicant states that the Council's decision and the imposition of the disputed condition reflects the comments of the Council's highway officer. It is stated that it was not necessary for the Council to consult the highway officer and that these comments ultimately led to the imposition of a flawed and unreasonable condition.
4. The proposal subject of this appeal sought planning permission for the erection of an extension. The extension increased the size of the dwelling and displaced an existing car parking space. Given this in such circumstances it was appropriate for the Council to consult with the highway officer to assess the resultant impacts on the free flow of traffic on the surrounding highway network. It follows then that it was not unreasonable for the Council to take on board the comments made by the highway officer.
5. The applicant states that during the course of the planning application the Council requested the submission of amended plans showing the provision of an additional car parking space and that this led to the imposition of a condition for the provision and retention of this space. Furthermore, it is stated that this condition is unreasonable as it requires the applicant permanently park a car on the space which would necessitate the purchase of a second car.

6. I note that the applicant chose to submit an amended plan as requested by the Council. Thus, any costs incurred appealing a condition which requires the development to be carried out as shown on this plan cannot be considered unreasonable, regardless of whether the applicant agreed with the Council's reason for seeking this amendment. Furthermore, whilst the condition restricts the use of this space, it does not require that a car is permanently parked on it. I therefore find that the imposition of a condition requiring the provision and retention of this space for parking cannot be deemed unreasonable.
7. The applicant states that the Council failed to justify the disputed condition. Notwithstanding my findings in relation to the main appeal decision, I find that the Council have provided a substantiated case in support of their decision.
8. The applicant also states that unnecessary delays in the determination of the application amounted to unreasonable behaviour and that this led the applicant to appeal the condition rather than submit an application to vary it. Whilst the delays in determining the application are unfortunate, I note that the Council did ultimately make a decision on the application. Furthermore, I have not been presented with any compelling evidence that the Council would not have determined an application to vary the condition had such an application been submitted. Therefore, the applicant did not incur unnecessary or wasted expense in the appeal process as a consequence of any delays in the determination of the planning application.
9. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Nichola Robinson

INSPECTOR



Appeal Decision

Site visit made on 16 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/W1850/W/22/3311527

Briar Bank, 49 Bank Crescent, Ledbury, Herefordshire HR8 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions
 - The appeal is made by Ms Julie Evans against the decision of Herefordshire Council.
 - The application Ref 220374, dated 6 February 2022, was approved on 21 June 2022 and planning permission was granted subject to conditions.
 - The development permitted is "small scale demolition works with new single rear and two storey side extension to existing property at 49 Bank Crescent."
 - The condition in dispute is No 3 which states that "Prior to the extension hereby approved being first brought into use, an area shall be laid out within the curtilage of the property for additional parking provision in accordance with drawing number DR-LED-A-PL-105-03. The area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles."
 - The reason given for the condition is: "In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."
-

Decision

1. The appeal is allowed and the planning permission Ref 220374 for development described as "small scale demolition works with new single rear and two storey side extension to existing property at 49 Bank Crescent" at 49 Bank Crescent, Ledbury HR8 1AF, granted on 21 June 2022 by Herefordshire Council is varied by deleting condition No 3.

Application for costs

2. An application for costs was made against Herefordshire Council by the appellants. This application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission for development described in the banner heading was approved on 21 June 2022. This planning permission included a number of conditions, one of which requires the provision of additional parking prior to the extension first being brought into use. This condition also restricted the use of this space for the parking of vehicles.
4. The Council's statement indicates that the condition is necessary in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway. This is consistent with the reasons for the condition given on the decision notice.

5. Taking the above into account the main issue is whether the condition is reasonable and necessary in the interests of highway safety, in particular in relation to the free flow of traffic using the adjoining highway.

Reasons

6. The appeal site is a large detached 3-bedroom dwelling. The site is located on Bank Crescent, on which there are no car parking restrictions. The site is located approximately 650 metres from Ledbury railway station and a similar distance from the town centre, and I observed at my site visit that these facilities and services could be reached on foot.
7. The application subject of this appeal granted planning permission for a 2-storey side extension which would displace an existing parking space. Thus, it is stated, it is necessary to condition the provision and retention of additional parking to ensure that the proposal does not compromise the free flow of traffic on the adjoining highway network. Furthermore, the Council state that a proposed study has the capacity to be used as an additional bedroom, which would further increase the occupancy of the dwelling.
8. At my mid-morning site visit I observed that Bank Crescent contained a number of driveways with opportunities to park on the road in between. Where there were parked cars on the road, they did not appear to impede the free flow of traffic. I appreciate that my site visit took place during the daytime, and that at other times there may be more vehicles parked on the road. Nonetheless, whilst the Council have indicated that there is limited on street parking, I have not been presented with substantive evidence of this or how it leads to problems with the free flow of traffic and the safe operation of the highway. Furthermore, I note that the site is well located in relation to a number of services and facilities necessary for day to day living, which could reduce reliance on private vehicles.
9. Notwithstanding the above, and even if I were to accept that the study could be used as a bedroom, I note that the parking standards set down in Herefordshire Council Environment Directorate Highways Design Guide for New Developments Design Guide (2006) (DG) are maximum parking standards which would not be exceeded by the proposal and that the DG and the Herefordshire Council Local Transport Plan 2016–2031 (2016) (LTP) do not specify minimum parking standards.
10. On balance of the above, I have not been presented with any compelling evidence that the proposal would prevent the free flow of traffic on the adjoining highway network. I therefore conclude that a condition to control the provision and retention of additional car parking is not reasonable or necessary in the interests of highway safety. As such the appeal proposal would accord with the aims of Policy MT1 of the Herefordshire Local Plan–Core Strategy 2011-2031 (2015) (LP) which requires that development should demonstrate that the highway network can absorb the traffic impacts of development without adversely affecting the safe and efficient flow of traffic on the network and requires regard to be had to the location of the site and need to promote sustainable travel choices. It would comply with paragraph 111 of the National Planning Policy Framework (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed, and the planning permission varied by deleting the disputed condition, retaining the standard three year time limit condition for implementation and the condition which specifies the approved plans in the interests of certainty.

Nichola Robinson

INSPECTOR

LTC Clerk

From: Simmons, Stef <Stefanie.Simmons@herefordshire.gov.uk>
Sent: 04 July 2023 20:53
To: LTC Clerk
Subject: FW: Electric Vehicle Chargepoint locations needed

Hello Angie,

I can think of a few places in Ledbury South that would benefit from on-street charging infrastructure primarily for residents without driveways. Have you had any specific requests from residents? They are keen for Ledbury ward councillors to nominate areas.

Thanks,

Stef

Herefordshire.gov.uk

Cllr Stef Simmons
Ledbury South (Donnington, Eastnor and Ledbury South)
Vice Chair Herefordshire Council
07792 881706
stef.simmons@herefordshire.gov.uk

From: Energy <energy@herefordshire.gov.uk>
Sent: 04 July 2023 15:49
To: _Councillors_on_email <Councillors@herefordshire.gov.uk>
Subject: Electric Vehicle Chargepoint locations needed

Good Afternoon,

The Local Electric Vehicle Infrastructure (LEVI) main fund has been announced. The aim is to further expand charge point provision in the County, particularly to support those residents with on street parking.

We are currently working on identifying potential locations for charge points. To support this, we would like to hear your thoughts on any locations for public EV charge points to support residents who have to park on street. For those councillors that contacted us with their suggestions earlier this year there is no need to resend your suggested sites, but if you have any additional ones that you would like to add please do send those in. Currently our list is lacking postcodes from Bromyard and Ledbury so we are especially keen to receive suggestions from these areas.

We have also added a request page onto the Council's EV webpages asking the public to suggest locations so please do refer interested residents to our webpage

https://my.herefordshire.gov.uk/service/Electric_vehicle_charge_point_location_suggestion_form

Please send your suggested locations to energy@herefordshire.gov.uk by July 19th and if you have any questions or would like to discuss this further please contact Belinda Wilson Belinda.Wilson@herefordshire.gov.uk

Please note not all sites put forward will get chargepoints through this funding but all will be considered.

Kind regards,

The Sustainability and Climate Change Team

Herefordshire.gov.uk

Economy & Environment
Plough Lane
Hereford HR4 0LE

energy@herefordshire.gov.uk

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Ledbury Town Council Objection to McCarthy Stone Planning Application P223248/F

Further comment regarding policies on Affordable Housing

Background

This further comment by Ledbury Town Council (LTC) to the McCarthy Stone planning application P223248/F is an addition to the ones submitted in January and May 2023. It follows a Ledbury Town Council meeting held on 29th June 2023 in which, under 18 of the agenda (Appendix 1), members considered an email from McCarthy Stone regarding design changes to the application and which was the subject of a report by the Clerk to the council dated 29th June 2023.

On discussion, it was resolved that this new report would be produced for the LTC Planning, Economy and Tourism Committee to be held on Thursday 13th July 2023 to agree to submitting a representation on the matter of affordable housing, which is the object of this document, to go along with the clerk's report.

Comment

It was noted by councillors that despite the application design-reconsiderations made as a result of feedback to the initial application, no allowance has been made in the application for 'affordable housing'. This is not in line with Herefordshire's relevant housing policies in the currently adopted Herefordshire Local Plan Core Strategy 2011-2031, supported by the council's Affordable Housing Supplementary Planning Document and by the Ledbury Neighbourhood Development Plan.

Herefordshire Local Plan Core Strategy 2011 - 2031 policy obligations

The county's Local Plan makes it clear that affordable housing is a priority for Ledbury, saying on page 81:

4.5.1 Within the overall vision for Herefordshire, Ledbury will continue to be supported in its role as a thriving service centre to its surrounding rural area in the east of the county. This vision is manifested in strategic objectives 1, 4, 6, 8 and 10. For Ledbury, the focus will be on meeting housing needs including affordable housing,

This is particularly relevant in Ledbury, with a well above average of 25% of its residents being over 65 (compared to 21% for the county - census 2011; this will have increased since, in line with the country as a whole, which rose from 16.4% in 2011 to 18.6% by the 2021 census). On page 85 it goes on to say:

4.5.3 The policy for Ledbury focuses on delivering high quality, sustainably constructed new homes to meet housing need and demand, especially for that of smaller open market housing and affordable housing, in this high house price area.

Yet the McCarthy Stone proposal will only serve to expand the high price housing proportion since the price of apartments and the ongoing service charges are beyond any but the already wealthy (Appendix 2 details a critique of the significant costs and poor resale value of their apartments) and will do nothing to help with the desperate need for close-to-town housing for the less well-off elderly in Ledbury who have the greatest need for retirement type accommodation.

What is more, a new and large, 5-star-level accommodation care home similar to the McCarthy model has only recently been opened in Ledbury. LTC would argue that there is a need for genuinely affordable retirement housing and not another high-price, luxury development which will be financially accessible for relatively few Ledbury elderly. Given the high occupancy costs of the existing new and proposed McCarthy Stone developments, it is very likely that few of the apartments will be occupied by Ledbury residents to substantially address significant local needs.

More detailed general policies for new Homes in Herefordshire begin on page 117 of the Local Plan with affordable housing policy information; the following are relevant extracts:

5.1.4 Affordable housing is housing provided to eligible households whose needs are not met by the open market.

5.1.5 Affordable housing can include a range of rented and home ownership housing options which meet local housing need.

5.1.6 The National Planning Policy Framework divides affordable housing into three categories:

- social rented for which guideline target rents are determined through the national rent regime;*
- affordable rented housing subject to rent controls that require no more than 80% of the local market rent; and*
- intermediate homes for sale and rent, provided at a cost above social rent but below market levels.*

5.1.7 Affordable housing under these definitions can include both individual and multiple dwellings In such cases planning conditions will be imposed to ensure that housing is retained in perpetuity for future local housing needs.

Policy H1 on page 118 establishes affordable housing targets; relevant extracts are:

Policy H1 - Affordable housing – thresholds and targets (extracts):

All new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000m² will be expected to contribute towards meeting affordable housing needs.

2. A target of 40% affordable housing provision on sites in the Ledbury, Ross and Rural Hinterlands; and Northern Rural housing value areas (which includes Bromyard);

Any affordable housing provided under the terms of this policy will be expected to be available in perpetuity for those in local housing need.

These extracts show clearly that this policy applies equally to this proposed development as for any other. No specific comment on the need for affordable housing is addressed in the application that we can see. However, in common with most developers LTC has responded to when reviewing submitted development applications for Ledbury, and despite policy obligations, McCarthy Stone make their own plea for why 'affordable' is unaffordable in their particular case by saying so in their brochure (Appendix 2).

In the end, other developers have been obliged to comply, as McCarthy Stone should also be required to do. Given the adverse publicity of longevity of apartment value that McCarthy Stone has received, LTC requests that Herefordshire planners also take particular attention to whether it can be substantiated that McCarthy Stone would be likely to meet the perpetuity requirements of the local policies for any affordable homes.

Affordable Housing Supplementary Planning Document

Herefordshire council's Affordable Housing Supplementary Planning Document (found at <https://www.herefordshire.gov.uk/housing-3/affordable-housing>) adopted in June 2021, in supporting the Local Plan policy obligations, has the following to say on affordable housing policies (extracts), on page 5:

1.0 The purpose of this Supplementary Planning Document (SPD) is to assist the Council in meeting its objective of delivering affordable housing to meet the identified housing needs of the County. The SPD is designed to provide supplementary guidance on the Herefordshire Local Plan Core Strategy affordable housing policies in the adopted plan. While it does not in itself make it a policy, it will be a material consideration in the determination of planning applications.

1.4 The Council supports the Government's aim to secure mixed and balanced communities. Where there is an assessed need for affordable housing, the Government enables local authorities to deliver affordable homes by requiring landowners and developers to provide them within new housing schemes.

This clause particularly applies to Ledbury, for which there is a specific assessed need for affordable housing, as witnessed by clause 2 of Policy H1 of the Local Plan, which gives Ledbury the highest affordable housing proportion required of 40%.

1.6 This draft SPD provides detailed guidance on how policies SS2, H1, H2 and H3 in the Core Strategy should be interpreted and implemented in order to support proposed development and help deliver sustainable communities.

Specific other clauses which apply to this development proposal include:

Affordability (page 8)

2.8 The Council will need to be satisfied that rental levels, service charges and low-cost home ownership costs will be affordable both initially and in the long term to occupants.

This is surely questionable in this case given the expose on just this question in the article in Appendix 3? Clauses 2.9 - 2.14 of the SDP provide details on the calculations that must be made in considering the provision of affordable housing and with which the developer is required to comply depending on which category of affordable is to be provided.

Tenure and Dwelling Type, Size and Mix (page 12; extracts)

3.16 The tenure mix on each site will take into account the tenure requirements of the surrounding area and will be based on the prevailing need for affordable housing units.

3.18 The revised National Planning Policy Framework 2019 expects at least 10% of the affordable homes to be available for home ownership.

In response to the applicants claim that affordable housing is unaffordable in their case, the following clause applies in making a viability assessment based on fact and not on pure assertion:

Viability (page 13)

3.19 Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

Ledbury Neighbourhood Development Plan (NDP)

(found on the Ledbury Town Council website at the top of the page at:

<https://www.ledburytowncouncil.gov.uk/en-gb/ndp-documents>

Although a legal planning document, the applicant largely ignores the Ledbury NDP in its application - as already pointed out in our previous submissions and an overall failing that should prevent application approval until it is demonstrated how the NDP policies will be satisfied. In the specific context of affordable housing, the developer should show they have considered and comply with its housing policies that add local Ledbury emphasis to the Local Plan. Extracts that apply include:

6. Housing (pages 31 and 32)

6.3 There is therefore no need to consider further housing development within this review in that the amount of new housing is significantly greater than that proposed by the Core Strategy.

6.4 The Policies below reflect the fact that the Core Strategy target has been exceeded and promotes housing development to meet the immediate needs of the community, most particularly affordable starter units for the young and new families and appropriate units for the elderly.

Housing -Objectives & Policies

Objective HO1: To ensure that new housing in Ledbury meets the needs of residents.

Objective HO2: To ensure that all new housing in Ledbury is developed in a sustainable manner.

Policy HO2.1 Reinforcing Balanced Housing Communities

Proposals for residential development in excess of 10 housing units should demonstrate the provision of a mix of building sizes, types, and tenures of housing. This may include:

a) Affordable housing (as per HCS Policy H1)

LTC fully accepts, as per our previous submissions, that more elderly accommodation is sorely needed in Ledbury. However, as the local policies state, any development application approval is subject to meeting local planning criteria. As with other aspects of its application, this submission shows that the applicant fails to comply with, or even adequately consider, Core Strategy and NDP policies on affordable housing.

As currently proposed Ledbury Town Council further finds the application to fail on this subject and cannot support it as it stands.

Report ends Cllr Phillip Howells 05/07/23

(An update from LTC objection submissions dated 19/05/23 and 12/01/2023)

Appendix 1 – LTC Clerk’s report

FULL COUNCIL

29 JUNE 2023

AGENDA ITEM: 18

Report prepared by Angela Price – Town Clerk

UPDATE ON MCCARTHY STONE’S PROPOSAL FOR LEDBURY

Purpose of Report

The purpose of this report is to provide Members with the opportunity to consider the Councillor Briefing Document provided by McCarthy Stone in relation to their proposal for Ledbury.

Detailed Information

On 7 June 2023, Councillors received a briefing document directly from McCarthy Stone in relation to their proposals for Ledbury.

The content of the email that accompanied the briefing document is below:

“Since submitting a planning application in September 2022, McCarthy Stone has been working closely and proactively with officers at Herefordshire Council and statutory consultees to progress our proposals for land off The Homend, Ledbury (P223248/F).

Through these conversations, we have re-considered the design rationale of the development, which now embraces more traditional materials, referencing the site’s context within Ledbury and the overall design quality of the proposals has been enhanced.

The proposals now include traditional red brick and render, as well as chimneys, bespoke brick balconies and gable features. The revised design improves the appearance of the building from the site entrance, with the gable features creating a focal point at the front-door.

We have worked collaboratively with officers to reconfigure the buildings split level to better utilise the varied topography of the site. Through this work, we have been able to reduce the scale and appearance of the building.

Herefordshire Council is now undertaking a re-consultation on the application. We welcome stakeholders and residents to revisit our plans and provide new comments to the Local Planning Authority during this period.

Provision of this type of accommodation has been deemed ‘critical’ by National Planning Policy, while the Herefordshire Local Plan Core Strategy (2011 to 2031) recognises the substantial need for specialist homes for older people. Delivery of our scheme will help to meet this identified need for specialist accommodation for older people, while also supporting the vitality of the town centre.

McCarthy Stone communities have been shown to deliver a wide range of local benefits, by releasing larger local homes to the housing market, creating social care savings for councils and the NHS, and also supporting businesses and jobs on the local high street. I have attached 'A McCarthy Stone in your community' which explores further how retirement accommodation can help to support cohesive local communities.

Please also find attached an updated artist's impression of the revised scheme, with more drawings available on Herefordshire Council's website.

We will make sure to keep you updated as our proposals progress."

Following receipt of the document Councillor Howells noted that much of the information within the document appeared to be in direct response to the Council's objection document (a copy of which has been provided to all Members via email). However, he noted that he could not see any mention of the NDP. In response to this Councillor Harvey has provided the following link, which indicates comments from McCarthy Stone in relation to the NDP designation of the meadow behind The Knapp as protected green space:

<https://myaccount.herefordshire.gov.uk/documents?id=6c265997-f001-11ed-906d-005056ab11cd>

Councillor Harvey has advised that as a Ward Councillor she has been asked to attend a redirection meeting for this application on 14 June and advised that if this is approved the application will go to committee shortly after that date. She has also suggested that the Town Council may wish to ask members of the NDP Working Party to comment on the inclusion of the meadow late on in the NDP update process and suggested that it may be necessary for the Planning Committee to consider holding a Planning

Application Working Party meeting ahead of the Full Council meeting to draft a further response to be considered at Full Council.

As the date of the next Planning Committee was 8 June, this item was not on the agenda for discussion, however the Clerk raised the matter with the Chair of the Committee, who agreed that a Planning Application Working Party should be held and the Deputy Clerk be asked to arrange this in the absence of the Clerk during the two weeks prior to the full council meeting, with a view to a report being submitted to the meeting of Council on 29 June 2023. That report is attached for members consideration.

Recommendation

That Members give consideration to the attached report and approve it being forwarded to Herefordshire Council Planning Officers and McCarthy Stone.

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Appendix 2 – McCarthy Stone on providing affordable housing (taken from their brochure sent with the email)

AFFORDABLE HOUSING

McCarthy Stone understands the need for affordable housing and the expectation for developers to deliver it, and where appropriate, on the proposal site.

This is much easier to achieve on larger sites where separate buildings can be provided. Where this has been possible, we have worked with Anchor on joint ventures to deliver these kinds of properties.

However, on smaller sites where there is only enough space for one building, this can often be impractical. Housing Associations are often reluctant to be involved with smaller projects and generally do not wish to take on a small number of units in a flatted scheme. One reason is that the service charges for the shared facilities must be paid by all tenants, regardless of their needs, and their means.

Local Plan policies for affordable housing are rarely set with specific reference to the different tenures required for older people. Nor do they recognise that the viability of delivering retirement housing, often on constrained and possibly contaminated brownfield sites and with large shared areas, is very different to general needs housing on a greenfield site.

The crucial point is that policy requirements for affordable housing (typically 20-40%) that are appropriate for easier-to-deliver schemes are often challenging for retirement providers.

As a result, McCarthy Stone is often left with no alternative but to go down the 'viability' route. This is a complex and lengthy process that no developer wishes to go through but is often the only option remaining if much-needed purpose-built housing for older people is to be delivered.

It is crucial to recognise that the issues of loneliness and social isolation for older people cut across all social boundaries. We remain committed to delivering market-leading accommodation for our residents and their communities and we are always keen to explore how we can do this effectively in partnership with local planning authorities.

Appendix 3 – Reported problems for owners of McCarthy Stone homes

Retirement home scandal that wipes out life savings: Ministers are urging the elderly to downsize... but many end up with properties that take years to sell.

Kathleen Smith bought a retirement flat for £124,000 and died eight years later. It took her family seven years to sell the property as well as £16,000 in fees. The one-bedroom flat finally sold for £60,000 - less than half what Kathleen paid. Retirement housing is not as popular in the UK as it is in other countries. Only 2% of UK over-65's live in retirement properties, compared with 12% in U.S

By [STEVE BOGGAN FOR THE DAILY MAIL](#)

PUBLISHED: 23:03, 9 November 2021 | UPDATED: 12:39, 10 November 2021

When Kathleen Smith died at the grand old age of 90, she would have been proud to leave behind a successful son, four beautiful grandchildren and a six-figure inheritance to make life for them that little bit easier.

'She bought a retirement flat for £124,000 in 2006 and died eight years later, probably thinking it had gone up in value like most other properties in the country,' says her son, Michael, an Oxfordshire-based academic. 'Isn't that what we all want to do — leave something behind for our loved ones?'

Kathleen probably would have been horrified, then, to find out that it took seven years to sell her home — and that during those difficult years, her family was forced to pay almost £16,000 in council tax, service charges and ground rent to retain ownership of it.

The one-bedroom flat, in Oswestry, Shropshire, finally sold two weeks ago for just £60,000. That's a £64,000 reduction in her legacy, even before taking into account those service charges and the house price inflation she would have achieved if she had bought a non-retirement flat anywhere else in the town.

But she hadn't. Like tens of thousands of other retirees, she had bought a flat sold by Britain's biggest retirement housebuilder, McCarthy & Stone. 'We found that nobody would touch this kind of property with a bargepole,' says Michael, 73. 'The service charges are so high, and the market had been flooded with homes that were hyped when they were first sold at prices that must have been inflated. 'All over the country, people are losing huge sums of money as they find out that the flat their parents bought as an investment has plummeted in value.'

Retirement housing has not been as widely embraced in the UK as in other countries, not least because of reputational problems caused by leasehold sales models that resulted in buyers having ever-increasing service charges foisted on them. Here, only 2 per cent of over-65's live in designated retirement properties, compared with 12 per cent in the U.S. and Australasia.

Leasehold models mean that while your lease gives you a fixed length of time to live in your flat, the building itself is owned by a freeholder. In its properties McCarthy & Stone has created the freehold but has often sold it onto an outside investor which sets service charges to cover maintenance, repairs and insurance.

Rights to ground rents are usually sold off too though these are often fixed in the lease.'

According to the McCarthy & Stone website, a typical service charge is £48.93 a week for a one-bedroom apartment and £73.36 a week for a two-bed — based on one of its properties in Sanderstead, Surrey. These fees are reviewed every year.

There are often age restrictions on retirement properties, which can make them more difficult to sell.

McCarthy & Stone's website says it offers three types of developments, which are exclusive to over-55's, over-60's and over-70's, respectively.

'Retirement housing in the UK is a failure and the elderly are deeply — and rightly — skeptical about downsizing to designated retirement housing,' says Sebastian O'Kelly, founder of the campaign group Better Retirement Housing. 'They are quite right to be skeptical. Retirement housing has been a snake pit of rip-off practices and absolutely abysmal resale values.'

'Buying a retirement flat can be the single worst residential property investment one can make in the UK.' He says falls in value of up to 70 per cent are not uncommon. Our findings come as older homeowners are under pressure to downsize to free up family homes.

Housing Minister Chris Pincher last week told the House of Lords that almost four in ten properties are 'under-occupied' and could be better used by younger families with children. And he said the Government was keen to encourage housebuilders to create more developments suitable for pensioners.

Lease letdown

According to Mr O'Kelly, the main reason for often dire resale values across the sector is the 'housebuilder business model'.

He says: 'You build a block, sell out the flats for what you can get using a slick marketing operation, include long-term revenue streams in the lease — such as ground rents, exit fees and subletting fees — ensure the lease is for only 125 years and then sell the freehold on to an investor.'

Future owners will have to pay to extend their lease, usually before it drops below 80 years, and this can cost tens of thousands of pounds. 'Add to this predatory management fees through the service charges and the sale of these flats can be problematic,' adds Mr O'Kelly.

McCarthy & Stone was founded by John McCarthy and Bill Stone in 1963. By 1996, the company had cornered 70 per cent of the retirement market. By 2004, as a listed company, it was recording pre-tax profits of £114 million and both men had sold their shares in the company.

On its website, the firm says it has built 58,000 retirement homes in 1,300 developments. In 2006, it was taken private by a banking consortium for £1.1 billion before being listed on the Stock Exchange again in 2015. Earlier this year it was bought by the U.S. equity company Lone Star for £647 million.

Big losses

Most of the problems relating to McCarthy & Stone flats go back to before 2010, when company policy was to sell off freeholds to financiers who were then able to increase service charges. This, in turn, made many properties unattractive to potential buyers.

After 2010, the company began retaining 'headleases', which means it controls management to prevent excessive service charges being imposed. And it now sells 999-year leases, a practice that has ended the

need for residents to pay for lease extensions. But the company's improved policies post-2010 provide scant comfort for families whose parents bought before they were adopted.

Retired college lecturer Jane Weake's in-laws, Arthur and Betty, bought a McCarthy & Stone two-bedroom apartment in Risingholme Court, Heathfield, East Sussex, for £273,950 in 2007. Betty died shortly afterwards aged 89, and in 2012, Arthur moved into a care home.

'He tried to sell the property for four years, but there were no takers because the service charges were so high — £9,000 a year to Peveler [now FirstPort], the management company appointed after McCarthy & Stone had sold on the freehold,' says Jane, 68. 'Arthur died in 2016, aged 103, and it took us another four years to sell the flat after that — for just £50,000. For the four years he was no longer living in the flat, and the four years after his death, subsidies on meals he wasn't eating, and cleaning he wasn't receiving were still included in the service charges.' In total, the loss of equity and service charge bills amounted to more than £290,000 for Jane and her family. 'My father-in-law would have been devastated if he had known that this is what happened to the inheritance, he had planned for us,' says Jane.

Companies such as McCarthy & Stone (recently rebranded as 'McCarthy Stone') point out with some justification that buying into a retirement community represents more than just an investment; there is help at hand, the company and camaraderie.

Retired math lecturer Ken Playforth, 90, would agree — but he is angry, too, at what he sees as excessive ground rents and service charges imposed once freeholds had been sold on to outside investors. And all the while, the value of flats in his McCarthy & Stone development in Leeds, Rosewood Court, is plummeting. His flat, which cost £199,000 in 2004, is likely to be worth a little over half that figure today. According to Land Registry records, flats there have performed very badly. One bought for £210,000 in 2005 sold for £125,000 in 2020.

Another bought in 2005 for £133,000 sold for £77,000 in 2019. And two others bought in the same year for £162,000 and £188,000 sold for £100,000 and £126,000 respectively. 'My wife, Ann, had dementia and died in her late 70s,' says Ken, 'and if I hadn't been living here, things would have been so much more difficult for me.'

'There is support and friendship, the activity, facilities and social life, and that got me through some hard times. So, yes, I would say it has improved my life enormously. But the financial side of things has been disastrous.'

Ken says the loss of equity has been 'awful' and he regards his £450-a-year ground rent and £3,700 per annum service charges as excessive, but he has been able to set aside something to bequeath to his 69-year-old son, Michael, his five grandchildren and three great-grandchildren by making other 'safer' investments.

Falling prices

It would be unfair to say that a majority of McCarthy & Stone developments have failed to retain their value (particularly recent developments) — but in less than three hours of searching on property websites, I found 20 of its retirement communities, in Dorset, Kent, Derbyshire, Tyne and Wear, the West Midlands, Gwent, Leicestershire, Merseyside, West Yorkshire, Cornwall, Gloucestershire and Greater Manchester, where the value of homes had gone down, in most cases considerably.

Not all of these dated from before 2010. Some built in later years are also generating big resale losses for owners and their families.

Among them is Jenner Court in Cheltenham, Gloucestershire, built in 2013, where most resales have been at considerable reductions. One bought in 2014 for £330,000 sold for just £280,000 in 2019. Other flats have incurred losses of £70,000, £50,000 and £30,000. San Lorenzo Court in St Ives, Cornwall, also built in 2013, has seen flats sold for £102,000, £45,000 and £30,000 less than was paid for them.

Homeowners in Somers Brook Court in Newport on the Isle of Wight have experienced reductions in sale prices of £90,000, £74,000 and £55,000 between 2014 and 2021. And at Saxon Grange in Chipping Campden, Gloucestershire, prices have fallen, too. One flat, bought for £399,000 in 2013, sold for £200,000 in 2020 — a loss of just under £200,000 in seven years. One bought for £356,000 in 2014 sold for £225,000 in 2018, and another, bought for £365,000 in 2013, sold for £250,000 in 2021 — a 32 per cent loss in eight years.

Sir Peter Bottomley, who has campaigned for the reform of leasehold law for many years, says; 'In the past, McCarthy & Stone had a very bad reputation that was fully deserved. 'The firm should put in funds to compensate people who own properties where there are reasonable grounds to suspect exploitation.'

More questions

We asked McCarthy & Stone CEO John Tonkiss how, in an economy where property is supposed to be a sound investment, he could account for these losses.

We also asked him whether the company felt inclined to apologise to families who have lost their inheritance — and whether he might consider setting up a fund to compensate them, not least because two months ago the company received £94 million in public funding from the Government house-building agency Homes England to build 1,500 affordable retirement properties.

He did not reply. Instead, he got a public relations firm to issue this statement: 'McCarthy Stone does not retain any involvement with Rosewood Court, Leeds; Risingholme Court, Sussex; Abraham Court, Oswestry.

All McCarthy Stone developments from before 2010 are under FirstPort's care as the managing agent. 'In 2010, we ended our relationship with FirstPort, who are a third-party managing agent, because we wanted to deliver our own management services function to ensure the level of service and quality of the development could be kept at a very high standard. 'We're therefore unable to comment on how those developments are run or the charges that are applied by FirstPort to the residents.

'Since 2010, we operate and are the managing agent and landlord on all retirement developments built since then. 'We are committed to managing these developments for the long term and are pleased they see a positive average increase in price on resale.'

FirstPort says: 'Our retirement customers tell us that the quality of life and the sense of community and companionship that comes from living in a managed retirement development has enhanced their lives greatly.

The service charge covers the day-to-day running costs of a development, and we clearly explain our charges to customers and share budgets with them before the final bill is agreed so that there are no surprise costs. 'If owners are struggling to pay the service charges for an empty property, we can of course work with them to put a payment plan in place until the property is sold or reoccupied.'

Campaign win

It isn't all bad news for people considering buying a retirement home. The Mail led a campaign this year calling on the Government to end toxic leasehold models used by developers. As a result, the Leasehold Reform (Ground Rents) Bill is shortly expected to be passed, and that will ban the imposition of ground rents on new-build properties, including retirement homes.

The sector is keen to improve an image tarnished by the housebuilder model. Members of ARCO (Associated Retirement Community Operators) have set up a code of conduct that requires them to be 100 per cent transparent about fees before buyers put pen to paper.

There are also independent not-for-profit organisations such as Retirement Security Ltd, which has 32 communities across the country. Set up by Bob Bessell, a former director of social services for Warwickshire County Council, these communities are run by residents who set their own service charges. Retirement Security has never charged ground rent.

Such positive stories are vital if confidence in the sector is to be reinforced — and it must be because over the next 20 years, the number of people aged over 65 in the UK is forecast to increase by more than 40 per cent, to 18 million. At the moment, there are 15 million unused bedrooms in the homes of older people, which could be freed up for younger families by downsizing. But before they do that, they will want to be sure that their investment — and their children's inheritance — is safe.

moneymail@dailymail.co.uk