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Planning and Development  
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Friends of Ashby Bath Grounds  
c/o 16 Tower Gardens  
Ashby de la Zouch  
Leicestershire  
LE65 2GZ

27 March 2014

Dear Ms Worrall,

**Planning Application Number 14/00104/FULM: Demolition of side and rear extensions at existing hotel, erection of side /rear extension to existing hotel and associated external works; erection of single storey kiosk building (A3 use), erection of two storey pavilion building (A3 and D2 use), formation of car park and alterations to existing access at Station Road involving removal of part of boundary wall to form visibility splays, associated removal of existing fencing and car park furniture and implementation of landscape works.**

The Friends of Ashby Bath Grounds is a constituted community group formed to work towards protecting and enhancing the Bath Grounds for the benefit of the local community. At the time of writing we have forty four fully subscribed members and a committee of seven. I am writing on behalf of the Friends of Ashby Bath Grounds to strongly object to the above Planning Application.

We do not object to the proposed improvements and extension of the Royal Hotel itself as these are long overdue and will enhance Ashby and the Conservation area. Our concerns centre on the associated new buildings within this application, particularly the "pavilion". We set out, in the table below, detailed planning reasons why this application should be rejected, citing relevant national and local policy - NPPF, Local Plan 2002 and the emerging Core Strategy. Where appropriate we have also listed the relevant sections of the Developer's Planning Support Statement. We trust that you will consider these objections carefully and cite them in your report to the Planning Committee with a recommendation to reject the application.

In summary, they include the following:

**1. Sustainability (NPPF 6 etc)** – We contend that the proposed development fails the NPPF definitions of sustainability on many grounds, principally due to its Social and Environmental impact, and so NPPF 14 and 197's "*presumption in favour of sustainable development*" is not appropriate for this application.

**2. Core Principles (NPPF 17)** – We describe how this application fails to comply with most of the 12 Core Principles that "*should underpin plan-making and decision taking*".

**3. Material considerations (NPPF 11)** – We strongly contend that there are significant material considerations that indicate that the new kiosk and "pavilion" aspects of this application should be denied. In particular, with regard to NPPF 132, we contend that erection of the "pavilion" between the Grade II\* listed Royal Hotel and Rawdon Terrace would substantially harm the significance of these important heritage assets through unsympathetic development within their setting. The proposed 'pavilion' is a substantial two storey building, with a larger footprint than the hotel itself. Its design pays no attention to the architecture of its surroundings or local heritage.

**4. Compliance with development plan (NPPF 2, 11)** - We show the proposal does **not** "*accord with the current or emerging development plan.*" viz;

**The nature and positioning of the proposed "pavilion" and "kiosk"**

- **Policy R13.** A substantial part of the proposed use of the new "pavilion" and "kiosk" is A3 (restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food). This is directly contrary to the usage permitted on this site within a residential area and tranquil park setting.

- **LP E10 and E16.** The “pavilion” would be detrimental to the character and appearance of the Conservation Area, particularly the Royal Hotel and Rawdon Terrace, in terms of its;
  - a. scale, proportions, massing, layout, grouping and setting – we are very concerned about its imposing frontage onto the Bath Grounds when viewed from there;
  - b. detailing and materials of construction – which have little in common with the hotel and Rawdon Terrace or the original Baths on the site of which it would stand.

Erection of the “pavilion” would result in the loss of important views within, into and out of the Conservation Area – the view of the closely architecturally paired Royal Hotel and Rawdon Terrace from the Bath Grounds will be irrevocably spoilt by the imposition of this large and imposing two storey building in front of and between them; and

**Conversion of the Hastings Gardens into a private car park and consequent loss of trees.** The Hastings Gardens are an important “priority” habitat. Conversion to a private car park will result in the loss of biodiversity and mature trees (**LP S1, E2 and CS30**) and loss of an important public access route to the Bath Grounds.

This proposal will result in a significant loss of public parking spaces, particularly for users of the Bath Grounds. Ashby Town Centre has a major shortfall in public car parking spaces. Whilst almost trebling the number of car parking spaces on the site, the proposal will no longer provide for public access, only allowing private parking for hotel guests and the Cricket Club.

We are also concerned about the failure by the Developer properly to consult the Community on these proposals. The developer held a single exhibition of his plans in May 2012. Since then he has not published or exhibited his revised plans, nor made it clear how they have been revised in the light of feedback from the exhibition or his discussions with other parties. We believe such an important development for Ashby should have gone out to a proper independent consultation before a planning application was submitted.

We need to impress upon you the deep and widespread opposition of the local community to this application. No doubt you will have received many other letters of objection from the public and will have noted the recommendation to refuse from Ashby Town Council.

Yours sincerely

David Bigby, Treasurer, on behalf of the Friends of Ashby Bath Grounds

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<p><b>Sustainability</b></p> <p>NPPF</p>	<p><b>NPPF Forward</b></p> <p>"The purpose of planning is to help achieve sustainable development"</p> <p>"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations"</p> <p>"Development means growth... We must house a rising population, which is living longer, and wants to make new choices."</p> <p>"So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."</p> <p>"Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and decision."</p> <p><b>Para 6</b></p> <p>planning should contribute to the "achievement of sustainable development"</p> <p><b>Para 7</b></p> <p>There are three dimensions to sustainable development :</p> <p>"An economic role – ensuring that sufficient land of the right type is available in the right place at the right time to support growth and innovation;</p> <p>A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present</p>	<p>"4.12 The NPPF seeks to promote sustainable development. It is considered that all three elements of the proposal are sustainable not only in themselves but also within the broader proposal for the Bath Ground/Royal Hotel. Approval of the planning applications will deliver the following:</p> <p>i. Deliver the freehold of the Bath Ground to the Ashby Woulds Town Council.</p> <p>ii. Secure long term leases for the two sports clubs and so enable them to seek grant funding, improved facilities and enlarge their membership base.</p> <p>iii. Allow further improvements to the remainder of the Baths Ground.</p> <p>iv. Enable the management of the wooded area to the south of the Royal Hotel.</p> <p>v. Enable the removal of the extraneous and unsympathetic extensions to the Royal Hotel and construct more sympathetic extensions that will not only improve the listed building and its setting but also help secure the viability of the Royal Hotel moving forward.</p> <p>vi. Improvements to the garden of the Royal Hotel and its setting.</p>	<p>NPPF11 requires Planning Authorities to approve "<i>development proposals that accord with the development plan without delay ... unless material considerations indicate otherwise.</i>" We strongly contend that there are significant material considerations that indicate that the new buildings and car park aspects of this application should be denied. Also, we show later in our response below that the proposal does <b>not</b> "<i>accord with the current or emerging development plans</i>".</p> <p>However, as the exact status of the local development plans is unclear, we also contend that (quoting directly from the NPPF14), "<i>the adverse impacts of ... (the development) ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole.</i>"</p> <p>The Friends of Ashby Bath Grounds recognise that the NPPF requires a "<i>presumption in favour of sustainable development.</i>" (NPPF14) but strongly dispute whether the proposed development can be categorised as "sustainable" for the following reasons.</p> <p>1. <b>Social.</b> According to the NPPF Ministerial Foreword, "<i>Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.</i>" Also the preamble to NPPF6 quotes Resolution 42/187 of the United Nations General Assembly, which "<i>defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</i>" We contend that many aspects of this proposal will have a negative social impact for future generations:</p> <ul style="list-style-type: none"> <li>• The proposed pavilion is a substantial two storey building, with a larger footprint than the hotel itself. The imposing nature of the new "pavilion" placed between and in front</li> </ul>

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	<p>and future generations together with providing everyday needs ; and</p> <p>An environmental role that contributes to protecting and enhancing natural resources.”</p> <p><b>Para 9</b></p> <p>“widening the choice of high quality homes”, “making it easier for jobs to be created” and “moving from net loss of bio diversity to achieving net gains for nature “ are some of the key ways of achieving sustainable development.</p> <p><b>Para 11</b></p> <p>“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”</p> <p><b>Para 14</b></p> <p>“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.</p> <p>“For decision taking this means:</p> <ul style="list-style-type: none"> <li>• Approving development proposals that accord with the development plan without delay; and</li> <li>• Where the development plan is absent, silent or relevant policies are out of date , granting permission unless <ul style="list-style-type: none"> <li>○ Any adverse impacts of doing so would</li> </ul> </li> </ul>	<p>vii. The delivery of new leisure and restaurant facilities that will both complement the Royal Hotel’s offer but also provide better facilities for residents of Ashby as a whole.”</p>	<p>of two very beautiful Grade II* listed buildings (Royal Hotel and Rawdon Terrace) when viewed from the Bath Grounds will irrecoverably spoil much of the current public enjoyment of the vista.</p> <ul style="list-style-type: none"> <li>• The new “pavilion” would result in the loss of important views within, into and out of the Conservation Area – the view of the closely architecturally paired Royal Hotel and Rawdon Terrace from the Bath Grounds will be irrevocably spoilt by the imposition of this large and imposing two storey building in front of and between them.</li> <li>• The new “pavilion” will cover an area previously occupied by the Ivanhoe Baths, remnants of which still remain. The development will effectively remove the possibility of re-establishing a building architecturally sympathetic to that original building and obscure most archaeological evidence of its existence.</li> <li>• There will be a major loss of public parking spaces in Ashby. Currently there are 60 such places in the car park all of which will be lost and no alternative provided. In the District Council’s last car parking review, Ashby was deemed to have a significant shortage of public car parking spaces. The agreement between the District Council and the Royal Hotel for public use of the Royal Hotel Car Park was reached to address this shortage. The developer’s proposed new car parking arrangements, whilst apparently almost trebling the number of car parking spaces on the site will no longer provide for public access (3.42). The developer claims his proposals will “provide some general parking for the Bath Grounds”, but we understand that the Cricket Club has been assured that these spaces will be exclusively for their use and will be barrier controlled and this appears to be confirmed by the submitted car parking plan. It seems therefore that the development will provide</li> </ul>

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	<p>significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or</p> <ul style="list-style-type: none"> <li>○ Specific policies in this Framework indicate development should be restricted.”</li> </ul> <p><b>Para 197</b></p> <p>“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”</p>		<p>no parking spaces for the general public wishing to use the Bath Grounds. This will inevitably reduce the amenity value of the Bath Grounds for the community.</p> <ul style="list-style-type: none"> <li>• The Hastings Gardens currently provide an important means of public access to the Bath Grounds. It is unclear from the application whether this will be maintained if the area is converted to a private car park</li> <li>• The application includes a proposed change of use of a substantial (not “small”, as claimed by the developer) part of the new “pavilion” and “kiosk” to A3 (restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food). Such use, which could include take away restaurants and snack bars, is wholly unsuitable for this part of Ashby.</li> </ul> <p><b>2. Environmental.</b> NPPF 14 states that the environmental role of sustainable development should contribute “to protecting and enhancing natural resources.” Also NPPF 9 states that, “moving from net loss of bio diversity to achieving net gains for nature” is a key way “of achieving sustainable development.” There is no doubt that conversion of the Hastings Garden, currently a Priority Habitat, to a car park will result in net loss of bio-diversity and loss of mature trees within the National Forest. The application is extremely vague about the latter only pledging to incorporate “as many Category A and B trees as possible.” There will be no gains for nature from this development, contrary to the tenets of NPPF 7.</p> <p>The Hastings Garden area was, until recently, a beautiful public space, maintained by Ashby Town Council and open for the enjoyment of the community. It also designated as a Priority Habitat. It was created as a public garden by Ashby Hastings Rotary Club in 1984 and licensed to the Rotary Club. The Town Council was responsible for maintenance. In May 2012 the new owners determined the licence and the Town Council were no longer permitted to maintain the area. Since then, the owner</p>

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			has neglected the area and allowed it to become overgrown and unkempt, no doubt in anticipation of making this application and with a view to turning it into a car park.
<p><b>NPPF Core Principles</b></p>	<p><b>Para 17.</b></p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:</p> <ul style="list-style-type: none"> <li>• be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;</li> <li>• not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;</li> <li>• pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other</li> </ul>	<p>“3.13 This proposal achieves a number of these objectives including, enhancing and improving places, supporting sustainable economic growth, securing high quality design, promoting mixed use developments, conserving heritage assets and improving the health, social and cultural wellbeing and delivery of everyday facilities.”</p> <p>“2.40 A number of pre-application consultation events for local residents and the Town Council have been held at the Royal Hotel and the proposal amended, where possible, to take account of views. There has also been pre-application discussion with officers of the Council, Sport England and English Heritage.”</p>	<p>NPPF 17 sets out the 12 Core Principles that should underpin plan-making and decision-taking. Not all will be relevant to every type of planning application. We set out below why we believe that this proposal fails to comply with nearly all of these Core Principles:</p> <ul style="list-style-type: none"> <li>• Contrary to his Support Statement (2.40), the developer held only one public consultation on his proposals and this was nearly two years ago in May 2012. There is no evidence that he has made any substantive changes to the plans for the hotel and car park based upon feedback from the public and he has held no subsequent public consultations. We can assure the Committee that the community does <b>not</b> feel empowered to shape their surroundings by this proposal or the manner in which it has been presented.</li> <li>• We do not believe that these plans will enhance or improve the area around the Royal hotel. On the contrary we believe that the setting of the existing Grade II* listed buildings on either side will be irrevocably damaged. We suggest that the owner may have deliberately neglected the current Royal Hotel, its car park and the Hastings Gardens (which they prevented the Town Council from maintaining in 2012) in order to plead that they require enhancement through these proposals.</li> <li>• We have set out above why we do not believe that these proposals meet the sustainable criteria.</li> <li>• We believe that the designs of the “kiosk” and “pavilion”</li> </ul>

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	<p>development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;</p> <ul style="list-style-type: none"> <li>• always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;</li> <li>• take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;</li> <li>• support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);</li> <li>• contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with</li> </ul>		<p>cannot be considered “high quality” as they are out of keeping with the conservation area’s architectural vernacular, particularly that of the Grade II* listed buildings on either side (Royal Hotel and Rawdon terrace), and are imposing and ugly.</p> <ul style="list-style-type: none"> <li>• Regarding the character of the area, see above. The proposed “kiosk” and “pavilion” do not take account of the role of this part of Ashby, including as they do a change of use to A3 (restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food). Such use, which could include take away restaurants and snack bars, is wholly unsuitable for this part of Ashby within a residential area and tranquil park setting.</li> <li>• We are not qualified to comment in detail on the low carbon, flood risk and resource re-use aspects of the proposals. However there is no evidence of a low carbon footprint for the proposed “kiosk” and “pavilion”. The developments can only increase the risk of flooding of the Gilwiskaw both at the Bath Grounds and downstream.</li> <li>• The proposal fails to enhance the natural environment as described under “Sustainability” above.</li> <li>• Far from conserving Ashby’s heritage assets, the proposed “kiosk” and “pavilion” will actively spoil them. We draw attention to the fact that previous developments undertaken in Ashby have become insolvent after the commercial aspect has been built but before all the promised enhancements have been funded even with the protection of section 106 agreements, which are not proposed in this case.</li> <li>• The likelihood of the users of the proposed facilities making use of currently available public transport services is remote and no contribution to improving these</li> </ul>

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	<p>other policies in this Framework;</p> <ul style="list-style-type: none"> <li>• encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;</li> <li>• promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);</li> <li>• conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;</li> <li>• actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and</li> <li>• take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.</li> </ul>		<p>services has been offered.</p>
<b>Conserving and enhancing the historic</b>	<p>NPPF 126 states that, <i>“Local planning authorities should .... recognise that heritage assets are an irreplaceable resource and</i></p>	<p>“3.16 This proposal has taken into account the historic environment from the very beginning. Discussions have</p>	<p>The developer's heritage statement certainly confirms the significance of the Royal Hotel and nearby historic buildings, especially Rawdon Terrace, and emphasises the importance of</p>

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<p><b>environment</b> NPPF Section 12</p>	<p><i>conserve them in a manner appropriate to their significance."</i></p> <p><b>Para 132.</b></p>	<p>taken place with the Council, English Heritage, Town Council and local residents throughout the pre application stages. A detailed Heritage Statement has been submitted with the Planning Application which has provided a rigorous and detailed assessment of the heritage significance of the site and its context. It concluded that the impact of the scheme for most part is either positive or neutral and it therefore concurs with the guidance contained within the NPPF."</p>	<p>their setting. However, contrary to the assertion in para 3.16 in their Planning Support Statement, it does not appear to assess the impact of the proposed new "kiosk" and "pavilion" on the setting of these buildings. It merely states that "the overall aesthetic value of the building is also compromised by the loss of its original garden and Ivanhoe Baths setting and replacement with a poor quality car park. .... The Royal Hotel therefore has a significant aesthetic value, which could be significantly improved with sensitive development and reinstatement."</p>
	<p>"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled ancient monuments, protected wreck sites, battlefields grade I and grade II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"</p> <p><b>Para 133.</b></p> <p>"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p>	<p>"3.26 The erection of an extension to the Royal Hotel, the new kiosk and pavilion will improve the overall visual quality of this site. The submitted Heritage Statement and Design &amp; Access Statement explain in detail the development principles and in conclusion demonstrated that the commercial aspect of the overall proposal will have a major positive impact on the overall heritage asset on the site."</p> <p>"4.7 The extension to the Royal Hotel has been through an exhaustive process and has the support of both English Heritage, Opun and the Council's Conservation Officer. The minor internal amendments facilitate the use of the new dining room."</p>	<p>We contend that the proposed "kiosk" and, particularly, the "pavilion" are undesirable developments within the setting of these historic heritage assets (grade II* listed) and, as such, will seriously harm their significance. Therefore, according to NPPF 133 permission should be refused "unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss." The developer has not and could not make such a case. Furthermore the site does not fall into any of the other categories <b>all of which are required</b> for an exception to be made.</p> <ul style="list-style-type: none"> <li>• the nature of the heritage asset <b>does not</b> prevent all reasonable uses of the site;</li> <li>• the asset <b>does</b> have an ongoing viable use; and</li> <li>• the site <b>is</b> currently in use</li> </ul> <p>The above discussion also applies to Local Plan Policy E16</p> <p>The Planning Support statement mentions the extension has the support of both (sic) English Heritage, Opun and the Council's Conservation Officer. However it does <b>not</b> claim their support for the proposed "kiosk" or "pavilion".</p>

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	<ul style="list-style-type: none"> <li>• the nature of the heritage asset prevents all reasonable uses of the site; and</li> <li>• no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li> <li>• conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li> <li>• the harm or loss is outweighed by the benefit of bringing the site back into use.”</li> </ul> <p><b>Para 134.</b></p> <p>‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’</p>		
Local Plan E16	Development will not be permitted which would adversely affect the setting of a Listed Building, in terms of scale, massing, form, siting, design or materials of construction.		
Local Plan Saved Policy E4	“In the determination of planning applications regard will be had to the wider setting of new buildings; new development should respect the		

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	character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings, and the street scene generally.”		
<p><b>Conservation Area</b></p> <p>Local Plan E10</p>	<p>Development will not be permitted within Conservation Areas, or where it would affect the setting of such areas, which would:</p> <p>(a) Be detrimental to the character or appearance of the Conservation Area in terms of:</p> <ul style="list-style-type: none"> <li>(i) scale, proportions and massing;</li> <li>(ii) layout, grouping and setting;</li> <li>(iii) detailing and materials of construction;</li> </ul> <p>(b) Be detrimental to the setting of buildings which contribute positively to the character and appearance of the Conservation Area;</p> <p>(c) Result in the loss of open spaces or important views within, into and out of the Conservation Area;</p> <p>(d) Result in the loss of particular features which contribute positively to character and appearance of the Conservation Area, including:</p> <ul style="list-style-type: none"> <li>(i) Walls and other means of enclosure;</li> <li>(ii) Ground surfaces;</li> </ul>	<p>“3.28 The small kiosk building provides an active frontage to Station Road. The design of it complements the main building whilst at the same time creates an architectural statement specifically by using a frameless glazed system to provide all round active frontages.</p> <p>3.29 The proposed pavilion building is two storey located on the eastern part of the car park with a frontage to the Bath Grounds. This is also sensitively designed and sits well within the setting of the Royal Hotel. The design of this building has been developed using the original spa building in terms of its location and scale. The materials proposed for this building are stone cladding with the recessed first floor changing the materials to white render.”</p>	<p>We believe that the proposed “pavilion” would;</p> <p>(a) Be detrimental to the character and appearance of the Conservation Area and the Royal Hotel and Rawdon Terrace, in particular, in terms of:</p> <ul style="list-style-type: none"> <li>(i) its scale, proportions and massing;</li> <li>(ii) its layout, grouping and setting - we are very concerned about its imposing frontage onto the Bath Grounds when viewed from this public park;</li> <li>(iii) its detailing and materials of construction – which have little in common with the Royal Hotel and Rawdon Terrace or the original Baths on the site of which it would stand.</li> </ul> <p>(b) Be detrimental to the setting of buildings (the Royal Hotel, Rawdon Terrace, Loudon Memorial and Catholic Church) which contribute positively to the character and appearance of the Conservation Area;</p> <p>(c) Result in the loss of important views within, into and out of the Conservation Area – the view of the closely architecturally paired Royal Hotel and Rawdon Terrace from the Bath Grounds will be irrevocably spoilt by the imposition of this large and imposing two storey building in front of and between them; and</p> <p>(d) Result in the loss of features of archaeological interest, particularly features which contribute positively to the character and appearance of the Conservation Area - namely the remains of the original Baths.</p>

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	<p>(iii) Natural features (such as trees and hedgerows); and</p> <p>(iv) Features of archaeological interest;</p> <p>(e) Be detrimental to environmental quality in terms of:</p> <p>(i) Traffic generation;</p> <p>(ii) Noise and other forms of environmental intrusion.</p>		
<p><b>Conserving and Enhancing the Historic Environment</b> Policy CS34:</p>	<p>Heritage assets, and their setting, will be protected and conserved. The conservation of assets which reflect the District's industrial and coalmining heritage will be a particular priority.</p> <p>Where opportunities arise, particularly through new development, North West Leicestershire District Council will consider favourably those schemes that make a positive contribution and enhance existing heritage assets.</p> <p>The District Council will also seek to secure the viable and sustainable future of heritage assets at risk of neglect, loss, decay or other threats, especially where this supports tourism or business development, providing such development is consistent with the significance of the heritage asset.</p>	<p>.... the analysis above and the submitted Heritage Statement clearly shows that this proposal accords with this policy.</p>	<p>We urge the Committee to avoid being persuaded to approve this unsightly imposing and out of character "pavilion" building as a supposed means of securing the improvements to the Royal Hotel. However, were the "Pavilion" and/or "Kiosk" to be approved then it would be essential to ensure that the developer actually undertook <b>all</b> the promised improvements. It would not be the first time that a local developer gained planning permission, built and sold the new buildings but, through apparent insolvency, failed to provide the community enhancements promised. We also remind the Committee that it is the proposer of this application who has allowed the Royal Hotel and its surroundings to continue to deteriorate (see NPPF130 – "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.")</p>
<p>Policy CS37: Ashby</p>	<p>"... any planning application ... will demonstrate how the area will be developed, and provide for ... measures to protect and enhance the historic core of Ashby de la Zouch and other heritage assets"</p>		

Planning Area and Policy	Relevant Planning Policy Details	Developer's Planning Support Statement (ref.289403)	Friends of Ashby Bath Grounds Response
	<p>"NWLDC will .... require new development in the Gilwiskaw catchment to incorporate measures to reduce flood risk in the Packington area"</p>		
<p><b>Forestry and The National Forest</b> Local Plan Saved Policy E2</p>	<p>"Development, including that of allocated sites, will only be permitted where satisfactory provision is made for landscaped amenity open space in order to improve their visual character and general appearance and secure the retention of important natural features, such as trees."</p>	<p>3.23 A tree survey has been submitted with the application and it concluded that the development should seek to incorporate as many Category A and B trees as possible. Where there is loss further mitigation planting should take place. The proposed landscaping takes into account this recommendation. (See IBI Taylor Young Drawings).</p>	<p>As stated above, there is no doubt that conversion of the Hastings Garden, currently a Priority Habitat, to a car park will result in net loss of bio-diversity and loss of mature trees within the National Forest. The application is extremely vague about the latter admitting that there will be a loss of trees and only pledging to incorporate "as many Category A and B trees as possible." New trees are insufficient substitute for mature trees.</p>
<p>Policy CS30:</p>	<p>Within the area of the National Forest, as defined on the Proposals Map, North West Leicestershire District Council will work with The National Forest Company, other local authorities and partners to:</p> <ul style="list-style-type: none"> <li>- Provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;</li> <li>- Create an attractive, sustainable environment;</li> <li>- Enhance its role as a natural carbon sink;</li> <li>- Enhance biodiversity to meet local and national Biodiversity Action Plan targets;</li> <li>- Provide a range of leisure opportunities for local communities and visitors, and</li> <li>- Achieve 33% woodland cover in the National Forest.</li> </ul> <p>New developments within the National Forest</p>		

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	<p>will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and/or elsewhere within the National Forest in accordance with National Forest Planting Guidelines. Landscaping will generally involve woodland planting, but can also include the creation and management of other appropriate habitats, open space provision associated with woodland and the provision of new recreational facilities with a woodland character. The appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents.</p> <p>A commuted sum may be agreed where planting and landscaping cannot be accommodated within or close to the development site. This will be used to either purchase land for tree planting, or , create new woodland and/or other habitats,, and to provide public access and maintain those works for at least 5 years.</p> <p>Within the National Forest new development should ensure that:</p> <p>A the siting and scale of the proposed development is appropriately related to its setting within the Forest, and</p> <p>B the proposed development respects and does not adversely affect the character and appearance of the wider countryside.</p> <p>The area between Ashby de la Zouch, Measham and Swadlincote will be recognised as 'The Heart of the National Forest' where there will</p>		

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	<p>be a concentration of tourism and leisure activities associated with the National Forest, and economic opportunities based on the woodland and environmental economy. Linkages to nearby urban areas will be strengthened and new development will be exemplars of sustainable design and construction, with an emphasis upon the use of Forest-themed construction materials where appropriate.</p>		
<p><b>Change of use</b> Local Plan Saved Policy R13</p>	<p>The following uses will be permitted within those Town Centre Service Areas fronting on to the east side of Whitwick Road, Coalville and Bath Street/Station Road, Ashby-de-la-Zouch, identified on the Proposals Map:</p> <ul style="list-style-type: none"> <li>(a) Offices (Class B1(a));</li> <li>(b) Financial and professional services (Class A2);</li> <li>(c) Hotel (Class C1);</li> <li>(d) Non-residential institutions (Class D1); and</li> <li>(e) Assembly and leisure uses (Class D2).</li> </ul>	<p>This site is within the Town Centre Services Area as defined by the proposals map. This proposal is for uses which are associated with the predominant hotel use which is a C1 use. The new buildings of a kiosk and pavilion are in fact ancillary uses comprising of use D2 and A3. Whilst the very small element of A3 use does not fall into the above uses outlined in the above policy, it is a very small element of the proposal and is considered to be ancillary to the main hotel. Furthermore the pavilion A3 use is located to the north east of the site which is not predominant in the street scene and the small kiosk is single storey which once again is not intrusive. Uses such as these tend to be located near to hotels for visitors and existing residents to use in a sustainable location.</p>	<p>A substantial, 500 m<sup>2</sup> (not "small", as claimed by the developer) part of the proposed use of the new "pavilion" and "kiosk" is A3 (restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food). This is directly contrary to the usage permitted on this site under retained Local Plan Policy R13 and should lead to rejection of the application without further discussion. Such use, which could include take away restaurants and snack bars, is wholly unsuitable for this part of Ashby. There are adequate vacant premises elsewhere within Ashby Town Centre with appropriate planning permission for these activities.</p>
<p><b>Community</b></p>		<p>"2.37 Currently the entire application</p>	<p>The developer is seeking to have three separate planning</p>

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Benefit		<p>site and the Baths Ground are controlled by the applicant. Agreement has been reached with Ashby Woulds Town Council such that it would secure the freehold of the Baths Grounds. Furthermore two specific areas of land would then be leased to the Ashby Bowling Club and the Ashby Hastings Cricket Club. They would be minimum 50 year leases that would then enable the Clubs to secure funding to construct the new pavilions and so secure their future and attract greater patronage.</p> <p>2.38 This benefit will only arise if planning permission for the improvements to the Royal Hotel and the commercial development receives planning permission. There is considerable investment in the maintenance and improvements to the Grade II* Listed Royal Hotel.</p> <p>2.39 Very importantly the composite proposal – residential, sports pavilion replacement, Commercial kiosk and pavilion will all ensure that there is sufficient funding to undertake the improvements to the Grade II* Listed Royal Hotel. Without that the improvements will not take place.”</p> <p>“4.12 ..... Approval of the planning applications will deliver the following:</p> <p>i. Deliver the freehold of the Bath Ground to the Ashby Woulds Town</p>	<p>applications considered together and lists a number of “inducements”. These are separate applications and should each be considered on their own merits. The tying of the “inducements” to all three applications is not acceptable.</p> <p>Regarding the inducements;</p> <p>i) Ashby Town Council (not Ashby Woulds) already holds the lease and a right of extension covering the next 37 years so, whilst the freehold would be useful to the community, it is not necessary in the medium term to ensure public accessibility of the Bath Grounds or their enhancement.</p> <p>ii) The clubs would like longer leases but do not intend to erect the sports pavilions applied for by the developer as they would be too expensive to build and maintain and no funding is being provided.</p> <p>iii) The applications give no indication why “further improvements to the Bath Grounds” are not currently possible without these planning permissions. No funding or section 106 agreements for any other improvements are offered.</p> <p>iv) Turning the wooded area (Hastings Garden) into a car park will not enhance its management. The fact that the owner is currently neglecting this area does not provide confidence that it would be better managed in the future.</p> <p>v) We would encourage the proposed improvements to the Royal Hotel but not at the price of the large, unsightly “pavilion” and the changes of use requested.</p> <p>vi) Again we would welcome improvements to the Royal Hotel garden.</p> <p>Furthermore, there is no guarantee that any of the desirable aspects of this application (refurbishment of the hotel and gardens) will be undertaken if permission is granted.</p>

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		<p>Council.</p> <p>ii. Secure long term leases for the two sports clubs and so enable them to seek grant funding, improved facilities and enlarge their membership base.</p> <p>iii. Allow further improvements to the remainder of the Baths Ground.</p> <p>iv. Enable the management of the wooded area to the south of the Royal Hotel.</p> <p>v. Enable the removal of the extraneous and unsympathetic extensions to the Royal Hotel and construct more sympathetic extensions that will not only improve the listed building and its setting but also help secure the viability of the Royal Hotel moving forward.</p> <p>vi. Improvements to the garden of the Royal Hotel and its setting. “</p>	