

Friends of Ashby Bath Grounds
c/o 19 Wrekin Close
Ashby de la Zouch
Leicestershire
LE65 1EX

29 August 2017

Mr A, Mellor

Planning and Development
North West Leicestershire District Council,
Council Offices, Coalville,
Leicestershire,
LE67 3FJ.

Dear Mr Mellor,

Planning Application Number 17/00761/FULM. Development of the northern car park of The Royal Hotel to provide B1 office accommodation and 28 residential apartments alongside associated access, parking and amenity site.

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 eighty five fully subscribed members, a committee of five and a following of nearly 1500 local people. I am writing on behalf of the Friends of Ashby Bath Grounds to strongly object to the above Planning Application.

This application, 17/00761/FULM, covers a residential three storey building overlooking the Bath Grounds in between the Royal Hotel and Rawdon Terrace, and a two storey commercial building at the front roadside end of the carpark, again, in between the Royal Hotel and Rawdon Terrace.

The Friends feel that the development is 'over bearing' for its setting amongst the other heritage assets of the Ashby Conversation Area, particularly the Royal Hotel, Rawdon Terrace and the Bath Grounds with views across to Ashby Castle.

Many of our followers signed against the original applications in 2012 - 2014 plans, which at the time were one and two storey buildings. Application 17/00761/FULM is now proposing two and three storey buildings. We also have concerns about the knock on effect of lack of allocated parking. Also, very significantly, there has been no further public consultation since 2012.

We set out below the reasons why this application should be rejected, citing the relevant National Policies (NPPF).

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.

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".

We set out below why we believe that this proposal fails to comply with nearly all of these Core Principles:

- the developer held only one public consultation on his proposals and this was over 5 years ago in May 2012. We can assure the Committee that the community does **not** feel empowered to shape their surroundings by this proposal or the manner in which it has been presented.
- 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.

3. Material considerations (NPPF 11) – We strongly contend that there are significant material considerations that indicate that the new residential and commercial aspects of this application should be denied. In particular, with regard to NPPF 132, we contend that erection of the "residential building" 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 'residential building' is a substantial three 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. Presumption in Favour of Sustainable development (NPPF 14)

The Friends of Ashby Bath Grounds recognise that the NPPF requires a "presumption in favour of sustainable development." (NPPF14) but strongly dispute whether the proposed development can be categorised as "sustainable" for the following reasons.

Social. According to the NPPF Ministerial Foreword, "Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations." Also the preamble to NPPF6 quotes Resolution 42/187 of the United Nations General Assembly, which "defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs." We contend that many aspects of this proposal will have a negative social impact for future generations:

- The proposed "Residential building" is a substantial three storey building, with a larger footprint than the hotel itself. The imposing nature of the new "Residential Building" placed between and in front 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.
- The new "Residential Building" 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 three storey residential building in front of and between them.

5. Heritage and conservation.

We believe that the building application does not fulfil the following NPPF policies regarding Conserving and Enhancing the Historic Environment, section 12

Desirability of sustaining and enhancing the significance of heritage assets (NPPF 131)

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The impact of a proposed development on the significance of a designated heritage asset (NPPF 132)

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 monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Public benefits of the proposal (NPPF 134)

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.

6. 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 "residential building" and "commercial building"

The "residential building" 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. The buildings are overbearing for the properties on Rawdon Terrace – leading to their properties being overlooked and loss of privacy - and leading to the over intensive development of the conservation site
- 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.

7. Loss of important Vistas

Erection of the "residential building" 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 three storey building in front of and between them

We believe that the proposed "pavilion" would;

(a) Be detrimental to the character and appearance of the Conservation Area and the Royal Hotel and Rawdon Terrace, in particular, in terms of:

- (i) its scale, proportions and massing;
- (ii) its layout, grouping and setting - we are very concerned about its imposing frontage onto the Bath Grounds when viewed from this public park;
- (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.

(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;

(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 damaged by the imposition of this large and imposing two storey building in front of and between them. The original Architects (Robert Chaplin) vision was to ensure that all three buildings from the grounds would have vistas

(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.

8. Loss of car parking space

This proposal will result in a significant loss of public parking spaces in Ashby.

Ashby Town Centre has a major shortfall in public car parking spaces. The proposal will no longer provide for public access, only allowing private parking for hotel guests and office workers. It seems therefore that the development will provide 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 and visitors to this historic site.

During construction there will be no provision for hotel residents parking and no clear provision for hotel parking following building works. This is contrary to the planning authority's policy on the provision of car parking. In addition, parking provision is inadequate for the residential block and will lead to on street parking on Station Road with potential congestion issues on this very busy main access to and from the Town centre. Please note; There were 551 signatures against the last application on the car park

9. Contribution for offsite affordable housing

The £50,000 contribution for off - site affordable housing is unacceptable. This contribution is well below the £140,000 off-site contribution that should be provided if the Local Plan policy is adhered to.

In addition, the friends would like to ensure that the council are not co-herded into a decision to reduce the contribution, by means of making this commercially viable or a way to restore the Royal Hotel.

10. Community Consultation

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, which was his previous proposal. The Friends have strong links with the Ashby residents and we are confident that the vast majority of the public are completely unaware of this application. We believe such an important development for Ashby should have gone out to a proper independent consultation before this revised planning application was submitted.

We urge the Committee to avoid being persuaded to approve this imposing and out of character "residential building". 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."). 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.

The Friends of Ashby Bath Grounds welcome a 'considered' plan, that takes into careful consideration one of the most important heritage areas in our town.

Yours sincerely,

Jeremy Birch, Chair, on behalf of the Friends of Ashby Bath Grounds.