

Mr S Beard
Sport England at the Sport Park
3 Oakwood Drive
Loughborough
LE113QF

David Bigby
The Friends of Ashby Bath Grounds
16 Tower Gardens
Ashby de la Zouch
Leicestershire
LE65 2GZ

Tel: 07765765156
Email: david@bigby.eu

7 March 2014

Dear Mr Beard,

Planning Application Number14/00107/FULM: Erection of five dwellings etc.

I am writing in respect of the above application to build five large houses on the Bath Grounds, Ashby de la Zouch, which is an important area of recreation ground and playing fields close to the centre of the town and home to Ashby Hastings Cricket Club and Bowls Clubs.

I am writing on behalf of the 'Friends of Ashby Bath Grounds'. We are community organisation set up to work and campaign to protect and improve the Bath Grounds as a free, public access park and recreational facility for the benefit of the whole community. In particular the Group:

- Supports enhancement of the Bath Grounds for the benefit of public enjoyment and sporting use.
- Supports community ownership of the Bath Grounds.
- Supports use of the Bath Grounds by community sports organisations provided this does not unduly interfere with enjoyment by other members of the public.
- Opposes the use of any part of the Bath Grounds to build houses and any other non-recreational or non-sporting use.

We have over a hundred registered supporters and have to-date raised over 2500 petition signatures against this development.

We understand that Sport England are a Consultee for the above Planning Application and that Sport England would normally oppose such a development, which will result in the loss of approximately 12% of the area of the playing fields, in all but exceptional cases. However we note that the developer has set out a case in his planning application which seeks to persuade Sport England and the Planning Authority that this case is indeed exceptional. We believe that this proposal to build on playing fields should **not** be treated as exceptional and we strongly encourage Sport England to object to the Application.

In our opinion many of the supporting assertions of the developer are erroneous and misleading and we wish to draw your attention to these errors to ensure you are aware of all the facts when considering your position.

In the Table below, we have set out each of Sport England's Policy Exceptions, the relevant text from the developer's Planning Support Statement and our response.

In summary, we maintain that the proposed housing development would lead to the following;

1. *loss of a currently used informal training pitch;*
2. *inability to use an historic pitch (including retaining adequate safety margins) which is capable of being reinstated with some drainage improvements;*

3. *reduced sporting capacity of the playing fields to accommodate pitches and capability to reposition pitches to maintain quality;*
4. *loss of other sporting and ancillary facilities on the site, specifically a training area and an area of great beauty currently used by spectators and sports persons for relaxation during sporting events.*

We assume that you will have been in contact with the relevant local sport clubs (cricket, bowls, football, hockey) who use or could use the Bath Grounds and who will corroborate our evidence.

Regarding current public access to the Bath Grounds, please note that Ashby Town Council hold a lease on the grounds with 9 years to run and an automatic right of renewal of a further 28 years.

I hope that you will find this information useful. Please do not hesitate to get back to me if I can be of further help or if you require clarification or further evidence on any matter. If I am unavailable, please contact Chris Smith, 28 Windsor Rd, Ashby, (email: chrissmith677@gmail.com, tel: 07850 053243).

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Bigby'.

David Bigby

On behalf of Friends of Ashby Bath Grounds

cc. Sarah Worrall, NWLDC Planning Dept.

Sport England Policy Exception	Description	Developer's Support Statement Text	Friends of Ashby Bath Grounds Submission
E1	A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.	<p>3.30 For the preparation of the new Local Plan North West Leicestershire, as indicated on their website, is using the former PPG17 assessment which was undertaken in 2008. For the purposes of this application the area is categorised into the "recreation area" type of provision and whilst there is a deficit of this kind of provision in Ashby it is considered that as the club has confirmed that it does not use this area for the current pitch and it does not intend to use it in the future then there is no net loss of playing pitch provision on this site. Furthermore when a site visit is undertaken it is clear to see that in fact due to the topography of this part of the site it would be very difficult for this area to be used as a playing pitch as it is just not practical due to its elevated level above the actual cricket pitch.</p> <p>3.31 This small part of the site has no special significance to the interest of sports thus its loss would meet part of this criterion. Furthermore there is no net loss of playing pitch provision. Policy E1 is satisfied.</p>	<p>North West Leicestershire's carefully quantified and documented assessment of current and future needs (PPG17 Open Space Audit July 2008) demonstrated that Ashby had a deficit of 2.99 ha of recreation ground, the second highest deficit in the District. That deficit is likely to have increased significantly in the intervening 6 years as there has been considerable further house building in Ashby and no additional provision of recreation ground or playing fields (public or private). The area which would be lost is certainly not "small" or "extremely small" as claimed by the developer, amounting to some 0.77 ha and representing approximately 13% of the unbuilt playing field area. The area is not currently in use as a formal pitch but is certainly significant for sport on the Bath Grounds. It is used for training by Measham Imperial FC during the summer months and until several years ago was equipped with football goalposts for this purpose. It seems that the developer has only consulted the cricket club on the significance of this area for local sport and has not considered its many other historic, current and potential uses. In particular they have not consulted the Measham Imperial Football or the various Ashby football clubs who have used the Bath Grounds in the past and wish they could be used again.</p>
E2	The proposed	3.32 The site for the proposed dwellings equates to	In his Supporting Documents, the developer has left blank

	<p>development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.</p>	<p>***ha which is ****% of the overall "playing field" site. It is clear from these figures that the proposed development is clearly ancillary to the principal use of the site as a playing field. In quantitative terms whilst a small part of the site will be used for housing this land is not practical for providing "playing pitch" provision. The topography of the area do not make this small area practical for use of a playing field. Furthermore, the cricket club has confirmed that currently this area has never formed part of their playing pitch area and does not form part of their future plans for expansion. The proposed housing does not give rise to the loss of any playing fields as this area has never been used for such a purpose. On this basis it is considered that this proposal will not affect the quantity of playing pitches in this area. In terms of the quality of provision the suite of proposals will improve the quality of provision in this area as it will allow the Town Council to formalise the open space and keep it as such in perpetuity for the local area with no threat of development or loss of the area. It will also allow them to apply for grant funding to improved the facilities; further improving the quality of the facilities and their ability to take on more participants. It is therefore considered that this application satisfies exception policy E2.</p>	<p>the size and proportion of the proposed housing site in relation to the rest of the playing field area. We must conclude that he decided not reveal these figures as they prove that it is not a "small" part of the site as he claims. Our measurements indicate that the housing site, at 0.77 ha, represents 13%of the currently unbuilt area of the Bath Grounds (area excluding pavilions). Also we can assure you that it is not ancillary to the principal use of the playing fields which have always been used for informal sport and leisure activities as much as for more formal sport. In this respect we believe the developer has confused the terms "playing fields" and "playing pitches" at several places in his submission. The proposed housing site is currently used as an informal training area by local footballers and is capable of being used as a training pitch if the council were to mark it out. The claim by the developer that the housing development, "will allow the Town Council to formalise the open space and keep it as such in perpetuity for the local area with no threat of development or loss of the area ... (and) ... allow them to apply for grant funding to improve the facilities" is entirely bogus. The Town Council already has a lease on the whole of the Bath Grounds with 9 years to run and a right to renew for at least a further 28 years. The Council has also applied for designation of the park as a Community Asset which would give them the right to purchase if it were offered for sale. Furthermore an application has been made for Village Green status which is currently under consideration by the County Council. The Bath Grounds are therefore not at risk except from this application. The Town Council and the clubs are already in a position to apply for grants and make</p>
--	--	---	---

			improvements if they so wish (subject to relevant planning permissions) and the new arrangements will not substantively change that situation.
E3	The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.	<p>3.33 Once again due to the size and topography of the housing site this area is not capable of forming part of a playing pitch. Furthermore as stated above the club has confirmed that the site proposed for the dwellings is not currently used for their playing pitch area and does not form part of their plans for expansion. This clearly indicates that this part of the site does not currently form part of the playing pitch provision and therefore on this basis there would be no loss of playing pitch provision to the housing development.</p> <p>3.34 The proposed housing development only affects land which is incapable of forming part of any playing pitch and the status quo would be retained. The development therefore also meets with exception policy E3.</p>	<p>As mentioned above the land in question is used as an informal training pitch by local footballers and is suited to use as a training pitch in the future. Whilst it does not form part of the cricket pitch, its topography does not render it incapable of use as a playing pitch. Until several years ago it was furnished with goalposts specifically for this purpose. These were maintained by the Town Council and were subsequently removed due to reported vandalism (a problem for all permanently erected goalposts in such locations).</p> <p>Furthermore the land lies immediately adjacent to an area that has been used in the past as a full sized hockey pitch and as a football pitch (see photograph 1). The land in question provided a safety margin for this pitch to its eastern side and acted as an outfield and spectator area. This pitch, which could be reinstated in the future subject to some drainage improvements, would no longer be viable if the land in question were lost to public recreational use.</p>
E4	The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better	3.35 The composite proposal will see the provision of better quality provision of playing fields in this location coupled with much better management arrangements. Improvements to the two clubs will also increase participation. It will allow the Town Council to retain the land in perpetuity for playing pitch provision and will allow them and the two sports clubs to secure funding to formalise the sports	<p>The proposal makes no alternative provision to replace the playing fields which would be lost as a result of the proposed development. The proposal will result in a loss of 13% of the current unbuilt area of the Bath Grounds with no alternative provision elsewhere.</p> <p>The developer falsely claims that the proposal will result in enhancement of the residual area of playing fields, though he is not proposing to improve the grounds in any</p>

	quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.	provision and provide better facilities for its members. It will therefore allow better quality, equivalent quantity (as this area is not currently used as a pitch nor is there any intention to do so), plus it will result in better management arrangements for the sports facility. It is therefore considered that this proposal also meets with this exception policy E4.	way nor providing funding for any improvement.
E5	The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.	<p>3.36 The benefits for this outdoor sports facility in this area through this planning application are excellent. It will allow a currently informal area to be formalised by giving the land to the Town Council in effect in perpetuity and then leasing to the two sports clubs, allowing the long term retention of a good sports facilities. The proposed 5 dwellings do not constitute the loss of playing fields due to the fact that this area is not currently used by the club nor would it be practical to integrate it into the cricket club due to topographical issues. In itself it is not of a size to accommodate a sports pitch. Notwithstanding this the benefit which this application provides for the development of sport in this area clearly outweighs any detriment, if there is any, caused by the loss of this area for the proposed dwellings.</p> <p>3.37 It has also been confirmed that the Town Council has resolved, in principle, to accept the draft heads of terms for the sale of the Baths Ground from Oakland Hotels to the Town Council and to accept the draft heads of terms for an agreement for the lease of part of the Baths Ground from the Town Council To Ashby Bowling Club and Ashby Hastings Cricket Club in</p>	<p>The main part of the proposal is not for an indoor or outdoor sporting facility but for a housing development which will result in the loss of an important part of the Bath Grounds playing fields to public use. The fact that the planning application includes possible alternative cricket and bowls pavilions does not mean that that these will be built. Indeed the Clubs confirm that it is most unlikely that they would ever build these particular pavilions. Nor is the developer proposing to provide any funding for these facilities to be built or the grounds to be improved.</p> <p>Regarding the Town Council, whilst they accepted in principle a draft Heads of Terms in March 2013 regarding sale of the Bath Grounds to the Town Council should planning permission for the houses be granted, they have not signed a Heads of Terms and have since voted at an extraordinary meeting on 27th January 2014 to “cease negotiations with Oakland Hotels with immediate effect in respect of the negotiations for the proposed Heads of Terms for the transfer of the freehold of the Bath Grounds from Oakland Hotels to the Town Council”. Furthermore, regarding the supposed sports “benefit” of this development, we would also draw your attention to</p>

		principle. It is considered that this proposal also meets exception policy E5.	the comments of the Planning Inspector when considering the previous owner's submission for this same piece of land to be designated for housing at his Enquiry into the 2002 Local Plan set out below (relevant section in bold).
<p align="center">Excerpt from the inspectors enquiry into 2002 local plan</p>			
<p>The Objector</p> <p>6814Bass Taverns Limited</p> <p>The Objection</p> <p>7.392That this site should be allocated as housing land.</p> <p>Inspector's reasoning and conclusions</p> <p>7.393The key issues arising from this objection are, I consider</p> <ul style="list-style-type: none"> -whether the objection site should be regarded as forming an integral and important part of the Bath Grounds recreation area; and if so, -whether there nevertheless exist circumstances which would justify its allocation as housing land. <p>7.394Bath Grounds comprise a large and long established area of open parkland lying close to Ashby town centre. The objection site is located in their south eastern corner, and is bounded to the north by a field which although undeveloped does not form part of the grounds, to the south by the Ivanhoe railway line, and to the east by a tall tree-screen beyond which lie modern, elderly persons' bungalows.</p> <p>7.395The line which would form the site's western boundary and thus separate the proposed development from the remainder of the grounds, is, however, not marked by any physical features. On both sides of this hence somewhat arbitrary division, the ground is now open grassland used for informal recreation. The objection site therefore at present clearly relates -both in form and function- to the land to its west.</p> <p>7.396Development of this site would close off the only existing, open pedestrian link between Station Road and Prior Park Road. This would appreciably reduce the Grounds' amenity value.</p> <p>7.397Development of this site would also in my opinion adversely affect the present open setting of the Royal Hotel, which, because the Bath Grounds were "historically laid out to complement its design or function", would be contrary to advice in paragraph 2.16 of PPG15.</p>			

7.398 *There are thus 3 cogent reasons why I believe the objection site should be regarded as now forming an integral and important part of the Bath Grounds recreation area.*

7.399 *Preservation of important areas of urban open space is advocated in both PPG3 and PPG17. Bass Taverns nevertheless cite 2 principal reasons why they believe residential development of the objection site would still be acceptable: that a gap to maintain the existing visual link between the Bath Grounds and the Castle recreation area on the opposite side of Prior Park Road would be retained, and that the allocation would give rise to community benefits.*

7.400 *To the north of the field mentioned in paragraph 7.394 above is housing. Were this proposal to proceed, this field would thus become the only remaining gap in an otherwise built up frontage along the whole of the western side of Prior Park Road. That in itself would, I consider, significantly detract from the open character of the locality to which the two adjacent recreation areas now give rise.*

7.401 *But perhaps even more importantly, these same circumstances could lead to that field being seen as a potential infill site, where further development would accordingly become very difficult for the Council to resist. In that event, the existing visual link between the 2 sides of Prior Park Road would disappear completely.*

7.402 *The objector has indicated that if planning permission for this site were forthcoming, it would dedicate the remainder of the Bath Grounds, except for the Royal Hotel, to the Council for public use. I do not doubt that community benefits would thereby arise, not the least of which would be the provision of land for a car park for use in connection with the proposed Ashby railway station.*

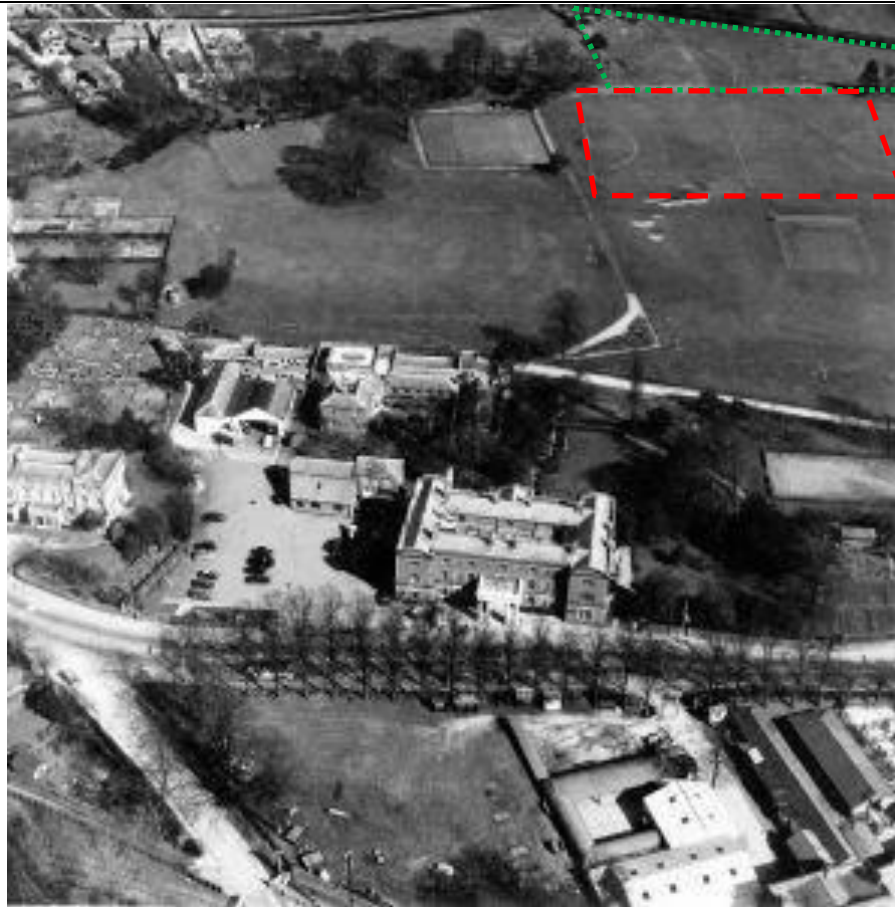
7.403 *But that dedication is neither needed to enable this proposal to proceed, nor so directly related to such development that the same ought not to be permitted without it. The two matters therefore lack the necessary land use nexus referred to in paragraph B9 of Circular 1/97. From this, it follows that making the suggested dedication a requirement of a Plan allocation of the objection site would not be an available option, and in consequence that no material weight can be attributed to the objector's suggestion that it be so.*

7.404 *For these reasons, I conclude that the submissions made by Bass Taverns in connection with the second issue do not outweigh the presumption in government planning guidance against developing existing parkland, and accordingly that they do not constitute circumstances of sufficient weight to override the adverse conclusion I have reached on the first.*

7.405 *Modification of the Plan in line with this objection would accordingly not be appropriate.*

Recommendation

7.406 *I recommend no modification to the Plan as a result of this objection.*



Photograph 1

This photograph clearly shows the pitch (red dashed box) laid out immediately to the right of the bowls green and bordering directly upon the area of land proposed for housing (dotted green box).