

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.

Report Item No
A1

The Royal Hotel Station Road Ashby De La Zouch
Leicestershire

Application Reference
14/00104/FULM

Applicant:

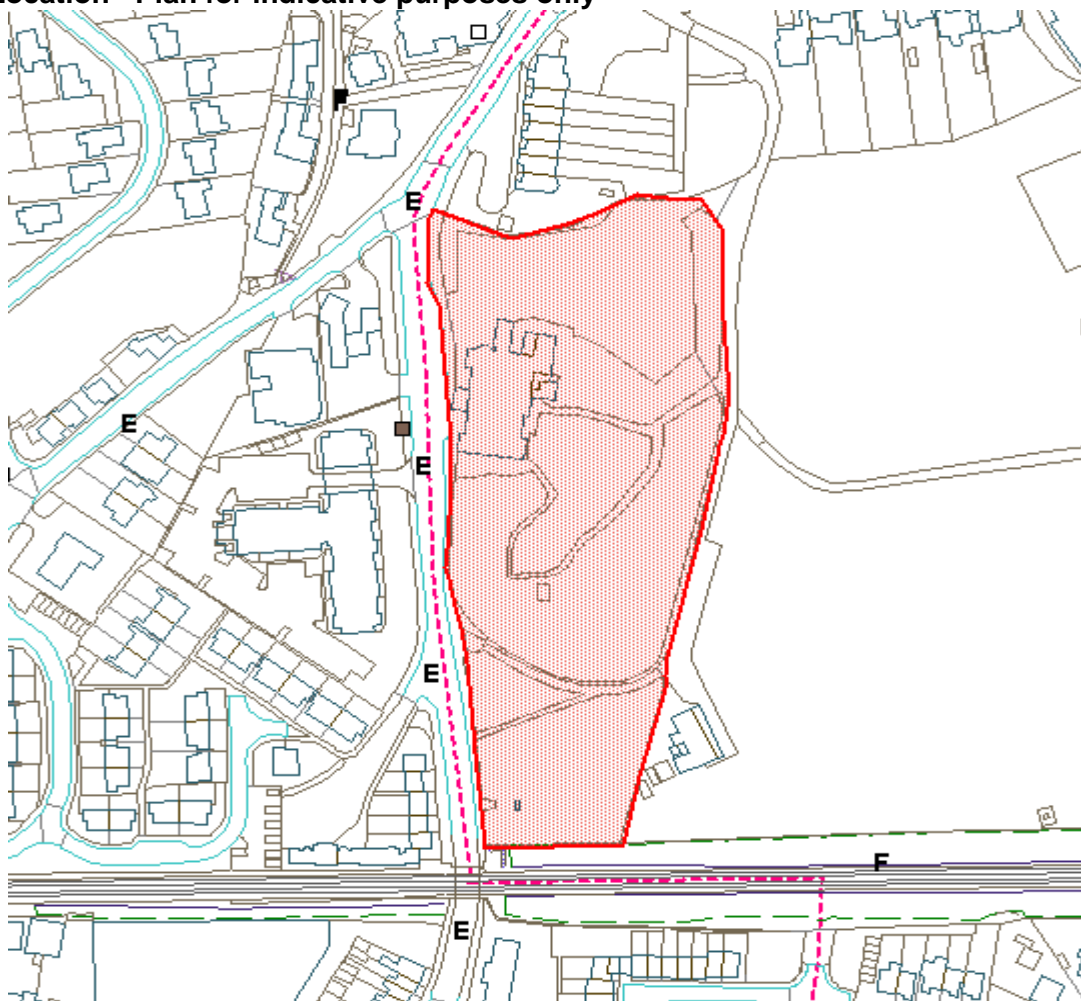
Date Registered
6 February 2014

Case Officer: Sarah Worrall

Target Decision Date
8 May 2014

Recommendation: PERMIT Subject to a S 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call in

The application is brought to Planning Committee at the request of Councillor Coxon on the grounds of public interest.

Proposal

The application seeks full permission for a single storey extension to the existing hotel at the north and eastern corner which would include demolition of some non-original extensions. The scheme also seeks approval for a modified access at Station Road, reconfiguration of car parking areas including the formation of a new woodland car park, a single storey kiosk towards the Station Road frontage for A3 café/restaurant use and a two storey leisure pavilion to include A3 use and D2 assembly and leisure use.

The application is being considered in conjunction with a Listed Building Consent application for the demolition of existing side extensions and erection of single storey side extension and refurbishment works to the Royal Hotel (14/00105/LBC).

The current development proposal was also being considered in relation to a separate application for the demolition and redevelopment of the cricket and bowls pavilions on Bath Grounds along with the erection of five dwellings on a section of the Bath Grounds (14/00107/FULM). That application has been withdrawn.

Consultations

Members will note that representations from local residents and businesses have been made and the full representations are available to view on the working file. In terms of the issues raised, statutory consultees other than Natural England are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition. Members will also note that the applicant undertook a public consultation event prior to submission of the application.

Planning Policy

The impact of the proposal in terms of town centre policies, design and heritage, residential amenities, highways issues, protected species and other ecological aspects, flood risk, noise and River Mease SAC and SSSI can be assessed in relation to the NPPF and development plan policies and other relevant guidance as set out in the main report.

Conclusion

The site lies within the Limits to Development of Ashby where development is, in principle, acceptable. The proposed development would meet the requirements of Policy R13 in respect of the Ashby Town Centre Service Area but would not fully comply with Policy R1 in respect of the A3 café/restaurant uses proposed. On balance, however, it is considered that the A3 elements form part of the overarching redevelopment plan for the site and, subject to appropriate condition, would not have an adverse impact on Ashby Town Centre. The proposed hotel extension, kiosk, leisure pavilion and associated car parking areas and landscaping would not have any adverse impact in terms of design and heritage, residential amenities, highway safety, protected species, flood risk and River Mease SAC and SSSI (subject to Natural

England revised comments) and approval is therefore recommended.

RECOMMENDATION: PERMIT, subject to any further comments which Natural England submit, and subject to conditions and a S106 legal agreement for River Mease DCS contribution and highways requirements (Travel Plan Framework)

b Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application for various development elements at The Royal Hotel and its car park and adjacent woodland area. The Royal Hotel is a Grade II* Listed Building and the hotel and its curtilage, which forms the application site, lie within the Ashby de la Zouch Conservation Area and within the Limits to Development of Ashby. The site also lies within the River Mease Special Area of Conservation (SAC) catchment area.

Rawdon Terrace, a Georgian residential terrace, is situated to the north of the application site, Ashby Bath Grounds adjoins the site to the east and south and Station Road forms the boundary at the west elevation. Across the road to the west there is predominantly residential development with some commercial elements, including a petrol filling station.

Firstly, in relation to the listed building itself, permission is sought for the demolition of existing side and rear single storey ground floor elements of the existing hotel at the north and east elevations, and erection of a wrap around style single storey replacement extension to provide for internal rearrangement of the kitchen area and a new function room with link corridor together with an external terrace at the east elevation. In addition, some refurbishment works would be undertaken internally, and these aspects are considered under a separate Listed Building Consent submission 14/00105/LBC.

The application also seeks permission for a detached A3 café restaurant use kiosk building towards the Station Road frontage on an area of existing car park to the north of the existing hotel. The kiosk would provide some 202 sq.m. of A3 use floorspace and would include a dining area, kitchen, store and customer toilets. As a separate unit there is flexibility for the unit to be kept as an ancillary building to the main hotel or to be used as a separate business. The unit would be single storey and have a height of some 3.2m with a further construction on top to conceal roof plant making an overall height of some 4m. The kiosk would be oval in shape and formed from re-constituted stone with a high level of glazing. Parking would be made available to the rear and the existing access to Station Road would be modified to make it wider. Pedestrian access would also be provided for.

The other building for which permission is sought is a two storey leisure pavilion which would be situated to the eastern end of the existing car park. This would have a footprint of some 700 sq.m. and would be block form in appearance elevation wise, but form a crescent towards the Ashby Bath Grounds. As with the kiosk, it would have a high level of glazing and re-constituted stone would be used for its external finish, at ground floor level, and white render at the recessed first floor. The main form of the building would be some 8m in height with various subordinate elements and a taller central section of some 9m. The taller central section would include a void to form a central area and link between the two arms of the crescent shape. It would also create entrances at the east and west elevations. The east elevation would include landscaping works to provide for a remodelled embankment and steps facilitating a connection with Ashby Bath Grounds. The ground floor would be occupied by an A3 café restaurant use (some 295 sq.m) with the remaining floorspace at ground floor level to be a D2 use incorporating a swimming pool and ancillary changing and store rooms. The entire first floor would also be for D2 use and would comprise treatment rooms and a gymnasium. Overall, the D2 use would utilise some 1,009 sq.m. of the building. Parking for the proposal would be to the west, and would be shared with the proposed kiosk building.

Due to the loss of the existing car park which serves the hotel, and also acts as a pay and display car park for the general public, as a result of the redevelopment proposals, this application also seeks permission for a new car park within the woodland area to the south of the hotel. A new vehicular access is also proposed from Station Road.

The application includes a Design and Access Statement, Heritage Statement, an ecological report, a tree survey, a transport statement and travel plan, a flood risk and River Mease SAC assessment, a Phase I ground survey, a noise assessment, an archaeological and geo-physical survey and a landscape masterplan in addition to the application forms and plans. Due to concerns raised by English Heritage and the District Council in relation to the single storey extension to the listed building itself amended elevation and floorplans plans were submitted on 8 May 2014. Additional drainage information has been submitted in relation to comments received by Natural England.

As stated above, a separate Listed Building Consent submission 14/00105/LBC is being considered in relation to the listed building works proposed. It should be noted that application 14/00107/FULM for the demolition and erection of both cricket and bowls club pavilions and erection of No.5 dwellings within the Ashby Grounds has been withdrawn by the applicant.

Councillor Coxon has requested that the application be brought before Committee on the grounds of public interest.

Planning History

There is not any relevant planning history for the application site in relation to the current proposal.

Pre-application discussions were undertaken in relation to development proposals at the Royal Hotel and the Bath Grounds.

2. Publicity

83 no. Neighbours have been notified (Date of last notification 2 June 2014)

Site Notice displayed 2 June 2014

Press Notice published 11 June 2014

3. Consultations

Ashby de la Zouch Town Council consulted 21 February 2014

County Highway Authority consulted 21 February 2014

Environment Agency consulted 21 February 2014

Severn Trent Water Limited consulted 21 February 2014

Head of Environmental Protection consulted 21 February 2014

Natural England consulted 21 February 2014

NWLDC Tree Officer consulted 21 February 2014

County Archaeologist consulted 21 February 2014

LCC ecology consulted 21 February 2014

NWLDC Conservation Officer consulted 21 February 2014

NWLDC Urban Designer consulted 21 February 2014

English Heritage- Grade I/II* LB Works consulted 21 February 2014

County Planning Authority consulted 21 February 2014

Development Plans consulted 21 February 2014

Head Of Leisure And Culture consulted 21 February 2014
Georgian Group- LB demolition consulted 21 February 2014
Victorian Society- LB demolition consulted 21 February 2014

4. Summary of Representations Received

Ashby de la Zouch Town Council - objects on the basis that the proposed development would have an unacceptable impact on the surrounding listed buildings and conservation area, that the layout and density shows that the leisure pavilion would cover a larger area than the existing listed hotel, and that the materials and overall design are not in keeping with the neighbouring listed buildings .

Environment Agency (EA) - has no objection to the application.

Natural England - raised objection to the proposal in terms of the impact of any increase in surface water drainage on the Gilwiskaw Brook and the River Mease SAC and SSSI. At the time of writing the report, no revised comments have been received from Natural England in relation to the additional drainage information which has been submitted by the agent. Any comments subsequently received shall be reported on the Update Sheet.

Severn Trent Water - no objection subject to condition relating to surface water and foul sewage disposal;

English Heritage - no objection subject to details of materials and finishes.

Leicestershire County Council (Ecology) - originally raised concern about lack of bat and badger survey prior to sight of ecological assessment information submitted as part of the application.

Leicestershire County Council (Highways) - no objection subject to conditions.

NWLDC Environmental Protection (noise) - no objection.

Third Party Representations

Ashby de la Zouch Civic Society objects to the proposed kiosk, leisure pavilion and woodland car park proposals but not the hotel extension and refurbishment. The Society submits concerns in relation to the kiosk design and location, the level of glazing proposed at the leisure pavilion and overlooking of the Bath Grounds from the first floor, loss of the public car park, and loss of trees as a result of the woodland car park.

Friends of Ashby Bath Grounds advise that the group does not object to the improvements and extension of the Royal Hotel as "these are long overdue and will enhance Ashby and the Conservation Area". However, the group objects to the kiosk and pavilion building on the grounds that it is not sustainable, does not meet the core principles of the NPPF, there would be an adverse impact on heritage assets (including the Royal Hotel, Rawdon Terrace and views into and out of the Conservation Area) and the design pays no attention to the architecture of its surroundings or local heritage, the proposal would be contrary to Adopted Local Plan policies R13, E10 and E16, and the conversion of Hastings Gardens into a private car park would result in a loss of trees and biodiversity and an important public access route to the Bath Grounds. The development would also result in a loss of public parking spaces. The group also submits

that the developer has not properly consulted with the community on the proposals and no further consultation has been undertaken since a public exhibition in May 2012.

Other third party representations

Two letters of support for the development proposals has been submitted from one person (one customer service contact form and one letter). In addition, a total of 609 letters of objection have been received in relation to the application of which 573 are a pro forma letter. 551 objection letters (547 pro forma and 4 individual) were submitted with a cover letter from Friends of Ashby Bath Grounds stating "please find enclosed 551 objection letters from residents of Ashby & District who are or have been regular users of Ashby Bath Grounds who wish to object in the strongest terms to the planning application 14/00104/FULM". Of the total number, a further 26 pro forma letters were received and a further 38 individual comments also submitted. The comments can be summarised as follows:

Consultation

- The developer has not consulted the community properly.

Design and Heritage

- The development would be contrary to the NPPF and Local Plan Policies E10 and E16;
- The leisure pavilion would substantially harm the significance of the hotel and Rawdon Terrace through development within their setting;
- Important views within, to and from the Conservation Area would be lost;
- The view of the architecturally paired hotel and Rawdon Terrace would be spoiled by the leisure pavilion, and will prevent people from visualising and understanding how the original baths/spa, hotel and Rawdon Terrace were related and the significance to Ashby;
- The pavilion would be larger than the hotel and twice the size of Rawdon Terrace;
- The pavilion would be larger than the original spa building;
- The design and size are not appropriate for the area and would detract from the listed buildings and Conservation Area;
- The design would not be in keeping with the modern development of the Royal Mews apartments on Station Road.

Residential and other amenity

- This is a residential area and a tranquil park setting;
- We do not consider the noise assessment is adequate and should be undertaken over a longer period of time;
- Evenings would be most noisy since the A3 uses would most likely be used then, including any associated equipment e.g. ventilation/extraction fans;
- There will be an adverse impact from comings and goings of restaurant users in the evenings;
- The type of restaurant could be a bar or hot food takeaway which could bring anti social behaviour;
- Trees to be removed for the car park should be replaced with planting elsewhere on the site;
- We object to the loss of Hastings Garden with the loss of mature trees (LP S1 and CS30) and access to the Bath Grounds.

Highways issues

- Loss of public car park;
- Loss of car parking will result in parking on nearby roads, some of which are already subject to parking restrictions;
- Increased traffic will cause a safety risk especially for children who walk through the Bath

Grounds to school.

Other issues

- The proposal is contrary to Policy R13 (of the Local Plan) since parts of the leisure pavilion and the kiosk is for A3 use;
- A3 uses could be accommodated within the town centre;
- The proposed developments will negatively affect the future success of the hotel as a going concern;
- The proposals may take business away from Market Street;
- There would be an increase of litter;
- There is evidence of Japanese Knotweed present in the car park of the hotel and this should be addressed;
- The Hastings Garden provides a pleasant entry to the Bath Grounds;
- Housing in the Bath Grounds should not take place;
- A community building on the car park which is not particularly attractive may be appropriate;
- A new gym may be detrimental to my business - Ashby already has two gyms;
- There is a shortage of an area in Ashby to sit around 100 people for a large function - there is enough room adjacent to the hotel for this purpose whilst leaving the car park as it is.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

The following sections of the NPPF are considered relevant to the determination of this application:

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- adequate site investigation information, prepared by a competent person, is presented."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"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."

"132. 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...."

"133. 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 the harm or loss or all of four other criteria apply."

"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."

"135. The effect on the significance of a non-designated heritage asset should be taken into account in determining the application.

"138. Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm."

"139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

North West Leicestershire Local Plan:

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy R1 sets out the provision of food and drink uses within the Core Town Centre Shopping Area.

Policy R13 supports hotel development in addition to Assembly and Leisure uses (Class D2).

Other Guidance

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise

of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provide a legislative requirement that an obligation must meet the following tests:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development.

Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

6. Assessment

Principle of Development

The application site lies within the Limits to Development of Ashby de la Zouch where development is, in principle, acceptable subject to material planning considerations including design and heritage, amenity, highways, ecological, flood risk, and River Mease issues.

In addition, the Adopted Local Plan Policy R13 makes specific reference to Bath Street/Station Road, Ashby de la Zouch forming part of a Town Centre Service Area in which Assembly and leisure uses (Class D2) would be acceptable. As such, the proposal would be in accordance with Policy R13 of the Adopted Local Plan.

Also of relevance is Policy R1 of the Adopted Local Plan which sets out that shopping and related development will be permitted within Ashby Town Centre, and that retail development outside these areas will only be permitted subject to demonstrable need, no alternative sites, no adverse impact on the vitality and viability of Ashby town centre, location being well related to an existing centre, no adverse impact for new investment in redevelopment or revitalisation of existing centres, and that the proposed development would not adversely affect the supply of land for other major uses such as employment.

The proposed kiosk would be for an A3 café/restaurant use, and part of the leisure pavilion would also include an A3 café/restaurant use. Since the Use Classes Order was amended pubs and hot food takeaways form separate use classes (A4 and A5) and, as such, the proposed developments could not be used for A4 or A5 operations.

The proposed A3 use within the leisure pavilion would be ancillary to that use and it would be appropriate to condition the use to ensure that the element was not separated as an individual

planning unit. In addition, the proposed kiosk would be a separate unit to the leisure pavilion and the existing hotel, but would allow the hotel flexibility to retain it as part of the hotel operation or lease/sell it as a separate planning unit. The site immediately adjacent to the existing hotel would be the preferable location for an additional restaurant facility since it would be closer to the hotel compared to other premises which may be available in Ashby town centre. Whilst the extension and internal reconfiguration to the hotel at ground floor level would provide for an improved restaurant facility it would not be significantly larger than the existing situation and the proposed kiosk would potentially offer the option to increase the offer for larger groups.

It also has to be considered that the A3 uses could potentially be used for A1 retail or A2 professional and financial service operations under current permitted development rights. In addition, permitted development rights currently include more flexibility on a temporary basis for changes of use. It is considered that Retail A1 units would not be appropriate at this location at the edge of Ashby Town Centre as they may have an adverse impact on the vitality and viability of the town centre. However, this could be addressed through condition to ensure that the leisure pavilion and kiosk A3 uses are retained as A3 uses only.

In summary, the proposed development is in accordance with Policies S2 and R13 of the Adopted Local Plan, but does not meet all the criteria of Policy R1 of the Adopted Local Plan. However, on balance, it is considered that the A3 uses proposed, in relation to the wider redevelopment of the hotel and the car park site, would not have an adverse impact on Ashby Town Centre.

Design and Heritage

The descriptions of the designs of the proposed development are set out in the Proposals section above. The demolition of the existing single storey newer additions to the original hotel would result in the removal of an uncohesive array of extensions which currently do little to enhance the existing Listed Building or the Conservation Area. The design of the hotel extension would be in scale and character with the existing hotel and an amended elevation has been submitted in relation to a revised window design. In contrast, the proposed kiosk and leisure pavilion would be of more simple contemporary designs to clearly differentiate between the old and the new rather than try to create a pastiche of the existing heritage assets to the north and south.

This issue is subjective and it is noted that many representations refer to the design not being in keeping with the existing Georgian architecture. However, it is considered that the contemporary design of the proposed kiosk and pavilion does not detract from the architectural form and presence of the existing hotel or Rawdon Terrace. The kiosk building would relate well to the existing site frontage, would be subordinate to the hotel and would ensure that the existing access was improved, to the benefit of the Conservation Area and general streetscene. The relocation of car parking facilities for the hotel within the proposed woodland car park area to the south of the hotel would also improve the current streetscene appearance, and ensure that the new parking area would not have an adverse visual impact on the wider Bath Grounds.

It is also noted that some representations raise concern that the leisure pavilion would be larger in scale and form than the original baths. The footprint of the proposed pavilion is aligned with the former spa/baths building which was demolished in the early 1960's. The fact that the proposed development would be of a greater height and form than the original building in this location would not specifically warrant a refusal of the proposal since the application is based on its own merits. In design terms, the scale, massing and design of the pavilion would have a

visual impact and presence in relation to the setting of the adjacent listed buildings and Conservation Area. However, the proposed pavilion would not visually dominate the massing and visual appreciation of the hotel building or Rawdon Terrace.

The proposals were considered by an OPUN Design Review Panel during pre-application stages, and it is noted that English Heritage does not raise any objections to the application proposal subject to design details being required to be submitted. This aspect could be dealt with through condition.

National planning policies have addressed heritage issues for many years now, and as part of Central Government's streamlining of planning policy, duplicate NWLDC Local Plan policies were cancelled in 2007. As such, Local Planning Policies E10 and E16 no longer exist, and the Core Strategy has been withdrawn. On the basis that the design is in scale and character with its surroundings and has no adverse impact on any heritage assets, the proposal is in accordance with Policy E4 of the Adopted Local Plan, and with heritage asset and sustainable development guidance contained in the NPPF.

Residential Amenity Issues

The proposed development would affect the nearest properties which are the hotel and the residential dwellings at Rawdon Terrace, whilst properties on Station Road would be affected to a lesser degree. Amenity issues to consider are whether the proposal would be overbearing, cause overshadowing or overlooking and whether there would be any adverse noise impacts as a result of the activities and uses proposed.

The proposed extension to the hotel would have no adverse impact on neighbouring properties in terms of overshadowing or overlooking, and the single storey development would not have any overbearing impact on the proposed kiosk building. In addition, any noise as a result of the extension would be unlikely to be significantly over and above that experienced as a result of the existing hotel operation.

The proposed kiosk would be single storey and subordinate to the hotel and Rawdon Terrace. The kiosk would be set forward of the Rawdon Terrace properties and some 23m away from the nearest part of Rawdon Terrace. It is noted that the end property within the Terrace has a first floor window facing towards the application site. The application site at this front section is separated from Rawdon Terrace by a line of mature trees and a substantial wall. The design and situation of the kiosk would ensure that it would not cause any overbearing impact, overshadowing or overlooking issues to adjacent properties.

In terms of noise, the layout plans show that the entrance doors would face towards Rawdon Terrace, but the plant room and refuse bin storage compartment would face towards the hotel and the vehicular access to the site. In addition, the floorplans for the kiosk show that there would be rooftop plant in addition to the enclosed plant room. To ensure that there would be no adverse noise impact from any rooftop plant which may be installed it is recommended that a condition be attached should planning permission be granted. Other noise may be generated from an outside seating area to the front of the kiosk and adjacent to Station Road. Whilst such an activity may cause more noise than the existing car park use, the area would be set forward of the properties of Rawdon Terrace, and the distance separation between the existing development at Rawdon Terrace and the proposed kiosk and front seating area would ensure that there would be no significant increase in noise to neighbours. The properties at Rawdon Terrace have main garden areas to the rear of the premises.

The proposed rearrangement of car parking between the kiosk and the proposed leisure pavilion, and the additional woodland car park would have no adverse impact on residential amenities. The rearrangement of the car parking within the existing car park area would not cause any significant increase of activity over and above that which could take place at present, and the woodland car park would be set away from any domestic residential units.

The proposed leisure pavilion would be situated some 35m away to the east from the nearest dwelling at Rawdon Terrace, and some 2.5m away from the boundary with the end section of that nearest property's curtilage. Whilst the leisure pavilion would be some 8m in height generally, with a central atrium section of some 9m in height the two proposed site section plans submitted as part of the application clearly demonstrate that the proposed development would be subordinate to both Rawdon Terrace and the hotel. In addition, the north elevation facing towards Rawdon Terrace would not have any main glazed windows at first floor level which would overlook the curtilages of properties on Rawdon Terrace. One glazed section on the north elevation would be at the north east corner of the building which is a point where the building would be some 10m beyond the end of the garden of the nearest property at Rawdon Terrace. It is not disputed that the building would be visible from Rawdon Terrace and the hotel, and within the Conservation Area. However, this does not warrant a refusal of the scheme. The proposed development has been designed to be subordinate to both the hotel and Rawdon Terrace and would, therefore, have no overbearing impact on these existing developments, and distance separation would also ensure no significant overshadowing would take place. There would be some limited overshadowing of the very end section of the nearest garden at Rawdon Terrace but this would not be significant enough as to warrant refusal of the scheme. The leisure pavilion has also been designed to ensure that there would be no overlooking of adjacent gardens at Rawdon Terrace or hotel room windows. The heritage aspects have been set out in the previous section of this report.

A noise assessment has been submitted in relation to the proposal and has considered noise from air conditioning plant and car parking activity. The noise assessment has been considered by the NWLDC Environmental Protection team which has confirmed it has no objections to the proposal. As set out in relation to the kiosk, it is recommended that a condition relating to details of plant and any housing be attached to any permission which may be granted.

As such, the proposed development would not cause any residential amenity issues which would warrant refusal of the scheme, and the proposal would be in accordance with the requirements of Policy E3 of the Adopted Local Plan.

Highways

The Highways Authority advises that it would normally have concerns in connection with a proposal that could lead to an increase in traffic at the double mini-roundabout junction of Bath Street, Kilwardby Street, Market Street and Derby Road where there is an existing situation of queuing and delays. In addition the Transport Assessment indicates that the proposed traffic flows are significant at the junction in the evening peak traffic time to a level where the impact should be assessed.

Based on the information submitted and consideration of the fact that there would be a degree of shared trips between the hotel and the proposals and that the submitted traffic figures have not included allowances for linked or diverted trips, or that at peak times drivers are likely to modify their route or the time of their journey, the Highway Authority confirms that the traffic impact at the double mini-roundabout junction would be acceptable.

The Highway Authority also submits that the revised access arrangements onto Station Road may not need to be modified to the extent shown on the submitted plans in order to provide appropriate visibility splays. However, that is the scheme which is being considered and it is acceptable in highway safety and conservation terms.

The Highway Authority has no objection to the proposal subject to substantive conditions and a S106 agreement in relation to provision of a Framework Travel Plan and a monitoring fee of £11,337.00 in order for the County Council to provide support for the developer's Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure outcomes are being achieved and monitor any issues arising.

The concerns regarding the loss of a public car park are noted. However, this particular car park is not a District Council asset and it is owned by the applicant.

Flood Risk, River Mease SAC and SSSI and Ecology Issues

The submitted flood risk assessment submits that the site is at low risk of flooding, with the Bath Grounds taking up most fluvial flooding from the Gilwiskaw Brook at times of heavy rainfall and flooding. The Environment Agency has confirmed it has no objection to the proposed development.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. A tributary to the River Mease, the Gilwiskaw Brook runs through the adjacent Bath Grounds. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application proposes that foul drainage would be dealt with via the combined mains sewer system on Station Road and confirms that the applicant will pay the required contribution under the DCS in relation to commercial development. The scheme proposes a surface water drainage strategy to provide for a 30% betterment in terms of impermeable run off areas using attenuation storage in the form of swales in the car park areas and a hydraulic flow control device. This strategy has been put forward since ground tests reveal that the clay base would not allow for a soakaway system. As such, the drainage strategy proposes betterment in terms of a reduction of the amount of final surface water drainage which would enter the combined sewer system. Natural England raised objection to the original information and proposal on the

grounds of impact on the SAC and, due to the close proximity of Gilwiskaw Brook, also the SSSI. Further drainage information has been submitted by the agent in relation to the concerns raised. No revised comments have been received from Natural England at the time of writing this report so any recommendation will be made subject to Natural England comments at this stage, and any revised comments will be reported on the Update Sheet.

Consideration needs to be given to the capacity of Severn Trent Water's receiving treatment works at Packington. Severn Trent Water has confirmed it has no objection subject to condition.

Natural England's revised comments are awaited in order for the District Council to ascertain whether the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

In terms of protected species, the County Ecologist originally raised objection to the proposal as the ecological statement had not been viewed. The report addresses the concerns of the County Ecologist in terms of the protected species considered and surveyed, including bats and badgers, and it is recommended that a resurvey timescale condition be attached to a permission should the application be approved.

A number of protected trees would need to be removed as part of the proposed development scheme, in particular in association with the woodland car park element. Within this area, trees that are proposed to be removed are of low quality value or would need to be removed due to their poor condition. Whilst the loss of some of the trees is regrettable, the woodland car park element would facilitate additional car parking facilities and the development would be feathered into the overall scheme without forming a stark open car parking area within the Conservation Area. In addition, some replacement tree planting is proposed and landscaping from the leisure pavilion onto the Bath Grounds is proposed to ensure physical and visual connectivity. A landscaping condition is recommended should the application be approved.

Japanese Knotweed has been identified on the site, and submitted information as part of the application confirms this. It is a landowner's responsibility to deal with this invasive species and the District Council will monitor this situation.

Other issues

The concerns raised in the representation in respect of competition and loss of view are noted but are not material planning considerations and cannot be afforded any weight in the consideration of this application.

Summary

The site lies within the Limits to Development of Ashby where development is, in principle, acceptable. The proposed development would meet the requirements of Policy R13 in respect of the Ashby Town Centre Service Area but would not fully comply with Policy R1 in respect of the A3 café/restaurant uses proposed. On balance, however, it is considered that the A3 elements form part of the overarching redevelopment plan for the site and, subject to appropriate condition, would not have an adverse impact on Ashby Town Centre. The proposed hotel extension, kiosk, leisure pavilion and associated car parking areas and landscaping would not have any adverse impact in terms of design and heritage, residential amenities, highway safety, protected species, flood risk and River Mease SAC and SSSI (subject to Natural England revised comments) and approval is therefore recommended.

RECOMMENDATION, PERMIT, subject to any further comments which Natural England submit, and subject to that, the following conditions and S106 legal agreement for River Mease DCS contribution and highways requirements (Travel Plan Framework):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be built strictly in accordance with the approved plans as follows:

Drawing Number 11078/08/01 - Site Location Plan 1/2;
 Drawing Number 11078/08/02 - Site Location Plan 2/2;
 Drawing Number 11078/08/03 - Proposed masterplan;
 Drawing Number 11078/08/04 - Existing site plan commercial zone;
 Drawing Number 11078/08/05 - Proposed site plan commercial zone;
 Drawing Number 11078/08/06 - Existing site plan car parks zone;
 Drawing Number 11078/08/07 - Proposed site plan car parks zone;
 Drawing Number 11078/08/08 - Proposed plans principal building;
 Drawing Number 11078/08/09 - Proposed elevations principal building;
 Drawing Number 11078/08/10 - Proposed sections principal building;
 Drawing Number 11078/08/11 - Proposed plans and elevations kiosk building;
 Drawing Number 11078/08/12 - Existing site sections 1/2;
 Drawing Number 11078/08/13 - Existing site section 2/2;
 Drawing Number 11078/08/14 - Proposed site sections 1/2;
 Drawing Number 11078/08/15 - Proposed site sections 2/2;
 Drawing Number 11078/08/21 - Existing hotel ground floor plan;
 Drawing Number 11078/08/22 - Existing hotel first floor plan;
 Drawing Number 11078/08/23 - Existing hotel second floor plan;
 Drawing Number 11078/08/24 - Existing hotel elevations 1/2;
 Drawing Number 11078/08/25 - Existing hotel elevations 2/2;
 Drawing Number 11078/08/26 - Proposed hotel demolition ground floor plan;
 Drawing Number 11078/08/27 - Proposed hotel demolition first floor plan;
 Drawing Number 11078/08/28 - Proposed hotel demolition second floor plan;
 Drawing Number 11078/08/31A - Proposed hotel ground floor plan;
 Drawing Number 11078/08/32 - Proposed hotel first floor plan;
 Drawing Number 11078/08/33 - Proposed hotel second floor plan;
 Drawing Number 11078/08/34 - Existing/Proposed hotel alterations East elevation;
 Drawing Number 11078/08/35A - Existing/Proposed hotel alterations North elevation;
 Drawing Number 11078/08/36 - Existing/Proposed hotel alterations South elevation;
 Drawing Number 6315 EL(90)02 - Existing and proposed wall elevations;
 Drawing Number 6315 SP(90)05E - Trees retained, removed and proposed;
 Drawing Number 6315 SP(90)01T - External works plan; and,
 Drawing Number 6315 EL(90)01H - Hotel external works elevations and sections.

Reason- To determine the scope of this permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order

1987 (as amended), or any Order revoking and re-enacting that Order, the A3 use class kiosk and A3 element of the leisure pavilion hereby permitted shall be retained for A3 use only.

Reason- For the avoidance of doubt and in the interests of the vitality and viability of Ashby de la Zouch town centre.

- 4 Notwithstanding the submitted information no development shall commence on site until representative samples of the materials to be used in all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason- To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area and adjoining Listed Building, and to enable the Local Planning Authority to retain control over the external appearance given that precise details have not been submitted.

- 5 No development shall commence on site until drawings (including cross-sections) of the proposed door and window units at the hotel extension to a scale of 1:1/1:2/1:5/1:10 shall be first agreed with the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such in perpetuity.

Reason- To enable the Local Planning Authority to retain control over the external appearance of the Listed Building as no precise details have been submitted.

- 6 No development shall commence on site until details of the location of any external services, including any rainwater goods, meter boxes and flues, have been submitted to and agreed in writing with the Local Planning Authority. The external services shall be installed in accordance with the agreed scheme and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason- To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area and adjoining Listed Building, and to enable the Local Planning Authority to retain control over the external appearance given that precise details have not been submitted.

- 7 No development shall commence on site until details of the location and specification of any air conditioning, chiller, condenser, extraction or other plant and flues required in association with the development hereby permitted have been submitted to and agreed in writing with the Local Planning Authority. The plant facilities and system shall be installed in accordance with the agreed scheme and shall thereafter be maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason- To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area and adjoining Listed Building, and to enable the Local Planning Authority to retain control over the external appearance given that precise details have not been submitted, and to ensure against noise disturbance to the surrounding area or properties.

- 8 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the

local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 9 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 11 Notwithstanding any details submitted and before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the kiosk and leisure pavilion are occupied.

Reason- To preserve the residential amenities of the locality and the amenities of the adjacent Listed Buildings and Conservation Area .

- 12 Operations that involve the destruction and removal of any vegetation on the site shall not be undertaken during the months of March to September inclusive unless a report undertaken by a qualified ecologist demonstrating that there are no nesting birds on the site has been submitted to and agreed in writing by the Local Planning Authority.

Reason- To reduce the impact of the proposal on nesting birds, which are a protected species.

- 13 No development shall commence on site until a protective fencing scheme for all trees that overhang the site in accordance with British Standard 5837:2005 (which shall include a plan to a metric scale showing the position of the protective fencing and details of the design of the fencing) has been submitted to and agreed in writing by the Local

Planning Authority. No development shall commence on site until the agreed scheme has been implemented and it shall be kept in place until construction of the buildings, and the associated areas of hard surfacing is completed.

Reason - In the interest of health and safety and the amenity value of the trees.

- 14 If any works are to be carried out within the areas bounded by the protective fencing, then no development shall commence in respect of these works until a method statement which sets out how the development will be undertaken within these areas has been submitted to and agreed in writing by the Local Planning Authority. The works within the areas bounded by the protective fencing shall be undertaken in accordance with the agreed method statement.

Reason - in the interest of health and safety and the amenity value of the trees.

- 15 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 16 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason- To ensure the satisfactory overall appearance of the completed development.

- 17 Should development not start for three years since the last survey (2012) an updated badger survey will be required to be submitted.

Reason- In the interests of protected species on the site.

- 18 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of April 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The developers should note that this permission does not authorise any new shop front advertisement which may require advertisement consent. You may wish to contact the Local Planning Authority in relation to any new adverts which may be required.
- 4 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk