

DEVELOPMENT COMMITTEE : 17TH MARCH 2011

**10/00558/FUL:..Redevelopment of site to provide: 1. New Education / College Facilities 2. New Retail Store 3. Replacement Library 4. Access, servicing and car parking.
BROOKSBY MELTON COLLEGE, ASFORDBY ROAD, MELTON MOWBRAY**

The purpose of this update report is to seek the Committee's resolution of the position to be adopted at appeal. It is also to convey the content, and advise upon, additional correspondence to the Committee that has been received after publication of the Committee Reports associated with the Development Committee on 27th January 2011.

Members will recall that the application was the subject of an appeal lodged by the applicant shortly before the scheduled meeting of 27th January 2011. An inquiry has been set for the 1st – 3rd June 2011 to hear the appeal and it is necessary to establish the Council's position on this appeal. To do so, it is necessary to consider the application and all of the material considerations related to it. To facilitate this, the reports previously published are appended (Appendix A update report; Appendix B main report) to this report and the following update is provided:

(a) Letters of Support:

338 further letters of support have been received

Summary of Content	Assessment of Head of Regulatory Services
An additional 338 pro forma letters produced by the College and signed by the parents of students stating; The college is an important asset for the town. An improved Theatre and Library will great for the community and benefit to future generations.	Noted : Comments as per comments above and in main report (page 25).

(b) Relationship with application 10/00178/FUL Nottingham Rd, Melton Mowbray

Members will recall the resolution to grant permission for the application at Nottingham Rd on 27th January 2011 subject to referral, a s106 agreement and various conditions and it is considered that the existence of a further permission would affect consideration of this one. However, the Government Office have issued an 'extension of time' Direction without giving an indication when a decision will be made on 'calling in' the application.

Accordingly, no permission has been granted and there is no indication whether, or when, it will be forthcoming. As such, it is not considered that the application has any material impact on this proposal (beyond that present on 27th January as set out in the appended reports) and therefore no further impact on the evaluation of this application.

SPECIAL DEVELOPMENT COMMITTEE: 27th JANUARY 2011

COMMITTEE UPDATE: 10/00558/FUL:..Redevelopment of site to provide: 1. New Education / College Facilities 2. New Retail Store 3. Replacement Library 4. Access, servicing and car parking.

BROOKSBY MELTON COLLEGE, ASFORDBY ROAD, MELTON MOWBRAY

The purpose of this update report is to convey the content, and advise upon, additional correspondence to the Committee that has been received after publication of the Committee Report on 19th January 2011 .

Additional Correspondence

(a) Letters of Objection:

4 additional letters of objection have been received.

Summary of Content	Assessment of Head of Regulatory Services
Object to size of the Library. Applaud the increase in distance from the noisy motor traffic of Wilton Road with the attractive elevated position I am very disappointed that the building designated as the Library accommodation could not be more generous, enabling a similar or even greater quantity of stock to be held providing the same level of service as at present. As it stands, the provision for the Library suggests an afterthought	Please refer to commentary on page 15 of the main report
Lack of clarity over commitment to improve facilities. There is comment about providing a 'new modern library facility' but there is no detail. In particular there is no detail of how the 20% reduction of space (1,050 square metres, reduced to 802 m ²) will impact on the provision of existing services	As above
Lack of clarify over access to proposed new site: I can see no evidence that efforts have been made to involve disabled people in the decisions, to find out what barriers may be faced by disabled people to the new plans or what their needs are in relation to library facilities.	As above

(b) Letters of Support:

23 further letters of support have been received

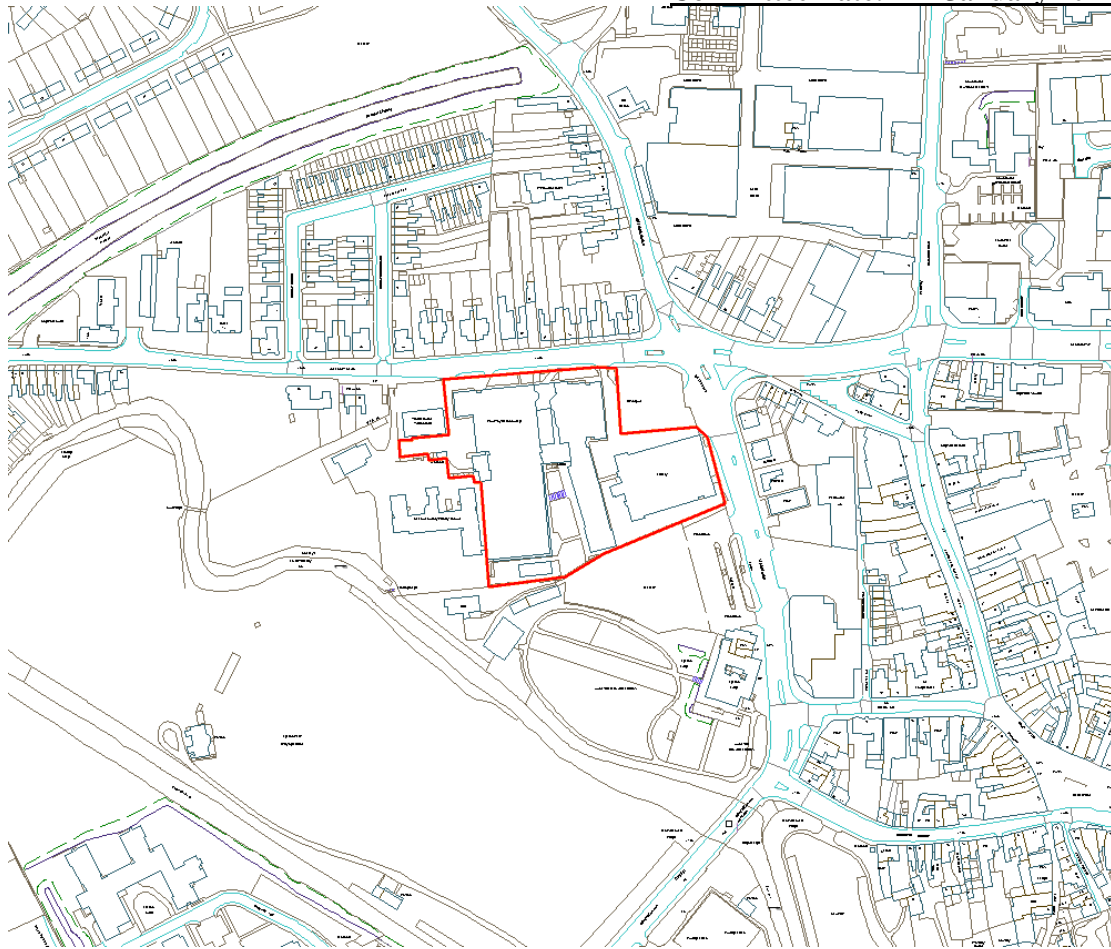
Summary of Content	Assessment of Head of Regulatory Services
The Waitrose development will ensure the redevelopment of the Melton campus of Brooksby Melton College which is long overdue.	The redevelopment opportunities are a material consideration and commentary on this is provided in the main report (page 25)
This major redevelopment will see a large investment in modern teaching and learning facilities for the students and community together with a new library.	As above
This new build together with the new store will provide a much needed boost to the centre of the town, the new college building will attract new students to the town and the supermarket will also attract shoppers.	The main report examines the impact on shopping patterns and accepts that it would provide an opportunity for shoppers closer to the town centre and that some 'spin off' into the town centre would result. (pages 22 and 23)
12 pro forma letters produced by the College and signed by the parents of students stating;	Noted : Comments as per comments above and in main report (page 25).

The college is an important asset for the town. An improved Theatre and Library will great for the community and benefit to future generations.	
The site is in a good location and the correct side of Norman Way and is therefore preferable. The reasons for rejecting it are ‘flimsy’	It is recognised that the site is more centrally located than the Nottingham Rd site and should be discounted only if it is unsuitable, unviable or unavailable. Assessment of these criteria is contained within the Nottingham Rd application (pages 18 and 33-35)
The development would be in keeping with the town	A detailed assessment of the design is contained at pages 11 -13 of the main report.
Waitrose will bring a fresh offer to the town whilst Sainsbury’s will be the same as what is currently present	Noted – the identity of the operator is not considered to be material to the consideration of the application. Details of the proposal in comparison to others in the town is provided on page 19. The proposal would be approx 540 sq. m. smaller than the proposal for Nottingham Rd.
Cannot accept the site is in a flood zone – Melton would be severely flooded before this site and it hasn’t flooded in recent events or in living memory and is less vulnerable than the Council offices on Burton St	The Environment Agency has advised that the site is in Flood Zone 3 but no comparison with other sites has been done. The Council Offices are also in Flood Zone 3 and were only granted permission after a sequential test was carried out.
There would be no loss of sports facilities as they are already closed. Users have found alternative accommodation.	Closure of the facilities is not, in itself, grounds to allow their removal. Details are provided in the main report pages 7 and 8
The Grove School’s outlook is already constrained	It is considered that the proposal would significantly worse the outlook (page 20)
The loss of the Library building is an acceptable sacrifice. It is of little architectural merit and I a poor location. The area would benefit from a modern replacement.	Details of the heritage of the library are provided at page 13 of the main report.
The Nottingham Rd proposal will damage town centre trade and would be a real threat to the town centre	The impact of the Nottingham Rd proposal was considered in detail and independently reviewed. The conclusion was that impacts would be limited and there would be some off-setting as a result of attracting new trade and ‘spin off’ to the town centre (see page 36 of report for application 10/00178/FUL)
The MBC MUST be (and be seen to be) impartial in their decision making process and ensure the test applied in Government Planning Policy is adhered to	<p>It is agreed that ‘conflict of interest’ issues are important and to that end specific provisions have been put in place to remind Members that:</p> <p>(a) No Member who had a role in the decision to dispose of the land should participate in the determination of the application</p> <p>(b) Consideration of the application must be limited to material planning considerations only – land ownership interest are not such a consideration and must be disregarded.</p> <p>The Council is required to determine applications on its own land and cannot abrogate or transfer this responsibility. Provisions are in place that require referral to the Secretary of State (SoS) if the Council concludes permission should be granted. The SoS can call the application in for his own determination if he is dissatisfied with the Council’s intended decision.</p>

(c) Correspondence from the applicant

Summary of Content	Assessment of Head of Regulatory Services
It is unfair that the applicant has not had the opportunity to address the conclusions the Council has reached on the issues of flood zone and demolition of the library	The Council has provided access to and/or copied correspondence to the application which contained criticisms, from consultees and from representations, in order that they could be acted upon as the applicant saw fit. This has resulted in additional reports being provided, responses being made and has provided for the opportunity for adjustments to the application to be made had the applicant wished to. Where additional information and counter-arguments have been submitted, they are reported in the main report (examples are on Sports Facilities (page 7), Design issues (page 11) and ecology (page 9).
The Council's expressed position on the application of PPS 25 is untenable	<p>Clarification has been sought on several occasions from the Environment Agency and they advise that the site cannot be confirmed as being within 'Flood Zone 1' but that it meets one of the criteria if it is to be accepted under the 'exception test' in that it is designed to avoid.</p> <p>National Policy requires developments not in Flood Zone 1 to go through a 'sequential test' to identify is sites at less risk are available, and meet the objective of direct development to Zone 1 sites. This has not been undertaken in this case and the findings expressed on page 9 remain applicable.</p>

(d)**Additional matters:** Policy S2 is not a 'saved' policy and is cited incorrectly. However, the approach at page 33 – that PPS4 provides the current policy framework as more recent policy – effectively replaces policy S2 and the approach of being guided by PPS4 is the correct one.

**Introduction:-**

The application seeks outline planning permission for the demolition of the existing college and library buildings (with the exception of the theatre) and their replacement by the erection of a

Reference: 10/00558/OUT

Date Submitted: 23.07.10

Applicant: Brooksby Melton College / Cedar House Investments

Location: Brooksby Melton College, Asfordby Road, Melton Mowbray

Proposal: Redevelopment of site to provide: 1. New Education / College Facilities 2. New Retail Store 3. Replacement Library 4. Access, servicing and car parking.

new food store incorporating a replacement library on upper floors, car parking and a new junction on to Asfordby Road. It also includes proposals for an extension to the east side of the existing theatre to provide replacement college facilities, to operate in conjunction with the theatre. Although the application is in outline, it includes details of access, layout and scale, which are summarised as follows:

- **Access:** a new junction formed on Asfordby Rd to the west of the theatre building, with alterations to the public road to include traffic filters and traffic lights. This would be the sole access, accommodating service vehicles, users of the college and theatre and customers of the supermarket and library.
- **Layout:** the proposal shows a rectangular building accommodating the proposed supermarket with library on two floors above located adjacent to the south and west

boundaries of the site (shared with the Wilton Rd car park and Grove Primary School respectively)

- **Scale: the size of the component parts of the site are specified and show a main single storey supermarket building of 68m x 61m, 4180 sq. m. gross. The upper floors would occupy a smaller part of the building (38m x 13m) (800 sq. m.), extending upwards for two additional floors. The proposal includes ‘undercroft’ parking under the main building and also additions for the servicing facilities.**
- **Extension to Theatre: the extension of the theatre would extend for the full side (east) elevation of the theatre and would be of similar height, providing 3 floors of teaching and office accommodation for the college (912 sq. m.).**

The site is ‘L’ shaped and includes the entirety of the existing college complex but **excludes** the land that forms the frontage to the Wilton Rd/Norman Way junction, currently used for car parking. The application has been supported with a Retail Assessment which has been independently assessed in terms of the requirements of analysis under National Planning Policy in PPS4. There is also a design and access statement, and specialist studies relating to traffic and transport, wildlife, flooding and sports facilities. The application is also supported by a document from the College explaining their property strategy and how they would use accommodation during construction and on completion of the redevelopment.

It is considered that the main issues relating to the proposal are:

- **Policy Considerations relating to the location of retail development**
- **Assessment of alternative sites**
- **Impact upon the highway infrastructure,**
- **Impact on adjoining properties**
- **Impact on the streetscene and surrounding area, including design and demolition.**
- **Sports facilities**
- **Flooding issues**

The application is presented to Committee as it is a major application.

Relevant History:-

There is no relevant planning history

Planning Policies:-

Planning Policy Statement 1: Delivering Sustainable Development identifies sustainable development as the core principle which underpins planning; and, that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce journeys by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. It states that planning authorities should focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

Planning Policy Guidance 13: Transport advocates sustainable locations for all types of development, particularly those that are expected to attract large numbers of people. It also sets out national parking strategy on the basis of maximum standards that should not be exceeded, as part of a series of measures to discourage the use of the car as the principal form of transport. It states that local authorities should adopt a positive, plan-led approach to identifying preferred areas and sites for shopping, leisure and employment. Retail facilities, preferably, should be located within town centre sites, followed by edge of centre sites which are easily accessible by public transport, walking and cycling.

PPS 4: Planning For Sustainable Economic Development: sets out the national policy framework for planning for sustainable economic development in urban and rural areas.

To help achieve sustainable economic growth objectives include;

- delivering more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change.

- promoting the vitality and viability of town and other centres as important places for communities the government expects new economic growth and development of main town centre uses to be focused in existing centres. This is implemented through a ‘town centre first’ approach and the need for development to demonstrate their impacts on existing centres would not be adverse.
- competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community.

At a local level authorities should proactively plan to promote competitive town centre environments and provide consumer choice and adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. The policy requires supporting evidence for planning applications for main town centre uses and those on edge of centre, where additional retail floorspace is created. A sequential assessment is required in order to facilitate development to suitable locations and assess impact upon existing facilities within the town centre.

Planning Policy Statement 25: Development and Flood Risk seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk and into ‘zone 1’ areas where possible. In determining planning applications it states that the Local Planning Authority should have regard to the policies in the PPS and the Regional Spatial Strategy; ensure, where appropriate, that applications are supported by site-specific flood risk assessments; apply the sequential approach to sites to minimise risk by directing most vulnerable development to areas of lowest flood risk; give priority to the use of SUDS (Sustainable Drainage Systems); and, ensure that all new development in flood risk areas is appropriately flood resilient and resistant.

PPG17 Planning for Open Space, Sport and recreation: Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. An applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them. Open space and sports and recreational facilities that are of high quality or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans.

PPS5 ‘Planning for the Historic Environment’ outlines the Government’s policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

East Midlands Regional Plan

Policy 2 relates to promoting better design which states that the layout, design and construction of new development should be continuously improved, including in terms of reducing CO2 emissions and providing resilience to future climate change.

Policy 3 relates to the distribution of development, and identifies Melton Mowbray as a sub-regional centre as part of the Three Cities Sub-area. The policy states that in assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations.

Policy 12 relates to development in the Three Cities Sub-area and states that outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining

settlements.

Policy 22 Regional Priorities for Town Centres and Retail Development states that Local Authorities, EMDA and Sub-Regional Strategic Partnerships should work together on a sub-area basis to promote the vitality and viability of existing town centres, including those in rural towns. It goes on to state that Local Planning Authorities should:

- within town centres bring forward retail, office, residential and leisure development opportunities, and any other town centre functions as set out in PPS6, based on identified need;
- prevent the development or expansion of additional regional scale out-of-town retail and leisure floorspace; and
- monitor changes in retail floorspace on a regular basis.

Policy 44 Sub-area Transport Objectives considers transport infrastructure and services. It states in the Three Cities Sub-area there is a need to; develop the sustainable infrastructure and services needed to improve access to jobs and service from deprived inner urban areas and outer estates, and also to identified Regeneration Zones.

Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy S2 allows for retail development within the Town Envelope, away from the town centre providing that the development would not in itself seriously affect the vitality and viability of the town centre and the character of the area is not unduly affected; amongst other criteria relating to traffic, parking, and access by public and private transport; and there would be no adverse effects on adjoining land uses.

The Melton Core Strategy (Preferred Options) DPD, in regard to the town centre, seeks to focus developments which attract a large number of people, especially retail, leisure and office uses, in the town centre to promote its vitality and viability, social inclusion and more sustainable patterns of development. New development opportunities in the town centre are recognised as increasing its appeal through additional activity; and, reducing the use of private motor vehicles.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections subject to imposing conditions and entering in to a S106..</p> <p>1. PROPOSED ACCESS JUNCTION. It is proposed to access the proposed development from Asfordby Road via a new traffic signal controlled junction. An independent Stage 1 Road Safety Audit Report is included within the TA. The Road Safety Audit Report mentioned two problems one being pedestrian crossing facilities and a second to do with service covers.</p> <p>2. PARKING A total of 293 car parking spaces is proposed, with 32 spaces for disabled or parent and child parking spaces.</p>	<p>Noted. Specific comments have been made to addressing Highways issues relating to the quantity of traffic, access arrangements for individual properties, crossing arrangements (especially for schoolchildren) and obstructions. These have been referred to the HA for comment and their responses will be reported to the Committee verbally.</p>

A car parking management strategy is referred to in the TA. Theatre goers will be able to park in the supermarket car park as the peak times will not coincide with the supermarket. Students will not be allowed to park but a small number of staff at the revised college may be provided with the opportunity to park at the site. No details of the car parking management strategy are provided in the TA. A condition should be imposed in respect of this.

It is intended to provide motor cycle and cycle parking spaces in accordance with County Council standards, **LCC is therefore satisfied with the parking provision intended.**

3. TRIP GENERATION

The TA addresses existing vehicular trip generation and proposed traffic generation from the supermarket and the theatre. As the Gross Floor Area of the library is to decrease from 1049 sq.m to 802 sq.m no traffic generation is calculated for the library. The TA then gives net traffic generation. Allowance is made for the different types of trips to the supermarket and for this the TA refers to the Guidance on Transport Assessments and also draws on the TRICS Research Report 95/2 'Pass-by and Diverted Traffic - a Resume', and a paper by MacIver and Dickinson. The TA proposes trip compositions for the am and pm peaks and also for the Saturday peak hour.

4. VEHICLE TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT

The proposed supermarket will generate vehicle movements in the weekday morning and evening peak hours, and during the Saturday peak hour. The TA states that whilst these trips will be new to the development and thus at the site access junction, the majority of the trips will not be new trips on the surrounding local highway network. The TA states that the majority of the trips are already on the highway network and have simply rerouted into the supermarket, as transferred, pass-by or diverted trips.

i) New Trips

A gravity model is used to work out the distribution of new trips to the supermarket. A ten minute drive time is used.

ii) Transferred Trips

The TA assumes that these are trips by people who currently shop at either Tesco or Morrisons, but will transfer to the new supermarket. The TA assumes that 70% of the transferred trips will be from Tesco and 30% will be from Morrisons.

iii) Pass-by Trips

These are trips that currently route straight ahead along Asfordby Road past the site as part of another journey. Following opening of the new supermarket, they will route into the supermarket.

iv) Diverted Trips

These are trips already on the local highway network as part of another journey purpose, but take a detour to travel to and from the supermarket. It is assumed that diverted trips will only occur at the Nottingham Road/Wilton Road/Norman Way/Asfordby Road junction.

5. ASSESSMENT YEAR AND BACKGROUND TRAFFIC

Traffic flows at the majority of the study area junctions were obtained from the Melton SATURN model as in the TA prepared for the Sainsbury's application.

At two other junctions traffic counts were undertaken.

The assessment year used is 2015

6 HIGHWAY IMPACT

It was requested that nine study area junctions should be assessed. However, at some junctions the proposed development would result in a net reduction or minimal increase in traffic flows. Therefore only the site access junction, the A606 Nottingham Road/A606 Wilton Road/A607 Norman way/A6006 Asfordby Road junction and the A607 Norman Way/Scalford Road/Nottingham Street junction are assessed. Detailed signal calculations are provided in the TA and following requests for more information, further submissions have been made.

TRAFFIC SIGNALS

The revised calculations have been checked and are acceptable (following revisions).

These demonstrate that the development will have not have significant impact on the highways network, subject to the measures to be provided by the developer detailed below.

- 1) validation at a cost of £1,000 per junction on the network. (approx £8,000) to be carried out post opening of the development.
- 2) The existing pelican crossing on Asfordby Rd near Cottesmore Road is to be physically linked to the new site access via a cable link and existing network.
- 3) The new junction will be added to the existing network and linked to the existing junction at Norman Way / Wilton Road via a cable link.
- 4) A commuted sum is to be provided for

<p>the new junction which is payable upon acceptance of the new signals on to LCC's maintenance contract by LCC's signals maintenance contractor.</p> <p>(b) TRAVEL PLAN The document is described as an initial plan and that there will be two further stages needed to reach the full plan. On that basis cannot recommend this document be accepted as appropriate for approval and recommend a condition be added requiring the submission of an acceptable plan and its approval in writing, etc prior to occupation of the development. The condition should use the standard wording that requires amongst other things 'a car parking management strategy for the site as a whole' - particularly important in this case because of the several organisations at this site who whose patrons will share use of the parking.</p> <p>PASSENGER TRANSPORT The site is already served by good existing infrastructure, as for 'soft' measures for encouraging sustainability, existing bus facilities on either Asfordby Road to the north or Wilton Road to the east must not be altered or impeded in any way as part of the design plans."</p> <p>S106 CONTRIBUTIONS In order to mitigate the impacts of the development on the highway network, the following contributions are required:</p> <ul style="list-style-type: none"> • £8000.00 towards validation at 8 No. junctions (at a cost of £1000.00 per junction) on the network, to be undertaken following opening of the development. 	
<p>Sport England: Object on the basis of unjustified loss of existing sports facilities</p> <p>The application would result in the loss of the sports facilities at the college. Recent closure of these facilities does not affect their status.</p> <p>PPG17 advises that existing sports facilities should not be lost unless surplus to requirements and Local plan policies require similar.</p> <p>No such assessment showing this has been provided nor have compensatory facilities been promoted.</p> <p>Sport England do not accept that the closure of the facilities represents their loss as the land use remains, which is the remit of the planning system.</p> <p>In response to applicants position:</p>	<p>The applicant has responded to the consultation which is summarised as follows; Sport England have not contented the viability conclusions of the sports facilities.</p> <p>The sports facilities are already closed and their loss will not be a consequence of the development, having already become unavailable. The applicant does not accept Sport England's view that the facilities will be lost as a result of the development.</p> <p>The applicant believes that Council should consider, (in accordance with legal precedent) whether on the 'balance of probabilities', refusal of the development would prevent their loss, that is, whether refusal would lead to their reopening. In this case, they believe there would be no likelihood of reinstatement and refusal would not have that effect. This is demonstrated by the viability assessment.</p>

<ul style="list-style-type: none"> • we have seen no evidence to indicate that the facilities have been marketed to gauge interest from other potential providers In addition, we understand that Leicestershire and Rutland Sport dispute the relevance of elements of the viability study which has been submitted to support the applicant’s view that these facilities cannot operate on a viable basis. • Notwithstanding these observations, it is our view that the potential implications of a refusal of planning consent do not outweigh the significant conflict with local and national planning policy which seeks to safeguard the existing level of provision for sport and recreation to meet the current and future needs of the community. • Relevant national planning guidance, set out in PPG 17, makes no distinction in terms of the ownership of land or whether or not facilities are readily accessible for community use. Indeed, the thrust of PPG 17 is that decisions regarding existing provision should be determined on a basis of need. Should there be no evidence to indicate a surplus of provision, facilities should be protected or adequately replaced. • An appeal decision with a similar principal is supplied – the inspector rejected the argument that lack of use justified the loss. We are not aware that the applicants have sought to demonstrate that the sports facilities at the college are surplus to requirements. Conversely, we are mindful of the detailed consultation response made by Leicestershire and Rutland Sport, which provides information on the KKP report regarding facility provision in Melton, historical use of the ‘Leisure Centre’, and the negative implications of the recent closure of the facility on local provision for community sport and the ability to meet local demand. 	<p>The applicant states that most of the former users of the facilities have found alternative accommodation and new facilities have emerged at Longfield and that the college is not responsible for providing public sports facilities.</p> <p>They state that refusal of permission , in addition to preventing redevelopment, would require the College to dedicate the sports facilities to teaching and as such its loss would not be reversed.</p> <p>It is submitted by the applicant that Sport England’s position is based on an incorrect premise and as a non-statutory consultee, it should carry little weight.</p> <p>Assessment:</p> <p>The application involves the physical loss of sports facilities which have historically been available to the community but which are currently closed. The application is not supported by a needs assessment but there is a viability statement explaining that the College cannot, and should not, operate the facilities at a loss.</p> <p>PPG17 presents clear advice that “sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements”</p> <p>It is not considered that the facilities have been shown to be surplus to requirements nor has compensatory provision been made. Accordingly, it is considered the physical loss is contrary to PPG17.</p> <p>It is further considered that the present closure of the facilities is not justification to permit their removal. As with several areas of planning, it is important to consider the application in relation to the use of the land rather than the current owners operation/management of it.</p>
<p>Leicestershire and Rutland Sport</p> <p>objection and concerns about the proposed loss sports facilities as a result of the proposed development.</p> <ul style="list-style-type: none"> • The facility has influenced decisions to limit provision elsewhere • Claims regarding operating at a loss require verification as it is unusual for a facility of this scale and use. • The impact of the closure, linked to the planning application, has had implications and seen a reduction in local provision for Netball, Squash, Disability football, badminton, table tennis, a specific project to reduce criminal and antisocial behaviour (Soccer SCAM) and many other sporting activities. The proposed permanent loss of this facility will have a longer lasting impact not only on the specific sports mentioned but also the general health and well being of local residents within the immediate area. 	<p>The applicant has provided examples of appeal decisions which have concluded that developments should not be prevented due to loss of facilities if the original use is not likely to resume (a ‘balance of probability’ test). In these examples it appears that the possibility of resumption in a different form has been examined before they are rejected (e.g. alternative commercial operators, ‘not for profit’ or community groups or assessments of demand levels). Such details have not been provided in connection with this development and as such it is not considered that the loss can be accepted as unpreventable.</p>

<ul style="list-style-type: none"> • The sports hall provided by Melton College is the only sports hall within Melton that is available during day time hours (core time for target groups, i.e. 50+ and economically disadvantaged). Since its closure the day time activities (e.g. 50+badminton club, 50+ table tennis club and some children’s activities) have been either drastically reduced due to unsuitable relocations or discontinued. • The proposed loss of this facility and its impact on the community is compounded by the uncertainty of the future of the sports facilities at King Edward VII Community College. • Should the sports hall and squash court facilities be demolished the then known remaining sports hall provision for Melton (for the foreseeable future) would be limited to those school halls at Longfield, John Fernley and Belvoir High schools offering limited weekday evening and limited weekend use. • Using the Sport England sports facilities calculator, the proposed sports hall (4 badminton courts per hall) requirements is 3.35 halls or 13.4 courts for a population of that size. This immediately points to a deficit in acceptable supply. This calculation is based on those courts being available for day time, evening and weekend use (approx 80hours per week), which is not the case with the current Melton provision due to the dual use nature of the school sports facilities available. When applying the reduced access to the equation the court requirements for Melton increase significantly. The loss of the squash courts would lead to zero provision for squash facilities within the Melton and surrounding area • Planning Policy Guidance Note 17 makes clear that existing open space, and building for sports and recreation use should not be developed for other uses unless an appropriate assessment has been undertaken that clearly identifies that the facilities are surplus to requirements. 	
<p>Environment Agency:</p> <p>The Environment Agency has reviewed the Sequential Test document in relation to the above site.</p> <p>The submitted document and Flood Risk Assessment demonstrates that the site is located above the 1:100 year 20% flood level (defended).</p> <p>Environment Agency mapping shows the site being location within Flood Zone 3 and advise that whether the sequential test is passed is a matter for the Council as an aspect of planning policy. .</p>	<p>A Flood Risk Assessment has been carried out that showed the development is not vulnerable to flooding at 1:100 year thresholds..</p> <p>Policy in PPS25 requires that sites of a lowest risk are developed and a ‘sequential approach’ is required to demonstrate this. No sequential test has been carried out in relation to this site and it is considered that at least one alternative site is available for development of this nature. Accordingly, it is considered that the development fails to meet the requirements of PPS25.</p> <p>(The applicant has submitted a document entitled ‘sequential test’, but this does not investigate the availability of alternative sites, but addresses the</p>

	land and flood levels to establish flood risk exposure. The sequential test for flooding purposes is separate from that for retail purposes and addresses different criteria).
<p>Leicestershire County Council Archaeologist:</p> <p>Upon reviewing the information supplied, it appears that there are unlikely to be any archaeological issues associated with the application site and therefore do not consider that any archaeological work is required as part of the scheme.</p>	Noted
<p>Ecology:</p> <p>Confirm that information contained in reports is satisfactory and we now have no objections to this development. However, we would recommend that the following is included as a condition of the development:</p> <p>'A full mitigation strategy for bats must be submitted with the reserved matters application for this site. This should include full details of the proposed roosts as outlined in the drawing 'Current and Proposed Roost Location' (C107669-02-02) by Middlemarch Environmental'</p>	<p>Noted. The application was supported with a Assessment which identified the presence of bats and subsequently specified mitigation measures to protect their conservation status.</p> <p>The condition requested by LCC Ecology is considered reasonable and should be imposed on any planning consent.</p>
<p>Leicestershire County Council Developer Contributions</p> <p>No request for developer contributions (except in relation to Highways matters – see Highways comments above). The following comments made in respect of the replacement of the library:</p> <p>The County Council has a long leasehold interest and provide a replacement facility within the new development of equivalent size and construction.</p> <p>Provided interim arrangements are made to relocate the library whilst the works are proceeding, the County Council would have no objection in principle to the proposal subject to more detailed discussions.</p> <p>The developer is advised to contact the LCC Head of Property and Asset Management as a matter of priority to discuss the details of the proposal.</p>	<p>Noted:</p> <p>Clarification regarding the adequacy of the replacement library facility and interim arrangements during construction have been sought from the Head of Property Services and are reported separately below.</p>
<p>Severn Trent Water; no objection subject to the imposition of conditions in relation to drainage plan for surface water and foul sewage and public sewers.</p>	Noted, this can be imposed by means of a condition.
<p>Charnwood District Council – no objection</p>	Noted
<p>Leicestershire Constabulary –</p> <p>Firstly, the Design & Access Statement refers to the active and ongoing involvement of the Local</p>	<p>Noted, the Police are satisfied with the scheme in relation to safety and crime prevention.</p> <p>The application is in outline and much of the</p>

<p>Police Architectural Liaison Officer. However, to date there has been no contact with the Architectural Liaison service from any of the consultants working on this scheme.</p> <p>Extensive advice if offered in respect of:</p> <ul style="list-style-type: none"> • Risk mitigation from terrorism in relation to undercroft parking arrangements • Advice on managing and controlling the use of the undercroft car parking, to reduce risk of its use for criminal purposes. (e.g lighting, CCTV, barrier controls, 'Parkmark' schemes etc) • The need for a servicing strategy • Requirement for a site Management Strategy to ensure a safe operating environment • Extension of CCTV to cover the area, and integration into the existing network • ATM positioning is important and should avoid secluded or poorly lit locations • Lighting: public areas should be well lit and fittings should be vandal proof. • There should be adequate measures in place to restrict vehicular access into the proposed site from Wilton Road and via the existing car park adjacent to the bus drop off zone. • Consideration should be given to restricting access to the car parking areas during closed periods of the facilities in order to prevent unauthorised access and anti social activity after hours. • Good quality cycle stands are necessary, to reduce risk of theft. • Recommend Secured by Design principles. 	<p>advice from the Police Architectural Advisor relates to detailed installations and management measures, and to matter that cannot be controlled under planning powers.</p> <p>The advice does not fundamentally object to the scale and layout of the proposal and indicates that appropriate measures can be incorporated to assist in creating a secure environment. It is considered that these measure can be integrated into the scheme either as a 'reserved matters' or through conditions.</p>
<p>Leicestershire County Council Arboriculture Officer:</p> <ul style="list-style-type: none"> • 2 trees near the existing library entrance will be removed but merit retention • Trees adjacent to Wilton Rd car park appear to be in MBC land • No protection is provided in respect of trees on the south boundary of the site <p>Recommend conditions requiring the forms of protection that will be made for trees.</p>	<p>The trees on and adjacent to the site make a limited contribution to the street scene at present, which is considered to be overwhelmingly formed by the 'hard' and substantial elevations of the buildings that occupy it (especially approaches from Wilton Rd, Norman Way and Asfordby Rd). It is not considered that their loss (in isolation) will be harmful to the amenity of the area and indeed the redevelopment of the site presents the opportunity to increase the quantity and profile of greenery in the area.</p>
<p>OPUN</p> <ul style="list-style-type: none"> • It was not clear from the proposals or the Design and Access Statement how the constraints and opportunities that the site presents had informed the proposed design solution. • The proposals for the site need to ensure that they stimulate rather than stifle the surrounding land uses. • Further consideration should be given to how the proposed development responds to, interacts with and impacts upon the existing car park, the youth centre/nursery, the school and the triangle of land (car parking at present) that could, 	<p>The applicant has responded to the comments raised by OPUN which are reported below:</p> <ul style="list-style-type: none"> • The site is defined and consideration of a larger area is inappropriate • The site configuration meets with preferences expressed through public consultation and operator's requirements. As such, alternative suggestions are not realistic or economically deliverable • The concept of the library over the supermarket is supported by the County Council

without careful consideration, be sterilised for development purposes by these proposals.

- this site offers significant potential to help mend one of the least successful elements of the townscape of Melton. However, the Panel felt that the scheme would not achieve this.
- The Panel did not question the suitability of the site for food retail use; however the location of the store on the site as proposed was not considered to be an acceptable design solution.
- The proposed development of the site needs to ensure that there is strong frontage development to the principal boundaries of the site and the scheme should seek to reinstate some semblance of townscape. This has not been achieved by the currently proposed 'sea' of car parking.
- The relationship of the site in response to the attractive park and waterside was felt to be ill considered. The back end of a supermarket was not felt to be an appropriate solution to this edge.
- The access arrangements to the site for vehicles and goods delivery was felt to be too dominant, to the detriment of the street scene and does little to revitalise the streetscape of Asfordby Road.

Existing Library Building

- The proposed removal of the existing library building (in its entirety) is not supported by the Panel. The element that fronts the street is considered to be a heritage asset, a civic building with a handsome frontage that should be retained on the site.
- On the basis that the scheme does not seek to reinstate new built frontage to the street the removal of the library building would have the further negative impact of eradicating the already weak street frontage and townscape along the western side of Wilton Road.
- The existing principal elevation successfully conveys the significance of the library to the community; the proposals would see this lost with the new library somewhat perversely 'sitting on the roof' of the proposed supermarket.

Retention of the Theatre

The retention of the theatre on the site is supported by the Panel, along with proposals to improve its frontage and aspect to the side. However, again the wider site relationships need to be properly addressed, not least the adjacent triangle of vacant land which is likely to come forward for development in the future.

Conclusion

The Panel were of the opinion that the Site has greater potential than is promised by the proposed scheme, and they questioned a number of

and prospective occupants are content. OPUN's comments are not reflected in these key user's views.

- The triangular parcel of land is now owned by the applicant and options for its use to complement the development can be considered.

Assessment:

In the context of an application with a defined site that does not form part of a masterplan or other site specific guidance, it is considered reasonable to consider it within the site boundaries, rather than to consider what alternative site configurations could deliver (as have some of OPUN's comments).

Wilton Rd has an indistinct and fragmented frontage and is in an extremely prominent - and therefore important - site within the town. It is considered that the proposal, in addition to failing to take advantage of the opportunity to improve the area, would have the reverse effect and detract further from the street scene on both Wilton Rd and Asfordby Rd.

Wilton Rd would lose a prominent feature in the form of the library, which currently provides a focal point and offers coherence and interest to the streetscene. This would be replaced by extensive frontage car parking in a prominent location., This is considered to be both intrinsically unattractive and also inferior to that formed by the library, and would therefore be harmful to the character, coherence and quality of the street scene.

Similarly, a significant part of Asfordby Rd frontage would be replaced by the access, which would open on to the service yard of the new development. In common with Wilton Rd, it is recognised that the frontage at present displays limited quality, but it is considered that the proposal would detract even from this position, and as such is not acceptable.

It is considered that a limited benefit would arise from the extension to the east side of the theatre, in that an opportunity exists to design an attractive building which would mask the elevation of the theatre. However, these benefits would be limited and it is considered would not outweigh the harm caused by the aspects described above.

Although the application is in outline, layout and scale are unreserved and cannot be remedied by the imposition of conditions relating to the discharge of reserved matters.

On the basis of the unsatisfactory design, the proposal is considered to be contrary to the development plan in the form of the east Midlands

<p>decisions that had been taken regarding the proposed mix and site layout (most notably incorporating the library with the supermarket element). As a key gateway site, it is felt that Melton Mowbray deserves better.</p> <p>The frontage of the site is too precious to give away for surface car parking, and steps should be taken to create an alternative form of development that addresses the road frontages properly. The Panel felt that the retention of the existing frontage library building could help to achieve this. The design team has failed to take into account the wider context of the site and environs, and neighbouring sites are likely to be 'sterilised' by the proposals.</p>	<p>Regional Plan policy 2 and adopted Melton Local Plan Policies OS1 and BE1. High quality design is also a requirement of PPS4 which it is considered is not met.</p>
<p>MBC Conservation Officer</p> <p>The building was constructed between 1928 and 1933. It was opened by the Duke of Gloucester as the Melton Mowbray Girls' School in 1933.</p> <p>It is well built in a modest style and was one of very few schools built around a central quadrangle which was formerly a grassed area surrounded by arches giving the appearance of a cloister style walkway. The courtyard was latterly covered with a flat roof to create additional internal space, probably in conjunction with the library function, but two of the arched 'cloisters' remain. as an internal feature.</p> <p>The building is neither listed nor within the Melton Mowbray conservation area. It is however close to the boundary of the conservation area and has several listed buildings in the vicinity. It is also an important element within the Wilton Road street scene.</p> <p>The 1930's was a period when Melton Mowbray expanded and there are many examples residential developments from that period. Whilst there are some examples of retail premises from the period, civic architecture is under represented with the library building only one of only two examples. In that regard this building is part of a small collection of this period within Melton Mowbray of a distinct style, making it a significant heritage asset to the town.</p> <p>PPS 5 defines historic interest as follows: An interest in past lives and events Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.</p>	<p>The building is not listed nor situated within the Conservation Area; therefore, it has no status which would prevent its demolition.</p> <p>However, PPS5 refer to properties such as this as a "non-designated heritage asset". Guidance within PPS5 states that such assets can, singularly and collectively, make an important, positive contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets.</p> <p>The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application. The library building is considered to be a heritage asset, based on assessment of its quality, history and cultural role.</p> <p>Its significance is also demonstrated by these qualities and accordingly it is considered it should be afforded protection under the guidance of PPS5.</p>

<p>The building must therefore be considered of historic interest as it has fulfilled several community uses since its construction. As such it is clearly a significant element in the cultural and social history of Melton Mowbray.</p> <p>Whilst parts of the building may have been altered to an extent where listing is not necessarily feasible it is clearly an element within the historic environment of the town worthy of heritage asset status</p> <p>The building is an example of civic architecture that has fulfilled a variety of important roles in the Melton Mowbray community for over eighty years – and continues to do so.</p> <p>The building clearly has significance demonstrating both architectural interest - by virtue of the fact it is one of the few buildings in Melton Mowbray representative of its period and style - and historic interest in terms of its cultural and social identity.</p> <p>The property is recorded on the Leicestershire Historic Environment Record – Reference MLE18620.</p> <p>In terms of the Policy requirements of PPS5:</p> <p>Policy HE1: Heritage assets and climate change Clearly the demolition of this building contradicts Policy HE1 which advocates reuse of heritage assets</p> <p>Policy HE7.2: The building has played a significant role in the Melton Mowbray community for many years and will continue to do so, as such I feel that it has a value for future generations</p>	
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Representations:

A site notice and press notice were posted and neighbouring properties consulted. As a result 9 letters have been received from 13 interested parties objecting on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Highways:</p> <p>The new access will prevent vehicles turning right into the RAFA club and other businesses on Asfordby Rd (north side). Visitors will incur a significant diversion to Asfordby Hill to turn and approach the premises.</p> <p>Vehicles will not be able to pass delivery vehicles servicing Asfordby Rd properties because of the</p>	<p>This aspect was specifically addressed by the Highway Authority, who explain that they seem to be founded on the misunderstanding that right turns into the property would be prevented. This is incorrect and access would be assisted by the use of a ‘yellow box’ and traffic lights, which would break traffic flow and allow opportunities for turning not currently present.</p> <p>There would be sufficient space (width) to allow vehicles to pass delivery lorries. The carriageway</p>

<p>new junction: Asfordby Rd will come to a standstill and passing would be made more dangerous.</p> <p>These difficulties, and the general worsening of traffic conditions in the area, will act as deterrents to visiting the businesses and will affect their viability.</p> <p>Vehicles visiting existing businesses on Asfordby Rd would face an increased hazard by entering a busy junction. The Grove school children will be in even more danger than they are already. The goods and site entrance is off Asfordby Road next to the Grove School entrance when this would be better put on the Wilton road side away from the school.</p> <p>On street parking would create hazards in the vicinity of the new junction</p> <p>Congestion at the Wilton Rd junction would be made even more severe. The junction itself cannot cope with additional traffic. Backing up of traffic is a likely consequence as seen at other junctions. The road area will become a nightmare - it is already hard enough getting in and out of the Wilton Road Car Park without there being a giant superstore on the corner.</p> <p>The Wilton Rd junction is unclear and unfamiliar drivers in particular have been involved in accidents. This would increase as traffic levels increase.</p> <p>Diagrams provided suggesting amendments to assist with traffic issues</p>	<p>would be 7m. wide at this point, and kept free by the yellow box.</p> <p>The Highway Authority advise that the introduction of vehicle control mechanisms, and their linkage to existing junction and crossing lights, will not impede the ability of visitors to access the businesses.</p> <p>These issues have been referred to the HA for comment and their responses is as follows: extension loops are to be provided for numbers 28 and 30 Asfordby Road, thus providing them with sufficient time to safely exit their properties. This will form part of the detailed design and properties affected will be notified at the appropriate time. With regard to number 26 Asfordby Road, the comments previously made in relation to the RAFA access are true for Number 26 also. See comments above relating to delivery vehicles.</p> <p>The Highway Authority are satisfied that the impact on the junction was adequately examined by the transport assessment. They are satisfied that with a signalled junction and alterations to the existing light sequence at Wilton Rd, that the development “will not have a significant impact on the Highway network”.</p>
<p><u>Replacement of Library</u></p> <p>1. Lack of clear commitment to retain library facilities. I can see no clear commitment by the Council to retain the existing library facilities; Section 5.2 the County Council 'supports in principle a replacement library' but does not guarantee that this will happen.</p> <p>2. Lack of clarity over commitment to improve facilities. There is comment about providing a 'better library' but there is no detail. In particular there is no detail of how the reduced 1,050 square metre space will be utilised to provide existing services and improve them.</p> <p>3. Lack of clarify over access to proposed new site. There is no detail about access to this proposed new library site - whether lifts or ramps will be provided, whether these will be adequate to meet those with mobility needs, and in a capacity adequate for particular services such as</p>	<p>It is understood that the County Council’s lease allows for the replacement library provided it is adequately replaced. The County Council has been approached directly to establish if the proposals make such provision and advise:</p> <ul style="list-style-type: none"> • Detailed discussions have yet to be held • There is no objection to the library being integrated with the supermarket • No timetable has been established for moving the library and the speed at which it could be achieved would depend upon the detailed plans. <p>Minutes of a recent meeting between the developer and LCC show that they have no objection in principal to relocating, based on the planning application details and that the process being followed to develop replacement accommodation meets with the terms of the lease. Additional enquiries have been made to establish what procedures are necessary to conclude on these issues (acceptability of the scheme and agreement to</p>

<p>'Wriggly Readers' (parents with pushchairs). I can see no evidence that the mobility needs of current library users has been either assessed or considered.</p> <p>4. Lack of needs assessment of existing library users. I can see a needs assessment for the bats (28 page document), common lizards, toads, water voles and grass snakes (20 page document) but I was unable to find any impact assessment of the changes on the 300-500 people who use the library every day and will be affected by firstly the interim services (temporary mobile facility or in floor space at King St site). My understanding of the library is that it provides educational and recreational services for children, young people, adults of working age and the elderly. It also provides a point of social contact. Internet access is increasingly necessary for access to employment opportunities, adult education and training, and has been shown to save people money by enabling competitive retail choice for a wide variety of products. For those without the means to have internet access at home the library is essential. I include myself in this statement, having arrived in Melton unemployed and using extensively the library internet connections to get myself 'on my feet' again. Provision of books and periodicals for reading is important for education of the young and continued mental health of the old.</p> <p>From the plan its not clear whether provision for gallery space is contained within the new development. Melton should enable the provision of high quality exhibitions somewhere within the town be it at this site or elsewhere. Without the gallery there is one reason less to travel to Melton - I wouldn't be travelling there to go to another supermarket. Please ensure the gallery continues in an appropriate space before it is lost in this development.</p> <p>Positioning the library on top of a supermarket is ludicrous - as a Mother of a toddler how can I get to a Library which is up on top of a supermarket with a pushchair? How are the older generation going to make it across a busy supermarket and then into a lift</p>	<p>relocate) and we are advised that the decision would be delegated to officers and would be triggered by the landlord (applicant).</p> <p>In terms of provision, the County Council retains responsibility. It is considered that the planning system is not the appropriate tool to determine the adequacy of the provision and that the County Council has sufficient control to ensure this.</p> <p>It is further considered that issues of deliverability (i.e agreement of the parties concerned over format and timetable) are not significant for the determination of the application, as failure to agree will not result in the absence of provision, and existing facilities will remain.</p>
<p><u>Need</u> Lack of needs assessment of residents of Melton Mowbray for new supermarket in this location. I note the commitment of the Council on the Library website to 'your good health' 'focus on healthy living'. As a medical doctor I am unclear that providing another place for the residents of Melton Mowbray to buy food is in our best interests. If the supermarket was being placed in an area of the town where access is difficult for residents to reasonably priced essential foodstuffs</p>	<p>The application was accompanied by a detailed retail assessment that included an assessment of need. This has been independently reviewed and is considered to be a sufficiently robust examination of the position. Consideration of the findings is included in the section entitled 'Application of Local and National Policy' below.</p>

<p>then this may be reasonable, but from my observation the Co-op, Iceland, Morrison's and a variety of smaller speciality shops and market stalls are readily available within a few minutes walk of the proposed site.</p> <p>Site is within 200m of other supermarkets and there are proposals for 2 further ones under consideration.</p> <p>The proposal by Sainsbury's would be far more accessible to people in the area, without the same impacts on existing businesses</p> <p>This land should not be developed as the plans suggest as the site does not lend itself to this size of proposal.</p>	<p>The existence and proximity of other supermarkets forms part of the Retail Assessment.</p> <p>Noted.</p>
<p><u>Impact on Town Centre</u> Trade will be drawn away from the town centre</p> <p>The proposal would be a threat to Iceland</p>	<p>Consideration of this issue is included in the section entitled 'Application of Local and National Policy' below.</p>
<p><u>Indigo Planning (on behalf of Sainsbury's)-object :</u> Need The proposal does not meet the identified needs for Melton, which comprise of a qualitatively superior shop than those currently available, in order to make the town a more attractive place to shop. This is because:</p> <ul style="list-style-type: none"> • The site is too small to provide a quality of offer appropriate to meet the retail need; • The scheme is highly contrived, and operationally compromised; • The store's operational compromises suggest that the true sales area is exaggerated; • The development itself represents overdevelopment of the site, and cannot be satisfactorily accommodated on the site • There are severe operational compromises which render the foodstore inoperable, and therefore unviable. <p>Availability The library is 24% smaller than existing and configured differently. There is no confirmation from the County Council that they will agree with this provision. PPS4 Guidance advises that sites should not be regarded as available whilst land holding issues remain unresolved.</p> <p>Suitability</p> <ul style="list-style-type: none"> • Policy restrictions: The redevelopment will result in some College activities being located out of town. This is an unsustainable location and conflicts with policy objectives relating to accessible locations. • Physical limitations and problems: The site is limited in size and shape and results in an 	<p>The applicant has responded to the representation which is summarised as follows:</p> <p>Need: The 2009 study (GL Hearn) identified a minimum need of 1990 sq.m and the proposal (at 2081 sq. m.) is close to this. The store is larger than the existing Tesco and Morrison and in a better location, and it is contended this meets with the expressed view that a superior offer is required. Whilst smaller than the Nottingham Rd application, overall size is not considered to be the sole factor and a smaller store can act as an attraction through other qualities. This is evident in Melton, where the smaller Tesco store attracts greater trade than the larger (then) Safeway.</p> <p>Availability: Some of the comments are not substantiated and factually incorrect (e.g. the number of students being relocated). In fact, the number will be around 100, as a result of better use of space and relocation of the performing arts courses to the redeveloped site.</p> <p>Suitability: The absence of a named retailer does not prove lack of site suitability. This is a result of the College's preference to market the site with permission, to obtain the best return and, in turn, optimise its' improvements to educational facilities. The scheme has been developed by architects specialising in the retail field and has been the subject of market testing. MBC consultants advise that the absence of a named operator is not reason to dismiss the site. Evidence provided is not independent and reflects concern over a competing site. It has subsequently confirmed that Waitrose have been secured as operator.</p> <p>Viability: It is not necessary for the development to prove viability; this is an issue for less central sites. The</p>

<p>unsatisfactory form of building. An architects report is submitted highlighting the view of the shortcomings the design and layout creates, in terms of townscape, street scene and impact on neighbouring properties. Internal requirements to service the car park below and library above will limit the internal floorspace to a level less than existing stores in the town. Even without these constraints, it is only modestly larger and offers nothing new to the town.</p> <p>Viability: There are doubts over the market interest in the site. Morrisons and Tesco are represented in Melton and Sainsbury's are pursuing an alternative site, nor is there interest from ASDA. It is therefore unclear who will take up the store. The nature of the build (multiple floors and uses) will make it expensive to build and run and will act as a deterrent when marketed. Additionally, there is no agreement from the County Council regarding the library, and no indication that the site is deliverable within a reasonable timeframe.</p> <p>Highways A specialist Highways report has been submitted which concludes:</p> <ul style="list-style-type: none"> • Insufficient land is available to create an access that meets the required standards and would be safe. • Servicing facilities are inadequate • The trip assessment is inadequate and does not adequately assess the impact of the development on the highway network. 	<p>development partners are experienced retail developers and the design team are confident that the scheme can proceed, and generate significant capital to regenerate the education facilities.</p> <p>Highways and Design: The applicant rebuts the criticisms made and suggests the Highway Authority are best to adjudicate, and similarly the Local Planning Authority on design issues. It is not uncommon for town centre sites to have complex design and land ownership issues and, in terms of the sequential test, PPS4 requires a reasonable period for these to be resolved. A recent appeal decision has defined this as 5 years. The applicants are confident that any outstanding issues can be resolved in such a period.</p> <p>Assessment: The questions of whether the site is viable, suitable and available are related to the 'sequential test' of PPS4 (further details of the application of this test are provided the in the section entitled 'Application of Local and National Policy' below.). The test requires that sites in edge-of-centre or out-of-centre locations should be permitted only if more central sites are shown to be unviable, unsuitable and/or unavailable. It is agreed that in considering the application (within the terms of the sequential test), there is no requirement for the development to demonstrate these qualities in its own right, but must assess any more centrally located sites against these criteria.</p> <p>From a wider perspective, issues that inform the suitability of the site (such as design and access issues) are of course material considerations in their own right and are assessed individually within the scope of this report.</p> <p>Issues of need are addressed in the in the section entitled 'Application of Local and National Policy' below.</p>
<p>Melton Mowbray & District Civic Society</p> <ul style="list-style-type: none"> • Significant loss of amenities for the population of Melton Mowbray. A sub-regional centre such as Melton performs an important retail, leisure, tourism, educational and administrative function. The food retailing needs of the town are fully satisfied. However, the loss to the community of the facilities at the College would mean that, in future, Melton will be unable to perform adequately its function for leisure activities. • The statement by the College in support of this application states that it failed to deliver learner targets and declared a significant deficit in 2007/08. This 'serious ongoing financial situation' has led, eventually, to the need to seek funding from the sale of assets. It is of concern that a room 	<p>Please refer to commentary adjacent to Sport England comments above (pages 7 and 8).</p> <p>Noted</p>

<p>utilisation survey gave an overall utilisation figure of only 15% for the College as a whole. Better management and use of its existing premises (commercially as well educationally) could remove the need for the proposed development.</p> <ul style="list-style-type: none"> • An additional food store in the town is not required. The closure of the Marks and Spencer food store on Scalford Road is indicative of the lack of demand. The food-retailing role of the Co-operative store on Scalford Road is understated in the discussion of retailing submitted with the application. • The present library provides an interesting, substantial elevation to Wilton Road; the proposed development will be detrimental to the street scene. The proposed area of the new library is 23.5% less than that of the existing library. • The present library is accessible to disabled and elderly people, and to parents with young children. Indeed it is heavily used by young parents with prams, push chairs and young children, and by groups with learning and/ or physical disabilities. In an emergency, when the use of lifts is usually prohibited, it would be impossible to evacuate these groups safely from two storeys above a supermarket. The safety consequences of the proposed design should be thought through very carefully. The proposal to site a new library at first and second floor levels could be regarded as discriminatory and against equality of access. • The 'Bat Survey' found evidence of bat droppings in the northern extent of the accessed loft space above the library and identified five potential bat access points into the library roof space but because of '...the height at which these features were located a full inspection for any evidence of bat usage could not be undertaken. 	<p>The application was accompanied by a detailed retail assessment that included an assessment of need. This has been independently reviewed and is considered to be a sufficiently robust examination of the position. Consideration of the findings is included in the section entitled 'Application of Local and National Policy' below. The assessment included the role fulfilled by the Co-op Scalford Rd store and clearly states the extent to which it is calculated it would be impacted (17%). It is understood that the closure of the Scalford Rd store was not as a consequence of the level of demand</p> <p>Please refer to comments adjacent to those from OPUN on page 11 above and the Conservation Officer on page 13.</p> <p>The County Council retains responsibility. It is considered that the planning system is not the appropriate tool to determine the adequacy of the provision and that the County Council has sufficient control to ensure this. It is considered that the County Council would have regard to access, safety and evacuation procedures when as part of its evaluation of the suitability of the new facilities.</p> <p>The Council's ecological advisors have advised that the mitigation measures for roosting bats are adequate.</p>
<p>Grove Primary School: The TIA does not consider impact on the nearby major road junction</p> <p>The TA does not address issues of children's safety – 95% pupils walk to the school and have to cross Asfordby Rd The new traffic lights will introduce additional dangers near to the school</p>	<p>The TA addresses the impact on the junctions near to the site and have been independently reviewed by the Highway Authority. The HA are satisfied that the assessment is robust and its findings are acceptable.</p> <p>These issues have been referred to the HA for comment and their response is as follows: dedicated crossing facilities would be provided across the site access arm. Therefore, school children, and others, will be able to cross during a dedicated crossing</p>

<p>The layout proposes a boundary comprising of service yard and low level car park, surrounding the school on the east and north sides. Concerns regarding noise and fire risk form their proximity.</p> <p>Introduction of windows may give rise to privacy issues.</p> <p>Although overall height is shown not to exceed the theatre, the development will be higher than existing on the boundary. The upper floored library will act as a focal point for the town: Concerns about visual intrusion.</p>	<p>stage. This, coupled with the retention of the existing pedestrian crossing to the west of the school, will result in dedicated, crossing facilities being provided from all directions to the school. A Stage 1 Safety Audit report was submitted by BWB Consulting in respect of the layout shown on the above drawing and this did not raise any concerns with respect to this crossing facility.</p> <p>The application is in outline and the details do not extend to a specific form of boundary feature. However, it is considered that the elevation could be appropriately treated in terms of windows, fans, vents etc and as such can be prevented from creating an unacceptable relationship.</p> <p>The boundary currently comprises a blank single storey of approx 6m height that runs along most of the length of the shared boundary (approx. 10m is beyond this , to the south). This would be replaced by an elevation approximately 9.5m in height (for comparison, eaves height of the main 3 storey school building is 12m approx) along all of the boundary. This would be adjacent to an entrance corridor into the school and part of the playground, in which a fenced play area is accommodated. It is considered that the increase in height will significantly increase the sense of enclosure within the playground. It is inevitably subjective as to whether this increase is acceptable and, having inspected the site, the Committee is invited to consider this issue. In view of the sensitivity of the school as an adjacent use, it is considered that such an impact is unacceptable.</p>
<p><u>RAGE</u> Junction issues:</p> <ul style="list-style-type: none"> • The area had to put up with over a years' worth of disruption for this junction to be built – we will have to put up with more. It cost an awful lot – we know the highways budget has been slashed – surely there is not enough money to change this junction again. • This is Melton's busiest junction and is dangerous at the best of times – how will it cope with the extra volume of traffic. If traffic has to queue to get into Waitrose this will grid lock the whole town. • Grove School: Resident's children go to the Grove School or to Long Field. This junction is their main crossing which is dangerous enough now – it will make it terribly dangerous our children. • How much longer will the queues be for residents having to queue to get to and from work – not fair. <p>Regeneration Issues</p> <ul style="list-style-type: none"> • Sainsbury's have worked with our community and the town already giving many reassurances about their impact and location within the town. They will employ 80% of their 	<p>The highways works (new and adjustments to existing provision) will be funded 100% by the applicant, rather than the 'public purse'.</p> <p>These issues have been referred to the HA for comment and their responses will be reported to the Committee verbally.</p> <p>Noted such measures could be introduced similarly into this proposal by means of a condition if</p>

<p>staff locally, work with community groups and provide better crossing facilities for school children using Nottingham Road. This will improve our economy and give some long term unemployed a chance – not to mention more senior residents employment opportunities who would not have got employment because of their age.</p> <p>Retail issues</p> <ul style="list-style-type: none"> • Sainsbury’s will offer choice and hopefully encourage competition with other supermarkets which the customer will benefit from. Waitrose is quite expensive and will not offer competition but exclusivity to those with larger incomes – unlike most of the residents on Egerton Ward. This will cause animosity. 	<p>permission was granted.</p> <p>Waitrose would similarly increase choice to shoppers and increase competition. The retail impact assessment work has not indicated that other stores (from the ‘discount’, medium or higher parts of the market) will be lost.</p>
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Other Material Considerations not Raised through the Consultation Process:

Consideration	Assessment of Head of Regulatory Services
<p>Application of Local and National Policy</p> <p>The development is addressed by Policy S2 of the adopted Local plan which has a general allowance for retail development, subject to its impact.</p> <p>However, PPS4 was issued in December 2009 and is the most up to date policy statement.</p> <p>PPS4 adopts a ‘town centre first’ approach to retail development. It implements this by permitting out of centre development only if it can be demonstrated that:</p> <ul style="list-style-type: none"> • There are no ‘sequentially preferable’ sites available, suitable and viable (i.e. closer to the town centre, and/or with better links to it) • There would be no adverse impact on the functioning of the town centre • Developers have been flexible regarding their proposal (i.e. format and disaggregation; car parking), bearing in mind genuine retailing requirements <p>PPS 4 advises that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of availability, suitability and viability. The guidance also required applicants to undertake an assessment of impact to consider the effects of the proposal on the vitality and viability of existing centres, including the likely cumulative effect of recent permissions.</p> <p>Central to the policy is the viability and vitality of the town centre and an impact test must be passed for out of town centre locations, addressing:</p> <ul style="list-style-type: none"> • Plans for future investment 	<p>Sequential Approach</p> <p>The application has been supported with a ‘Sequential Assessment’ of 7 potential alternative sites in locations more central to the application site. These sites have been examined and discounted due to scale, constrained surroundings and availability as follows:</p> <p>The Bell Centre and The Mall: The physical format of these sites does not provide for a single retailer and occupancy of the units is high, who would require relocation. This undermines their availability.</p> <p>Burton St (east): insufficient in scale to accommodate a significant sized store; owners undecided as to future intentions of the site.</p> <p>Burton St (west): similarly, site is too small to accommodate a store of the scale proposed.</p> <p>Cattle Market: there are no plans to cease the existing uses on the site nor has there been a decision to dispose of it by its various owners. The site is separated from the Town Centre by Norman Way and is less accessible than the application site, therefore is neither available nor preferable.</p> <p>Norman Way: insufficient size for the scale required and is allocated for industrial use.</p> <p>Thorpe End: occupied by an operating business and is not available. Although within 300m of the centre, is less accessible by public transport than the application site.</p>

<ul style="list-style-type: none"> • Overall vitality and viability • Consumer choice (i.e range of shops and goods available) • The impact on in centre turnover • Scale in relation to the town centre <p>PPS 4 EC16 states that applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:</p> <ul style="list-style-type: none"> • the impact of the proposal on existing, committed and planned public and private investment in a centre • the impact of the proposal on town centre vitality and viability • the impact of the proposal on allocated sites outside town centres • in the context of a retail proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy • if located in or on the edge of a town centre whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres 	<p><u>Impact Assessment</u></p> <p>The application was supported by a retail impact assessment which has been the subject of an independent review. The key findings of the Assessment were that:</p> <ul style="list-style-type: none"> • there is sufficient overall capacity in Melton to support the development of the scale proposed. This will increase over time as income, expenditure and population levels grow • the location of the site is such that it would be likely to improve the number of trips linked to visits to the town centre (being closer to the town centre than existing supermarkets) • the ‘trade draw’ would be mainly from similar outlets and would range from 7 -17%. This is less than the existing stores currently ‘overtrade’ (trade above company averages) and as such can be absorbed. • The proposal would not present direct competition to the town centre shops nor fulfil the same function (which relates to specialist goods, top up shopping and visits for leisure purposes). The worst case scenario is 7.5% trade draw, which is within acceptable limits. • The development would generate ‘spin off’ trips into the town centre which will offset any adverse impact. These cannot be quantified, but is estimated at around £1m additional trade. (N.B it has been confirmed that the findings would not be materially affected as a result of Waitrose being the occupant. Waitrose’s ‘sales density’ is similar to the average level on which the assessment was undertaken). <p>The out come of the independent review was:</p> <ul style="list-style-type: none"> • The proposal site is located in an edge-of-centre location which is considered to be in close proximity to the Primary Shopping Area in physical terms. • There are no in-centre sites capable of providing the level of convenience that is required to perform as a main food shopping facility. The applicant has assessed all town centre and five alternative edge-of-centre sites in accordance with policy EC15. On review of the evidence provided these sites may be dismissed on the basis that they are unsuitable, unavailable and/or unviable to accommodate the proposed development. • With regard to impact (Policy EC16.1). The applicant has demonstrated that there are currently no committed or planned investments in the town centre or allocated sites that would be affected by the proposals. • Satisfied that the scale of the proposal is appropriate to the size and function of Melton town centre. • Some reservations about the extent of inflow and suggest further scenario testing is undertaken. On the basis that inflow levels cited are realistic, we suggest the worst case be tested in order
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<ul style="list-style-type: none"> any locally important impacts on centres <p>PPS4 directs Local Planning Authorities to determine applications taking account of positive and negative impacts of the proposal in reaching an overall decision. Crucially, in accordance with PPS4, where proposal are contrary to the sequential approach and/or fail the impact test, they should be refused</p>	<p>to provide a robust assessment of trade draw and impact.</p> <p>In addition to the assessment submitted with the development, several needs studies have been carried out prior to the submission of this application that contribute to the understanding of need and impact. These have been successively updated and the most recent update was the GL Hearn study provided in 2009. This was commissioned independent of any developer (or development) and is considered to be a sound baseline for assessment of this application, and others similar.</p> <p>The GL Hearn study projected population an expenditure into future years. This included projections well beyond the timespan applicable to this proposal but included figures for 2014 which coincide approximately with the programme for this proposal. This study identified a range of capacity of between 2000 sq. m and 4400 sq m.(for food) and 3600 sq. m., of non-bulky comparison goods, depending on the ‘sales density’ of shops. This application proposes 3000 sq m floorspace (4180 gross) which is comfortably within the capacity identified at 2014..</p> <p>It is considered that the Retail Assessment and subsequent review provide a sound basis that;</p> <ul style="list-style-type: none"> There no alternative more central sites suitable, available or viable for this development There is identified need and expenditure capacity for the scale and nature of the development; disaggregation would not be appropriate as it would undermine the ability to meet this need. It would increase customer choice by introducing a new retail offer into the town There would be no unacceptable adverse impact on the vitality and viability of the town centre. <p>On this basis, it is considered that the development would satisfy the requirements of these elements of PPS4.</p>
<p><u>PPS4 Policy EC10</u></p> <p>Sustainable Development, including traffic and transport:</p> <p>The Governments key aim is to ensure that new development can contribute to sustainability (also an objective in PPS4). This not only includes construction methods to reduce the impact upon the environment but also includes reducing the need to travel by car.</p> <p>One of the overriding principles of PPS 4 is that to help achieve sustainable economic growth the Government’s objectives for planning are to ‘.....deliver more sustainable patterns of development, reduce the need to travel, especially</p>	<p>The proposal is in outline and as such does not contain fully worked-up details of sustainable development construction features. However, details are provided in the Design and Access Statement as follows:</p> <ul style="list-style-type: none"> The development will achieve a BREEAM rating of ‘very good’ standard (level 3 of 5) The location and transport links will reduce car travel Modern methods of construction will reduce waste Recycled and sustainably sourced materials will be used where possible Buildings will be designed to be air tight, maximize the benefits of glazing, reduce

<p>by car and respond to climate change’.</p> <p>Socio-Economic Benefits and regeneration impacts</p> <p>High quality and inclusive design</p>	<ul style="list-style-type: none"> • heat loss and minimise water use. • A Waste Management Strategy will be adopted to encourage recycling, reuse and responsible disposal. <p>The site itself is considered to be in an accessible location, close to residential communities and the town centre. The site is on major routes into the town and close to existing bus stops. It is considered that the proposed store is located in a sustainable location and will reduce the need to travel by car.</p> <p>The proposed development has the potential to create a significant number of new jobs (approx 160 full time and up to 290 in total)and training opportunities. A local labour agreement/training condition can be imposed to assist targeting these benefits towards more socially deprived area where impacts will be greatest..</p> <p>The development will partially regenerate the area and physically renew the built form, which at present conveys a somewhat bland, utilitarian and dated appearance.</p> <p>A detailed assessment of the design of the proposal is contained above (in response to comments from OPUN). The application is in outline and some aspects – particularly relating to the inclusiveness of design – are not fully developed. However, there appears nothing to indicate such issues (level access, proximity of car parking, safe access by foot etc) cannot be provided adequately.</p> <p>In terms of design quality, it will be noted that there are serious misgivings and in this respect it is not considered that it meets with the expectations of PPS4. Design requirements are also an element of Local Plan Policy (OS1 and BE1) and it is considered that the shortcomings lead to a conclusion it is contrary to the Local Plan.</p>
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<p><u>Conclusion on PPS4 issues</u> The objectives of PPS4 are as follows:</p> <ul style="list-style-type: none"> • To deliver more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change. • Promote the vitality and viability of town and other centres as important places for communities the government expects new economic growth and development of main town centre uses to be focused in existing centres. This is implemented through a ‘town centre first’ approach and the need for development to demonstrate their impacts on existing centres would not be adverse. • To increase competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community. 	<p>As set out above, the proposal is considered to meet with the main thrust of PPS4, especially in terms of retail choice and increasing competition, efficient shopping and economic growth through economic development and job creation.</p> <p>The site relates well to the town centre and other more central sites have been examined and rejected (the ‘sequential test’). The impact test is considered to have been satisfactorily resolved and the scheme would bring benefits in terms of economic regeneration. However, there are strong objections to the design and, as a criteria of PPS4, it is considered that this issue undermines its ability to fully satisfy PPS4 requirements.</p>
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Other material considerations (not raised in consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p><u>Investment in educational facilities:</u></p> <p>The application documents explain how the proceeds of the development will release capital funds of approximately £5m to allow for renewal of the educational facilities, both at this site and the College’s site at Brooksby.</p> <p>It is accompanied by a development strategy that explains which parts of the College’s educational offer would be provided at which location and the programme for achieving this, both through the development phase and permanently.</p> <p>Finally, it is explained that other options have been considered but, in terms of other forms of redevelopment, do not generate sufficient investment capital and, in terms of ‘do nothing’ there would be little option but to reconfigure the use of the existing space, fail to replace the sports facilities and search for incremental opportunities for enhanced funding.</p>	<p>It is considered that the benefits in terms of education investment is a material consideration and should be taken into account. The weight (importance) this consideration should attract is a matter for the discretion of the Committee. However, it is advised that the applications should be (like all others) be considered under the provisions of s38(6) of the Act and as such attract weight in the context of it being one consideration amongst many, and not one with the force of the development plan behind it.</p>
<p><u>Demolition of Library</u></p> <p>PPS5 refer to properties such as this as a “non-designated heritage asset” Guidance with the introduction of PPS5 states that such assets can, singularly and collectively, make an important, positive contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets.</p>	

Conclusion

The application proposes the erection of a food store with associated access, parking, new junction and landscaping.

The applicants have successfully demonstrated that there are no more central sites that are available, suitable and viable to accommodate the proposal (the sequential approach) and retail impact has shown that impact on the town centre vitality and viability (the impact test) would be acceptable. However, it is considered that the design is poor to the extent of being unacceptable and this itself is an element of PPS4 and that the scheme would cause the loss of an important building in the library, and have an unacceptable impact on the adjacent property (Grove Primary School).

In terms of technical issues, the impact upon highways is adjudicated by the HA as acceptable subject to conditions and legal agreements regarding junction and lighting arrangements. The proposal is easily accessible by public transport, walking and cycling which complies with Sustainable Development objectives.

The site engages areas of Planning Policy related to Flood Impact and Sports provision. It is not considered that the application has satisfied these requirements (in PPS 25 and PPS17 respectively) and as such has significant shortcomings that cannot be overlooked. It is recognised that the proposal brings several benefits, but the disbenefits described above are considered to be so significant they are not outweighed.

RECOMMENDATION: Refuse, for the following reasons:

- 1. The proposed development, by virtue of the scale, layout and design would result is a form of development that would be out of keeping with its surroundings and detrimental to the quality, character and appearance of the street scene, in an extremely prominent location that is important to the town. The development is therefore contrary to Policy 2 of the East Midlands Regional Plan, Saved Policies OS 1 and BE 1 of the Adopted Melton Local Plan and the requirements of PPS4 (EC10)**
- 2. The development is situated in Flood Zone 3 and it has not been demonstrated to that there are no reasonably available sites in areas with a lower probability of flooding, contrary to the aims and objectives of national Planning Policy set out in PPS25 ‘Development and Flood Risk’**
- 3. The proposal would result in the physical loss of sports facilities and it has not been demonstrated that they are surplus to requirements, nor has there been proposed compensatory provision. Accordingly, the proposal is contrary to national Planning Policy set out in PPG17**
- 4. The proposed development would result in a significant adverse impact on the adjacent Grove Primary School, by virtue of the increase in the height and length of the boundary structure.**
- 5. In the opinion of the Local Planning Authority the proposal would, if approved, result in the demolition of a heritage asset, as identified in PPS5, which would have an adverse impact upon the visual amenity of the surrounding area.**

Officer to contact:

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18th January 2011