

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 115 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	Noted : Comments as per comments above and in

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.	main report (page 25).
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	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: (a) No Member who had a role in the decision to dispose of the land should participate in the determination of the application (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. 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.
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(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	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. 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.

- (c) **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.