



Leeds
CITY COUNCIL

Originator: David Jones

Tel: 0113 2478000

Report of the Chief Planning Officer

PLANS PANEL (EAST)

Date: 12th July 2012

Subject: DECISION BY SECRETARY OF STATE IN RESPECT OF APPLICATION SUBMITTED TO WAKEFIELD COUNCIL ON PLANNING APPLICATION: 10/00225/OUT – Outline Application for Mixed Use Development including 12000 seat community stadium at Newmarket Lane, Wakefield.

Electoral Wards Affected:

**Kippax & Methley
Rothwell
Ardsley & Robin Hood**

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the contents of this report

1.0 KEY ISSUES

- 1.1 In March 2010 Leeds City Council was consulted by Wakefield Council on an application for outline planning permission for a mixed use development comprising a community stadium (with details of the access, landscaping, layout and scale of the stadium submitted for approval), multiuse games area, B8 warehousing and distribution units, B1b and B1c business units, an hotel, an A3 unit, roads, infrastructure and landscaping.
- 1.2 The consultation was considered by Plans Panel in May and October 2010, and strong objections were raised on grounds of impact on the Green belt and traffic generation within Leeds. Wakefield were minded to approve the application and Leeds City Council requested that the application be called-in for determination by the Secretary of State.

- 1.3 The application was called in for the Secretary of State's determination on 13 December 2010 and a 12 day Public Inquiry was held in December 2011. Leeds provided witnesses to defend its stance in respect of green belt intrusion and highway safety concerns.
- 1.4 The Inspector recommended that planning permission be granted. For the reasons given below, the Secretary of State agreed with the Inspector's conclusions in his letter dated 20 June 2012, and is minded to agree with his recommendation, subject to the submission of a completed planning obligation and answers to his queries set out in his letter.
- 1.5 The Secretary of State stated that if he did not receive a satisfactory and duly completed planning obligation by 15th August 2012 he will reconsider his minded to approve position.

2.0 PRINCIPAL CONSIDERATIONS

- 2.1 The principal issues identified by the Inspector, and endorsed by the Secretary of State are (i) conformity with the development plan, (ii) sustainable development, (iii) Green Belt, (iv) economic growth, (v) Protected species and biodiversity interests

3.0 SUMMARY OF COMMENT

Development plan

- 3.1 The Secretary of State agrees with the Inspector's reasoning and conclusions on the extent to which the proposal accords with the development plan for the area. He agrees that the proposal would accord with a very wide range of development plan policies and objectives, but that it would not be in accordance with important policies in the Core Strategy and, interpreting the development plan as a whole, the proposal would therefore not be in accordance with it. The Inspector's Report of Wakefield's Site Specific Development Plan Document has recently been published (June 1012) and the Secretary of State notes that it endorses the allocation of part of the application site for B8 uses. However, this application is for a mixed use scheme covering a larger area than the allocation and he has considered it accordingly.

Sustainable development

- 3.2 At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. The Inspector explicitly addressed sustainability issues in respect of the environmental considerations. The Secretary of State agreed with the Inspector that overall the scheme has taken significant steps to protect and enhance the environment and use land which is of the least ecological value, and that the proposal would be broadly sustainable. In the context of the dimensions of sustainable development in the Framework, he considers below the economic and social aspects of the proposed development.

Green Belt

- 3.3 The Secretary of State agreed with the Inspector's assessment of the extent to which the proposal is consistent with protecting Green Belt land. He agreed with Leeds City Council that there would be a significant amount of additional harm to the

Green Belt which should be added to the harm caused by way of inappropriateness, and that it is this combined harm that must be clearly outweighed by other considerations. He also agreed that very considerable weight should be given to the need for a new community stadium; considerable weight should be attached to the wider sporting, health and lifestyle opportunities that would be delivered; and, that very significant weight should be attached to the contribution the proposal would make to supporting economic growth. He notes that the Inspector's report for the SSDPD, published in June 2012, allocates part of this site for B8 uses, which will remove this part of the site from the Green Belt.

Economic growth

- 3.4 The Secretary of State agreed with the Inspector that the proposal would not be in strict compliance with policies for sustainable economic growth, particularly in terms of the requirements of the sequential approach to main town centre uses, but that an exception should be made to policies for ensuring the vitality of town centres on the basis that the hotel and A3 unit are necessary components of a wider scheme, all elements of which must be provided in order to enable the funding of the stadium and community elements.

Protected species and biodiversity interests

- 3.5 The Secretary of State agreed with the Inspector that the proposed development, together with the proposed ecological mitigation, would comply with Government policies on conserving and enhancing the natural environment particularly in relation to protected species and to biodiversity interests within the wider environment.

Accessibility and sustainable transport

- 3.6 The Secretary of State agreed with the Inspector's reasoning and conclusions on the extent to which the proposal accords with promoting sustainable transport. He agreed that the site as a whole is not as accessible as one would normally expect but that this is mitigated by reference to the policy balance between the very specific locational requirements of the largest element of the proposal (B8) and the general objective of encouraging non-car modes of travel.

Promoting healthy communities

- 3.7 The Secretary of State agreed with the Inspector that the site as a whole is not as accessible as one would normally expect, but that it is entirely appropriate to locate the stadium with the enabling development.

4.0 CONCLUSION

- 4.1 The Secretary of State agreed with the Inspector's overall conclusions.
- 4.2 The Secretary of State considered that the proposal constitutes inappropriate development in the Green Belt and would also be harmful to the Green Belt in other ways. He attached substantial weight to this harm and has gone on to consider whether the harm identified can be clearly outweighed by other considerations amounting to very special circumstances.
- 4.3 Having taken into account all of the considerations above, the Secretary of State concluded, like the Inspector, that the beneficial effects of the proposal amount to very special circumstances, and are of sufficient weight to clearly outweigh the

harm to the Green Belt, and other harm. In reaching this conclusion he has attached significant weight to the need for a community stadium but considered that without a signed planning obligation that covers the construction of the stadium and traffic regulation order, as proposed by the applicant, the very special circumstances that weigh in favour of this application as a mixed use development in support of the stadium would be diminished.

4.4 The Secretary of State is minded to approve the application, but he proposed to defer his final decision on the proposed development to enable parties to provide him with a planning obligation under section 106 of the Town and Country Planning Act 1990 in respect of the construction of the community stadium and Traffic Regulation Order. The Secretary of State considered that it would be preferable for the planning obligation to be made by agreement between the applicant and Wakefield Council. Nevertheless, he is prepared to consider a planning obligation given by unilateral undertaking. If a duly certified, signed and dated planning obligation is made and submitted in accordance with the relevant statutory provisions, the Secretary of State draws the applicant's attention to the need to ensure that it complies with the provisions of sections 106 and 106A of the Town and Country Planning Act 1990 and the CIL Regulations 2010 as amended.

4.5 The Secretary of State set out that he has carefully considered the draft unilateral undertaking supplied by the applicant on 20 January 2012, as well as the Inspector's suggested planning conditions. He has a number of queries which he would like the applicant to address when responding to his letter:

(a) The Secretary of State would like clarification about the relationship between the letting of the stadium construction contract, as provided for in the draft unilateral undertaking, and the commencement of work on the stadium.

(b) The Inspector's suggested condition 6 provides for the application for approval of reserved matters for the B8, B1b and B1c elements of the development to be made within 5 years of the date of the planning permission. The usual period for such applications is 3 years and the Secretary of State would like clarification for the proposal that 5 years is required for this element of the scheme.

(c) The Inspector's suggested condition 49 requires the developer to produce a full tender construction pack and draft of the proposed lease of the stadium to the local planning authority. The Secretary of State considered that this condition would be more relevant and precise if the documents were to be produced to the local planning authority "for approval".

(d) The Secretary of State accepts the proposed supplement to the wording of the Inspector's suggested condition 51, in your letter of 31 May 2012, which he notes has been agreed with Wakefield Council, and provides more certainty about the details of the stadium finish. He invites the applicant to incorporate the proposed wording into a revised condition 51.

5.0 DECISION

5.1 The Secretary of State proposed to allow 8 weeks from the date of his letter (i.e. to 15 August 2012) for the submission of the planning obligation and responses to the points described at paragraph 4.5 above. If the Secretary of State does not receive a satisfactory and duly signed planning obligation by 15 August 2012 he will reconsider his minded to approve position.

5.2 The Secretary of State has been unable to reach a decision on this application by the target date of 19 June 2012. Because of the need to allow parties time to deal with the matters set out above, he will require more time to reach a decision. He now expects to make a decision on or before 13 September 2012.

6.0 IMPLICATIONS FOR COUNCIL

6.1 A final decision has not been made yet, but there is a clear minded to approve subject to resolution of outstanding matters.

6.2 It was confirmed that harm to the Green Belt must be clearly outweighed by other considerations.

6.3 In this specific case, *very considerable* weight was given to the need for a new community stadium; *considerable* weight was attached to the wider sporting, health and lifestyle opportunities that would be delivered; and, that *very significant* weight was attached to the contribution the proposal would make to supporting economic growth.

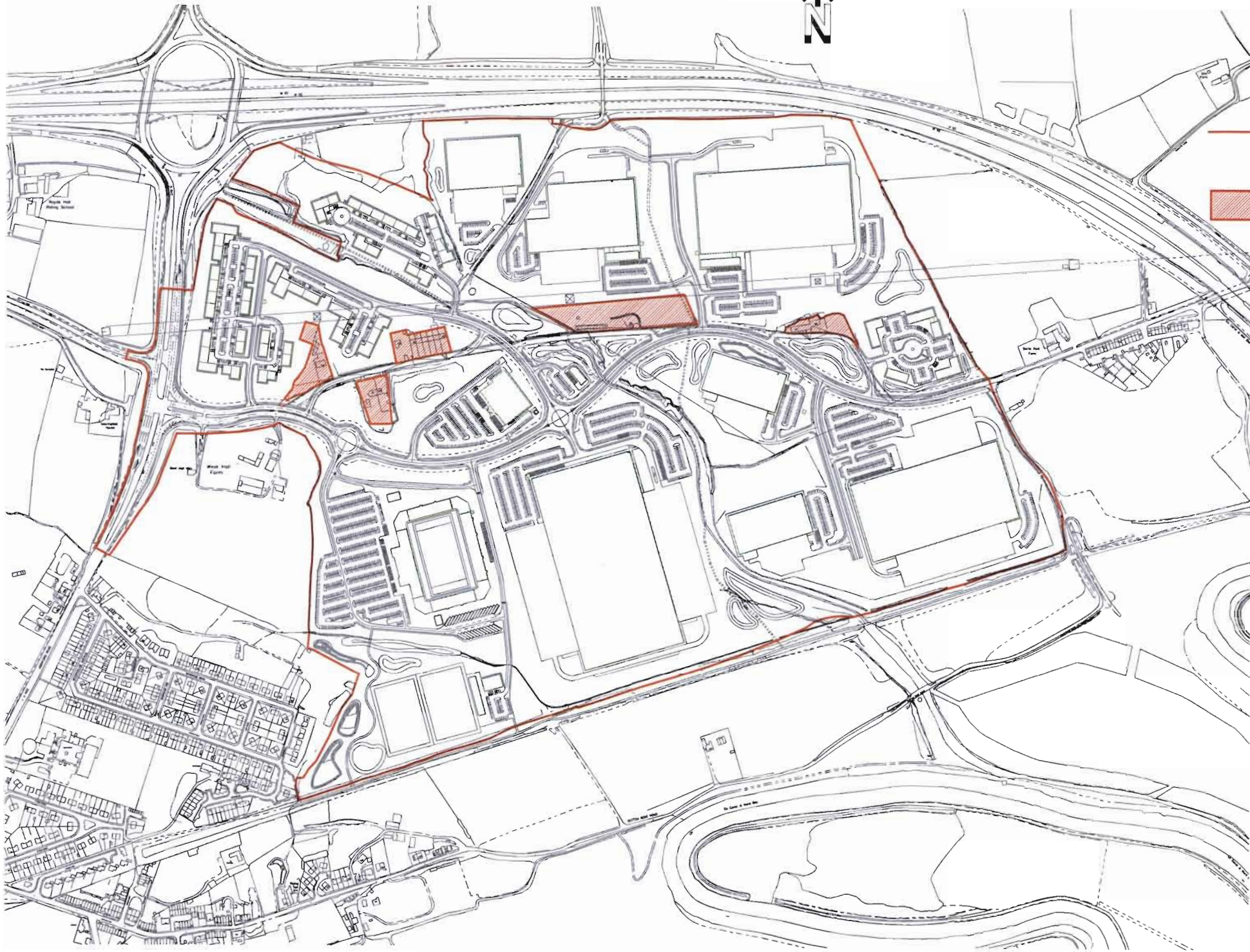
6.4 Without a signed planning obligation that covers the construction of the stadium and TRO's, the very special circumstances that weigh in favour of this application as a mixed use development in support of the stadium would be diminished, and the 'minded to approve' will be reconsidered.

Background Papers:

Wakefield Planning Application 10/00225/OUT
Appeal Papers (ref. APP/X4725/V/11/2144563)
PINS decision letter and report



REVISED



DENOTES
OUTLINE
PLANNING
APPLICATION
RED LINE



DENOTES AREA
OF LAND TO BE
EXCLUDED FROM
OUTLINE
PLANNING
APPLICATION



South Park Way | Wetherhill | Leicestershire LE19 4RQ
0116 254 1122
0116 254 1122
www.dla-architecture.com

PROJECT
NEWMARKET COLLIERY,
JUNCTION 30 M62.

TITLE
OUTLINE PLANNING APPLICATION
SITE PLAN

SCALE 1:2500 DATE 02/02/10
DRAWN BY AG REVIEWED J.D.
DRAWING NO 2009-03/041

DWG DATE 10/02/10
10/02/10