

Name of meeting: CABINET
 Date: 9th APRIL 2013

Title of report:
CONSIDERATION OF PROPOSED MASTERPLAN FOR DEVELOPMENT OF LAND AT OWL LANE, DEWSBURY

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	Yes – December 2012
Is it eligible for “call in” by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman, Director of Place December 2012
Is it signed off by the Director of Resources?	Yes - David Smith 10 th December 2012
Is it signed off by the Acting Assistant Director - Legal & Governance?	Yes – Vanessa Redfern 12 th December 2012
Cabinet member portfolio	Resources - Cllr David Sheard

Electoral [wards](#) affected: Dewsbury East
 Ward councillors informed: Cllr Eric Firth, Cllr Paul Kane, Cllr Cathy Scott

Public or private:
PUBLIC - (WITH APPENDIX A WHICH CONSIDERS COMMERCIAL SENSITIVE FINANCIAL INFORMATION ABOUT THIRD PARTIES TO BE CONSIDERED IN PRIVATE)

1. Purpose of report

The Council is required to consider the submission of a proposed masterplan for the development of land at Owl Lane, Dewsbury.

2. Key points

2.1 Background

2.1.1 On 6 June 2008 the Council entered into an agreement for lease with Stirling Investment Properties LLP and Scotfield Limited (“the Development Agreement”) for the development of land at Owl Lane that adjoins the Dewsbury Rams Tetley’s Stadium and extends to

Wakefield Road (“the Site”). Simultaneously, the Council granted a long lease of the site to Stirling Investment Properties LLP and Scotfield Limited (“the Developer”).

2.1.2 The development agreement contains a framework for the development of the site.

2.2 The Framework

2.2.1 In brief the framework that the development agreement established for the development of the site is as follows:

- (i) The developer is required to draw up a masterplan that meets certain criteria;
- (ii) When the masterplan is drawn up it is to be submitted to the Council acting as Landlord for its approval.
- (iii) The approved masterplan is then to form the substance of a planning application to be submitted to the Council acting as Local Planning Authority
- (iv) Any grant of planning permission that incorporates the masterplan is then to be implemented.

2.3 The drawing up of the Masterplan

2.3.1 The developer is under an obligation to draw up a masterplan for the site which achieves certain specified regeneration objectives (“Regeneration Objectives”).

The “Regeneration Objectives” are:

- The provision of a minimum of 8 acres (3.24 Ha) for sport and leisure facilities for the community on the site; and
- The provision of not less than 334 car parking spaces which are appropriate for use for events held at the existing Stadium; and
- The provision of non retail uses throughout the entire site.

2.3.2 The developer is also under an obligation to address certain matters in the master plan (“Masterplan Elements”).

The “Masterplan Elements” include:

- A site appraisal (including ecological) of the property
- Provision for consultation and involvement of key stakeholders
- Land use and developments
- Movements within, to and from the property
- Deliverability (viability and sustainability of proposals)
- Timetable and programme

2.4 Controls for consideration of the Masterplan

2.4.1 When the masterplan has been drawn up, the developer is under an obligation to submit it to the Council for approval (in the Council’s capacity as Landlord).

2.4.2 The Council (in its capacity as Landlord) does not have an unfettered discretion in its decision making over whether or not to approve the masterplan.

- 2.4.3 If the masterplan satisfies the regeneration objectives (set out above), contains all the masterplan elements (discussed above) and has a prospect of being granted planning permission (“the Specified Requirements”) then the Council (as Landlord) is required to approve the masterplan unless it would be otherwise unreasonable to do so.
- 2.4.4 If the masterplan however does not comply with the “Specified Requirements” then the Council (as Landlord) has an absolute discretion in the decision to approve the masterplan.

2.5 The Masterplan

- 2.5.1 The site extends to approx 25 acres (10 Ha) and includes the existing Dewsbury Rams Stadium. The site is bounded to the north and west by Shawcross Business Park and residential development and to the south and east by a reclaimed former landfill site.
- 2.5.2 The development proposed by the masterplan is for a mixed use development including:
- Replacement practice pitch
 - Two multi use games areas (MUGAs)
 - Linear park and green corridor
 - Public amenity space
 - Footpaths/ cycleway
 - Car parking to serve the rugby club and community facilities
 - Residential development (6.84ha circa 234 units)
- 2.5.3 Access to serve the residential development is proposed from Owl Lane. The existing stadium access will be remodelled to serve the community facilities and stadium car park.
- 2.5.4 The residential development is presented as being enabling development to secure the long term future of the Dewsbury Rams RLFC and deliver the wider community facilities.

2.6 Consideration of the Masterplan:

- 2.6.1 The Regeneration Objectives:
The regeneration objectives (set out above) are included within the masterplan.
- 2.6.2 The Masterplan Elements:
Site appraisal (including ecological):
A request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to the Council in February 2010 on behalf of Stirling Scotfield. The request set out an appraisal of key issues arising on site including air quality, archaeology/built heritage, contaminated land, ecology, noise and vibration, daylight and over shadowing, socio-economics, transportation, waste, water and flood risk. The Council has advised that a full EIA will be required.
- 2.6.3 Provision for consultation and involvement of key stakeholders:
Details submitted with the masterplan included a proposed public consultation strategy. Stirling Scotfield and the Dewsbury Rams RLFC conducted a public consultation exercise between 10th February and 11th March 2012. The consultation exercise included:

- The distribution of leaflets within the Dewsbury East ward and at the clubs home games and car boot sales. Distribution of leaflets to shops, pubs and clubs in and around the Owl Lane, Shawcross, Hanging Heaton and Earlsheaton areas.
- An official website providing details of the masterplan and an opportunity to comment upon the proposals.
- Public meetings held at Dewsbury Town Hall, Hanging Heaton Cricket Club and the Dewsbury Rams Stadium.
- A public information stand at Sainsbury's in Dewsbury.
- Comment cards were made available at the public meetings for people to express their views.
- A meeting with residents of Bywell Close.

2.6.4 Land use and developments:

The masterplan submitted comprises 6.84 ha of residential development, new and improved car parking to serve the rugby club and 9.63 ha of community facilities and public amenity space including a replacement practice pitch with floodlighting, two multi use games areas (MUGAs), linear park and green corridor, public open space and a footpath/cycleway.

2.6.5 Movements within, to and from the property:

The residential development proposed will be served by access from Owl Lane. The existing stadium access will be remodelled to serve the community facilities and stadium car park. The scheme would provide for pedestrian and cycle routes with a linear park and green corridor running through the site.

2.6.6 Deliverability:

The developer considers the proposed development to be viable and able to deliver the 'Regeneration Objectives'. The developer's financial appraisal demonstrates that the scheme proposed is financially viable.

2.6.7 It is proposed that the additional financial consideration payable to the Rugby Club will be paid into a newly established charitable trust fund (the Dewsbury Rams Development Fund). This fund will be administered by a development board with representation for both Kirklees Council and the Dewsbury Rams.

2.6.8 The board will oversee the income from the community facilities, the development payments and the expenditure of the fund. The fund will only be permitted to be used for the enhancement, administration and delivery of the community development/education work of the Club and for the administration/management and maintenance of the community facilities.

2.6.9 It is also proposed that land currently leased to Stirling Scotfield and earmarked for the development of community facilities (i.e. the sports practice pitch and the MUGAs) be dedicated to the trust in order to ensure that the facilities are available for use by the wider community and the club.

2.6.10 In addition, the land to the south of the site (to the west of Bywell Close) is to be gifted back to the Council as public amenity space in order to reassure local residents that no future development of that land will be proposed.

2.6.11 Timetable and Programme:

Consultation with stakeholders took place in February/ March 2012. Submission of an application for outline planning permission is envisaged within 3 months of the approval of the masterplan.

2.7 The Prospect of Obtaining Planning Permission

2.7.1 The development agreement requires that if the masterplan satisfies the regeneration objectives, contains all the masterplan elements and has a prospect of being granted planning permission then the Council (as Landlord) is required to approve the masterplan unless it would be otherwise unreasonable to do so.

2.7.2 The prospect of being granted planning permission is not qualified in the development agreement, (i.e. it is not a requirement that there be a reasonable prospect, merely that there is a prospect of planning permission being granted).

2.7.3 The consideration of the masterplan by the Council as landlord would not fetter the consideration of any subsequent planning application by the Council as Local Planning Authority.

2.7.4 The site falls within Green Belt in the Councils Unitary Development Plan. Development of the practice pitch, linear park and green corridor, MUGAs and public amenity space would all be appropriate development within the Green Belt. Residential development and development of the additional car parking would be inappropriate development within the Green Belt. It will be necessary for the applicant to demonstrate that very special circumstances exist that would outweigh the harm to Green Belt.

2.7.5 The prospect of obtaining planning permission will be dependent upon the weight afforded by the Council (as LPA) to the value of securing the wider community facilities and community programmes provided by the club and the extent to which this outweighs the harm to the green belt.

2.7.6 The fact that the Council (as LPA) has a judgement to make about the weight to be afforded the very special circumstances presented by the application means that in the context of the development agreement there is a prospect of planning permission being obtained.

2.8 Conclusions:

2.8.1 The masterplan includes the "Regeneration Objectives" and "Masterplan Elements" required by the development agreement. A key matter for the Council, as Landlord is whether the masterplan has a prospect of being granted planning permission.

- 2.8.2 The prospect of obtaining planning permission will be dependent upon the weight afforded by the Council (as LPA) to the value of securing the wider community facilities and community programmes provided by the club and the extent to which this outweighs the harm to the green belt.
- 2.8.3 The fact that the Council (as LPA) has a judgement to make about the weight to be afforded the very special circumstances presented by the application means that in the context of the development agreement there is a prospect of planning permission being obtained.
- 2.8.4 It is considered that development proposed by the masterplan would not have demonstrable harm upon any other Council land interest in the area and therefore there are no grounds to withhold approval of the masterplan.

3. Implications for the Council

3.1 Risks:

If the masterplan satisfies the regeneration objectives, contains all the masterplan elements and has a prospect of being granted planning permission (“the Specified Requirements”) then the Council (as Landlord) is required to approve the masterplan unless it would be otherwise unreasonable to do so.

- 3.2 The scope to reasonably withhold approval of the masterplan is limited to demonstrable harm in relation to the Council’s other land interests in the area.

4. Consultees and their opinions

- 4.1 Details submitted with the masterplan included a proposed public consultation strategy. Stirling Scotfield and the Dewsbury Rams RLFC conducted a public consultation exercise between 10th February and 11th March 2012.

- 4.2 Ward members have been informed of the detail of proposed masterplan.

5. Next steps

Should the Council (as landlord) approve the proposed masterplan the plan will then form the substance of a planning application to be submitted to the Council for consideration as Local Planning Authority

6. Officer recommendations and reasons

The proposed masterplan includes the regeneration objectives and the masterplan elements required by the development agreement. There is a prospect of planning permission being granted for the development proposed. It is therefore recommended that Cabinet approve the masterplan.

7. Cabinet portfolio holder recommendation

Councillor David Sheard recommends that Cabinet should fully consider all aspects of the report and make a decision appropriately.

8. Contact officer and relevant papers

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9. Assistant director responsible

Paul Kemp, Acting Assistant Director, Investment & Regeneration Service