

Notice of meeting of

Planning Committee

- To:** Councillors Cunningham-Cross (Chair), Galvin (Vice-Chair), Ayre, Boyce, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams
- Date:** Wednesday, 23 May 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 5 - 16)

To approve and sign the minutes of the meeting of the Planning Committee held on 26th April 2012.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Tuesday 22nd May 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning applications:

a) Audi York, Centurion Way, York, YO30 4WW. (12/00613/FULM)
(Pages 17 - 26)

A major full application for the erection of a showroom, following demolition of an existing building. [*Skelton, Rawcliffe and Clifton Without Ward*] **[Site Visit]**.

b) Land Including Huntington Stadium to the West of Jockey Lane, Huntington, York. (12/01152/FULM). (Pages 27 - 36)

A major full application for drainage, landscaping and ecology works on land to the west of Jockey Lane. [*Huntington and New Earswick Ward*].

c) Proposed Training and Rail Operations Centre, Leeman Road, York. (12/01176/FUL) (Pages 37 - 62)

A major full application for the erection of a training and rail operations centre and the demolition of a trackside building. [*Holgate Ward*] **[Site Visit]**

UPDATES CIRCULATED AT THE MEETING.

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Urgent Business: Outline planning application for a mixed-use development comprising, the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non-residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping at land Including Huntington Stadium To The West Of Jockey Lane, Huntington (11/02581/OUTM)

This urgent item is for Members to consider the list of conditions, the Reason for Approval and the Heads of Terms of a legal agreement (under Section 106 of the Town and Country Planning Act) associated with the above planning application.

At the Planning Committee meeting on 17th May 2012, Members resolved to approve the application subject to their prior consideration and

agreement of these matters, and subject to the application being referred to the Secretary of State.

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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PLANNING COMMITTEE**SITE VISITS****TUESDAY 22nd May 2012**

TIME (Approx)	SITE	ITEM
9.30am	Bus leaves Memorial Gardens.	
9:40am	Network Rail Training and Control Centre Site.	4c
10:15	Audi York, Centurion Way.	4a

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- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	26 APRIL 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), AYRE, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS, JEFFRIES (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND BOYCE

45. INSPECTION OF SITES.

Site	Reason for Visit	Members Attended
Plans Item 4b – Carmelite Street.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid
Plans Item 4c – Poppleton Garden Centre.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid
Plans Item 4a – Phase 2 Derwenthorpe.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid

46. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the agenda.

Councillor Reid declared a personal and prejudicial interest in agenda item 4c (Poppleton Garden Centre) as her son works for a company which supplies Poppleton Garden Centre.

Councillor Funnell declared a personal interest as a member of Derwenthorpe Partnership Forum.

Councillor Williams declared a personal and prejudicial interest in agenda item 4b (Carmelite Street) as he is employed by Yorkshire Water who had requested condition 14. He advised that he would leave the room if condition 14 was discussed in detail. He confirmed that he would participate in discussions and vote on the application if the condition could be considered separately.

Councillor McIlveen declared a personal interest in item 4B (Carmelite Street) as he lets properties to students of York St. John in the navigation Road area.

Councillor D'Agorne declared a personal interest in the business on the agenda as a member of the York CTC.

Councillor Ayre declared a personal non prejudicial interest in item 4a (Derwenthorpe) as the Chair of Transport on Derwenthorpe Partnership Forum.

47. MINUTES

RESOLVED: That the minutes of the last meeting held on 22 March 2012 be approved and signed by the Chair as a correct record.

48. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Councils Public Participation Scheme. Details of the Speakers registered for the plans items will be detailed under the relevant item.

49. PLANS LIST

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**49a Land Lying to the West of Metcalfe Lane, Osbaldwick ,
Phase 2, Derwenthorpe (12/00242/REMM)**

Members considered a major reserved matters application by The Joseph Rowntree Housing Trust (JRHT) for details of siting, design and external appearance of 123 dwellings (phase 2) granted under outline permission 03/02709/OUT.

Officers updated on a number of amendments and additions to the report including (full details of which are attached as annex to the agenda for this meeting):

- A letter from the applicant providing comments on the design principles, housing mix and landscaping matters.
- Position of housing in relation to Oak Tree.
- Parking provision.
- Conditions.

Nigel Ingram spoke on behalf of the Joseph Rowntree Housing Trust. He advised that the only detail he would go into in respect of the plans was to point out that the smallest type of housing would be used at the boundary on the western side. In terms of what the development represents, the JRHT want to create a community where everyone can thrive. Progress is being made and phase 2 builds on the best aspects of phase 1. Courtyards will encourage play and interaction between residents. He advised that the development was designed to stand up for the future.

Councillor Warters spoke as Ward Councillor for Osbaldwick. He asked that Members consider the impact on wildlife and the Green Belt and that residents of Osbaldwick have used the land for many years and now it is being stolen from them. Members attention was drawn to page 18 paragraph 4.6 of the agenda which referred to 2 prototype dwellings at Temple Avenue. He queried whether these dwellings had been included in the outline application as he understood they had been subject to a separate application. He asked that the height of dwellings adjacent to Temple Avenue be reduced, that amenity space be increased and that hedges be used at boundaries instead of walls or fences.

In response to Councillor Warters comments, Officers confirmed that the two prototype dwellings at Temple Avenue had been included in the outline full application but they did not require a

reserved matters application and that the application today was for the other 123 dwellings.

Members commented on and questioned a number of aspects of the development including:

- Some Members were unhappy with the cycle route and asked whether the plans before them could be subject to negotiation or change. Officers advised that the plans were to be approved as they are but Officers could carry on negotiations with JRHT if Members felt it necessary, but the decision would need to be deferred.
- Why the applicant had chosen walls and fencing instead of hedges for the boundaries. The applicant advised that walls and fences were used in phase 1.
- Whether solar panels could be installed on the clay roof tiles in future. The applicant advised that as there was a bio mass boiler at the site, the use of solar panels had been restricted although there was no veto on using them in the future.
- Some Members were concerned about the number of car parking spaces in relation to the number of dwellings. Officers confirmed that a car parking strategy had been covered in the outline stage of the application.

Following discussions, Councillor Watson moved deferral in order for further work to be undertaken on the cycle route. Councillor D'Agorne seconded. When put to the vote this motion was lost.

Councillor Merrett moved approval with amended conditions as detailed in the Officers update and asked JRHT to take note of Members comments on the cycle route for future reference. Councillor Reid seconded.

RESOLVED: That the application be approved with the following amended/additional conditions:

Amended condition 7:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development

of the type described in the following Classes of Schedule 2 Part 1 of that Order shall not be erected or constructed at dwellings referred to on the approved plans as Plots 54-62:

Class A - (The enlargement, improvement or other alteration of a dwellinghouse);

Class B - (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof);

Class C - (Any other alteration to the roof of a dwellinghouse); or,

Class E - (The provision within the curtilage of the dwellinghouse of:-

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or,

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas).

Reason: In the interests of the amenities of the adjoining residents and the protection of a mature Oak tree, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

INFORMATIVE:

The above condition removes the normal rights to carry out certain alterations and extensions at the properties referred to without planning permission. Please contact the Council if further clarification is required.

Additional Conditions:

Notwithstanding the information contained on the approved plans, the height of the houses on plots 54 to 61 hereby approved shall not exceed 9.95 metres to ridge, as measured from the existing ground level relating to each plots. Before any works commence on the site, a means of identifying the existing ground levels on the site shall be agreed in writing, and any works required on site to mark those ground levels accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical

works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground levels and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area or amenity of the neighbouring properties on Coniston Drive and Grasmere Drive.

Notwithstanding the approved plans, the dwellings shown on the approved site plan as plots 62-69 shall be resited such that the gable elevation of plot 62 shall be at least 11m from the western site boundary, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved plan.

Reason: In the interests of protecting the future of the mature Oak tree located in the rear garden of 8 Coniston Drive and its setting.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to layout, design and external appearance. As such the proposal complies with the National Planning Policy Framework and Policies GP1, GP3, NE1, T2a and T4 of the City of York Development Control Local Plan.

49b Works (Vacant), Carmelite Street, York (12/00327/FULM)

Members considered a major full application submitted by S. Harrison Dev. Ltd and Queens House Joint Venture for student

accommodation comprising of 258 study bedrooms/studios within an 8 storey building.

Officers circulated an update to the Committee report, which covered the following points, (full details of which are set out in the update attached to the republished agenda):

- Further representations received in objection.
- Additional and amended conditions.
- Open space contributions.
- Sustainable construction clarification
- Cycle parking.
- Space within the cartilage of Shambles Car Park.

Representations in objection were heard from Katie Craddock on behalf of Hungate York Association. She advised that the location had been described as a 'key site' by City of York Council and raised concerns about it being used for student accommodation as in her opinion it could affect the viability of the site. She also questioned whether 10 metres was a suitable distance from existing apartments at the site.

Representations in support were heard from Chris Hale the applicant's agent. He advised that he was disappointed that the agents for the neighbouring site had only recently come forward with objections. He stated that 100 construction jobs would be created at the site with work scheduled to begin in July and that the accommodation would be good quality and well managed.

Representations were heard from Councillor Warters who questioned whether exclusive student accommodation blocks were encouraging mixed communities and asked whether other members of the community could apply for the flats.

Members questioned a number of aspects of the development including:

- Disabled access in particular the amount of space provided for disabled car parking, the number of flats for disabled students and toilet provision for disabled visitors. The applicants agent assured Members all these aspects had been carefully considered and provided for.
- Whether the 10 metres allowed between the proposed development and existing buildings was sufficient. Officers confirmed it was in line with the rest of Hungate.

- Queried if Highways Officers were satisfied with the arrival and departure plan. It was confirmed by Officers that Highways are satisfied.
- Concerns were raised about the loss of some employment land at Hungate, although student accommodation provision was welcomed.
- Members asked that further cycle parking be provided for visitors.

Following further discussion it was:

RESOLVED: That the application be approved subject to the conditions listed in the report and an additional condition on cycle storage for visitors.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions outlined in the Officers report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact, impact on heritage assets, impact on the amenity of surrounding occupiers, sustainability, highway safety and flood risk. As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Development Control Local Plan.

49c Poppleton Garden Centre, Northfield Lane, Upper Poppleton, YO26 6QF (12/00402/FULM)

Members considered a major full application by Poppleton Garden Centre for the erection of a sales building and canopies, restoration of nursery growing area and new landscaping following the demolition of buildings and removal of hardstandings.

Officers circulated an update to the Committee report, which covered the following points, full details of which are set out in the update attached to the republished agenda:

- Consultation responses from Integrated Strategy and the Flood Risk team and subsequent conditions.
- Alterations requested following the site visit and chairs briefing.

Members questioned and commented on a number of aspects of the application including:

- The transport and travel plan, in particular if staff were able to use the park and ride. Officers confirmed staff would park within the grounds of the garden centre, but could travel using the park and ride buses from the city centre.
- Some Members had concerns about extending a retail site in the green belt.
- Members asked if the continuation of recycling facilities at the site could be conditioned.
- Members also requested that a condition be added to ensure pedestrian links to Northfield Lane to allow access from the Park and Ride.

RESOLVED: That the application be approved after referral to the Secretary of State with the additional conditions requested by Members as detailed above and the following additional and amended conditions:

Amended Condition 7

The building shall not be occupied until a travel plan has been submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines, and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy CS18 of the emerging Core Strategy and the National Planning Policy Framework.

Additional Conditions:

DRAIN1

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the locality, the impact on the city and district centres, and the openness and purposes of the green belt. As such the application is considered to be in accordance with the National Planning Policy Framework, Development Control Local Plan policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18.

50. PLANNING APPEALS UPDATE AND DECISION SUMMARIES.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 28th March 2012 and provided a summary of key points from appeals determined in that period. A list of outstanding appeals to that date was also included as an annex to the report.

Members noted the report.

RESOLVED: That Members noted the contents of the report.

REASON: So that Members can continue to be updated on appeal decisions within the City of York Council area and be informed on the planning issues surrounding each case for future reference when determining planning applications.

CLLR L CUNNINGHAM-CROSS, Chair
[The meeting started at 4.30 pm and finished at 6.40 pm].

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COMMITTEE REPORT

Date: 23 May 2012 **Ward:** Skelton, Rawcliffe, Clifton
Without
Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 12/00613/FULM
Application at: Audi York Centurion Way York YO30 4WW
For: Erection of car showroom following demolition of existing building
By: Mr Mark Taylor
Application Type: Major Full Application (13 weeks)
Target Date: 28 May 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Audi York comprises a single storey profile steel clad unit dating to the 1980s lying in close proximity to a number of other car dealerships at the eastern edge of the Clifton Moor Business Park. Planning permission is sought for the redevelopment of the site to provide expanded sales and office space and to facilitate the relocation of servicing and maintenance functions to the adjacent former DHL site. Planning permission (ref 11/02828/FULM) has already been granted for the relocation of the service functions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYS13 Car Showrooms

CYGP1 Design

CGP15A Development and Flood Risk

CYGP4A Sustainability

CYHE10 Archaeology

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted to enable any impact upon the local surface water drainage pattern to be properly assessed.

3.4 Design, Conservation and Sustainable Development were consulted on 22nd March 2012. No response has been forthcoming.

EXTERNAL:-

3.5 Clifton (Without) Parish Council raise no objection in principle to the proposal but express concern with regard to the possibility of additional vehicle traffic on Clifton Moorgate.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the wider local economy;
- * Impact upon a site of archaeological importance;
- * Impact upon the local pattern of surface water drainage;
- * Sustainability.

PLANNING POLICY FRAMEWORK:-

4.2 The National Planning Policy Framework is relevant in the determination of this application in that it encourages Local Planning Authorities to support existing business sectors taking account of whether or not they are expanding or contracting. At the same time where a development may have a significant material impact upon a designated heritage asset such as a Scheduled Ancient Monument or its setting then significant weight should be given to securing its conservation.

4.3 Policy S13 of the York Development Control Local Plan is of particular significance in the determination of this application. This sets a clear policy framework that requires that applications for car showrooms be assessed against

the remaining policies within the Draft Local Plan and if approved their Permitted Development Rights for change of use to A1 retail be removed.

4.4 Policy GP1 requires new development proposals to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces, and the character of the area using appropriate building materials.

4.5 Policy GP15a) requires developers to satisfy the Local Planning Authority that any flood risk can be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

4.6 Policy HE10 states that archaeological deposits of national importance outside of the York City Centre Area of Archaeological Importance must be preserved in situ.

4.7 The submission did not include a statement of community involvement; however given the location and nature of the scheme this was not considered to significantly hinder the Council's consideration of the scheme.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.8 The existing Audi dealership building comprises two elements; a flat roofed blockwork and curtain wall clad shed used for servicing and vehicle maintenance and a glazed show room building with a metallic mono-pitched roof. The proposal envisages the demolition of the existing complex of buildings and its replacement with a silver curtain wall clad and patent glazed structure over a slightly larger footprint than the existing structure. The building would be closely related to the built frontage along the south side of Clifton Moorgate and would be clearly visible in long and short distance views from the north and north east. The adjoining pattern of built development comprises a range of industrial type sheds and large retail units including a number of other car dealerships. Whilst there is by no means a uniform palette of materials there is a uniform pattern of scale and massing amongst properties along Clifton Moorgate. This would be respected by the proposed replacement building. Its design and external appearance would furthermore closely reflect that of the adjacent properties and it is not felt that there would be any detrimental impact upon the visual amenity of the wider street scene.

IMPACT UPON THE WIDER LOCAL ECONOMY

4.9 The eastern sector of the Clifton Moor Business Park contains a variety of uses mainly centred around wholesale distribution and the motor trade. The current proposal is seen as necessary to accommodate an expansion of the existing Audi car dealership with ancillary functions transferred to the adjacent site. The development would enable the existing business to continue on the site with the

existing workforce, whilst at the same time responding to its current trading needs, in line with Central Government Planning Policy outlined in the National Planning Policy Framework. Policy S13 of the Draft Local Plan does set out a requirement that proposals for car dealerships be conditioned to withdraw their Permitted Development Rights to become an A1 Retail Unit. It is felt that such a requirement would be appropriate in the current circumstances as the site is not suitable for conventional retailing.

IMPACT UPON A SITE OF ARCHAEOLOGICAL IMPORTANCE

4.10 Some 130 metres to the south east of the site lies a Roman encampment which is a Scheduled Ancient Monument. In terms of its impact upon the buried archaeology the distance is such as to ensure that any impact would be minimal. In terms of impact upon the setting of the Ancient Monument the location of intervening development to the south would effectively minimise any impact.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.11 Concern has been expressed in respect of the level of information submitted in respect of surface water drainage. The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. Furthermore the site as currently laid out is substantially hard surfaced. The proposed development whilst adding to the floor area of the building would not have a material impact upon the area of hard surface and therefore run off over and above the existing situation. It is therefore felt that surface water drainage could be acceptable dealt with by condition on any permission.

SUSTAINABILITY

4.12 The application details describe the means proposed to reduce the environmental impact of the development, mainly through making the building as energy efficient as possible. No indication however has been given in respect of renewable energy generation at the site although details of other similar schemes incorporating energy generation by solar array were submitted as supporting information. It is therefore recommended that any permission be conditioned to require submission of a detailed scheme for 10% renewable energy generation for prior approval.

4.13 The details include 4 'Sheffield' type cycle stands adjacent to the building. However the provision of secured covered cycle parking for staff is being sought in accordance with the Council's standards, and Members will be updated at the meeting. A condition requiring full details of cycle parking is also recommended.

5.0 CONCLUSION

5.1 The adjoining buildings along Clifton Moorgate comprise a range of shed type structures giving a similar pattern of scale and massing to that of the proposal. It is felt overall that the scheme would be acceptable in design terms, and that it would not give rise to an adverse impact upon the local pattern of surface water drainage or the nearby Scheduled Ancient Monument. The proposals would help to consolidate the business and safeguard existing employment at the site.

5.2 In light of the above the scheme is considered to be acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:- A(PL)01 003 Rev A .Date Stamped 29th March 2012; A(PL)01 004. Date Stamped 11th February 2012; A(PL)01 005. Date Stamped 24th February 2012; A(PL)01 002 Rev C. Date Stamped 11th February 2012; A(PL)01 100 Rev B. Date Stamped 11th February 2012; A(PL)01 101 Rev B. Date Stamped 11th February 2012; A(PL)01 200 Rev B. Date Stamped 11th February 2012. A(PL)01 003 Rev A. Date Stamped 29th March 2012.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ10 Details of External services to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and other landscaping;. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 DRAIN1 Drainage details to be agreed -

Application Reference Number: 12/00613/FULM

Item No: 4a

6 The premises shall be used for a car dealership with associated facilities and for no other purpose, including any other purpose in Class A1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

7 VISQ4 Boundary details to be supplied -

8 HWAY31 No mud on highway during construction -

9 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy 10% of the development's predicted energy demand. The development shall be carried out in strict accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The development shall thereafter be maintained to at least the required level of generation.

Reason:- In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the City of York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

10 The development hereby approved shall be constructed to a BREEAM standard of "very good". A Post Construction assessment by a licenced BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to the occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good rating". The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason:- In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

11 HWAY18 Cycle parking details to be agreed -

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the wider local economy, impact upon a site of archaeological importance, impact upon the local pattern of surface water drainage and sustainability. As such the proposal complies with Policies S13,GP1, GP15a), GP4a) and HE10 of the City of York Development Control Local Plan.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00; Saturday 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. UNEXPECTED CONTAMINATION:-

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Authority's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Contact details:

Author: Erik Matthews Development Management Officer

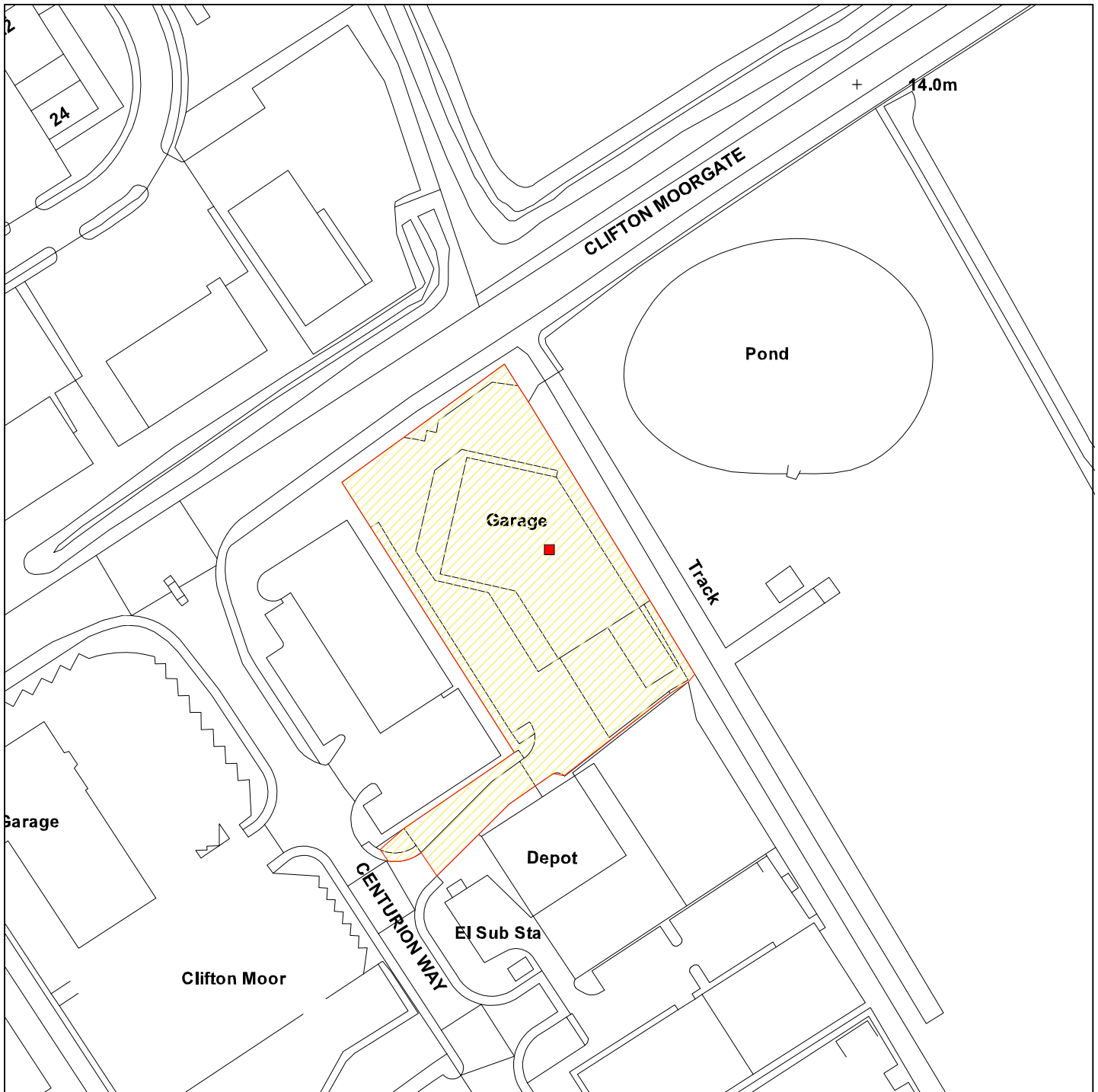
Tel No: 01904 551416

12/00613/FULM

Audi York



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	14 May 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 23 May 2012 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/01152/FULM

Application at: Land Including Huntington Stadium To The West Of Jockey Lane
Huntington York

For: Drainage, landscaping and ecology works on land to the west of Jockey Lane

By: Oakgate (Monks Cross) Limited

Application Type: Major Full Application (13 weeks)

Target Date: 5 June 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for drainage, landscaping and ecology works mainly comprising new ponds and channels totalling approximately 4,500sqm, together with a mosaic of wet and dry grassland and native planting. Two viewing platforms would be erected for public access.

1.2 The application has been prompted by a planning application for a community stadium and retail development scheme on the Vangarde site and at the existing Huntington Stadium (11/02581/OUTM). The development would affect existing amphibian populations within the Vangarde site. In order for the development scheme to be implemented, the impact on amphibians would have to be mitigated. The proposal is for the amphibians to be relocated to an alternative, better, location between Malton Road and the Park and Ride site at Monks Cross. Planning permission for the creation of an amphibian conservation area was granted in August 2011 (11/01500/FUL). The landscaping and drainage works for which consent is now being sought include a wildlife corridor between the Vangarde site and the amphibian conservation area. The proposals would provide an informal recreation and education space within the community.

MOST RELEVANT PLANNING HISTORY

1.3 98/02301/OUT - Outline application to provide access, vehicle and cycle parking, park and ride facility and landscaping, erection of buildings for B1 and B2 use. Approved 18.07.2003

1.4 08/02623/FULM - Development of global banking data centre with ancillary power supply, substations and offices with associated access, parking, fencing,

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landscaping and ecology habitat (revised and additional information received).
HSBC. Approved 07.05.2009

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE2
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYLD1
New Public Parks, Green Spaces, Woodlands and Wetlands

3.0 CONSULTATIONS

INTERNAL

3.1 Environment, Conservation, Sustainable Development (Countryside) - Whilst there is considerable ecological interest in the Vangarde site and any losses would be regrettable, there is insufficient interest to warrant any protected designation or outright objection. The mitigation and compensation proposals set out in the landscaping application adequately offset any loss from this development and provide an excellent opportunity to enhance and, equally importantly, maintain its wildlife value in the foreseeable future.

3.2 Environment, Conservation, Sustainable Development (Landscape) - On the whole the proposals contained within this application would have a positive impact

Application Reference Number: 12/01152/FULM

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on the visual landscape, and complement the landscape on the east side of Jockey Lane and the recent newt mitigation area on the west side of Martello Way. The additional tree planting would provide variety and structure to the road and fields. The ponds will be more marked than the existing ditches and the related marginal planting, meadow grassland and scrub will provide greater diversity and visual interest. Details of the level control weirs, outfall structures, and pumping station should be submitted for approval.

EXTERNAL

3.2 Huntington Parish Council - No objections.

3.3 YNEP - The Panel support the introduction of a pond into the area. Native trees (e.g. oak, field maple) should be planted on the eastern periphery as an alternative to the proposed Norway maples.

3.4 Foss IDB - The Board is concerned over the drainage proposals. The Board is unsure as to the practicality of the applicant's proposal to direct surface water to the River Foss which is some 1.2km away. However, if this is a firm proposal the Board would have no objections to it. Earlier discussions with the developer suggested a discharge to the Board maintained Pigeon Cote Dyke to the east of the site. However, it was unproven whether or not this site currently discharged to that watercourse. The Board would be reluctant to agree a discharge to a watercourse from a different catchment. The discharge location and rates require the final consent of the Board. However, in view of the uncertainty of the proposal the Board objects to the application pending the submission of further information.

3.5 Natural England - Cannot provide advice on individual cases until license applications are received. Note Natural England's standard advice.

3.6 Public Consultation - The consultation period expired on 3 May 2012. No response.

4.0 APPRAISAL

4.1 KEY ISSUES

- Landscape
- Bio-Diversity
- Drainage and Flood Risk

THE APPLICATION SITE

4.2 The site comprises a crescent-shaped swathe of undeveloped land alongside Jockey Lane and Martello Way on the south side of Monks Cross Shopping Centre. The site area is 2.39ha. Most of the site lies within the green belt and is identified as a 'Recreational Opportunity Area' under policy L1d of the local plan. The

easternmost part of the site is part of a Premier Employment Site under policy E3b. Immediately to the north is the undeveloped Vangarde site, for which planning permission is being sought for a retail development as part of a wider proposals which include a community stadium at the site if Huntington Stadium (11/02581/OUTM).

POLICY CONTEXT

4.3 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable.

4.4 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.5 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.6 NE2 - Development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced.

4.7 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.8 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.9 LD1 - Open spaces in specified areas [including the application site] will be brought forward for public access in conjunction with the development of associated allocations.

4.10 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

LANDSCAPE

4.11 The site would be re-profiled to give it an undulating character. Perimeter tree planting and scrub would add further interest. The proposals would improve the setting of the Vangarde site as viewed from Martello Way and Jockey Lane. The works would also provide an attractive green buffer between the retail park and the undeveloped greenbelt land to the south and east. These benefits would apply whether the current community stadium and enabling retail application for the site was to be approved and implemented or, alternatively, some future proposal for the Vangarde site. Whilst the design and access statement says that all new planting would be native species it includes a non-native variety of Norway Maple. Also there are some minor anomalies in the proposed landscaping plans. Officers will discuss these matters with the applicant and update Members at the meeting. In the meantime the landscaping proposals are included in the provisional list of plans to be approved.

BIO-DIVERSITY

4.12 The ponds and channels would be fed by direct rainfall and stored surface water. They have been designed for wildlife benefit and would include appropriate flora, bank profiles, water depths and wetland species.

4.13 The ponds would be linked by a series of 1m-wide box culverts. In addition, a terrestrial culvert would be provided under Martello Way which, combined with amphibian 'guide fencing' would provide a route for great crested newts to migrate between the application site and the amphibian conservation area.

4.14 The land proposed for development contains some wildlife interest, notably a small relict population of Great Crested Newt, a fluctuating population of Water Vole and some old wildflower grassland, as well as a good hedgerow landscape with a number of old, overmature trees. Together these provide a good foraging area for bats and there are some limited opportunities for roosting bats. No large roosting activity has been observed. No uncommon invertebrates have been observed.

4.15 Overall, the Monks Cross site has a good though not outstanding wildlife interest and as such has no statutory or non-statutory status. It does though still have a degree of interest that deserves to be considered and where possible retained and mitigated for. Both Great Crested Newt and Water Vole have protected status though only Great Crested Newt has full European protected status.

4.16 Water Vole numbers have declined considerably in the last two years. Their protected status is though more limited and licensing from Natural England is not necessary. Great Crested Newts (GCN) and their habitat have full protected status

and any proposals likely to disturb them will require a licence from Natural England. Nevertheless the council needs to consider whether such a licence would be granted for this work, and should consider the size of the population and the mitigation/compensation prior to planning applications being determined.

4.17 The GCN population on the Vangarde site is small. The impact of the redevelopment on the overall population is likely to be low, but would benefit from reconnection with the adjacent main population. The landscaping proposals look to translocate the newts from the development site onto adjacent, greatly expanded habitat area (approved by 11/01500/FUL) designed specifically to accommodate them. The site has been designed to accommodate the newts from the development site and from any future expansion of the Park and Ride. Such a translocation would ensure that both the translocated newts and those already present adjacent to the mitigation habitat would greatly benefit. The mitigation provided for Great Crested Newt has also been designed to accommodate the current very small population of Water Vole and should provide better habitat for this species.

4.18 In habitat terms there is likely to be considerable loss with regard to the Vangarde redevelopment site as a whole (resulting from previously approved or current proposals). However, the proposals set out in this application are largely beneficial and enhance the remaining habitat.

4.19 Around the Monks Cross area, there are already established elements of landscape and wildlife interest through which there are routes for public enjoyment. The landscape proposals expand this benefit and link to it to provide a more continuous corridor around Monks Cross that enhances the opportunity for establishing a naturalistic corridor around the area both for public access and as a wildlife corridor. They also provide a new link to a further site of wildlife interest adjacent to the Malton Rd. The proposed mitigation area when linked to the existing Park and Ride mitigation area and the landscaped corridor also provide an excellent educational area for future use.

FLOOD RISK AND DRAINAGE

4.20 In addition to providing wildlife habitat and landscape interest the ponds would be an essential component of a sustainable drainage scheme for the Vangarde site. Surface water would drain into the ponds from where it would be collected and pumped at an agreed rate to an existing watercourse off site. A weir within each pond would maintain a minimum water level and control the outflow, particularly during storm surges. The IDB is concerned that insufficient information has been submitted about the drainage elements of the proposal. However the applicant submitted to the IDB (via the council) the information that the IDB requested but has received no response. Nevertheless the IDB acknowledges that the proposals would need its final approval. Officers will seek further opinion on the amended details from the IDB prior to Committee, but consider that the interests of the IDB

are adequately safeguarded by the final approval on drainage being required from them.

5.0 CONCLUSION

5.1 The application accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable, in proposing to enhance and maintain the wildlife and landscape value of this area.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans: A_C_0010, A_C_0012, A_C_0551, 9010-019/105/E, 9010-019/106/E and 9010-019/108/A.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of development a detailed Method Statement and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall state the reasonable measures that are to be taken to avoid any possible impact on Great Crested Newts during the proposed work. The strategy shall be accompanied by a plan detailing the protective measures (both physical measures and sensitive working practices) that will be in place to avoid any possible impacts during and prior to the construction phase. The works shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the habitat for a protected species.

N. B. If Great Crested Newts are discovered during the course of the work, then it should cease and Natural England consulted before continuing.

4 Prior to the commencement of development a Habitat Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Aims and objectives of management;
- (iii) Appropriate management options for achieving aims and objectives;

- (iv) Prescriptions for management actions;
- (v) Personnel responsible for implementation of the plan;
- (vi) Monitoring and remedial/contingency measures triggered by monitoring.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species.

5 Development shall not begin until details of foul and surface water drainage works including outfall structures, pumping station and the level control weirs have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and visual appearance of the development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the ecological value of the site, landscaping, drainage and provision of recreational areas. As such the proposal complies with the National Planning Policy Framework and policies GP9, GP15a, NE1, NE2, NE6, NE7 and L1d of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

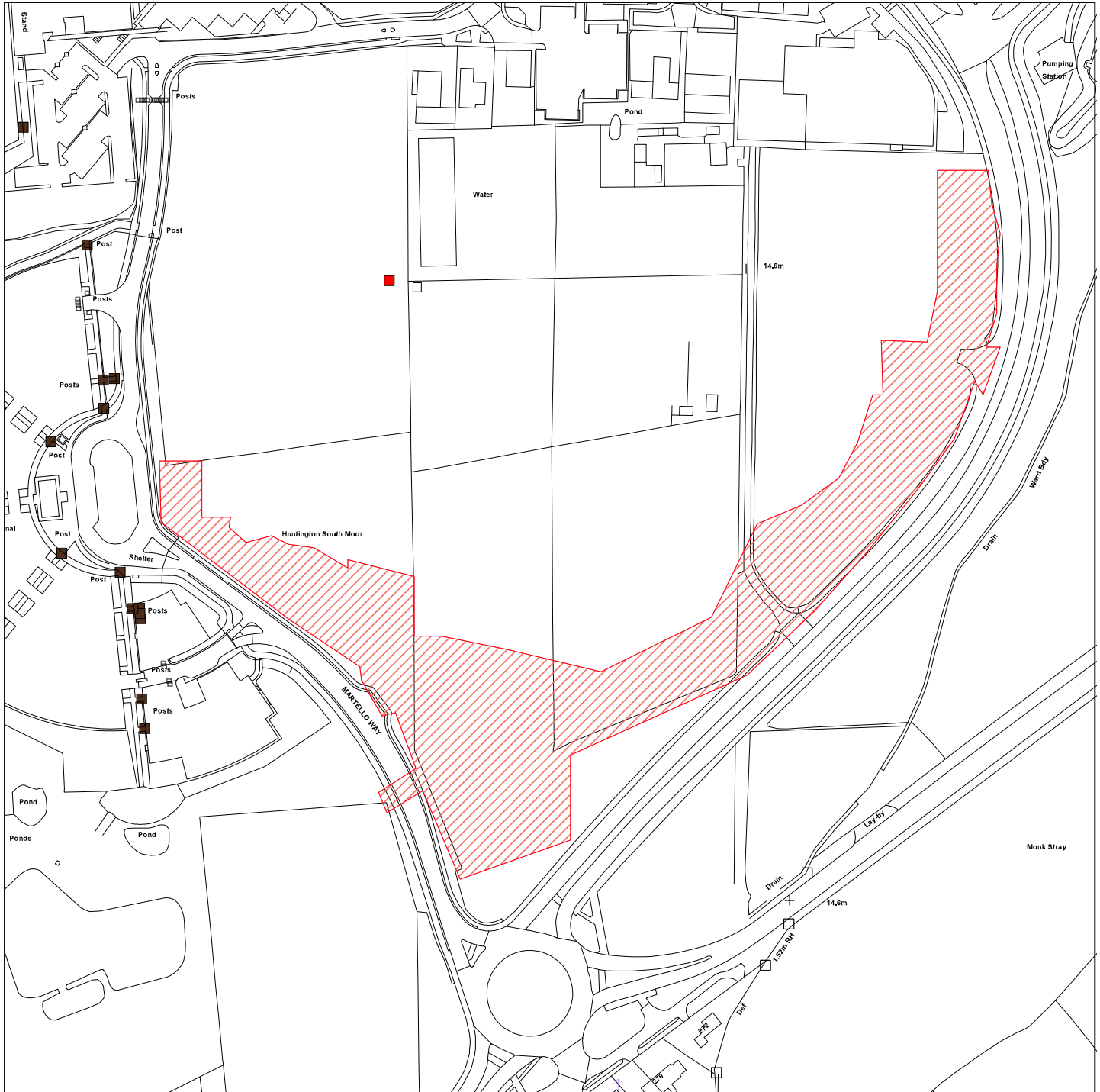
Tel No: 01904 551339

12/01152/FULM

Land Including Huntington Stadium To The West of Jockey Lane



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	14 May 2012
SLA Number	Not Set

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2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Contaminated Land GMS Constraints:

Schools GMS Constraints: St. Paul's CE Primary 0229

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

S9 Action areas

GP1 Design

HE10 Archaeology

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Comments from Design and Conservation pending.

Sustainability officer

3.2 The provision of at least 10% of the developments energy demand from LZCs is a requirement of the IPS. The solution preferred by the applicant is the installation of a combined heat and power (CHP) unit providing over 50% of the developments regulated energy demand, this far exceeds the IPS requirement. In addition, provision is to be provided that allows the installation of solar thermal or solar photovoltaic (PV) systems if required in the future.

3.3 A requirement of the Council is that a development of this scale achieves at least a BREEAM 'Very Good' rating.

3.4 The applicant confirms that all buildings on the site, with the exception of the Welding Centre, will be assessed under BREEAM Bespoke 2011 and achieve at least a 'Very Good' rating. Officers would like to see written confirmation from BRE that it is not appropriate for the Welding Centre to be assessed under BREEAM. In addition, it would be useful if the applicant could submit a statement to the Council stating that the Welding Centre will support the principles of BREEAM especially with regard to energy, water and waste.

3.5 To minimise any change in air quality officers would like to see the provision of electric charging infrastructure in a number of the parking bays proposed. Officers also recommend the use of internal light sensors, grey water harvesting systems

and a commitment to provide an agreed percentage of contractors / workforce to come from the York area., providing training opportunities in conjunction with local colleges.

Environmental Protection Unit

3.6 The Environmental Protection Unit do not object to the application. a number of conditions have been suggested in the interests of amenity.

3.7 Noise from the welding centre: The principal concern of EPU was noise associated with the use of the welding centre, where equipment such as disc cutters, needle guns, angle grinders, impact wrenches and weld grinders will be regularly used (typically training courses running 7 days per month).

3.8 Predicted noise levels associated with this activity show that noise levels at the nearest residential dwellings to the west of the site will range be between 45dB(A) and 55dB(A), with levels in gardens predicted as 48dB(A). Noise monitoring shows that during the weekdays the 1 hour Leq (continuous noise level) varies between 53dB(A) and 80dB(A) between the hours of 08:00 to 17:00 when the centre would be operational, with a Leq over the daytime period of between 60 to 70dB. As such operations at the welding centre alone would be between 5 to 10dB lower than the existing noise levels in the area. As such officers advise the operation would not affect residential amenity. However officers request that the hours of operation of the welding centre are restricted to the hours detailed in the application of 08:00 to 17:00 Monday to Friday.

3.9 Traffic: EPU has no concerns about increases in noise level due to traffic. The applicants predictions indicate there will be a negligible impact on traffic noise levels, with levels not predicted to increase by more than 1dB over that predicted if nothing was done on site. The change in traffic from the proposed development would not have a material impact on air quality. Officers would like to see electric charging points installed for vehicles, in line with council's Low Emissions Strategy.

3.10 Construction: Environmental Protection Unit recommend a Construction Environmental Management Plan be submitted as a condition if the application is approved. This will minimise impact regarding; noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development, piling operations, and will control typical working hours (08:00-18:00 Monday to Friday, 09:00-13:00 on Saturdays and no working on Sundays or Public Holidays).

3.11 Lighting: Officers consider that if the lighting adheres to the Institute of Lighting Engineers guidelines it would be acceptable. Officers have asked for information of the lighting scheme in terms of times of operation and Lux levels.

3.12 Contaminated Land: Initial site investigation works have identified elevated concentrations of metals, petroleum hydrocarbons and PAHs. Further site investigation work is required to fully characterise the site and to design appropriate remedial measures. EPU recommend that planning permission for the proposed development should only be granted subject to a condition securing an agreed remediation scheme.

3.13 Air Quality: A Combined Heat and Power system is proposed which will use natural gas boilers. There has been no assessment of the air quality impact from the proposed system. As such, a condition is required to ensure no detrimental impact on local air quality in the vicinity of the development.

Drainage Engineers

3.14 Officers have recommended a condition (no 23) to deal with site drainage.

Highway Network Management

3.15 There are no highway objections to the application, subject to the following standard conditions: highway layout to be constructed in accordance with the proposed plans, cycle parking to be installed, the preparation of a travel plan and agreement with the Local Planning Authority routing and times of traffic movements during construction.

3.16 Officers agree to the proposed cycle facilities; 20 short stay cycle spaces for visitors and 88 covered and secure spaces for staff (based on an existing 30% mode share). There will also be new shower and changing facilities incorporated into the buildings to encourage cycle trips.

3.17 Vehicle access will be gained to the site via a barrier-controlled entrance. The level of parking on the site (114 spaces) has been agreed to meet their operational needs. This has been based on information obtained from other similar recent developments and on the Authority's modal share targets. The existing parking spaces at the current Network Rail facilities in this area will gradually be removed as staff are transferred to the new building.

3.18 The shift change-over periods at 6am, 2pm and 10pm means that vehicle movements associated with staff at the Operations Centre will not be taking place during the City's usual am and pm peak periods. The Training Centre that has the potential to generate vehicle trips during the am and pm peaks in the City. These are predicted as 57 arrivals in the am and 57 in the pm peak. Traffic impact assessments undertaken indicate that there will be a less than 5% increase in turning movements at both the Salisbury Road/ Water End and Station Road/Station Rise/Station Avenue junctions which represent what is generally considered as no

significant impact, in traffic terms. Although increases at the Cinder Lane/Leeman Road junction would be material, the relatively light movements currently to be found lead officers to conclude there would be no capacity/operation issues likely when the building become operational.

Yorkshire Water

3.19 No objection, the drainage methods proposed, including surface water run-off rates, are agreed to by Yorkshire Water. Yorkshire Water note that sewers cross the site and ask that development does not occur within 6m of the sewers (unless Yorkshire Water agree otherwise). It is asked that surface water run-off from the car parking areas is passed through an oil interceptor, to and that foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. Must pass through a fat and grease trap of adequate design before any discharge to the public sewer network, to prevent pollution.

Holgate Planning Panel

3.20 Support the application.

Environment Agency

3.21 Have asked for additional details as the FRA failed to provide an adequate drainage plan which demonstrates that:

- There will be a 30% reduction in surface water discharge, for any new development, from the site.
- Storm water resulting from a 1 in 100 year event can be stored on the site without risk to people and property.

3.22 The EA ask for details of piling and any boreholes to be agreed prior to works as the site is underlain by a Sherwood Sandstone aquifer. The aquifer is likely to be protected from contamination by the overlying cohesive deposits. However piling through these cohesive deposits could create pathways for contamination to migrate down to the aquifer and impact on groundwater.

Safer York Partnership

3.23 We have been advised that British Transport Police have been engaged in the design process and will continue to do so. No specific observations were made by officers.

Statement of community involvement

3.24 A 2 day public exhibition was held to inform the public of the proposals. The exhibition was held at the Railway Station & St Paul's Church (situated on the corner of Holgate/Railway Terrace).

3.25 Neighbours (x 200 in the locality) were informed and the events advertised in the Press newspaper. In addition the applicants met with York Civic Trust, Local Ward Councillors, the Conservation Areas Advisory Panel and National Railway Museum. 22 comments forms were received. A summary of the responses is as follows:

16 in support, 3 in objection.

- Concerns were raised about the height of the proposed buildings, which would obstruct views of the Minster and the station and properties on St Paul's Mews would suffer from a loss of light.
- Future users should be made to travel to work by train. Residents were keen to ensure there would be no further parking problems on Railway Terrace and St Paul's Mews.
- Proposals should include information of the relocation of the turntable (and it is unrealistic this can be accommodated at the Railway Museum). The turntable enables steam engines to visit the city and the loss of the facility would have an adverse effect on the cities' tourism industry.
- Noise disturbance – during construction & operation.
- A welcome development for York
- Development of the site will enhance its appearance

3.26 Summary of comments as a consequence of LPA publicity (comments received from 7 residents)

- Noise disturbance: from passing freight trains which will be reflected from the proposed Building instead of being dissipated towards the Station Area, during construction and operation of the building.
- The proposed Rail Operations Centre will necessitate the removal of the Engineers Triangle which is used as an Turning Area for visiting Steam Locomotives etc.
- Loss of views of the station and the minster from St Paul's Mews / Railway Terrace.
- Request for a wider mix of, and taller trees to properly screen the welding centre and service yard, and provide visual interest.
- The turntables (which must be the only existing turntables in the British Isles, and are historic buildings) and old locomotive standing areas which have been

recently discovered and excavated are an asset to the Railway history of which York is justly proud. Preference is for these to be retained and available for the public to view.

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed development
- Impact on the comprehensive regeneration of York Central
- Visual impact and impact on the setting of listed buildings and the conservation area
- Residential amenity
- Highway Network Management
- Archaeology
- Sustainable design and construction
- Site Drainage

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 The National Planning Policy Framework states that the planning system should deliver sustainable development and the Government is committed to securing sustainable economic growth. Local Planning Authorities are expected to contribute toward building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. Local Plans are required to set an economic strategy for their area, which will include identifying priority areas for economic regeneration. The application site is in the York Central area, which is identified in the Local Plan (policy SP9) as an area where economic growth is envisaged; a new central business district which will be employment lead and include premier employment land. A planning brief was developed for the area in 2004 although this is under review. It is expected a supplementary planning document for the area will be finalised this year.

4.3 The application is made by network rail for a rail operations centre (ROC) and training facility. The ROC will eventually have up to 477 staff and be one of 14 such centres in the United Kingdom. It would operate the East Coast Mainline between London and Scotland and other routes within Lincolnshire, Humberside and West Yorkshire. The training centre would have a capacity of 200 and will teach new engineering and maintenances techniques and skills.

4.4 The site is at the edge of the city centre, a previously developed 'brownfield' site which is identified in the Local Plan as one which the Local Planning Authority wants

to see re-developed. The site is next to the railway station, and has excellent public transport links. The economic development proposed is welcome in the city and in particular in this central location. In principle the development fully accords with the requirements and expectations of the National Planning Policy Framework and local planning policy.

IMPACT ON THE COMPREHENSIVE REGENERATION OF YORK CENTRAL

4.5 It was established in the 2004 development brief that York Central would be subject to a comprehensive masterplan, which is yet to be developed. This application is made by Network Rail. The application site is at the edge of the overall site (the boundary runs along the railway line to the southwest) and development of this area will be constrained by the railway line to the immediate east of the application site.

4.5 The masterplan for York Central will (according to the development brief) need to consider access into the site, permeability and the relationship with the railway station; including developing an appropriate western access into the station. Due to its location, the proposed development will not materially effect how the overall area is developed in this respect. Issues of urban design are covered in the visual amenity section.

4.6 Other potential strategic issues are the future provision of a Harrogate line which would be brought into the station along the north side of the site and the need to relocate the locomotive turning facility presently on site. Network Rail have given assurances that the development would not compromise the delivery of the Harrogate line (an alternative vehicle/servicing access would need to be introduced from the northeast), and that a replacement locomotive turning facility will be provided in the city.

VISUAL IMPACT

4.7 Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.8 Policy GP1 follows national principles established in the National Planning Policy Framework which advises that good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people. Good design means development which is fit for purpose, safe, and attractive, responding to local character. Development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should be refused.

4.9 The application site is within the Central Historic Core Conservation Area and adjacent the grade 2 star listed railway station, and can be seen from the grade 1 listed City Walls. The National Planning Policy Framework requires that development either preserves or enhances the historic environment. York's most recent policy on heritage assets relevant to this site is the Central Historic Core Conservation Area Appraisal. The appraisal identifies and seeks to protect identified views of the Minster, and requires that developments;

- respect local building heights and form;
- place importance on the design of roofs and the roofscape: because they are often highly visible from raised viewpoints and new development should contribute positively to the character of York's distinctive skyline in this respect;
- preserve existing views and look to create interesting new ones;
- seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics; and
- use materials appropriate to the status and context of the building.

4.10 Site access is constrained by the presence of the railway lines to the southern and western sides of the building, for pedestrians a reasonably direct link from the train station, around the existing signalling centre. Otherwise cyclists and pedestrians would arrive via Cinder Lane and the Cinder Lane footbridge.

4.11 The building footprint has been derived as it is desirable for the buildings to have a strong presence and relationship with the railway line, and to retain some views through the site towards the railway station and The Minster. Consequently the taller building (the ROC) is parallel to the railway line, in the southeast corner of the site and the low buildings are to the northeast and northwest of the site. As such views are generally retained from Railway Terrace (which is 5m higher than the application site), through St Paul's Mews towards the station and The Minster.

4.12 Red brick has been chosen as the predominant material for the buildings, as it is robust and characteristic of York. The elevations are clean and contemporary, the approach being that the framework of the building predominantly consists in a repetitive series of columns which reference the brick form of the main railway station and buildings at the Railway Institute, this will be apparent when the building would be seen alongside the railway station from the City Walls. Glazing, cladding panels and solar shading devices will be recessed, back from this main brick exterior.

4.13 The building would have a flat roof covered using recycled materials from the site and concealed behind a parapet wall. The flat roof fits with the design approach to the building and reduces its massing, and is considered an acceptable approach. The plant areas are located on the top of the building, and a considerable amount of plant is required for the ROC. The plant room is just over 5m high (the 3-storey brick structure is 13.5m high from floor level to the top of the parapet wall) and an aluminium louvered structure. The applicant has been asked to re-consider the roof design, to see if the plant room can be lower. A height reduction would be desirable but otherwise due to the location of the ROC building a building of the proposed height would not appear out of place. The maximum height would be of comparable height to the railway station building and the 4-storey dwellings on the southeast side of the railway line yet the proposed building's apparent scale would be reduced as the plant room would be setback around 7m from the edge of the building.

4.14 Due to the location of the building and the orientation of surrounding buildings there would be a material impact on distant views of the station, from Railway Terrace, between the two terraces of houses at St Paul's Mews which are perpendicular to each other. However it has always been anticipated that development at York Central will affect some views through the site. The 2004 planning brief for the site advises that development must protect 'important vistas and views across the city', and identifies key views as being of The Minster and of the Train Station from the City Walls. The Central Historic Core Conservation Area Appraisal has since been developed which identifies important views and vistas of, and within, the city and these will not be affected. The loss of views, including those of the Minster and the Train Station, from private houses that would occur as a consequence of the proposed development is not material in planning terms (rather the consideration is whether the proposed development would be unduly over-bearing or over-dominant) and does not warrant further amendment or refusal of the proposed development.

AMENITY OF SURROUNDING OCCUPANTS

4.15 The houses to the west of the site, on the opposite side of the railway line, are between 25 and 30m away from the application site boundary. There are 3 terraces of houses (nos 28-50 St Paul's Mews) opposite the site which are orientated so they face generally north or south, the gable ends of the terraces that face the site only have single windows on the elevation facing the site, which do not serve main living room windows. The terrace further south (nos 7-28) does face southeast, but only indirectly at the ROC building. As such the existing houses would not suffer from over-shadowing from the proposed developments. The west elevation of the ROC would look beyond, rather than directly at, nos. 7-28 and would be a building of significantly larger scale than the houses; the west elevation being around 35m wide and around double their height (13.5m tall). However the building is of the height

which has been suggested at York Central (3-5 storey typically with exceptional 6-storey buildings according to the 2004 planning brief). As the building would be at least 45m from the nearest houses, it would not be unduly dominant over its neighbours and would not be unduly over-bearing.

Noise / disturbance

4.16 The potential increase in noise levels attributable to reflections from the proposed development buildings during train-pass situations has been assessed as part of the applicants modelling exercise. The noise modelling considered trains travelling along both the Mainline and Skelton line tracks for the current scenario i.e. without development, and a future scenario where the proposed buildings have been erected.

4.17 The noise modelling has shown that there will be no perceptible increase in the noise levels at the nearest residential receptors due to reflection effects from the proposed development buildings.

4.18 The welding centre would only operate between the daytime hours of 08:00 and 17:00. The predicted noise levels as a consequence of the operations at the nearest residential areas will not exceed levels which the World Health Organisation (WHO) deem to be acceptable (recommend that on average noise levels are no more than 35dB in living rooms and 50 dB in outside garden areas). Based on the applicants modelling the worst case scenario will be noise levels of 36dB in gardens. This indicates that the operation would not cause undue disturbance and generally noise as a consequence of the proposed development would not exceed the average noise levels already experienced during the daytime.

4.19 Otherwise due to the distance of the application site from the nearest houses it is unlikely that noise from plant and equipment (it is all shown as being internal) or lighting of the service yard would affect surrounding occupants, although these matters can be controlled through conditions. Staff coming and going will enter the site from the opposite side, in relation to St Paul's Mews, and therefore would not cause undue disturbance.

Construction noise

4.20 A level of disturbance during construction at any site is inevitable and planning applications must be determined on the basis of the end product rather than any disturbance during the construction. However through a suitably worded condition related to construction management, control can be exercised over general working hours, any piling required and minimising the creation of noise, vibration and dust.

Access and highway safety

4.21 Vehicular access into the site will be from Cinder Lane. In addition pedestrians would be able to access the site via a new link from the railway station and from Cinder Lane.

4.22 Traffic impact assessments undertaken to determine the likely impact of the development traffic on the highway network advises that the additional traffic generated by the development will not compromise the operation of the highway network. Cinder Lane and its junction with Leeman Road have the capacity to deal with the expected additional traffic volumes. The assessments indicate that there will be a less than 5% increase in turning movements at both the Salisbury Road/Water End and Station Road/Station Rise/Station Avenue junctions which represent what is generally considered as no significant impact, in traffic terms.

4.23 The level of parking on the site (114 spaces) has been agreed to meet operational needs. This has been based on information obtained from other similar recent developments. The parking will primarily be used for persons working shifts at the ROC (24 hour operation); 1 space per 2 staff and the welders who need to use private vehicles in order to carry their equipment.

4.24 We understand that existing parking spaces at the current Network Rail facilities in this area will not be used by this development and gradually they will be removed as staff are transferred to the new building and eventually these areas will form part of the wider York Central Scheme.

4.25 Staff cycle parking (88 spaces) will be within the building. There would be 20 visitor spaces. Delivery of the facilities; secure spaces and changing facilities can be secured through condition. The amount of cycle parking is likely to be adequate given the number of staff on site at any time. However it is felt there should be space allocated for extra spaces on site if necessary in future (which would be identified in the travel plan).

ARCHAEOLOGY

4.26 The site is within the City Centre Area of Archaeological Importance. In terms of historic railway infrastructure at the site there was a rectangular locomotive shed built in 1841 and three roundhouse sheds (built between 1849 and 1864). The roundhouse sheds had central turntables and radiating stalls, and were where engines were stored and maintained. The rectangular shed formed part of the design of the original station, and was designed by GT Andrews (who also designed the station), the larger of the roundhouses was designed by Thomas Prosser, who also designed the existing railway station. The structures were all demolished by 1963.

4.27 Investigations have been undertaken to ascertain to what extent the buildings survived below ground, full excavation could not occur at this stage as the turning

facility on site is still operational, and the majority of roundhouse 1 is underneath live track. The floor levels of each of the roundhouses have been exposed. The roundhouses are substantially complete and can be readily understood, they have been recorded and the site was opened to the public during May this year.

4.28 Local Plan policy HE10 requires an evaluation of sites within the City Centre Area of Archaeological Importance, to assess the importance of remains on site be carried out, and for developments to preserve at least 95% of archaeological deposits. Discussions are ongoing with Council's Archaeologist as to the final scheme for preservation of the remains. However the intention is that a foundation system, sub-structure design, servicing strategy, and construction methodology that will ensure the preservation of at least 95% of each of the 3 roundhouses and the 1841 engine shed, is achieved. Furthermore it is desirable that a glass viewing panel within the floor is installed, possibly by the building's entrance, revealing the remains.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.29 The buildings will have an energy efficient design and low carbon technologies will be incorporated; combined heat and power and air-sourced heat pumps. These installations will deliver at least 10% of the building's energy demand. The roof design allows photovoltaic panels to be retro-fitted. The applicants intend to achieve a rating of BREEAM very good for the ROC and the social hub. It has been agreed with the Building Research Establishment (BRE) that a BREEAM rating would not be sought for the welding centre, as the building will not be environmentally controlled. The changing rooms would though have water efficient devices installed.

SITE DRAINAGE

4.30 Drainage engineers have suggested a suitable condition, to ensure they are satisfied with site drainage.

5.0 CONCLUSION

5.1 The development is deemed as the type of sustainable economic development both the Government and York Council wish to see delivered and in this respect the scheme is welcome. It is deemed that in design terms the scheme is acceptable; the development would compliment the setting of the grade 2 star listed railway station and would not harm the amenity of surrounding occupants. In addition the development would not cause noise disturbance, or have an undue impact on the highway network.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

(SK)001A Building Locations
(SK)002 Proposed Site Plan
(SK)003A Proposed Elevations
(SK)004A GA Ground Floor Plan
(SK)005A GA First Floor Plan
(SK)006A GA Second Floor Plan
(SK)007 Plant Compound Plan/Sections/Elevations
(SK)008A Fencing Strategy
(SK)009 Fencing Strategy Pedestrian Route

(B1-ROC)

(SK)101E Ground Floor Plan 1:100 A1
(SK)102E First Floor Plan 1:100 A1
(SK)103E Second Floor Plan 1:100 A1
(SK)104C Plant Room and Roof Plan 1:100 A1
(SK)105C PV Deck Level Plan 1:100 A1
(SK)106A Plant Room Roof Plan 1:100 A1
(SK)107C North and East Elevations 1:100 A1
(SK)108C South and West Elevations 1:100 A1
(SK)109A Sections 1:100 A1
(SK)110 Typical Bay Details 1:50 A3

(B2-WDC)

(SK)201F Ground Floor Plan 1:100 A1
(SK)202F First Floor Plan 1:100 A1
(SK)203C Plant Room and Roof Plan 1:100 A1
(SK)204C Plant Room Roof Plan 1:100 A1
(SK)205C North and East Elevations 1:100 A1
(SK)206C Sections 1:100 A1
(SK)207 Typical Bay 1 and 2 details 1:25 A1
(SK)208A South and West Elevations 1:100 A1
(SK)209B Lower Roof Plan 1:100 A1

(B3-Social Hub)

(SK)301E Ground Floor Plan
(SK)302E First Floor Plan
(SK)303C Roof Plan

(SK)304B South and East Elevations
(SK)305C North and West Elevations
(SK)306B Sections

(B4-Welding Centre)

(SK)401B Ground Floor Plan
(SK)402C Elevations
(SK)403B Sections
(SK)404A Roof Plan

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Upon completion of the development use of the welding training centre shall only operate during the following hours:

Monday to Friday 08:00 to 17:00

Reason: To protect the amenity of nearby occupants.

4 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

To be updated at committee

Reason: So that the Local Planning Authority may be satisfied with these details.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall include; details of surfacing and pedestrian priority measures between the Cinder Lane footpath and main site entrance, existing and proposed fencing and the number, species, height and position of trees and shrubs to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7 Should a proposed new rail access into the station area result in the severance of the site access arrangements; on confirmation that the link is required an alternative approach to accessing and servicing the development shall be submitted to and approved by the Local Planning Authority, and subsequently implemented by the applicant. The alternative approach shall provide appropriate vehicular, cycle and pedestrian links to the site.

Reason: To ensure that aspirations to provide a high quality, pedestrian dominated and public realm framed urban quarter immediately behind the rail station as part of the wider regeneration of the York Central site are not compromised.

8 Prior to first use of the development hereby permitted the cycle storage area and showering/changing facilities, as shown on drawings SK 002 and 004, shall be installed in accordance with the approved plans. Cycle stands shall be Sheffield type or similar and shall provide for at least 20 visitor spaces and at least 88 staff spaces. The facilities shall be retained for the lifetime of the development.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

9 Travel plan

Within six months of occupation of the site a travel plan, for employees and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys, shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with

Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

10 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (including cycles) have been constructed (surfaced, sealed and positively drained) and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11 Lighting

The external lighting (location and type of light fitting) shall be installed in accordance with Ramboll Drawing 1946/SR/E/PO2 A unless otherwise agreed by the Local Planning Authority.

Lighting to the car park areas and the pedestrian approaches to the building shall not exceed average Lux levels of 25 lux. (as the site is deemed to be classed as environmental zone 2: low district brightness area based on Institute of Lighting Engineers guidance this requirement complies with BS5489)

The times and lux levels of lighting to the service yard areas (to the southwest of the buildings hereby approved) shall be submitted to and approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved details.

Details of the internal lighting strategy for the ROC building shall be submitted to and approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved details. (this is in the interests of visual amenity and the amenity of residents to the southwest of the site given the design of the end elevation and as the building will be occupied on a 24 hour basis).

Reason: In the interests of the amenity of surrounding occupants, and visual amenity.

12 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted which are audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include the location, maximum sound levels (L_{Amax}(f)), average sound levels

(LAeq), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior to the commencement of the development hereby permitted.

All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of amenity.

13 Boreholes for intrusive assessment and piling using penetrative methods shall not be permitted other than with written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is underlain by a Sherwood Sandstone aquifer. This is likely to be protected from contamination by the overlying cohesive deposits. However piling through these cohesive deposits could create pathways for contamination to migrate down to the aquifer and impact on groundwater.

14 An air quality screening assessment shall be undertaken for the proposed gas fired CHP plant and natural gas boilers serving the site, which shall demonstrate the CHP used will have an acceptable impact on air quality. The screening assessment shall be approved in writing by the Local Planning Authority prior to first occupation of the site.

Reason: to ensure no significant, detrimental impact on local air quality.

15 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. In addition the following shall be adhered to during construction:

a) All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning

Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

b) All loaded lorries leaving the site shall be securely and effectively sheeted.

c) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

d) Except in case of emergency, no operations shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents and businesses

16 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting excavation and construction materials, and the hours during which this will be permitted.

Reason: to ensure that the works are carried out in a safe manner and with minimal disruption to users of the adjacent public highway.

17 Kitchen extraction

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents

18 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application,

must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation

criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 ARCH1 Archaeological programme required -

21 ARCH2 Watching brief required -

22 ARCH3 Foundation design required -

23 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development must be restricted to a maximum 15.0 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 10.0 lit/sec.
- c) Details/design of the permeable paved car parks limiting the surface water discharge to 5.0 lit/sec.
- d) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modeling should be provided.
- e) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- f) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- g) Details of condition survey to prove suitability of existing sewer running through the site and connection to.
- h) Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

24 Surface water run-off from the car parking areas shall pass through an oil interceptor and foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. shall pass through a fat and grease trap of adequate design before any discharge to the public sewer network, to prevent pollution.

Reason: To prevent pollution of the drainage network.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity, heritage assets and highway safety. As such the proposal complies with Policies S9, GP1, HE2, and HE10 of the City of York Development Control Local Plan.

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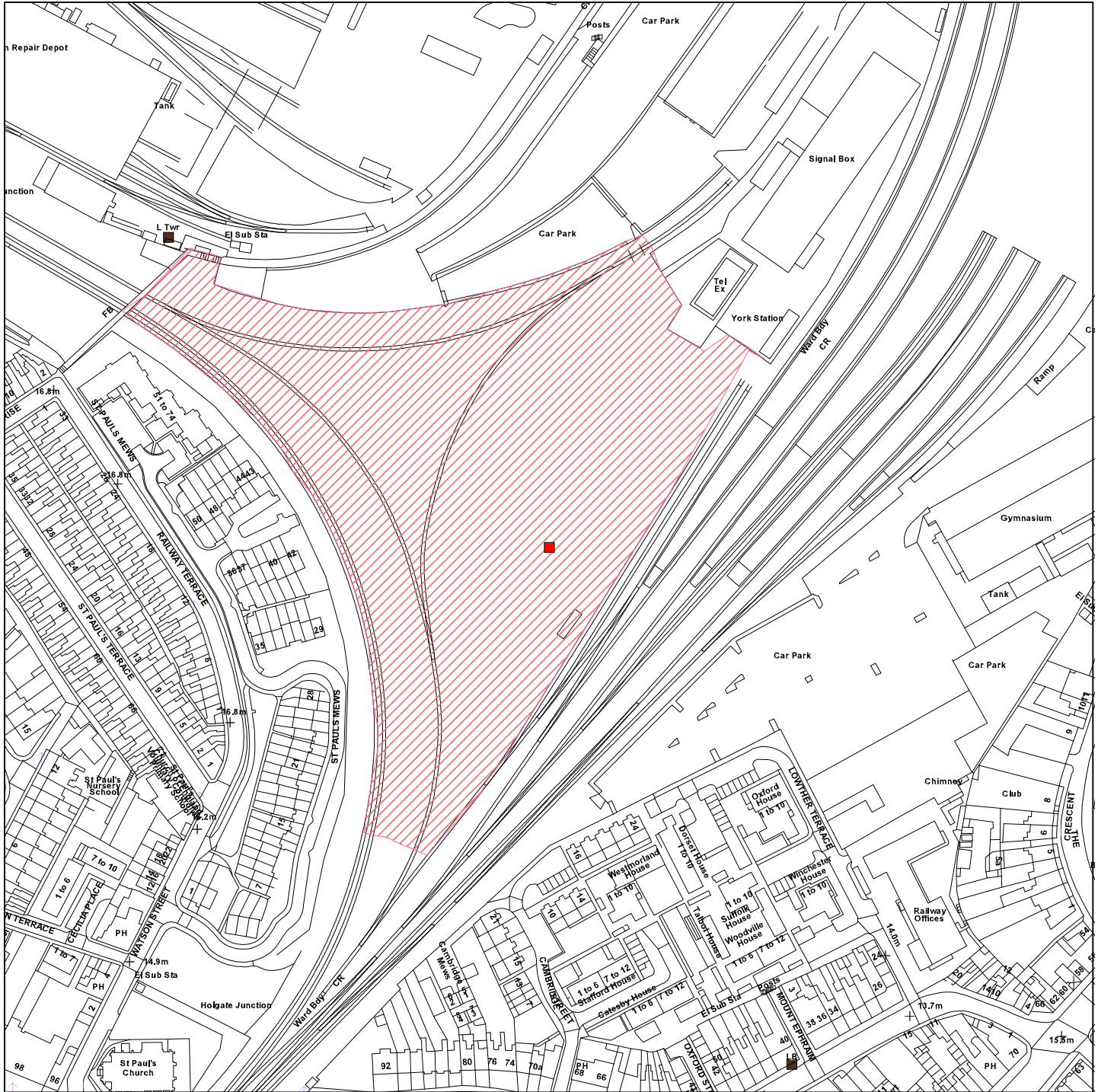
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12/01176/FULM

Proposed Training and Rail Operations Centre



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	14 May 2012
SLA Number	Not Set

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12/00613/FULM Audi York Centurion Way Committee Update:-

Additional Condition: - "Prior to the commencement of the development hereby authorised details of a cycle parking area for use by staff and customers, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be first occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason:- To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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COMMITTEE UPDATE

NETOWRK RAIL APPLICATION 12/01176/FULM

Further officer comments

Design Conservation and Sustainable Development

Archaeology Comments

Officer's support the scheme and have a recommended a condition to deal with archaeology.

The site was identified in pre-application discussions as having high archaeological potential. This potential relates to prehistoric occupation associated with possible post-glacial palaeo-channels or ponds; Romano-British activity with the potential for burials; and features and deposits related to the development of the post-1830 railway landscape, most notably a group of mid-19th century engine sheds.

The earliest structure was a 'straight' shed built in 1841 in the northern part of the site, with three 'roundhouse' sheds built to the south of this in 1850 (Roundhouse 1), 1852 (Roundhouse 2) and 1864 (Roundhouse 3). Evaluation has indicated that the floor surfaces of these 19th century structures survived almost intact almost immediately below the gravel and clinker ground surface. The areas have been subject to allow a highly detailed and accurate laser survey of the structures and detailed photographic recording.

The evaluation and subsequent analysis of geotechnical information from the site also indicated that a post-glacial landscape survives underneath the 19th century railway landscape. However, no archaeological features or artefacts associated with this landscape have been recovered from within the application area.

This work led to considerable professional and public interest in the site. As a consequence the applicant organised two well-attended open days that were held on Friday 27th and Saturday 28th April.

The remains of roundhouses 2 and 3 are substantially intact; the occurrence of three roundhouses in close proximity is rare nationally; roundhouses 1 and 2 have historical associations with the early years of railway development in York; roundhouse 3 was designed by Thomas Prosser, the architect who went on to design York Railway Station; there is considerable community significance in the structures; and interpretation and understanding of the structures is supported by much archival material. The structures are non-designated heritage assets which lie

within the City Centre Area of Archaeological Importance and, in officers opinion, are of high significance.

The proposals will affect the fabric and the significance of the structures. However, the applicant has demonstrated that the physical impact and loss of significance can be minimised through the careful design and construction of the foundations. The latest iteration of the evolving foundation design demonstrates that the impact on the foundations will result in the loss of 4.2% and 4.6% of the fabric of fabric of roundhouses 2 and 3 respectively (roundhouse 1 is predominantly under live track). This loss is in line with Local Plan policy.

The roundhouses will also be reburied underneath the new building and its associated landscaping. The high security nature of the site means that there is no access for the general public to the site. There would be little public benefit therefore in demanding that the roundhouses are left in the open. Indeed, the exceptional preservation of the fabric of the structures can be explained in part by the fact that they have been buried for the last 50 years. Officers therefore consider that the reburial of these structures, coupled with the detailed surveys and understanding gained through the archaeological recording will ensure that they remain in an excellent state of preservation. This will ensure that when the proposed building is demolished in the future, the roundhouses will still be in very good condition.

Discussions with the applicant have ensured that a series of archaeological mitigation measures will be implemented for Roundhouses 2 and 3. These will ensure that the fabric in those areas directly affected by the foundations will be recorded archaeologically, carefully dismantled and retained.

City Development: Major Projects officers

No objection

Policy CS3 of the draft Core Strategy sets out that 'the York Central development will be delivered in a phased approach within a comprehensive framework, which identifies new infrastructure requirements within the context of the whole of the YNW Corridor'. This coordination will be provided through the SPD, which is currently under production, and is expected to be publicly consulted on in summer 2012. Development within the York Central area and in advance of this detailed comprehensive framework (SPD) should ordinarily, by virtue of its potentially prejudicial effect on the wider development area, be refused planning permission.

The circumstances of this planning application differ to a typical development, in that it relates to the development for operational rail purposes of land owned by Network Rail, which takes priority over land release for commercial purposes.

The availability of the York Central site for redevelopment is contingent on the land's release from the operation rail uses for which it is currently utilised. The development subject of this application will relocate and rationalise some of these existing

operational uses from elsewhere on the York Central site and allow some ancillary expansion of York's functional as an operational rail centre.

Lengthy discussions have taken place over the location of this essential rail infrastructure, and the least prejudicial, operationally feasible location has been selected by Network Rail. Given the operational rail based nature of the proposed development, it is not considered premature (in the context of the allocation of the wider York Central Historic Core Conservation Area Appraisal development site for comprehensive development) to grant planning permission at this stage.

Notes on committee report

BREEAM

The ROC and training centres will achieve BREEAM Very Good. BREEAM assessors recommend the welding centre is not assessed under BREEAM. However the building will include a high efficiency boiler and lighting, water and lighting controls within toilets and metering of services.

Archaeology

It is no longer intended to proceed with revealing any of the archaeological remains, via a glass viewing portal, as suggested in the officers report. The roundhouses will be reburied underneath the new building and its associated landscaping.

The exceptional preservation of the fabric of the structures can be explained in part by the fact that they have been buried for the last 50 years. On balance officers agree that a glazed panel would create significant problems for the exposed structure and that the public benefit of having this provision would not outweigh the benefits:

- It would not be possible to control the atmospheric conditions within a viewable area. This would mean that the remains would be vulnerable to mould, fungus and algae growth;
- There would be an ongoing requirement for access to clean and maintain the exposed structures – there would be insufficient headroom below the ground floor slab to provide this essential access;
- The form of the hard-landscaping outside the new buildings will reference the roundhouses and other railway structures on the site;
- Interpretation material (photographs, text, plans) will be provided within the development which will tell the story of the history and development of the site to the people who will work on the site;
- There is no access for the general public to the site

Cycle parking

The applicants consider the cycle parking will be adequate when the building is at capacity. Cycle parking will be monitored as part of the travel plan, and this could be amplified in the condition.

Replacement locomotive facility

It is deemed unnecessary to condition relocation of the turning facility. It is a legal requirement that Network Rail provide the facility within the city. The applicants can provide further information on this requirement.

Tree cover

To help screen the service yard in views from Railway Terrace the applicants have agreed they can introduce some larger trees in the planting strip along the west boundary. The trees would reach approx 6m high. There are limits to the amount/size of trees that can be placed here due to operational constraints.

Appraisal paragraph 4.9

The site is NOT in the Central Historic Core Conservation Area.

Alterations to conditions

- Large scale details added. Requires construction details, plant enclosures, illuminated signage and free-standing signage within the site (when over 2m high).
- Conditions requiring large scale details and materials altered so these can be approved before the building envelope is constructed rather than (the standard) prior to development commencing.
- Condition 6 landscaping – altered to include additional tree planting at west boundary and incorporation of archaeology in surfacing.
- Condition 7 in report deleted (condition required details of access required if the Harrogate line developed).

A new rail line and associated development at the station would require planning permission. At such time it would be appropriate to agree any changes in this respect.

- Lighting condition (no.11 in report) – average lighting levels in car park 15 Lux. Not 25.
- Construction – permitted times (start time was 8:00 weekdays, 9:00 Saturday) and details altered. Starting times proposed are typical in construction industry.

'Construction work and associated site operations shall only take place on site between the hours of 07:30-18:00 Monday to Friday and between 08:00-13:00 on Saturdays (excluding Public Holidays).

At times when construction operations are not permitted work shall be limited to emergency works and works which are inaudible at the site boundary. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency work, and a schedule of essential work shall be provided. Any other works not covered by this condition associated with construction would need to be agreed in writing in advance with the Local Planning Authority'.

- Recommended condition rather than archaeology conditions proposed in officer's report:

Before any groundwork for the development commences on site an Archaeological Remains Management Plan (ARMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The approved plan shall subsequently be implemented. The ARMP shall include the following: -

- a) Details of the final foundation design that will adhere to the design principles set out in drawings 19649-ST-500 and 19649-ST-501.
- b) Detailed method statement for the recording, dismantling and retention of fabric of Roundhouses 2 and 3 affected by (a).
- c) Retention on site or deposition with an appropriate body, approved by the Local Planning Authority, of artefacts, stonework and metalwork recovered during evaluation work and through implementation of (b).
- d) Details of groundworks and other sub-surface interventions that might impact on the 1841 Straight Shed and the buried post-glacial landscape, which shall be submitted for approval by City of York Council prior to development.
- e) Identification of groundworks and other sub-surface interventions associated with the ground-water attenuation tanks and sewer connections that shall be accompanied by an archaeological watching brief.
- f) Full report on all archaeological interventions which shall be produced and deposited with the City of York HER and an appropriate body, approved by the Local Planning Authority, and the results published.
- g) Provision for an exhibition about the roundhouses and history of the site shall be made at an appropriate location, which shall be approved by the Local Planning Authority,
- h) Information placed within the building and associated landscaping to allow people working in the new buildings to understand the history and archaeology of the site.
- i) A clear research design context for all archaeological work on this site.

j) A programme of intellectual access during the lifetime of the archaeological project for the general public, the local community and schools, colleges, universities and other educational groups.

k) A timetable for publication and exhibition.

REASON: The site lies in an area where significant archaeological deposits have been identified. The development will affect these important archaeological deposits and they must be conserved in-situ and recorded during the construction programme.

DRAFT DECISION



Approve Outline Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Mr Richard Woodford
How Planning LLP
40 Peter Street
Manchester
M2 5GP

Application at:

Land Including Huntington Stadium To The West Of Jockey Lane Huntington York

For:

Outline planning application for a mixed-use development comprising, the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non-residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping

By:

Oakgate (Monks Cross) Limited,

Application Ref No:

11/02581/OUTM

Application Received on:

21 September 2011

Preamble

For the purposes of this planning permission, the following terms shall be defined as follows:

“Stadium” means development within the area shown [] on drawing []

“Community Facilities” means development within the area shown [] on drawing []

“Retail Development” means development within the area shown [] on drawing []

“Huntington Stadium” means the existing stadium within that part of the application site shown [] on drawing []

“GCN Mitigation Works” means those works approved and required pursuant to Condition [6(b)] and Condition [10]

CONDITIONS OF APPROVAL:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Details of the following matters shall be submitted to and approved in writing on a phased basis by the Local Planning Authority prior to the commencement of development of each of the Stadium and the Community Facilities and the Retail Development (save for the GCN Mitigation Works) respectively, and the development shall be carried out in accordance with the approved details:

Details to be submitted: appearance, landscaping (save for the GCN Mitigation Works), layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2010 and also to allow for the phased delivery of the development

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details unless otherwise agreed in writing by the local planning authority or required by other conditions of this planning permission:-

Design Code, Land Use, Parameters Plan and Building Heights Parameters Plan received by City Of York Council on 13th February 2012, and references to such plans and details as defined by this condition 3.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 Prior to the commencement of any works on each of the Stadium and Community Facilities and the Retail Development (save for the GCN Mitigation Works), a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works relating to that element of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information in respect of the relevant part of the development site:-

- a) a programme of works
- b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- c) where contractors will park
- d) where materials will be stored within the site
- e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- f) a dilapidation survey of the adjacent highway.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

5 The development hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the buildings on site shall be obtained from low or zero carbon technologies. The 'Considerate Constructors' scheme or equivalent shall be adhered to during construction of each part of the development and all timber products used in construction shall be from sustainable sources.

Details of how the development shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing (save for the GCN Mitigation Works) and the development carried out in accordance with the approved details thereafter.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of the final part of the development being brought into use. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a BREEAM standard of 'Very Good'. The approved

remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

6 (a) Save for the GCN Mitigation Works no development of each of the Stadium and Community Facilities and the Retail Development respectively shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme for that part of the development which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes. The scheme shall propose native species throughout. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the completion of the Stadium, Community Facilities or Retail Development (as the context requires). Any trees or plants which within a period of ten years from the substantial completion of the planting and Stadium, Community Facilities or Retail Development (as the context requires), die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to prior local authority approval and notification respectively within and beyond this five year period.

(b) No development relating to Great Crested Newt mitigation within the area of the Retail Development (as set out in the Environmental Statement dated [21/09/11] and addendum [13/02/12]) shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape and drainage scheme for those works (which shall be the defined "GCN Mitigation Works") which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes. It will also include details of ground preparation. The scheme shall be implemented in accordance with the approved *details*.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

7 Prior to commencement of the development of each of the Retail Development (save for the GCN Mitigation Works), the Stadium and the Community Facilities, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during

the demolition, site preparation and construction phases of the relevant part of the development (as set out below) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following measures:-

(a) Noise

- (i) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

- (ii) The A weighted equivalent continuous free field noise level (Leq dB (A)) attributable to the operation measured at the noise sensitive property boundaries shall comply with the ABC method given in British Standard 5228 for setting construction noise limits at residential receivers.

- (ii) The operator shall provide and install all necessary monitoring equipment to carry out noise measurements, in accordance with arrangements and at location(s) submitted to and agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all noise records and results from the site on request.

- (iii) All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

(b) Dust

- (i) All loaded lorries leaving the site shall be securely and effectively sheeted.

- (ii) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or

fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iii) The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

(c) General

(i) Except in case of emergency, and unless otherwise agreed in writing with the Local Planning Authority, no operations shall take place on the Stadium part of the site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturday. On a Sunday or public holiday, no operations shall take place on the Stadium part of the site which are audible at the site boundary.

(ii) Except in case of emergency and unless otherwise agreed in writing with the local planning authority no external operations shall take place on the Retail Development site other than between the hours of 8am to 6pm Monday to Sunday. On a Sunday or public holiday, noise from operations on the Retail Development shall be kept to a minimum by not carrying out piling. Internal works e.g. shop-fitting shall be unrestricted.

(iii) At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(iv) During the construction process heavy goods vehicles shall only enter or leave the community stadium and community facilities site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on Stadium and Community Facilities on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(v) During the construction process heavy goods vehicles shall only enter or leave the retail development part of the site between the hours of 08:00-18:00

on Mondays to Sundays inclusive (this excludes the movement of private vehicles for personal transport).

Reason: In the interest of the safe development of the site and amenities of the occupants of nearby properties.

8 Unless otherwise agreed by the Local Planning Authority, within each of the Stadium and Community Facilities development and the Retail Development other than that required to be carried out as part of an approved scheme of remediation and the GCN Mitigation Works must not commence until parts a to c of this condition have been complied with in respect of that part of the development:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the relevant part of the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the relevant part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the relevant part of the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development upon either the Stadium, the Community Facilities or the Retail Development (excluding the GCN Mitigation Works) (as the context requires) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 In the event that contamination is found at any time when carrying out the Stadium, Community Facilities or Retail Development (as the context requires) that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The development of the Stadium, Community Facilities or Retail Development (as the context requires) shall be carried out in accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 The wildlife mitigation plan shall be implemented fully in accordance with the details and timescales within the submitted Environmental Statement dated [21/09/11] and addendum [13/02/12] submitted as part of the planning application.

Reason: In the interests of nature conservation.

11 Prior to first occupation of any part of the site, a Management Plan for the maintenance and protection of the wildlife mitigation area shall be submitted to and approved in writing by the Local Planning Authority. The management Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of nature conservation.

12 A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site required by this condition as specified in submitted drawings;

-Internal access roads as indicated within the approved design code

-MC-GA-002 Issue P1

-MC-GA-003 Issue P1

-MC-GA-004 Issue P1

-MC-GA-005 Issue P1

-MC-GA-006 Issue P1

-MC-GA-007 Issue P2

-MC-GA-008 Issue P5

or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 1 of said audit must be submitted to and confirmed in writing by the LPA prior to works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

13 Within 6 months of the commencement of development of each of the Stadium the Community Facilities and the Retail Development (excluding the GCN Mitigation Works) a strategy for the placing of directional signage on the highway network in respect of the relevant part of the Development shall have been submitted to the Local Planning Authority for approval. The approved

strategy shall be implemented prior to any part of the Stadium, the Community Facilities or the Retail Development (as the context requires) being brought into use.

Reason: In order to manage traffic flows to minimise the likelihood of development traffic using inappropriate routes to the detriment of highway safety, residential amenity or air quality

14 Prior to the commencement of development (excluding the GCN Mitigation Works), equipment to monitor traffic volumes including Automatic Traffic Counters (ATC`s) and queue length detection loops and associated equipment shall be installed on the following highways (detailed locations to be agreed in writing by the Local Planning Authority);

-Jockey Lane

-Martello Way

-Malton Road

-A64/A1237/A1036 junction

The equipment shall be sited for a period of at least 5 years following full occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accurately monitor the vehicular impact of the development proposals to ensure mitigation funding is spent appropriately and proportionately to the development.

15 The detailed drawings to be submitted for the approval of the Local Planning Authority pursuant to condition 6 shall include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:-

(i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;

(ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;

(iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;

(iv) No burning of materials shall take place within three metres of the crown spread of any tree;

(v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

16 The submission of reserved matters relating to each of the Stadium and the Retail Development shall include a full lighting scheme for that part of the Development. . This scheme shall detail the locations, heights and lux of all lighting, including flood lighting, and any other relevant information together with a detailed mitigation scheme in respect of the effects of light pollution and light trespass. It should also provide a contour map of the site showing the location of existing residential dwellings located within 100m of the site boundary and the predicted light spill on the horizontal plane and the vertical illuminance calculated at the window of the nearest residential dwellings facing the site. The development and mitigation measures shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of nearby occupants

17 Any floodlighting of the Stadium and Community facilities as approved and installed as pursuant to condition 16 shall not be used before 0800 and after 23:00 on any day unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

18 No part of the Stadium shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles within the Stadium part of the site in accordance with drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and shall be retained thereafter for such purposes.

Reason: In order to ensure that vehicles may leave the site in a forward gear and do not prejudice the free flow of traffic, highway safety or the amenities of the area.

19 The stadium and community facilities shall not be brought into use until the means of vehicular/pedestrian access from the public highway to the stadium and community facilities has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) ref;MC-GA-006 Issue P1 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason; To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users.

20 The Stadium and the Community Facilities shall not be brought into use until the areas for vehicle parking in connection with the use of the Stadium and the Community Facilities have been constructed and laid out in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained for the life of the development for the sole purpose of parking vehicles.

Reason: To ensure that adequate provision for parking of vehicles, in accordance with the council's maximum parking standards is provided within the site curtilage to avoid the displacement of uncontrolled parking on the adjacent public highway, to the detriment of free flow of traffic, safety of highway users and amenity of local residents.

21 The stadium and community facilities hereby approved shall not be brought into use until covered and secure cycle parking facilities for use in connection with the use of the stadium and community facilities, have been provided in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the cycle parking facilities. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking cycles.

Reason: To ensure that adequate provision for the parking of cycles, in accordance with the councils minimum cycle parking standards.

22 The Stadium part shall not begin until details of foul and surface water drainage works for the Stadium have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) Peak surface water run-off from the development must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 138.0 l/sec

(b) Details of attenuation tanks must be provided.

(c) Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 138.0 l/sec.

(d) The applicant should provide a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(e) Details of the future maintenance/management of the drainage system.

The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain the existing drainage in accordance with policy GP15a of the Development Control Local Plan and PPS25 (Development and Flood Risk).

23 Before any groundwork for the development commences on the stadium an Archaeological Remains Management Plan (ARMP) shall be submitted to, and approved in writing, by the Local Planning Authority for that part of the site within which the Stadium is located. The approved plan shall subsequently be implemented. The ARMP shall include the following: -

(i) An archaeological project to investigate archaeological features and deposits within the area of the proposed Community Stadium that conforms to EIA Appendix 7.2 City of York Council Method Statement for Archaeological Mitigation

(iii) A clear research design context for all archaeological work on this site

(iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools, colleges, universities and other educational groups

(v) A timetable for analyses, archive deposition and publication.

Reason: The site lies in an area where important archaeological deposits have been identified. The development will affect these important archaeological deposits and they must be recorded during the construction programme.

24 Prior to the use of the stadium commencing, full details relating to the public address system (specification and type) and its positioning shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The approved details shall include measures for mitigating noise emissions to neighbouring properties and shall be implemented in accordance with that approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

25 The public address system approved and installed pursuant to condition 24 shall only be used during events that take place on the external area within the stadium; two hours prior to the event commencing (apart from for testing purposes) and within 30 minutes of the completion of the event, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

26 The demolition of the existing Huntington Stadium not to be commenced until a contract for the construction of a replacement athletics facility has been let.

Reason: In order to ensure that appropriate alternative facilities for athletics are provided.

27 The demolition of the existing Huntington Stadium shall not be commenced until transitional arrangements for York Athletics Club have been secured, prior to the completion of new permanent facilities. The transitional arrangements shall involve the use of alternative temporary facilities for a period of no more than 12 calendar months.

Reason: In order to ensure the continued operation of the athletics club during construction of the new permanent facility.

28 The demolition of the existing Huntington Stadium shall not be commenced until transitional arrangements for the fulfilment of York City Knights' first team fixtures have been secured.

Reason: In order to ensure the continued operation of the rugby club.

29 The demolition of the existing Huntington Stadium shall not be commenced until alternative facilities have been secured for York City Knights' training sessions and reserved team fixtures.

Reason: In order to ensure the continued operation of the rugby club.

30 Prior to first occupation of the Stadium a community programme setting out the community initiatives to be undertaken by York City Football Club and by York City Knights Rugby Club shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the programme shall be carried out in accordance with the approved details.

Reason: In order to ensure the community benefits of the enabling development are realised.

31 Details of all machinery, plant and equipment to be installed in or located in and around the Stadium which would be audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include the location, maximum sound levels ($L_{Amax}(f)$), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented as approved prior to the first use of the relevant item of machinery, plant and equipment.

Thereafter all such approved machinery, plant and equipment shall not be used on the site except in accordance with the approved details or (in respect of further machinery, plant and equipment) with prior written approval of the local planning authority.

The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.

32 In respect of the Stadium, facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3, A4, A5, D2, or C1 uses. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval and once approved such extraction plant or machinery and any filtration system shall be installed and fully operational in accordance with the approved details before the proposed use first opens and shall be retained as fully operational thereafter.

Reason: To protect the amenities of adjacent residents.

33 The approved lighting for the Stadium Development shall be positioned, angled and adequately shrouded and retained in accordance with the details submitted to the local planning authority for prior approval pursuant to condition 16 to prevent any glare, reflection or distraction to users of the highway. The lighting shall at no time flash or appear to be intermittent.

Reason: In the interests of highway safety.

34 The Retail Development shall not come into use until the following highway works have been completed in accordance with the submitted drawing(s), or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority;

- a) Formation of a 5 arm roundabout junction on Martello Way and associated works as shown indicatively on drawing MC-GA-002 Issue P1
- b) Formation of a Northbound and Southbound bus lanes on Martello Way with associated works including the provision of shared pedestrian/cycle routes minimum width 3.5m alongside the carriageway and pedestrian/cycle crossing facilities on Martello Way as shown indicatively on drawing MC-GA-002 Issue P1
- c) Formation of a signalised priority junction accommodating all movements except the right turn out of the site and associated works including a shared pedestrian/cycle route minimum width 3.5m alongside the internal site carriageway and pedestrian/cycle crossing facilities on the internal site carriageway as shown indicatively on drawing MC-GA-003 Issue P1
- d) Provision of a Toucan crossing on Jockey Lane including the removal of the adjacent existing uncontrolled crossing point and alterations to the junction of Jockey Lane/Monks Cross Link as shown indicatively on drawing MC-GA-004 Issue P1
- e) Provision of a shared pedestrian/cycle route of minimum width 3.5m and associated works on the Western side of Jockey Lane between the junction of Martello Way/Jockey Lane/Malton Road and the proposed new Toucan crossing on Jockey Lane.
- f) Improvements to the public realm on Kathryn Avenue including the provision of an at grade shared space, with associated works to highlight the change in nature of the highway as shown indicatively on drawing MC-GA-005 Issue P1

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic.

35 Before any groundwork for the development commences on site of the Retail Development (save for GCN Mitigation Works) an Archaeological Remains Management Plan (ARMP) for development within the Retail Development shall be submitted to, and approved in writing, by the Local Planning Authority. The approved plan shall subsequently be implemented. The ARMP shall include the following: -

- (i) A strategy for further evaluation work and archaeological excavation work in the areas outside the proposed Community Stadium
- (ii) A clear research design context for all archaeological work on this site
- (iii) A timetable for analyses, archive deposition and publication

Reason: The site lies in an area where important archaeological deposits have been identified. The development will affect these important

archaeological deposits and they must be recorded during the construction programme.

36 The Retail Development hereby approved shall not be brought into use until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) ref;

-MC-GA-002 Issue P1

-MC-GA-003 Issue P1

-MC-GA-004 Issue P1

-MC-GA-005 Issue P1

or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason; To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users.

37 Unless otherwise agreed in writing with the Local Planning Authority the Retail Development shall not be brought into use until the areas for vehicle parking in connection with the Retail Development have been constructed and laid out in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such details may provide for phasing of completion of vehicle parking. Such areas shall thereafter be retained for the life of the development for the sole purpose of parking vehicles.

Reason; To ensure that adequate provision for parking of vehicles, in accordance with the councils maximum parking standards is provided within the site curtilage to avoid the displacement of uncontrolled parking on the adjacent public highway, to the detriment of free flow of traffic, safety of highway users and amenity of local residents.

38 Unless otherwise agreed in writing with the Local Planning Authority the Retail Development shall not be brought into use until covered and secure cycle parking facilities, have been provided for the Retail Development in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the cycle parking facilities. Such details may provide for the phasing of completion of the covered and secure cycle parking facilities. Such areas shall thereafter be retained for the life of the Retail Development for the sole purpose of parking cycles.

Reason: To ensure that adequate provision for the parking of cycles, in accordance with the councils minimum cycle parking standards.

39 The Retail Development shall not be brought into use until a car parking management plan for the Retail Development has been submitted to and approved in writing by the Local Planning Authority. The Retail Development shall thereafter be occupied in accordance with the approved car parking management plan unless agreed otherwise in writing by the Local Planning Authority.

Such car parking management plan shall include at least the following details;

- a) a maximum duration of stay
- b) details of how the implemented plan is to be enforced and managed on a day to day basis
- c) a signage strategy

Reason: To ensure the Retail Development car park is not used by employees at adjacent employment sites, undermining sustainable travel policies and to ensure that the provision of free car parking at out of town retail units does not encourage car borne travel to these destinations.

40 The hereby approved Travel Plan document (ref Framework Travel Plan REP/005FTP rev F dated 5/5/12) shall be implemented in full, subject to any variation which has the prior written approval of the Local Planning Authority, in consultation with the Highways Agency, and shall be operated for the lifetime of the development.

Reason: To ensure the continued safe and effective operation of the Strategic Road Network in the area (A64T)

41 The hereby approved Travel Plan document (ref Stadium Travel Plan REP/005STP rev F dated 4/5/12) shall be implemented in full, subject to any variation which has the prior written approval of the Local Planning Authority, in consultation with the Highways Agency, and shall be operated for the lifetime of the development.

Reason: To ensure the continued safe and effective operation of the Strategic Road Network in the area (A64T)

42 No part of the Retail Development shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles within the Retail Development in accordance with drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter for such purposes.

Reason: In order to ensure that vehicles may leave the site in a forward gear and do not prejudice the free flow of traffic, highway safety or the amenities of the area.

43 The Retail Development shall not commence until details of foul and surface water drainage works for the retail development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) Peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 13.0 l/sec

(b) Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 13.0 l/sec.

(c) Details of attenuation ponds must be provided.

(d) The applicant should provide a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(e) Details to prove suitability of existing outfall and connection to IDB drainage.

(f) Details of the future maintenance/management of the drainage system.

The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain the existing drainage in accordance with policy GP15a of the Development Control Local Plan and PPS25 (Development and Flood Risk).

44 Details of all machinery, plant and equipment to be installed in or located in the Retail part of the Development (area as indicated on the attached plan) which would be audible outside of the site boundary when in use shall be submitted to the local planning authority for approval. These details shall include the location, maximum sound levels (L_{Amax}(f)), average

sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior to the first use of the item of machinery, plant and equipment.

Thereafter all such approved machinery, plant and equipment shall not be used on the retail development except in accordance with the approved details or (in respect of further machinery, plant and equipment) with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately retained as operational thereafter.

The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.

45 In respect of the Retail Development part of the site (area as indicated on the attached plan), adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3, A4, A5, D2, or C1 uses. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval and such extraction plant or machinery and any filtration system shall be installed and fully operational before the relevant unit first opens and shall be appropriately retained as operational thereafter.

Reason: To protect the amenities of adjacent residents.

46 The approved lighting for the Retail Development area (as indicated on attached plan) shall be positioned, angled and adequately shrouded in accordance with the details approved by the local planning authority pursuant to condition 16 before the Retail Development is brought into use to prevent any glare, reflection or distraction to users of the highway. The lighting shall at no time flash or appear to be intermittent.

Reason: In the interests of highway safety.

47 The restaurant development shall at no time exceed the restaurant floorspace (net and gross) as specified on page 49 of the 'Design Code - Masterplan and Parameter Plans' received 12th February 2012,

Reason: The amount of restaurant floorspace approved is only considered to be acceptable as it is the amount required to enable development of the community stadium and specified benefits.

48 The total retail floorspace of the three retail units shall at no time exceed 29,728 square metres gross (22,668 square metres net sales area) and the minimum floorspace of any unit shall be no less than 2,787 square metres gross (2,230 square metres net sales area).

Reason: The amount of retail floorspace approved is only considered to be acceptable as it is the amount required to enable development of the community stadium and specified benefits. Further the impact of smaller unit sizes has not been assessed and the Local Planning Authority would wish to assess the retail and highway impacts of any such subdivision prior to any implementation.

49 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, there shall be no sub-division of the three retail units, or insertion of mezzanine floors within any unit within the retail development, in the absence of any planning permission relating directly to such subdivision or mezzanine floor

Reason: Permission is granted on the basis of the schedule of unit sizes as set out in schedule XX indicated on plan. The impact of an increased number or smaller unit sizes has not been assessed and the Local Planning Authority would wish to assess the retail and highway impacts of any such subdivision prior to any implementation. Any subdivision of the three approved units could result in smaller comparison goods units of a size more suited to a town centre location, thus contrary to the provisions of Section 2 of the National Planning Policy Framework 2012.

50 There shall be no open-air concerts held at the stadium hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of occupants of nearby properties.

51 Fifteen (15) electric vehicle recharge parking bays shall be installed within the Retail Development. Locations and specification and phasing of delivery for any such parking bays shall be agreed with the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site, in the interests of sustainable development and air quality.

52 Fifteen (15) electric cycle recharge points shall be installed within the Retail Development. Locations and specification and phasing of delivery for any such parking bays shall be agreed with the Local Planning

Reason: To promote the use of alternative modes of transport to and from the site, in the interests of sustainable development and air quality.

53 Prior to first occupation of each unit within the Retail Development, details of a scheme for the home delivery of goods sold at that unit shall be submitted to and approved in writing by the Local Planning Authority Provided that such scheme shall always be consistent with the usual business/commercial operations and requirements of the proposed occupier of the unit. Each unit within the Retail Development shall be operated in accordance with the approved details for that unit unless otherwise agreed in writing with the Local Planning Authority.

Reason: To encourage non car borne journeys to and from the site, in the interests of minimising traffic movements to and from the site, local air quality and sustainable development.

54 Surface water from vehicle parking and hardstanding areas shall be passed through an oil interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through an interceptor.

Reason: In the interests of satisfactory drainage

55 Prior to first occupation of the Stadium full details of facilities for the storage of refuse and recyclable materials within the Stadium development shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the amenities of the occupants of nearby occupants.

56 Prior to first occupation of each unit within the Retail Development full details of facilities for the storage of refuse and recyclable materials in connection with that unit shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be installed in accordance with the approved details,

Reason: In the interests of the amenities of the occupants of nearby properties.

57 Details of all means of enclosure to the site boundaries of the Stadium shall be submitted to and approved in writing by the Local Planning Authority before the Stadium development commences and shall be provided in

accordance with the approved details before the development is brought into use.

Reason: In the interests of the visual amenities of the area.

58 Details of all means of enclosure to the site boundaries of the Retail Development shall be submitted to and approved in writing by the Local Planning Authority before the Retail Development (excluding the GCN Mitigation Works) commences and shall be provided in accordance with the approved details before the Retail Development is brought into use.

Reason: In the interests of the visual amenities of the area.

59 Prior to commencement of the Retail Development a scheme for the provision of public art at the Retail Development as proposed in the submitted Design Code dated February 2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full prior to the final phase of the Retail Development being first brought into use.

Reason: In the interest of visual amenity of the locality.

60 Prior to commencement of the Stadium and Community Facilities Development, details of the design and layout of the Stadium, which shall comply with Sport England/NGB Technical Design Guidance Notes to include 'Access for Disabled People 2002' shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Stadium shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable in compliance with the National Planning Policy Framework and local planning policy.

Date:



M. Slater
Assistant Director (Planning & Sustainable
Development)

FOR RIGHTS OF APPEAL, SEE OVERLEAF
Notes to Applicant

1. REASON FOR APPROVAL

The Council considers that:

- a) the submitted scheme, which includes the provision of a new community stadium and associated uses, is on balance (subject to the associated section 106 obligation and the conditions listed below) acceptable by virtue of the significant benefits to the community that will result from this provision;
- b) the proposed stadium accords with an important Council priority and is in the wider public interest, more particularly with regard to the promotion of active sport and leisure, the provision of sport and leisure facilities, the provision of health and community-related facilities, and the retention of professional sport in the city;
- c) the overall scheme generates a net increase of jobs of over 400 full time equivalent together with an increase in year on year benefit to the York economy of £14million per annum; and
- d) that these benefits, which are to be enabled by the scheme's related retail element, outweigh the adverse impacts of this latter element, more particularly as regards the development's projected impacts upon the city centre and local highway network.

In arriving at this decision the Council has had regard to the development plan which comprises the Regional Spatial Strategy ("RSS"). Policy E2 of the RSS provides that centres such as York should be the focus for local services and facilities. The policy also states that no further development of new or large scale expansion of existing, out of centre regional or sub-regional shopping centres should be permitted. Policy E3 of the RSS requires that additional retail space should be focused on city and town centres. The Council acknowledges that the enabling development would not therefore accord with the development plan.

The Council has also taken into account as material considerations the draft Local Plan 2005 (Policies S1 and YC1), the City of York Core Strategy

Submission 2011 (Spatial Principles and Policies CS2, CS3, CS11 and CS15) and the National Planning Policy Framework (paragraphs 14, 26 and 27).

The Council has also considered advice from leading counsel on the law with respect to enabling development and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Having regard to the above the Council considers that, whilst the proposal does not accord with the development plan policies (RSS), there are other material considerations (a) and d) above) which justify the grant of planning permission.

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

3. The applicant is advised to contact the Highway Authority's Section 38 Engineer prior to the commencement of works on site, with a view to preparing the necessary drawings and legal work required to enter into a Section 62 or 278 Agreement of the 1980 Highways Act for the alterations proposed to the existing highway layout, and Section 38 for the new highway works.

4. Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act City of York Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (Section 38 Engineer 01904 551361)

5. The applicant is advised that the proposed scheme is likely to affect statutory undertakers' equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing.

6. Ouse and Derwent Drainage Board

Under the terms of the Land Drainage Act 1991 and the Ouse and Derwent Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, on over or within 9 metres of the top of the bank of any watercourse.

(i) Outfall:-

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act 1991 and should be constructed to the satisfaction of the Board

(ii) Discharge:-

Under the Board's Byelaws the prior written consent of the Board is required prior to any discharge being made into any watercourse within the Board's district.

(iii) Status of culverted watercourse:-

The culverting of an ordinary watercourse does not change the definition of the watercourse to that of a sewer and consequently the responsibility for maintenance of the culvert rests with the riparian owner or owners.

7. It is requested that prior to the commencement of the development a detailed feasibility study investigating the potential to provide the whole site with energy through a site-wide low carbon solution be submitted to the Local planning Authority. The feasibility study should include buildings surrounding the site in addition to those proposed through this application. Should the study demonstrate that a site-wide low carbon energy system is feasible, it is requested that serious consideration is made to its installation as part of the development (with details included within subsequent Reserved Matters submissions).

The above is requested in the interests of objectives of Policy ENV5 of the RSS points 3. 'Maximising the use of combined heating and power', and 4. 'Ensuring that development takes advantage of community heating opportunities wherever they arise'; and City of York Council's emerging Core Strategy Policy CS21 (as part of the requirement to reduce a developments carbon emissions by 10% integrate district / block heating or cooling infrastructure).

8. Pursuant to Condition 5 it is requested that photovoltaic panels be incorporated into the design of the Stadium.

Appeals to the Secretary of State

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0117 372 8000) or apply online via their web site (www.planning-inspectorate.gov.uk).
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- . The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

- . If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.

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