

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 Principle 1 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.