

## COMMITTEE REPORT

**Date:** 27 March 2015      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 14/02933/FULM  
**Application at:** Huntington Stadium Jockey Lane Huntington York YO32 9JS  
**For:** Erection of 8,000 seat Community Stadium, leisure centre, multi-screen cinema, retail units, outdoor football pitches, community facilities and other ancillary uses, together with associated vehicular access, car parking, public realm, and hard and soft landscaping following demolition of existing structures  
**By:** Wrenbridge Sport York Limited And GLL  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 20 March 2015  
**Recommendation:** Approve after referral to Sec. of State

## RECOMMENDATION

That delegated authority be given to the Assistant Director of Development Services Planning and Regeneration following the expiry of the publicity period on 31 March 2015 to

- (i) consider any further new material planning considerations received during the publicity period in consultation with the Chair and Vice-Chair and if satisfied that these issues do not alter the recommendation of approval,
- (ii) refer the application to the Secretary of State for Communities and Local Government under the requirements of Article 5(1) of The Town and Country Planning (Consultation) (England) Direction 2009, and should the application not be called in by the Secretary of State, then
- (iii) subject to the Highways Agency formally lifting its Direction,

APPROVE the application subject to the following conditions (set out later in this report) and any additional conditions as considered necessary following the Highways Agency consultation response.

## 1.0 APPLICATION SITE

1.1 The site (10.3ha.) lies approximately 3km north east of York city centre and is bounded by commercial properties in Jockey Lane to the north, Vangarde Shopping Park to the east and open land to the south and west. Main access points are via Kathryn Avenue in the north and Martello Way in the south. The site includes the existing Huntington Stadium (capacity 3,400), Waterworld Leisure Centre and Monks Cross Park & Ride. The area is predominantly retail/commercial to the north and east and open/agricultural to the south and west, apart from a small residential area (Forge Close) abutting the north-west corner of the site.

1.2 There are no conservation areas or listed buildings in close proximity to the application site. The site does not contain any trees which are subject to tree preservation orders.

## 2.0 PROPOSAL

2.1 The application seeks full planning permission for the erection of a mixed-use development comprising:

- an 8,000-seat community stadium (use class D2);
- six non-food retail units (A1) providing a combined gross internal area (GIA) of 5,324sqm;
- two restaurant units (A3) with a combined GIA of 908sqm;
- a 12-screen cinema (D2) of 3,578sqm GIA ;
- a community hub (D1, D2 and B1) providing a combined GIA of 1,365sqm for five partner organisations;
- a 3-storey leisure centre (D2) of 4,295sqm GIA including a competition-standard 4-court sports hall, three swimming pools, a 100-station health fitness suite and childrens extreme play zone;
- an outdoor multi-use games area (MUGA) comprising three synthetic 5-a-side football pitches;
- a total of 1,243 car parking spaces (including existing spaces to be retained);
- Various highway improvements including the re-routing of Kathryn Avenue around the stadium.

2.2 Existing structures at the site would be demolished, notably Huntington Stadium and Waterworld Swimming Pool.

2.3 The stadium has been designed to host professional football and rugby league games. It would largely occupy the site of the existing stadium and would have four stands, one on each side of the playing field. Each stand would have a cantilever roof to ensure uninterrupted views of the playing field. Associated stadium facilities include match-day emergency services, stewarding, groundsman accommodation, hospitality facilities, plant space and a fan zone. An archway would mark the

supporter's entrance at the south east corner of the stadium. The community hub would occupy space within the eastern stand intended for use by five partner charitable and community organisations, which are York Against Cancer, York NHS Trust, York St John University, Be Independent and Explore Library.

2.4 Five of the six retail units would occupy the ground floor of the southern stand and face south. The remaining unit would occupy space in the eastern stand and face east. These units would be restricted to the sale of non-food goods only. Whilst no end users can be confirmed at this stage the applicant envisages that the retail mix would be focussed around sport and leisure operators. The two restaurants would each occupy two floors within the eastern stand and face east. The 12-screen cinema would be on the first-floor of the southern stand, above the retail units. The cinema would be directly accessible from the public realm on the east side of the development.

2.5 The 'wet' facilities at the leisure centre would include:

- 25m, 6-lane swimming pool,
- Teacher/learner pool,
- Fun pool with water play area for young children.

2.6 The 'dry' facilities would include:

- A new 4-court sports hall with seating gallery for up to 250 spectators,
- A gymnasium with 100 stations, dedicated spinning studio and dance studio,
- Indoor adventure play zone, and outdoor 'high ropes' course with climbing tower and high wires,
- Three outdoor artificial flood-lit sports pitches for community use and hire,
- Community hub/leisure centre café,
- NHS Trust accommodation to deliver a range of clinical services.

2.7 The sports facilities would allow a range of sports/leisure activities including basketball, volleyball, hockey, badminton, football, rugby, cricket, dance, exercise, swimming, water polo, various other water-based activities and child's play.

2.8 Car parking would be provided in four car parks named according to their location in relation to the stadium. The north car park would provide 118 spaces, including 25 blue badge spaces. On non-match days they would be for community and leisure users at the site. On match days the car park would provide blue badge parking for stadium visitors as well as for drop-off and pick-up for away fan coaches. Some space within this car park would be set aside for the operational needs of the stadium, for example parking for emergency and broadcasting vehicles. Ingress to the car park would be via a one-way link from Jockey Lane. Egress would only be via the new priority junction with Kathryn Avenue.

2.9 The east car park would provide 55 spaces, including 7 blue badge spaces. On non-match days this car park would provide parking for the community leisure and non-match stadium users. On match days the spaces would be reserved for use by directors, players, officials and stadium staff. Ingress and egress would be via the priority junction with Kathryn Avenue.

2.10 The south car park would occupy the northern part of the existing Park & Ride car park and would be remodelled and extended to provide 268 parking spaces, including 19 blue badge spaces. On match and non-match days this car park would be for the proposed shops, restaurants and cinema. On match days the car park would also be available for the community and leisure uses. Ingress and egress would be from Martello Way via the Monks Cross roundabout, which would be remodelled to allow 2-way movements.

2.11 The retained park & ride car park would be extended at the southern end to provide a total of 832 spaces, including 24 existing blue badge spaces. On non-match days these would be Park & Ride spaces. On match days up to 400 of these spaces would be for use by stadium visitors and the remaining 432 spaces would be for the Park & Ride. Access would continue to be from Monks Cross roundabout.

2.12 Kathryn Avenue would be diverted from the east side of the stadium to the west side to provide a traffic-free concourse in front of the stadium whilst providing vehicular access to the north and east car parks and maintaining bus-only access from the north to the Park & Ride.

2.13 Cycle parking would be provided at convenient locations throughout the development, including 40 spaces for staff and 200 spaces for visitors.

### **3.0 BACKGROUND AND RELEVANT PLANNING HISTORY**

3.1 The delivery of a Community stadium has been a council priority since 2003. In July 2012 outline planning permission was granted for a mixed-use development mainly comprising demolition of the existing stadium and erection of a 6000-seat community stadium with conference and community facilities, retail uses, food and drink uses, car parking, amenity open space and landscaping (11/02581/OUTM). A subsequent reserved matters application was approved in September 2012 for the appearance, landscaping, layout and scale of the retail and restaurant part of the outline application site (12/02545/REMM). These elements of the development were subsequently implemented and now operate as the Vangarde Shopping Park.

3.2 Although the 6,000-seat stadium was not subsequently pursued the outline permission (11/02581/OUTM) provided s.106 funding of £19m for provision of a community stadium on the site and to satisfy the obligations of the s.106 agreement. As the stadium proposals were developed following the grant of outline planning

permission in 2012 the council reviewed its aspirations for the site and considered a range of development options. These included increasing the size of the stadium from the outline approval, which had been criticised by York City football fans (the stadium to be demolished at Bootham Crescent has 7,872-seats but its replacement at Huntington would have only 6,000 seats).

3.3 Furthermore the development of the scheme was subject to EU procurement, which involved design input and commercial rigour. This competitive process demonstrated that a larger capacity would provide a better, higher-quality, stadium and allow a more-balanced design. The council's Active York's Built Sports Facilities Strategy 2014, which is an adopted evidence base for York's emerging local plan, found that the city has a shortage of 'open access' indoor sports space. In particular York has no sports halls with spectator facilities, capable of hosting competitions or showcasing indoor sports. The range of facilities was therefore widened to include a sports hall, swimming pools and other indoor and outdoor sports facilities. These facilities are supplemented by the new community service including physiotherapy. The current planning application is the result of these aspirations.

3.4 The proposal constitutes schedule 2 development within the Environmental Impact Assessment Regulations 2011. The application is therefore accompanied by an environmental statement including an addendum in response to matters raised by consultees. It is considered that the environmental information submitted to the local planning authority has provided the local planning authority with sufficient information to understand the likely environmental effects of the proposals and any required mitigation. The EIA Regulations require that this environmental information as well as representations received about the environmental effects of the development must be taken into account in the determination of the application.

## **4.0 POLICY CONTEXT**

### 4.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 4.2 Policies:

CYGP1 - Design

CYGP4A - Sustainability

CGP15A - Development and Flood Risk

CYNE6 - Species protected by law

CYNE1 - Trees, woodlands, hedgerows

CYHE9 - Scheduled Ancient Monuments

CYT4 - Cycle parking standards  
CYSP7A - The sequential approach to development  
CYSP7B - York City Centre and Central Shopping Area  
CYSP9 - Action Areas  
CYSP9 - Action Areas  
CYSP10 - Strategic Windfalls  
CYS1 - Land allocated for shopping sites  
CYS2 - Out of centre retail warehouse criteria

## **4.0 CONSULTATIONS**

### **INTERNAL**

4.1 City and Environmental Services (Planning and Environmental Management) - The sequential assessment accompanying the application shows that there are no sequentially preferable development sites within or on the edge of York City Centre which are both suitable and available at the present time. York City Centre continues to perform well against a range of health check indicators with low vacancy rates, a good diversity of uses and an attractive commercial yield demonstrating investor confidence. The retail impact assessment accompanying the application shows that the proposal would divert modest levels of comparison goods expenditure from the defined centres and that there would not be a significantly adverse impact upon the vitality and viability of trade or turnover of centres within the City of York or the wider study area. It is not considered that the proposed development would have a significantly adverse impact on committed or planned investment. It is considered unlikely that the development would have a significantly adverse impact on York City Screen.

4.2 Highway Network Management - No objection subject to the imposition of conditions covering suitable access, provision of a new section of Kathryn Avenue, internal changes to the P&R site, private car parking, cycle parking, provision of a robust shuttle bus service for the stadium and an ongoing travel plan.

4.3 Office of the Chief Executive (Economic Development Unit) - From an economic perspective the proposed development would generate, on average, 655 FTE jobs during construction and 319 jobs on completion of the development. In practice, the construction activities are likely to generate far more jobs than predicted due to the various tiers involved in the industry including administration, consultancy and the production of construction materials. In addition, the employment opportunities to be created as part of the proposed development would offer a wider degree of diversity than what currently occurs and a local contractor would be preferred building contractor. The provision of the community hub and leisure centre is seen as a significant benefit in terms of focusing provision for York within a central hub which is easily accessible for the people of York.

4.4 Environmental Management (Urban Design) - Although most of the design concepts of the proposal have been inherited from the outline permission, some are different. The current proposal has better pedestrian connectivity to the Vangarde development, by relocating the bus route to the west side of the stadium and using open space to link the two developments. But the proposal does intensify the use of the site compared to approved scheme. The separation of the various parking areas would result in a less efficient layout than approved and the likely removal of existing planting features/trees. There would be a further reduction in open space due to the additional retail space. The most prominent part of the development would be the retail/cinema building due to its scale and design. The 'light box' would be highly prominent within the surrounding area, especially in the winter months from November to April. Lighting and advertising of elevations would need to be carefully controlled.

4.5 Environmental Management (Landscape) -The new layout compromises the high quality design of the arc-shaped Park & Ride and the vegetation cover associated with it, which was retained within the approved outline application. The loss of planting also reduces the quality of the environment to the south of the proposed retail park. However, the pedestrian environment and landscape detail linking the stadium to the Vangarde site is of suitable quality. The 21m-height of the retail/cinema building, with the cinema auditorium rising to 25m, would have a significant visual impact on New Lane. The detailing of the cladding, lighting and signage, would also have an influence on the visual impact, given the development's visibility in the wider landscape and the evening opening hours. Lighting (external, internal through glazing, and signage) should be kept to a subtle minimum. Comments from Urban Design (Para 4.4 above) regarding the 'light box' are reiterated.

4.6 Environmental Management (Ecology) -Appropriate steps have been taken to consider the presence of roosting bats. On the evidence of the surveys no further work is required. In order to ensure that works are undertaken in accordance with the legislation protecting great crested newts a method statement has been produced, which should be appended to the Construction Environmental Management Plan. The lighting scheme for the site should be sensitive and avoid light spill.

4.7 Environmental Management (Sustainability) - The application meets all the requirements of the City of York's Interim Planning Statement on Sustainable Design and Construction for ensuring that all new developments meet minimum standards for sustainable design and construction.

4.8 Environmental Management (Archaeology) - It is recommended that the application be approved and that a condition be attached requiring details of archaeological investigation to be submitted for approval.

4.9 Environmental Protection Unit - No objections subject to (a) appropriate conditions being attached and (b) emission mitigation measures or a financial contribution to this effect.

4.10 Flood Risk Management - The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle. Add conditions regarding submission of drainage details, separate foul and surface drainage systems and no piped discharge prior to completion/occupation.

4.11 Lifelong Learning and Leisure - We welcome this application and strongly support the development of integrated health, leisure and physical activity provision.

## EXTERNAL

4.12 Sport England - No objection subject to a planning condition to ensure that the playing pitch is constructed to an appropriate standard for football and Rugby.

4.13 Highways Agency - Initial response: Due to insufficient detailed information about the application the Agency has no alternative other than to issue a temporary non-determination notice (TR110) for 6 months while negotiations continue. Latest response: The Highways Agency are resolved to formally issue a revised conditioned TR110 without objection. [Members will be updated at the meeting]

4.14 Environment Agency - No objections provided that the development is built in accordance with the submitted flood risk assessment.

4.15 Foss Internal Drainage Board - Objection. It has not been demonstrated how the flows would be attenuated to achieve or reduce the flows from the overall development to not worsen the current problems on South Beck. [Revised plans are currently being considered by the IDB. An update will be provided to Committee]

4.16 English Heritage - No objection. Although the application does not yet explain how the scheduled Roman camp would be integrated into the development and the potential housing site to the west the application can be determined. English Heritage continues to be willing to help define an appropriate treatment for the boundary of the scheduled monument, its setting and any future development proposal with the developer and the local planning authority.

4.17 Police Designing Out Crime - No concerns or issues with the proposals, which are fully supported.

4.18 Huntington Parish Council - Do not object but wish to make the following comments: (1) We are extremely concerned about the traffic flow (around Martello Way, Jockey Lane, Monks Cross Link and Malton Road), and the likelihood of congestion on match days especially prior to kick-off and just after the end of play, when large volumes of people will be migrating either to or from the venue. (2) We are extremely concerned that this additional traffic will cause a high volume of traffic on the narrow residential streets of New Lane, Brockfield Road, Highthorn Road and Anthea Drive as people seek alternative routes to and from the venue. (3) We have concerns that there may be insufficient parking on site especially for away supporting fans and that the time constraint of two hours will not enable visitors enough time to see the game and then utilise any of the neighbouring food or retail outlets (thereby reducing any financial gain to neighbouring businesses), and thus condensing the time for arrival and departure and therefore magnifying any congestion problems. (4) The parking time constraints at the stadium and surrounding food and retail outlets may cause overspill parking or visitors to seek alternative parking without time constraints, to the area around New Lane, Brockfield Road, Highthorn Road and Anthea Drive; thus potentially causing on street parking problems, obstruct and preventing residents' free access to and from their properties.

## PUBLIC CONSULTATION

4.19 The reconsultation period expires on 31 March 2015. At the time of writing this report [16 March] 29 objection responses had been received. Of these, 26 letters only objected to there being no guarantee that the new stadium would be available to York City Knights Rugby Club for matches and/or training. In addition a petition containing some 1269 signatures was presented to the council for the same reason.

4.20 Four of the objection responses raised the following planning-related issues:

- Traffic congestion on adjacent streets/areas;
- Inadequate car parking;
- There should be no vehicular access from Jockey Lane;
- The Jockey Lane pedestrian crossing is too close to ALDI [Officers' response: No works to pedestrian crossings in Jockey Lane are proposed as part of this application];
- Loss of existing play pool at Waterworld.

4.21 One further objection has been received. It is from an out of town cinema leisure operator, VUE cinema based at Clifton Moor. Vue argues that (a) the non-stadium uses proposed could be located at Castle Piccadilly site, which is a sequentially preferable location (b) the proposals would have a significant adverse impact on York city centre (c) the argument that the non-stadium uses represent

enabling development is not credible (c) the scheme's residual impact on the local highway network would be severe, thereby failing the test in the NPPF.

4.22 At the time of writing this report [16 March] 38 representations in support of the application had been received raising the following planning issues:

- The development will bring countless benefits, too many to mention.
- The idea is superb for the whole city and the surrounding area.
- The development will help the city's football and rugby clubs, local amateur participants in many sports and the general public.
- The football and rugby club will fold if the new stadium is not built. We need the stadium in order to keep professional sport alive in York.
- It will enhance both clubs' excellent community programmes, delivered through their respective foundations
- It will enhance the city's aspiration to be a regional sports and leisure hub.
- The football club is part of the Football League and deserves a stadium befitting its status.
- The stadium is a much needed community resource that will provide modern and safe facilities for sport, retail and leisure uses.
- The facilities will be of great benefit to sportspeople and the city generally.
- The development would be an excellent addition to the city's currently limited leisure offering.
- The proposal will promote healthy living and place York on the map as a sport and leisure developing city.
- The development is vital to show how the city is progressing in backing health and wellbeing.
- The proposal is good for the local community and the jobs it will create for local people.
- The development would bring in new investment, new visitors to the city, and extra support for local businesses.
- The proposal will give York a community facility to be proud for current and future generations rather than a crumbling and scruffy ground.
- This is a once in a lifetime opportunity that should not be overlooked.
- This is an excellent and long overdue development.

4.23 In addition a petition of approximately 500 signatures has been submitted to the council in support of the stadium.

## **5.0 PLANNING POLICY CONTEXT**

5.1 Legislation requires local planning authorities to determine planning applications in accordance with the development plan unless material

considerations indicate otherwise. The City of York Local Plan was approved for development control purposes in April 2005 but was never formally adopted by the council. Its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. For the purposes of this application the most relevant local plan (2005) policies are SP7A, SP7B, SP9, SP10, S1 and S2 relating to protection of existing centres and provision of sports facilities.

5.2 The emerging local plan remains at publication draft stage with consultation on hold pending further work. The plan can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present stage in the statutory process such weight is limited. However, the evidence base that underpins the proposed emerging policies is a material consideration. The evidence base for the emerging local plan includes the City of York Council Retail Study Update, September 2014, by White Young Green. For the purposes of this planning application the most relevant emerging local plan policies are SS4, R1, R4, CF1 and CF2 which relate to protection of existing centres and provision of sports and community facilities.

5.3 The main planning policy context for determining the application is national policy set out in the National Planning Policy Framework (NPPF). The heart of the NPPF is a presumption in favour of sustainable development (Paragraph 14). Where a development plan is not up to date local planning authorities should grant permission unless any adverse impacts of doing so would significantly outweigh the benefits or specific policies in the Framework indicate that development should be restricted. There are three dimensions to sustainable development - economic, social and environmental. These roles are mutually dependent and should not be taken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (paragraphs 7 and 8). Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

5.4 The Appraisal section of the report assesses the key planning issues, which are:

- Benefits of the Enhanced Stadium;
- Other Community Benefits;
- Replacement Sports Facilities;
- Impact on Existing Centres;
- Highways and Traffic;
- Design and Visual Impact;
- Landscape;

- Ecology;
- Archaeology;
- Sustainability;
- Flood Risk and Drainage;
- Environmental Protection and Neighbour Amenity.

## **6.0 DELIVERY OF THE COMMUNITY STADIUM, SPORTS, LEISURE AND COMMUNITY FACILITIES**

6.1 It is understood that the mixed use development as proposed would be operated as self contained commercial units and the previous s.106 funding for the 6,000-seat community stadium would be used towards the funding of the new larger stadium element of the scheme. The remainder of the scheme is self-financing allowing the delivery of a wide range of leisure and community facilities.

## **7.0 COMMUNITY BENEFITS**

7.1 The NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, among other things, plan positively for shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and ensure an integrated approach to the location of housing, economic uses and community facilities (Paragraph 70).

7.2 The benefits of a new community stadium are substantial. They were considered at length in 2012 and the principle of providing a new stadium at Huntington has been accepted by planning permission having been granted. The proposed new and larger stadium makes appropriate provision for football and rugby and would support the retention and growth of these sports in the city. It would also allow for growth in the clubs' community programmes and provide opportunities for the clubs to integrate with the public leisure facilities.

7.3 The proposed new leisure centre provides a much improved range of community leisure facilities. This will include a new competition standard sports hall. Active York's 2014 Built Sports Facilities Strategy which is an adopted evidence base for York's emerging Local Plan, identifies that the City has a shortage of 'open access' indoor sports space, and in particular York has no sports halls with spectator facilities, which could host competitions or showcase indoor sports. It will be capable of hosting the following sports currently not catered for on site: Basketball, netball, gymnastics, martial arts, indoor hockey / cricket / football, badminton, indoor bowls etc.

7.4 The indoor and outdoor high ropes, climbing and adventurous play facilities are designed to encourage risky play and provide challenge whilst enabling

independence in the assessment of risk. The City's play strategy "Taking Play Forward" 2013-2016, sets priorities for the development of high quality play provision, these include 'Support risk and challenge in all play activities; and allow children to test boundaries and assess risk for themselves.'

7.5 More detail is now provided regarding the community hub that was included in the original outline consent. The designs show an atrium style cafe setting, incorporating an 'explore library' seeking to engage with new users, set in an informal open cafe. New community units with users such as York Against Cancer, York St John University and Be Independent will be based in this area. The atrium will act as the entry point of the hub, as well as users of the leisure centre and non-match day stadium use.

7.6 The three swimming pools would replace the current Waterworld leisure pool facilities. It would offer a modern facility for fitness and swimming lessons plus have a water play area for young children. One objection has been received against the loss of the predominantly-leisure pool at Waterworld. When Waterworld closed it was sixteen years old and in that time had received no major refurbishment . The maintenance and running costs of the pool were not sustainable. The proposed development would provide a new swimming facility that would meet the council's priority for a high quality, cost-effective leisure facility for the city. Whilst it would mainly provide for general swimming, fitness and swimming lessons it would include a play area for young children to boost water confidence. The development would be a sustainable solution for the ongoing provision of swimming in the city, something which Waterworld could not offer.

7.7 The NHS hospital Trust are creating a new purpose built Physiotherapy unit, linked to the community hub and the new leisure uses, with access to a wide range of facilities at the heart of this sports focused development bringing a wide range of health and well being benefits

## **8.0 ECONOMIC BENEFITS**

8.1 From an economic perspective, the proposed development would generate a range of jobs during construction and operation of the facilities. The employment opportunities to be created would be more diverse than at present including professional sports management, sports development and marketing and promotions-related employment. The community facilities and leisure centre would focus provision for York within a central hub that is easily accessible for the people of York.

## **9.0 REPLACEMENT SPORTS FACILITIES**

9.1 Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where the land is surplus to requirements or would be replaced

by equivalent or better provision or the development is for alternative sports and recreational provision that clearly outweighs the loss.

9.2 The application (as the outline consent before it) would result in the permanent removal of athletics facilities at Huntington Stadium and the temporary removal of Rugby facilities. Provision of replacement facilities for rugby league is the main issue raised by objectors. Since the outline consent considerable work has been done to provide the alternative facilities as detailed below:

9.3 Planning permission has been granted for the construction of a new athletics track at Heslington West Sports Village. Construction is well underway and is programmed for completion in June 2015. The construction of the grandstand will begin once the track facilities are completed. Ongoing access to the new facilities is secured through legal agreements which have been executed.

9.4 Considerable effort is being made to ensure that the new athletics facility is completed before the existing Huntington Stadium is programmed to close in mid-May 2015 (to allow archaeological investigation to be carried out). Temporary arrangements for this brief interim period have been agreed with - and are supported by - the City of York Athletic Club. The temporary arrangement will be provided at York University Heslington Campus on the sports fields adjacent to the new athletics track.

9.5 A licence has been granted for York City Football Club's ground at Bootham Crescent to be used for rugby league first team games for a minimum of two full seasons from Jan 2015. This covers the period between closure of the existing Huntington Stadium and the programmed completion of the new stadium. The ground share is acceptable to both the RFL and the Football League. Sport England is satisfied that appropriate arrangements are in place.

9.6 An agreement has been signed between City of York Council and York St John University to allow the university's full-size, flood-lit, all-weather playing pitches at Haxby Road (approved and built under planning permission 12/03606/FULM) to be used for professional rugby league. This includes access to the pavilion, changing facilities, gym, classroom and other sports facilities including the running track and other pitches. The rights to use these facilities can be transferred to an appropriate rugby/sport club. Sport England and the RFL have confirmed that the facilities meet their requirements.

9.7 In conclusion, facilities for athletics and rugby league to replace the facilities that would be lost by the closure of the existing Huntington Stadium have been either provided already or are nearing completion. Legal agreements are in place to secure their availability for use for rugby and athletics.

9.8 Sport England has been consulted throughout and has no objection to the planning application subject to a condition to ensure that the new playing pitch would be fit for purpose and be constructed to an appropriate standard.

## **10.0 IMPACT ON EXISTING CENTRES**

10.1 The current application comprises 15,470sqm of main town centre uses (retail, cinema, leisure, office and restaurant/A3) of which retail is 5,324sqm. By comparison the Vangarde development comprised 31,494sqm of main town centre uses (retail and restaurant/A3) of which retail was 29,914sqm.

10.2 The NPPF recognises the need to promote the vitality and viability of towns and cities through the promotion of competition and growth management through the plan period. Paragraph 23 of the NPPF indicates that needs for retail, leisure, office and other main town centre uses should be met in full and not compromised by limited site availability. Paragraph 24 requires local planning authorities to adopt a sequential approach to the consideration of planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local plan.

10.3 Paragraph 26 indicates that local planning authorities should require an impact assessment for retail, leisure and office development outside of town centres which are not in accordance with an up to date local plan. Where there is no locally defined threshold for impact assessments the default threshold will be 2,500sqm. The assessment should cover the impact of the proposal on:

- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- Town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

10.4 Paragraph 27 indicates that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the vitality and viability of a town centre or on existing, planned or committed investment in a centre it should be refused.

### Sequential Test

10.5 Under the NPPF (paragraph 24), main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available, should out of centre sites be considered. When considering edge of

centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale, both by applicants and by local authorities.

10.6 The application site is in excess of 300m from any surrounding defined centre as defined on the emerging local plan proposals map and it represents an out of centre retail development in retail policy terms. It is therefore necessary to assess other 'in' or 'edge of centre' alternative sites in York that would be large enough to accommodate the amount of retail development proposed as part of the current application. The emerging local plan identifies three sites within York city centre for retail and mixed use development. They are Hungate, Castle Piccadilly and parts of York Central. The sequential assessment accompanying the application assessed all of these sites in terms of their suitability and availability. The Hungate site is suitable in principle for some retail development but not for the scale of retail development proposed for the stadium site. Nor is it considered to be available for retail, given that the developer intends to bring the site forward for a residential-led scheme. As regards progress made towards securing investment both Castle Piccadilly and York Central are identified in the emerging local plan as 'areas of opportunity'. Castle Piccadilly is suitable for the development proposal but cannot be considered realistically available in the short to medium term. The council is seeking to bring York Central forward in a comprehensive manner. It is not available at present and is unlikely to be available in the short to medium term given the number of ownerships and the scale of development envisaged. In summary officers consider that the sequential assessment has demonstrated that there are no sequentially preferable sites within or on the edge of York city centre which are both suitable and available at the present time.

### Impact Assessment

10.7 In order to understand the implications of the potential impact of the development on York city centre the applicants also undertook a health check using the indicators set out in National Planning Practice Guidance (NPPG). The study shows that whilst the city centre market share has dropped since the last survey in 2013 the city centre continues to perform well against a range of health check indicators with low vacancy rates, a good diversity of uses and an attractive commercial yield demonstrating investor confidence.

10.8 The application is also accompanied by a retail impact assessment, including a survey of household shopping patterns. Whilst the survey does not replace the York Retail Study commissioned by the council in 2013 as part of the emerging local plan it has been designed to allow comparison between the results. The applicant's assessment estimates that the retail element of the current application would have an impact on York city centre of 1.4%. In terms of the NPPF this is not considered to be 'significantly adverse'. Officers consider that the proposal would divert only modest levels of comparison goods expenditure from the defined centres and that

there would not be a significantly adverse impact upon the vitality and viability of trade or turnover of centres within the City of York or the wider study area.

10.9 As for impact on investment, the NPPG states that the key considerations are: the policy status of the investment (i.e. whether it is identified in the Development Plan); the progress made towards securing the investment (i.e. if contracts are established); and the extent to which an application is likely to undermine the planned development (i.e. its effect on operator demand and investor confidence). Regarding progress being made to secure investment, York Central and Castle Piccadilly are medium to long term development opportunities and are not available in the short term for investment given existing operational uses. Investment on the sites is 'planned' but is at an early stage in the development process. At Hungate planning consent has already been granted for various phases of primarily residential development and the scheme is under construction. This therefore represents committed and existing investment.

10.10 Regarding planned development in terms of operator demand and investor confidence, it cannot be evidenced that the stadium application would undermine investment at York Central and Castle Piccadilly given the early stage of development of these sites and no firm concept of a detailed scheme. The second phase of the Hungate development, which is residential led, is under construction and as such this investment has already taken place. The third and fourth phases of the scheme may include some retail floorspace but it would be small scale, to serve the residents of the scheme. It is very unlikely that the retail development proposed as part of the community stadium scheme would impact on investment at the Hungate site. In summary it is not considered that the effects of the proposed development at the Community Stadium would have a 'significantly adverse' impact on committed or planned investment.

10.11 The final consideration is the impact of the proposed 12-screen cinema. There is no set methodology within planning practice guidance for assessing impact on cinema/leisure proposals. However, in line with the NPPF (paragraph 24 and 26) it is necessary to consider the likely trading impacts of the proposed cinema upon existing facilities in existing centres. Within the York area these are City Screen in York city centre, Reel Cinema in Blossom Street and Vue Cinema at Clifton Moor Retail Park.

10.12 The applicant's assessment concludes that the proposed facility at Monks Cross would compete directly with, and therefore have most impact upon, the Vue cinema at Clifton Moor. This is based on the theory of 'like affecting like' given that this is also an out of centre multi-screen cinema offering free car parking so is a directly comparable offer to that which is proposed at Monks Cross. The analysis of patterns of usage show that the Vue cinema at Clifton Moor has the most dominance with 55% market share for York zones 1-3 and 34% market share for the whole of the study area. It would seem likely then that, given the directly comparable

format of the new proposal at Monks Cross, the greatest impact would be felt at the Vue facility. Vue has no policy protection given its out of centre location.

10.13 York City Screen may feel some impact through the opening of a new cinema at Monks Cross. However the offer at York City Screen is considerably different to that offered by out of centre format cinemas given its combined offer as a more specialised cinema destination along with the small live events venue and bar/café (City Screen's market share is 34% in York zones 1-3 and 11% in the study area). Therefore it is unlikely that the proposed stadium cinema would have a significantly adverse impact on York City Screen.

### Summary of Impact on Existing Centres

10.14 The sequential assessment accompanying the application shows that there are no sequentially preferable development sites within or on the edge of York city centre which are both suitable and available at the present time. York city centre continues to perform well against a range of health check indicators with low vacancy rates, a good diversity of uses and an attractive commercial yield demonstrating investor confidence. The retail impact assessment accompanying the application shows that the proposal would divert modest levels of comparison goods expenditure from the defined centres and that there would not be a significantly adverse impact upon the vitality and viability of trade or turnover of centres within the City of York or the wider study area. It is not considered that the proposed development would have a significantly adverse impact on committed or planned investment nor that unlikely that the development is likely to have a significantly adverse impact on York city centre cinemas.

10.15 The proposal constitutes development of 5000sqm or more outside town centres so requires referral to the Secretary of State.

## **11.0 HIGHWAY AND TRAFFIC CONSIDERATIONS AND ISSUES**

11.1 The transport and highway implications of a new stadium on the site have previously been considered by the council through its consideration and approval of the outline planning application. Therefore the issues of how people would travel to the development, the impacts likely to arise and the mitigations required have substantially been established. The key differences between the two applications are the increased stadium capacity from 6000 to 8000 seats and the additional retail and leisure elements now proposed. These aspects have been considered through the supporting documentation, namely the transport assessment and travel plan.

11.2 Whilst the additional retail and cinema components are predicted to increase vehicular traffic above that considered previously this is not shown to present an issue with the exception of Jockey Lane/Kathryn Avenue area, which under current conditions experiences some problems accommodating total traffic demands at

certain periods, chiefly during the Saturday peaks, with westbound traffic queuing back and through the adjacent roundabout. This would be mitigated by maximising signal control of the junction to balance flows across the junction. In addition the provision of CCTV will enable signal timings to be monitored in real time and optimised to reduce journey time where feasible. Traffic surveys undertaken recently, albeit only covering a 2 day period, have indicated that the actual volumes of traffic (over the whole day) being generated by the Vangarde park are substantially less than the levels first predicted. This is supported by more extensive retail analysis which shows that the level of trading and thus the number of trips are lower and therefore the extra attraction predicted under the current proposal would not have a detrimental impact on the local highway network.

11.3 Some further low key improvements (footway widening/resurfacing) are proposed for Kathryn Avenue from that junction to the site boundary aimed at getting the best provision for pedestrians and cyclists along that important connecting link.

### Access

11.4 A new access road (in-only) would be provided from Jockey Lane via a former entrance to the stadium. The new road would serve the northern car park. A new separate, path for pedestrians and cyclists would be created alongside the new access road. The path would be at least 3.5 metres wide and built to adoptable standards. The route would be available for the general public and is anticipated to be available on match days for spectators, subject to any crowd management criteria which the Police may require on occasions. The total level of vehicular traffic accessing the site to and from Jockey Lane (exiting only via Kathryn Avenue) would be minimal and well within acceptable volumes for a highway of this nature. An objector argues that the Jockey Lane access should be out-only (instead of in-only). Highway officers considered this option but found it unsuitable due to poor sight lines and conflict with the Portakabin access on the north side of Jockey Lane.

11.5 A new section of Kathryn Avenue would be created around the western and northern sides of the stadium to link with the Park & Ride hub. The road would be designed to adoptable highway standards and include a new cycle/pedestrian path. This new road would create a strategic traffic-free route linking residential areas off New Lane through to the Park & Ride, stadium and Vangarde development, whilst also linking to Jockey Lane. Use of the new road would be restricted to authorised traffic. It is envisaged that such traffic would be limited to primarily bus use (Park & Ride service No.9) and servicing traffic associated with the stadium and retail uses. The use of the route would be controlled through traffic regulation orders and design measures. In addition, provision would be made through planning conditions for other measures such as rising bollards to be provided (if shown to be essential at a later date) and at the cost of the applicant.

11.6 Easy and safe crossing points would be provided along the route for pedestrians and cyclists. Stops and lay-bys would be provided for shuttle buses on match days. Private car access would not be permitted along the road apart from a short section for cars exiting the northern car park. Cars accessing the south car park would approach from Martello Way via the Park & Ride hub. The council's traffic management and Park & Ride officers have considered all the proposals at length and have no concerns or objections.

11.7 To the east of the stadium, movement by pedestrians and cyclists would be achieved through the creation of a new area of public realm. This would incorporate generous space for movement particularly on match days and connect well with the adjacent retail parks. A number of cycle parking points would be provided, with a proportion being covered.

11.8 On the southern side of the development a new 4m-wide pedestrian and cycle path (adoptable) will be provided connecting to the other routes and linking the existing Vangarde development to the stadium and Park & Ride. A substantial area of cycle parking would be located here, providing a quality hub for sustainable travel.

11.9 Some alterations are proposed at the Park & Ride hub in Martello Way. They include signs and lines, to establish the bus-only loop and to connect to the new area of highway to the retail car park and Kathryn Avenue. All highway works would be controlled by the usual highway agreements.

### Park and Ride

11.10 The development would encompass and build over a substantial section of the current Park & Ride car park at its northern end. This would be replaced by a slightly greater number of new spaces at the south/western side. These works would be undertaken at the same time as the development. The Park & Ride would remain open during the works although further consideration of the construction and programming would be required to ensure that disruption to the Park & Ride is negligible. This should be covered by a planning condition.

11.11 The available car parking for Park & Ride users within the car park is:

Current	750 spaces
Proposed, non-match days	832 spaces
Proposed, matchdays	432 spaces

11.12 For non-match days this would mean a net gain of 82 Park & Ride spaces. For the great majority of time the Park & Ride would therefore have more spaces available than currently, which is a benefit and fits the council's transport policy to grow the patronage and number of Park & Ride journeys. The proposal is that a maximum of 400 spaces within the extended Park & Ride car park would be made

available to spectators. This approach has been established through the outline consent and following further detailed discussions agreed with officers. This would be achieved through ticketing arrangements offered by the football and rugby clubs such as with season or match day tickets. So on match days, essentially, allocation of the 400 spaces would have been made in advance. Spectators would not be able to turn up on the day and park. Surveys of current usage would suggest that other than a couple of occasions, such as before Christmas, this limitation on Park & Ride users should not be detrimental. Close monitoring as to the operation of this plan, further dialogue and review would be essential and the developer is committed to this. The physical means of access to the Park & Ride, access control mechanisms (barrier/token) and the requirement for manning on match days (by the developer/stadium/clubs) need further work and this would be secured through planning conditions, prior to the site becoming operational. The charge to park in the Park & Ride without using the bus services would be increased to an amount significant to ensure that other spectators do not find this an attractive option. It could be increased further if the initial fee did not prove sufficient.

### Shuttle Bus Service

11.13 Even before the grant of outline planning permission it was deemed essential, given the limited car parking proposed and to accord with council transport policy, to provide some means of mass transport on match days. It has been shown that the number of people likely to travel by this mode from the city centre area and also from the west of the city would be about 1900 for a typical football match and 4900 for a maximum capacity event. The developer therefore proposes a shuttle bus service, which would operate on match days of an appropriate number and duration and for an appropriate time before and after matches (all to be specified). Further work on this needs to be undertaken, in particular the pricing structure and how this would be embedded with ticket purchase. The likely intention is that payment would be made on the bus. The full details of the proposal and its ongoing monitoring would be secured by a condition, requiring this to be set up in plenty of time for the start of the first season.

### Car Parking

11.14 The developer proposes that the northern, eastern and southern car parks would be operated and managed in line with the adjacent Vangarde Retail Park in terms of parking duration and enforcement. Officers are content that the parking numbers reflect the predictions of car trips based on similar developments, including at the busiest periods. In reality the stadium development would offer complimentary land uses and as such there would be a proportion of linked trips throughout the Monks Cross area. Whilst the site has been considered in isolation there would be a wider stock of car parking available within the vicinity of the site for visitors.

## Travel Plan

11.15 The application includes a stadium travel plan containing a raft of proposals to facilitate the ongoing monitoring of travel associated with the development as a whole. The proposals include provision for the survey of any off-site impacts, specifically the risk of parking taking place in streets surrounding the site. The travel plan for the Vangarde development included an extensive survey cordon, because the 'walk in' catchment for stadiums can be as much as 30 minutes. It is intended that this cordon be used for the current application. A travel plan steering group would be set up led by a coordinator appointed by the developer. The submitted travel plan includes a clear commitment to this. The coordinator would be responsible for the collection of data on travel to the stadium including establishing if and where parking did arise in areas outside the site. This information would be brought to the steering group for its consideration. If it were subsequently proven that parking displacement had been generated, of a level and duration that warranted some form of mitigation, this would be taken forward, with local consultation as appropriate.

## **12.0 DESIGN AND VISUAL IMPACT**

12.1 The NPPF states that good design is a key aspect of sustainable development and this is indivisible from good planning, and should contribute positively to making places better for people. High quality and inclusive design shall be achieved for all development. Specifically the framework aims to ensure the establishment of a strong sense of place, developments which function well, optimise the potential for green spaces and local facilities, and are visually attractive as a result of good architecture and appropriate landscaping.

12.2 The NPPF states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Paragraph 61). Planning permission should be refused for 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.

12.3 Although most of the design concepts of the proposal have been inherited from the outline permission, some are different. The approved stadium scheme has a coherent approach to parking and would have limited development to the south but the bus route would have gone through the public spaces to the east of the stadium. The current proposal has better pedestrian connectivity to the Vangarde development, by relocating the bus route to the west side of the stadium and using open space to link the two developments. However, the proposal does intensify the use of the site (compared to approved scheme), which leads to a number of different issues. In particular the separation of the various parking areas would result in a less efficient layout than approved, creating more roadways, loss of some open space and the likely removal of some existing planting features or trees. There

would be a further reduction in public open space due to the additional retail space to the south of the stadium.

12.4 The changes to the proposed bus route through the site from the east to the west of the stadium has other benefits i.e. it removes vehicles from the some of the proposed public spaces, primes the site to the west (possible future housing) for future connectivity and provides some separation between such future housing and the stadium.

12.5 The stadium is one component within a group of other significant components on a densely developed site. The stadium is not clearly visible (either up close or at a distance) as a stand alone sports arena, which could be seen as a hindrance to its promotion of sport as being communally and socially valuable. However not all stadiums are visually prominent and the setting should be judged on its merits, without preconceptions.

12.6 The spatial arrangement seeks to ensure that the development as a whole is legible. The block of accommodation abutting the eastern side of the stadium (sports/leisure/community uses) has its main entrance at the centre of the building and all the uses face the main public open space which is free of vehicles. The approach to the stadium has been given more visual emphasis than earlier iterations of the design with a large covered arch/opening leading into the stadium at its south-east corner. This opening separates the mixed sports/leisure/community uses described above from the retail and cinema building along the southern side of the stadium.

12.7 The main visual impact of the development would be due to the scale and design of the retail/cinema building, which would rise to a general height of 21m with the roof of the main cinema auditorium rising to 25m. The operational need for the cinema level to have blank external walls would hinder the ability for the retail element from being articulated as successfully as in the Vangarde development. In addition, the massing of building would make it highly visible from approaches across flat landscapes to the south and west.

12.8 The primary functions of the various uses are clearly articulated in different ways. These are: (1) stadium elevations, (2) retail/leisure elevations, (3) less prominently public, mostly northern elevations. This is a good approach but the details are not clear so should be made conditions of approval.

12.9 An element at the eastern end of the retail/cinema building would be 25m high, projecting 4m above the parapet of the main roof. This has been designed as an architectural feature with lighting to add interest to this part of the building which also houses the main cinema auditorium. It would be clad in translucent polycarbonate, backlit by LEDs providing luminance and colour. The north, south

and east faces of the box would be illuminated but only in the late afternoons/early evenings as usage during daylight hours would be inefficient.

12.10 The details of the lightbox in terms of materials, illumination and external appearance would be submitted and controlled through appropriate planning conditions to ensure that this feature is acceptable in this setting. Members will be aware of the existing floodlighting for Huntington Stadium which is visible over a wide area when in use and is of a type which pre-dates present good practice for floodlighting design which minimises light pollution.

## **13.0 LANDSCAPE**

13.1 The application has a greater extent of development than that approved (for the application part of the site) under the outline application (ref. 11/02581/OUTM). The current proposal has a greater impact on the extent and quality of the landscape infrastructure.

13.2 Large areas of vegetation along the western perimeter and within the car park that were part of the landscape infrastructure and screening for the existing Park & Ride were removed in Autumn 2014, outside the nesting season. The new layout compromises the original design intention of the arc-shaped Park & Ride and the vegetation cover associated with it. It also reduces the quality of the environment to the south of the proposed retail park. However the overall benefit of the community sports facilities made viable by the retail development outweighs the reprovision of this green infrastructure within the site.

13.3 The latest site layout has forfeited some parking spaces within the Park & Ride in order to reinstate some tree cover along the exposed western boundary by way of individual specimen trees. The establishment of these trees along this boundary would make a significant contribution to reinstating the structure planting that was critical visual mitigation for phases 1 and 2 of the Park & Ride (despite the overall loss of accessible green infrastructure and wildlife habitat). Additional tree planting would however be unable to mitigate the full visual impact of the cinema structure, which lies further north.

13.4 The quality of the environment to the retail block is poor, relative to the Park & Ride and Vangarde sites, both of which include ample tree planting. The parking bays of the Park & Ride also includes a bonded gravel surface, which has performed well over the last decade. This helps to ease the visual impact and reduce localised heat build-up caused by the extent of hard surfacing. Trees generally do not perform as well within paved areas as they do in soft areas so the single row of parking bays and the Park & Ride footpath should be block paved or porous tarmac and the planting method should be made a condition of approval.

13.5 Notwithstanding the loss of green infrastructure relating to the existing park and ride site as described, the landscape design principles and proposals are acceptable. The public realm to the east of the leisure facilities connects well with the Vangarde Retail Park and is of suitable quality. The landscape architects have utilised the limited opportunities for new tree planting and have detailed the scheme in a considered and effective way.

13.6 The proposals relating to the Roman camp are only indicative at this stage since there is little room for any feature along this edge, although a marker of some description would be desirable.

13.7 The development would result in a positive regeneration of the existing stadium and leisure facilities and the environment at the northern end of Kathryn Avenue. It would create continuity with the recent retail development and a decent public realm between the two. The relationship between the 25m-high end of the retail/cinema with the single-storey restaurants opposite is poor but the sensitivity of this relationship is low.

13.8 Whilst efforts would be made to reduce the development's impact on the retained oak trees along the western perimeter of the stadium it is likely that they would go into gradual early decline due to the proximity of the new path and roadway construction. In the latest iteration the environment of the north east car park has been improved.

13.9 In summary the development would regenerate the existing stadium and leisure facilities with a good traffic-free public realm connecting it to the Vangarde development. However the considerable extent of additional parking would result in a substantial loss of green infrastructure along the western and southwest boundary of the existing Park & Ride. The southern half of the site would be more open to New Lane and properties on Jockey Lane, resulting in greater visual encroachment on the intervening open space. The visual amenity and user-experience of the P&R site, as a first impression/setting of York, is also reduced. In other areas however, such as to the east of the proposed leisure uses, the limited opportunities for new tree planting have been used effectively and the main pedestrian areas, which are to the east of the stadium, connect well with the Vangarde Retail Park. Overall, the main weakness of the development is the limited green infrastructure but this is outweighed by the public benefits of the community sports facilities, which would be made viable by the retail development.

## **13.0 ECOLOGY**

13.1 Section 11 of the NPPF says the planning system should contribute to and enhance the natural and local environment by among other things protecting and enhancing valued landscapes,

13.2 The NPPF seeks to achieve net gains in biodiversity where possible. The Framework requires Local Plans to set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Opportunities to incorporate biodiversity in and around developments should be encouraged.

13.3 There have been numerous ecology surveys of the site as reported in the 2011 Environmental Statement accompanying the previous stadium application. From an ecological perspective there has not been a significant change to the scheme since then so ecology was scoped out of the current environmental impact assessment. Nevertheless, there are some effects on ecology.

13.4 An ecological appraisal of the site was undertaken in April 2013. This has been undertaken in line with best practice methodology and by suitably qualified and experienced ecologists. This survey included consideration of the stadium, Waterworld and associated buildings for their potential to support roosting bats. The impact was assessed as being negligible due to the nature of their construction so no further surveys are required.

13.5 Ecology surveys of the Park and Ride extension undertaken in 2014 have included consideration of the trees for roosting bats. The trees which were identified for removal have been subject to a detailed inspection by appropriately licensed ecologists. Again this has followed best practice methodology for the surveys and some trees with bat potential are to be retained.

13.6 Areas of habitat suitable for great crested newts were identified to the west of the Park and Ride site and this area has been cleared under a Natural England licence with mitigation tying into development of the Vangarde (retail) site. There are limited areas of terrestrial habitat immediately south of the stadium. In order to ensure that works are undertaken in accordance with the legislation protecting great crested newts a method statement has been produced (URS, December 2014). This method statement should be appended to the Construction Environmental Management Plan.

13.7 As initially submitted the application included proposals to enlarge an existing attenuation pond south of the Park and Ride. This would have had an impact on bird populations and newt terrestrial habitats on the margins of the pond. The proposal extend the pond has since been deleted from the scheme.

13.8 Areas of vegetation already removed as part of P+R extension were sites of local interest noted for their semi-improved grassland with some relict neutral grassland and as terrestrial habitat for great crested newts. Although mitigation for this loss has been replaced elsewhere the proposed landscaping of the application site provides very little semi-natural space. The enlarged Park and Ride would extend right up to the western boundary and although the existing hedgerow would

be retained and gaps filled with native species the green corridor is significantly reduced. The bat surveys undertaken in 2010 identified the western boundary as having moderate levels of foraging activity. Since submission of the application some additional tree planting is proposed along this boundary, which would help to maintain habitat for foraging bats.

13.9 The lighting scheme for the site should be sensitive and avoid light spill. The detailed lighting design should minimise the spread of light at, or near horizontal and ensure that only the task area is lit. Flat cut-off lanterns or accessories should be used to shield or direct light to where it is required. The height of lighting columns should be chosen to minimise light spill. Up lighting to trees (particularly the mature trees) can cause disturbance to birds and insects and should be avoided. An appropriate lighting scheme should be made a condition of approval.

## **14.0 ARCHAEOLOGY**

14.1 The NPPF states that Local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance (paragraph 126). In determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation (paragraph 132).

14.2 The applicant site lies outside the designated Area of Archaeological Importance. However, it lies immediately to the east one designated heritage asset, a temporary Roman camp designated as a scheduled ancient monument. The remains of the camp extend into that part of the site where Huntington Stadium is located. This portion of the camp is not scheduled. The site also includes a range of undesignated heritage assets including a second, almost completely excavated temporary Roman camp and a range of prehistoric features and deposits.

14.3 The site is therefore of archaeological interest. As a consequence there have been pre-application discussions with the development team. The results of these discussions, including a detailed description of the archaeological interest and significances of the site, were covered at length in information submitted with the outline application for this site and the adjoining retail park.

14.4 The information submitted at that time suggested that a programme of archaeological work should be carried out at the site of the Community Stadium. This area includes the unscheduled portion of the temporary Roman camp.

14.5 It will be necessary therefore to implement an archaeological project to record the remains of this camp prior to the redevelopment of the stadium site. This project should be designed so that the local community, schools and community archaeology groups can participate in it. York Archaeological Trust (YAT) has been appointed through this procurement exercise. It is anticipated that YAT and the Community Team will commence work on site at the beginning of April 2015. Details of the archaeological investigation should be made a condition of any approval.

14.6 English Heritage is keen to discuss proposals showing how the scheduled Roman camp would be integrated into the stadium development and the potential housing site to the west the application site. The land on which the Roman camp is situated is a draft housing allocation in the emerging local plan but currently there are no firm proposals for its development.

## **15.0 FLOOD RISK AND DRAINAGE**

15.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). When determining planning applications local planning authorities should only consider development appropriate in areas at risk of flooding where the most vulnerable development is located in areas of lowest flood risk and development is appropriately resilient and resistant (paragraph 103).

15.2 The application site is within Flood Zone 1 which is the lowest category of flood risk given by the Environment Agency. Surface water run-off would be stored on-site in underground tanks and oversize pipes. Run-off would be attenuated to 70% of existing. Revised storage proposals, means of attenuation and the calculations underpinning those proposals are acceptable to the council's Flood Risk Management officers, subject to conditions requiring certain details to be submitted. Foss Internal Drainage Board objected to the proposals as initially submitted but as yet has not commented on the revised proposals. Members will be updated at the committee meeting.

## **16.0 ENVIRONMENTAL SUSTAINABILITY**

16.1 Paragraph 109 of the NPPF says the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 says local

planning authorities should refuse permission if significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for.

16.2 The submitted Sustainability Statement demonstrates how the proposal aims to comply with both national and local sustainability objectives. It contains a clear assessment as to how the development, as a whole, aims to meet core sustainability objectives (including economic, social and environmental sustainability objectives) and outlines high-level plans to mitigate any adverse effects. This statement also broadly covers the requirements of Policy GP4a (Sustainability) of the City of York's Draft Local Plan (4th edition).

16.3 However, the LPA uses the City of York's Interim Planning Statement on Sustainable Design and Construction (2007 ( and Addendum 2014)) to assess sustainability and to ensure minimum standards for sustainable design and construction are met for all new developments. The table below is a summary of how this application meets the current IPS requirements.

16.4 The site is in a sustainable location being within the settlement limit of York and well served by bus services and with good access to the city centre. The proposals include measures to encourage sustainable transport including walking, cycling and improved bus services (Park & Ride facilities and a shuttle bus for match days). Evidence has been submitted to demonstrate that the buildings are likely to achieve BREEAM rating of at least very good and will be built to the highest low carbon/energy standards. The applicant has also committed to achieve 10% of energy from low/zero carbon technologies. The council's sustainability officer is satisfied that the application meets all the requirements of the City of York's Interim Planning Statement on Sustainable Design and Construction for ensuring that all new developments meet minimum standards for sustainable design and construction.

## **17.0 ENVIRONMENTAL PROTECTION AND NEIGHBOUR AMENITY**

17.1 The NPPF states that planning policies and decisions should: plan positively for the provision of community facilities; guard against their unnecessary loss; ensure that established facilities are able to develop and modernise in a way that is sustainable and for the benefit of the community; and ensure that their location is considered in an integrated way.

17.2 The application site is not located in a heavily-populated area. The nearest substantial settlement is around New Lane which is approximately 350m west of the proposed stadium. The immediate area of the site is predominantly business and retail. There is a cluster of approximately 50 residential dwellings to the west of proposed stadium at Forge Close and Saddlers Close. These houses are located between 50m and 250m from the existing Hunting Stadium. To the south it is primarily open with small clusters of housing, the closest being around the Martello

Way, Jockey Lane, Malton Road roundabout. The proposed new stadium would be located a little to the south of the footprint of Huntington Stadium. This would slightly increase the separation distance between the stadium and Forge Close and Saddlers Close.

17.3 The most significant neighbouring amenity issue from this application relates to the proposed stadium. This is due to the smaller separation distances from neighbouring dwellings and the potential for noise generation. As the proposal involves replacing an existing stadium it is not introducing an entirely new noise-generating use into the area. However, given that the proposed stadium has a significantly greater capacity than Huntington Stadium and the fact that it is likely to be used more regularly for spectator events, it is considered that the issue of intensity of use and its impacts has to be considered.

### Noise

17.4 Doubling the capacity of the stadium from approximately 3500 people currently to 8,000 people. is likely to result in a doubling in noise level which equates to a 3dB increase. In practice it is likely that the noise increase would be more than 3dB due to the current/former low levels of attendance. The worst case scenario could potentially be an increase in noise levels of 12dB. However, no details have been submitted of noise levels currently experienced nearby so the actual impact is unknown. Any increase in crowd noise would be partially mitigated by the new stadium being located 50m away from the closest dwellings, which are in Forge Close, and by the screening effect of the new stands. In addition matches will only be played on a limited number of occasions a year and generally during the daytime when background noise levels are elevated. Conditions should be attached to mitigate noise nuisance from any PA system and from noise associated with plant and equipment.

17.5 No details have been submitted regarding use of the stadium for live music events, which have the potential to cause noise nuisance. A condition should also be attached to prevent open-air concerts without prior approval.

17.6 Noise from vehicle movements is predicted to increase by about 0.6dB, which would be negligible and would not result in loss of amenity.

### Management of Construction Impacts

17.7 Details of the construction works are not known but have the potential to have a significant impact on local residents. Details should be attached requiring a construction impact management plan to be submitted for approval together with details of construction methods.

## Lighting

17.8 No details have been submitted of lighting, including the proposed floodlighting. Under the Institute of Lighting Professionals guidance on the direction of obtrusive light the site would be classified as an E3 (medium district brightness) area so any lighting to be installed should be compliant with E3 guidance. This should be made a condition of approval.

## Odour

17.9 Odour from cooking facilities likely to form part of the development has the potential to cause loss of amenity. A condition should be attached to mitigate the effects.

## Pollutants

17.10 Pollutant concentrations have been predicted at selected receptors where exposure to traffic emissions from vehicles travelling to/from the site is potentially the greatest (i.e. residential properties etc in close proximity to roads/junctions with the greatest predicted changes in traffic flows).

17.11 Construction related activities are likely to lead to an increase in dust adjacent to the site boundary. However, this can be controlled via good working practice. The construction effects have been assessed using the qualitative approach described in the latest Institute of Air Quality Management (IAQM) guidance and it was concluded that with appropriate mitigation measures, effects to dust soiling and human health from the dust-generating activities on site are predicted to be insignificant.

17.12 The effects on air quality are primarily linked to the changes in traffic levels associated with the operation of the development. The greatest impact was in the vicinity of Jockey Lane/Forge Close. Increases in annual mean particulate concentration of up to 0.1ug/m<sup>3</sup> were observed in the vicinity of the site with the development in place. It should be noted that there are currently no known safe exposure limits for fine particulates. The largest modelled change in nitrogen dioxide concentration was 2.5ug/m<sup>3</sup> - in line with national guidance this change is considered to be of 'medium' magnitude.

17.13 In line with the NPPF and City of York Council's adopted Low Emission Strategy, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra low-emission vehicles (NPPF Paragraph 35). Any aspect of the development that includes public parking should include facilities for the recharging of electric vehicles. It is recommended that a minimum of 8 bays are provided (~1% of parking provision for the site), which should be made a condition of approval.

## Emissions

17.14 The development is not expected to result in increased local exposure to air pollutants above the national air quality objectives. However, the development would still have an overall emission impact on the wider city, which would contribute to the cumulative impact of development on background air quality. This would arise primarily as a result of additional traffic using the site and would have the potential to counteract emission reduction measures being implemented through York's Air Quality Action Plan and adopted Low Emission Strategy. The applicant is therefore required to demonstrate that all possible steps are being taken to minimise emissions arising from the development. Where it is not possible to fully mitigate (by on-site measures) all the emissions arising Environmental Protection officers recommend that a financial contribution be made towards wider low-emission measures for the city to support the Air Quality Action Plan. Paragraph 152 of the NPPF suggests that where it is not possible to mitigate on-site compensatory measures off-site may be appropriate. If it is not possible to mitigate on-site Environmental Protection officers advise that a financial contribution as described above should be paid by the applicant. Any contribution made would be used by CYC to implement additional measures within its wider Low Emission Strategy/third Air Quality Action Plan to offset emissions from the development. It is anticipated that a proportion of this contribution would be used to support monitoring activities post-development. Given that the council is the landowner, this contribution cannot be secured by a s.106 planning obligation. The amount of any such contribution has yet to be determined. Members will be updated at the meeting.

## Contamination

17.15 The land contamination reports submitted with the application confirm that no past industrial activities have been located at the site and that no significant land contamination has been detected. A condition should be attached requiring any unexpected contamination to be reported.

## **18.0 CONCLUSION**

18.1 This proposal is for a mixed use development including: an 8,000 seat community stadium; a community hub, indoor and outdoor leisure facilities (including three swimming pools and a sports hall), a cinema, together with six non-food retail units and two restaurants. It is considered that the scheme would provide extensive and comprehensive sports, leisure and community facilities that would effectively replace and significantly enhance the provision of such facilities in the city. The scheme would also generate additional employment opportunities both during construction and on completion.

18.2 As Members will be aware the principle of a new community stadium to be built at Monks Cross was established by the grant of outline planning permission for a 6,000-seat stadium.

18.3 The proposal is acceptable from a planning policy perspective. It is considered that the benefits of the scheme significantly outweigh the limited environmental, traffic generation and retail impacts, which are identified in this report and which in part can be mitigated through measures secured by planning conditions.

## **RECOMMENDATION**

That delegated authority be given to the Assistant Director of Development Services Planning and Regeneration following the expiry of the publicity period on 31 March 2015 to

- (i) consider any further new material planning considerations received during the publicity period in consultation with the Chair and Vice-Chair and if satisfied that these issues do not alter the recommendation of approval,
- (ii) refer the application to the Secretary of State for Communities and Local Government under the requirements of Article 5(1) of The Town and Country Planning (Consultation) (England) Direction 2009, and should the application not be called in by the Secretary of State, then
- (iii) subject to the Highways Agency formally lifting its Direction,

APPROVE the application subject to the following conditions and any additional conditions as considered necessary following the Highways Agency consultation response.

## **CONDITIONS**

1 TIME2 Development start within three years -

2 Approved plans

3 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. 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.

4 VISQ8 Samples of exterior materials to be app -

5 Tree protection measures

6 Prior to the use of the stadium hereby approved 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: To protect the amenities of adjacent residents.

7 The Public Address System (the details of which are to be agreed) shall only be used during events that take place on the external area within the stadium and during the period 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: To protect the amenities of adjacent residents.

8 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. 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: To protect the amenities of adjacent residents.

NOTE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 metre from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive

of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, the Environmental Protection Unit of city of York Council considers that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

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

REASON: To protect the amenities of adjacent residents.

10 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. It shall also identify trigger levels for each of the environmental factors. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON. To protect the amenity of local residents and businesses

NOTES: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels

of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition the CEMP should provide for a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

11 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 Standards BS 5228: Parts 1 and 2: 2009, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

REASON. To protect the amenity of local residents and businesses

12 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.

REASON. To protect the amenity of local residents and businesses

13 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

14 During the construction process heavy goods vehicles shall only enter or leave the 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 or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

REASON. To protect the amenity of local residents and businesses

15 No development shall take place until a full Lighting Impact Assessment undertaken by an independent assessor has been submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties containing the following as a minimum

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary
- Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E3 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting

Any floodlights to be used at the site shall not be used before 08:00 or after 23:00 on any day of the week unless previously agreed in writing by the Local Planning Authority.

No other external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

REASON: To protect the amenities of adjacent residents

16 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written 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 amenity of future residents and local businesses.

NOTE: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition and that information submitted in compliance with this condition shows compliance with the Defra guidance.

17 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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. 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 2A of the Environmental Protection Act 1990.

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.

18 No work shall commence on site until the applicant has submitted details of:

- (i) An archaeological project to investigate archaeological features and deposits within the area of the proposed Community Stadium;
- (ii) 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;
- (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.

19 Details of playing pitch to ensure that it is built to standard.

20 Prior to commencement of development details of the following matters shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Windows and external doors

Cinema lightbox

Street furniture

Lightbox details including lighting and hours of operation

Large-scale sections through external openings

REASON: In the interests of the character and appearance of the area.

21 Prior to first occupation of the development eight (8) electric recharge bays shall be provided within the site boundary at a location to be agreed with the Local Planning Authority. Bays shall be clearly marked for 'electric vehicle charging only'. The bays shall include free-standing, weatherproof, outdoor electric vehicle recharging units (either 4 x dual headed outlets or 8 x single outlets) and provide 32A type 2 sockets and use a back office system which provides public access by swipe card or mobile app [Final wording to be agreed with the Environmental Protection Unit].

REASON: In the interests of sustainable transport

22 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON: In the interest of satisfactory and sustainable drainage.

23 Submission of drainage details, including attenuation.

24 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

25 No part of the development hereby approved shall be occupied 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;

- H-DR-0100 Issue 3
- H-DR-0104 Issue 4
- H-DR-0106 Issue 4
- H-DR-0108 Issue 4
- H-DR-0110 Issue 4
- LDA Design General Arrangement 3395\_LP 01 Rev B

or such plans as 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, including the Park & Ride bus services.

26 No part of the development hereby approved shall be occupied until facilities clear of the public highway have been provided for the manoeuvring of vehicles in accordance with the approved drawing **H-DR-109 Issue 3** or such drawings as 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 than the manoeuvring of vehicles 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.

27 The development hereby approved shall not be occupied until the areas for vehicle parking have been constructed and laid out in accordance with the submitted drawing **LDA Design General Arrangement 3395\_LP 01 Rev B**, or such plans as are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained for the lifetime of the development for the sole purpose of parking of 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

28 Within 6 months of the commencement of development details of the cycle parking facilities as indicatively shown on drawing LDA Design General Arrangement 3395\_LP 01 Rev B shall be submitted to the local planning authority for approval in writing. Such details to show the position, design, materials and finishes thereof. The approved facilities shall be installed prior to any part of the site being brought into use and shall thereafter be retained for the lifetime of the development for the sole purpose of the parking of cycles.

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

29 The development hereby approved shall not be brought into use until the forward sightlines as shown on drawing H-DR-109 Issue 3 have been provided. Such sightlines shall be retained thereafter for the lifetime of the development, free of all obstructions over 600mm in height above the level of the adjacent highway.

REASON: To ensure an adequate level of visibility is provided in accordance with the relevant criteria so that the use of said highway/junction does not prejudice the free flow of traffic or safety of highway users.

30 Within 6 months of the commencement of development drawings detailing the design of a pedestrian/cycle crossing point to be used in the locations indicatively shown on drawings:

- H-DR-0100 Issue 3
- H-DR-0104 Issue 4
- H-DR-0106 Issue 4
- H-DR-0108 Issue 4
- H-DR-0110 Issue 4

shall be submitted to the local planning authority for approval in writing. Such details to show the carriageway width, kerb detail, design, surface materials, street furniture and/or planting/street trees thereof. The development shall be carried out in accordance with the approved details.

REASON; To ensure that the pedestrian and cycle crossing facilities are of a high quality to encourage sustainable travel whilst ensuring through design measures that vehicles are aware of the presence of the crossing and as such positively influences driver behaviour.

31 Within 6 months of the commencement of development detailed drawings and an access strategy shall be submitted to the local planning authority for approval in writing by the Local Planning Authority of measures to restrict and regulate traffic using the new access road around the stadium boundary. Such details shall show the physical design features such as carriageway narrowing, signage, surface treatments and/or technology based solutions such as ANPR enforcement, gates, intelligent bollards or CCTV. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the new internal access route is not used inappropriately to the detriment of highway safety of vulnerable highway users or hinder the service reliability of public transport including Park & Ride services.

32 The development shall not come into use until the following off-site highway works have been implemented in accordance with the submitted drawing(s), or such plans as are subsequently submitted to and approved in writing by the Local Planning Authority:

- a) Upgrading of signal loops and software to UTC and/or MOVA at the existing signalised junction of Kathryn Avenue/Jockey Lane
- b) Provision of a CCTV camera at a location to be agreed in the vicinity of the junction of Kathryn Avenue/Jockey Lane
- c) Improvements to facilities for pedestrians and cyclists including widening and resurfacing of the footways from the site boundary along Kathryn Avenue to the junction with Jockey Lane as shown indicatively on drawing ref; YCS(90)CH0002 Rev P002 dated 06/03/15

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

33 A full 4 stage road safety audit in accordance with guidance set out in DMRB HD19/03 and guidance issued by the council shall be carried out for the internal highway layout and all off-site works requiring alteration as specified in submitted drawing(s):

- H-DR-0100 Issue 3
- H-DR-0104 Issue 4
- H-DR-0106 Issue 4
- H-DR-0108 Issue 4
- H-DR-0110 Issue 4
- LDA Design General Arrangement 3395\_LP 01 Rev B

or such plans as are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 1 of the audit shall be submitted to and approved in writing by the local planning authority prior to works commencing on site.

REASON; To minimise the road safety risks associated with the changes imposed by the development.

34 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved statement, which shall include at least the following information:

- a) a phasing plan which identifies and details how the Monks Cross Park & Ride will be managed during the construction period to ensure adequate car parking remains and protects the Park & Ride service from delay
- b) programme of works
- c) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- d) where contractors will park

- e) where materials will be stored within the site
- f) measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- g) a jointly undertaken dilapidation survey of the adjacent highway
- h) details of any road/footpath closures as may be required

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

35 No part of the development hereby approved shall be occupied until a car parking management plan has been submitted to the local planning authority for approval in writing. The site shall thereafter be occupied in accordance with the approved car parking management plan unless agreed otherwise in writing by the local planning authority. Such a management plan shall include at least the following details:

- a) a maximum duration of stay
- b) details of how the use of 400 spaces within the Monks Cross P&R by stadium spectators during stadium events will be managed
- c) details of how the implemented plan is to be enforced and managed on a day to day basis
- d) a signage strategy which makes visitors clear as to the restrictions and enforcement

REASON: To ensure that 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.

36 Within 6 months of the commencement of development a strategy for the placing of directional signage on the highway network shall be submitted the local planning authority for approval and agreed in writing. Such agreed scheme shall be implemented prior to any part of the development hereby approved 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

37 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the submitted Travel Plan dated 11 December 2014, or such Travel Plan as is subsequently submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development complies with local and national planning and transportation guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

38 Within 6 months of the commencement of development a strategy for the use of shuttle buses serving the stadium shall have been submitted to the local planning authority for approval in writing. The agreed strategy shall include at least the following details and shall be implemented prior to the first event taking place at the stadium;

- a) The frequency of the shuttle service operation
- b) The time period before, during and after stadium events that the service will operate
- c) Charges if applicable that will be levied on users of the shuttle service
- d) The routing of the shuttle service including the locations of pick up, drop off and stabling points
- e) Ongoing mechanisms to evaluate the usage of the service, review/adaptation of any aspect of provision to accord with spectator numbers and origins.
- f) Mitigation proposals should the shuttle services fail to achieve the modal split by bus envisaged in the Transport Assessment/Travel Plan.

The agreed stadium shuttle service strategy shall thereafter be operated during stadium events unless agreed otherwise in writing by the Local Planning Authority.

REASON: In order to manage traffic flows to the stadium by promoting sustainable travel and reducing dependence on the private car with the associated detrimental impact that will arise on the operation of the highway network and to local residents.

39 Prior to commencement of development a package of emission mitigation measures shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved mitigation measures

REASON: To offset residual emissions associated with the operation of the site and/or to support local air quality monitoring activities.

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