

## **PLANNING COMMITTEE**

Thursday 25 May 2023

### **Present:-**

Councillor Paul Knott (Chair)  
Councillors Lights, Asvachin, Bennett, Hannaford, Jobson, Ketchin, Miller, Mitchell, M, Sheridan, Wardle, Warwick and Williams

### **Also Present**

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Principal Project Manager (Development Management) (CMB), Planning Solicitor, Principal Officer Ecology and Biodiversity, Senior Environmental Technical Officer and Democratic Services Officer (HB)

36

### **MINUTES**

The minutes of the meeting held on 24 April 2023 were taken as read, approved and signed by the Chair as correct.

37

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

38

### **PLANNING APPLICATION NO. 21/1676/FUL - LAND NORTH EAST OF 371 TOPSHAM ROAD, EXETER**

The Assistant Service Lead - Development Management (Major Projects) presented the application for the development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park.

The Assistant Service Lead - Development Management (Major Projects) set out a detailed description of the site and the proposed development, including an aerial view, site and planting plans, views towards the site from Ludwell Valley Park photos showing the proposed building in the context of the surroundings and facilities within the existing golf driving range in Topsham Road which would be largely replicated in the proposed development. The report presented also set out the following key issues:-

- the principle of development;
- design, landscape and heritage;
- access and impact on local highways and parking;
- noise;
- impact on trees and biodiversity;
- flood risk and surface water management;
- sustainable construction and energy conservation;
- development plan, material considerations and presumption in favour of sustainable development

The Assistant Service Lead - Development Management (Major Projects) provided the following additional detail:-

- the proposed development was to change the use of the site from an agricultural field to a golf driving range, including the development of a single storey building and car park. Like the existing facility, the new facility will be available to use by members of Exeter Golf and Country Club/Topsham Golf Academy and not be open to the general public. A security fence was proposed along the boundary with Rydon Lane;
- the site was within the designated Ludwell Valley Park and Site of Nature Conservation Importance (SNCI) on the Local Plan First Review Proposals Map. The site was also located within the Landscape Setting area. The adjoining field to the northeast is part of the Ludwell Valley Park County Wildlife Site (CWS);
- the car park would be surfaced in grasscrete and the building would be sited adjacent to the car park to the east including eight bays and a specialised training bay. It will be constructed from timber and composite cladding similar to the building at the existing facility;
- the bays will face towards the northeast corner of the field and A379, away from the housing in Tollards Road and InFocus buildings. The ball striking zone will be 250 metres long compared with 180 metres at the existing facility. Unlike the existing facility there would be no flags or other paraphernalia in the ball striking zone. Instead users will be able to see the distance they strike the ball on a monitor in each bay;
- there would be no floodlighting; the Club having confirmed the facility will be viable to operate in daylight hours only. Due to the much larger size of the site compared to the existing facility, there would be no need for any safety netting. The applicant had confirmed verbally that no chemicals would be sprayed on the grass and none were being used at the existing facility;
- the applicant had submitted a Landscape and Ecological Mitigation Plan showing new planting on the site as part of the proposals to enhance biodiversity;
- an additional pre-commencement condition was proposed as requested by the Lead Local Flood Authority relating to drainage issues as shown on the update sheet.

In conclusion, the Assistant Service Lead - Development Management (Major Projects) advised:

- recreation uses are acceptable in the Valley Parks in accordance with Policy CP16 of the Core Strategy and saved Policy L1 of the Local Plan First Review;
- the open, rural appearance of the site will remain and the proposed building and car park will not have a significant impact on the character and local distinctiveness of the Valley Park;
- the building materials are appropriate and their colours can be controlled by condition;
- the soft landscaping proposed will enhance the biodiversity value of the site by 36.71% for habitats and 8.96% for hedges;
- the Council's Environmental Health Officer has not objected on noise grounds, as they consider it to be "not the loudest of uses" and a Noise Impact Assessment is conditioned;
- the Local Highway Authority had raised no objections on access or highways grounds;
- the proposal is for a high quality sporting facility for people of all ages who are members of Exeter Golf and Country Club/Topsham Golf Academy;
- the site is much larger than the existing site negating the need for netting;
- there will be no flood lighting.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- the existing facility is off Exeter Road towards Topsham and is further away from the Exeter Golf and Country Club than the proposed facility which itself will have the same facilities but no netting nor golfing paraphernalia;
- grasscrete was proposed for the car park and not an artificial permeable surface and the ball strike area will remain as grass;
- it will be a relatively quiet use compared with sports stadia;
- the ball strike area is within the building which provides sound proof mitigation and there have been no noise complaints from the existing facility and a noise impact assessment has been added as a condition in case sound proofing measures are deemed necessary in the future; and
- the Club have provided assurances that netting will not be required for this much larger site and the ball strike area is angled away from the houses. Planning permission will be needed if netting was to be sought, but would be unlikely to be allowed because of the Valley Park.

Councillor Begley, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- speaking on behalf of the residents of the Southbrook estate, the Southbrook Community Association and the campaign group;
- Since 1962 there have been around 10 attempts to develop this site and applications have failed, the latest in 2018, the Planning Inspector stating that the field was within the Ludwell character zone forming an integral part of the Ludwell Valley Park. It remains within the Valley Park designation in the Statutory Development Plan;
- residents are concerned that a change of use from agriculture to a golfing facility might in the future change it from a green field to a brown field site and make it more vulnerable to development;
- should approval of these plans be granted, is it possible to put a caveat preventing future development?
- the Southbrook Residents Association support the views of the experts, Devon Wildlife Trust (DWT), the managers of the Valley Park, when considering if the plans will affect the Ludwell Valley Park and its wildlife and they sent two letters of objection stating they consider the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity. It is a crucial area of wildlife rich greenspace within the city, much of which is publicly accessible and managed for people and wildlife;
- there have been nearly 350 letters of objection to the plans, many from people who come to the Park for recreation and are not residents;
- the removal of course lighting so that it will operate in daylight hours only in the winter is welcome but there is no mention as to what lighting is intended around the building and in the car park area and how long it will remain on;
- Natural England have stated that any lighting that would cause additional illumination of hedgerows, which are important wildlife corridors, should be prevented;
- thankfully the Planning Assessment deemed a well-lit cycle park unnecessary;
- whilst the landscaping and planning proposed will have a positive effect, the border with the properties on Tollards Road has become overgrown and residents would require to be consulted as to how the border is managed. Existing mature pine trees at the top North East corner are becoming invasive and should be removed;
- the building should be left in natural wood and not unsightly materials;

- the RSPB have commented that herbicides and fertilisers should be excluded in the ball striking zone with management of this area being by cutting. Chemical herbicides and fertilisers could well pose a hazard to the wildlife flora and fauna of the area and the adjacent meadows. The whole of the site to be free from chemicals;
- the absence of high netting in use in Topsham is welcome as is the absence of Floodlighting, netting, flags or other golfing paraphernalia
- it is considered that opening at 9:30 am is too early, yet the Planning Assessment concludes with the information that it can open from 6:30am when daylight allows;
- the campaign group was formed in 2014 to become proactive in protecting the whole of the Ludwell Valley Park with a view to notifying users of any proposed changes. It supports the concerns of DWT, the RSPB and Natural England;
- there is a failure to mention the BERM lighting which is on the existing site in Topsham half way down the fairway will be relocated. Hopefully, the daylight opening hours will restrict the use of BERM and the need for floodlighting in the car park or in the reception building. There is no mention by the agent that it will be installed. Berm lighting is at ground level and it would be less intrusive for residents. However, moths and other nocturnal insects including badgers would be disturbed as would the protected bats. Internal lighting from the cabin would be unacceptable too;
- the Ludwell Valley Park supports a butterfly trail that would suffer in the event golf balls are permitted to fly around;
- should this application go ahead the campaign group suggest the times of operating should coincide with the Government guidance on lighting up times with the starting time no earlier than 10:00am ending at the latest, by 9:00 pm in the summer. These times should be applicable Monday to Saturday throughout the year. Sundays and Bank Holidays should be restricted to a start at 10:30am and close at 4:00pm in order for residents to enjoy their gardens. This would include the use of any machinery for ball collection or grass cutting implements;
- there is concern about the lack of any archaeological assessment. In 2014 and 2017 prehistoric remains were unearthed with evidence of Bronze age pottery;
- the campaign group have expressed concerns regarding the Golf Club's plans for 371 Topsham Road which, if demolished, could provide access and egress to a potential housing development The house remains unoccupied, but frequently is used as a car park and its use in this application remains unspecified. It could be converted into a club house;
- the campaign group are concerned over the lack of a risk assessment on the lane adjacent to the "In Focus" building. It is used by the disabled students, many in wheelchairs and is also a pedestrian entrance and exit for the Nursing Students of Plymouth University. The safety of all these students is paramount;
- no mention is made of the possible trajectory of these special light weight balls. Research has shown that many land far from off fairways and could land in the land of 'In Focus' and residents' homes;
- the "grasscrete" leaves too much undecided for the surface of the car park and far too much leeway for the introduction of other surfaces. The concrete may be at some depth and involve the removal of large amounts of soil;
- the campaign group suggest that the club's statement that the site is closer to their existing driving range on Exeter Road is incorrect;
- there is therefore strong opposition to the driving range being relocated to an agricultural field within the Ludwell Valley and the Golf Club should return to its facilities to its own land on Topsham Road.

She responded as follows to Members' queries:-

- there are wildflowers on the field adjacent to the site;
- the campaign group are concerned regarding the safety of the lane although there are parking bays that do not impact on the width of the road

Mark Colgan, speaking against the application, raised the following points:-

- opponents exceed supporters by a factor of five and most are residents and/or users of Ludwell Valley Park;
- it is a beautiful Devon Valley unique in Exeter and was a haven during lockdown;
- although it does not have a right of way it is part of the Valley Park providing better biodiversity than a mowed field; and
- the change from agricultural land is one step closer to a residential development at a later date which has been attempted nine times previously especially if the Golf Club decides to move again;

Responding to a Member's query, he advised that the site offered considerable public amenity value despite the lack of public access. In particular, if constructed the facility would impact on views of Exmouth etc. from the rest of the Valley Park. The land should remain part of the Park.

Will Gannon, speaking in support of the application, raised the following points:-

- the Club has occupied its current site in Topsham Road for over 100 years and is fully owned by its 4,500 members who mainly live and work in Exeter and does not receive any external funding. It employs over 100 staff and provide sporting and leisure facilities for all our members specifically supporting families with 1000 junior members who have free access to golf, tennis, squash, racketball, fitness training in our gym and swimming;
- the Directors and Committee members are all unpaid and the sporting sections also raise and donate substantial funds to charities each year. There is no interest in property development;
- using my experience in the construction sector, I examined improvements to the ageing infrastructure and the creation of a proper golf practice facility to improve the open field we owned at Newcourt. By selling the field at Newcourt for residential development, it was possible to create a new golf practice facility in Topsham and using the surplus funds to improve the infrastructure at the Club. This came to fruition about three years ago when the Topsham Golf Academy was opened and the planned improvements at the main golf club site commenced. It became evident that the onset of residential development in the Topsham gap was accelerating and it seemed that a further relocation may be necessary. Land at Countess Wear is an alternative site following a failed planning application for residential development and is close to the existing site in Topsham Road, large enough to meet all the safety requirements and completely away from any conflict with housing; and
- if granted, the Topsham site will become available for much needed housing in the City and the Golf Club will have found a permanent home for its golf practice facility, that is a win/win situation for the Club, the local residents and the city.

He responded as follows to Members' queries:-

- it is not possible and impractical to provide this proposed facility on the existing site. It was developed in 2016 but the constriction of the Persimmon homes resulted in a reconfiguration of the course and, as a result, there is no spare land for practice;

- the grasscrete will only require the removal of the top soil and grass will grow through the concrete on the surface, the concrete being necessary to support the cars in the car park;
- the Club only ever wanted a practice facility to attract new members and the move to Topsham had been in the belief that it would be 10 to 15 years before any development took place. However, the loss of the Topsham Gap within two years has necessitated this application on a site three times larger than existing;
- the club owns the freehold of the site and has no intention of building on the site other than for golf practice. No insecticides are to be used, there will be limited grass cutting and a large part of the site will effectively remain in a re-wilding state;
- the golf club only wants to use a practice facility and not for any other purpose;
- the club has a proactive approach to their plans which were discussed with the Southbrook Residents Committee and it has offered to contribute to the maintenance of the joint access road also used by InFocus;
- the new site is three times bigger but the facilities are the same;
- there will be no fixed lighting in the car park;
- the club has no need to use pesticides; and
- because of the potential for freak shots to impact on the surrounding houses next to the existing site with balls occasionally going astray despite the netting the club feels that it has a duty to find a more suitable location.

The Director City Development provided the following concluding points:-

- the key issues are the principle of the development, impact of traffic and highway safety, impact on residential amenity and ecology;
- it is a proposal for recreational use for all ages and accords with policies in the Local Plan;
- there was no significant impact on the local distinctiveness of the character of the Valley Park. Whilst the site is within the designation of the Valley Park, it is in private ownership and there is no right of public access and it is not included in that part of the Park managed by the Devon Wildlife Trust;
- there will be significant new landscaping and planting and the ecologist has confirmed that there will be no loss of biodiversity but a significant gain of up to 35% - this exceeds the 10% target of biodiversity gain in new developments to be set by the Government in new regulations;
- there would be no floodlighting, netting, flags or other golfing paraphernalia, all of which would require planning permission if sought; and
- issues around any future use of the current site are not relevant.

The Director of City Development and Service Lead provided the following clarification:-

- issues at the current site causing the desire to move are irrelevant;
- Brownfield refers to previously used land, often industrial, and Greenfield refers to land that has not had any development; and
- Members must consider the application in front of them and what is happening at the existing site is not relevant to judging the proposal.

Members expressed the following views in the debate:-

- in the event of approval the following should be added:-
  - colour and noise impact which are already in there;
  - border management;

- opening times;
  - lighting, which is linked to opening times;
  - can we put no future development except golf coursing?
- it is a difficult decision and there is concern by local residents the proposal could lead to residential development; and
  - the site has amenity value as it stands and will have great amenity value if developed, however there is an element of safety for the access in the field adjacent which doesn't seem to have been addressed.

Responding, the Director City Development indicated that future development, unless covered by the current application, would require planning permission and the Assistant Service Lead - Development Management (Major Projects) advised that there were already conditions for opening times and security lighting.

The Chair moved the recommendation for approval with the conditions in the report which was seconded, voted upon and LOST.

The Chair moved the deferral of the application in order for the applicant to be requested to make changes to the application in response to the issues raised by Members. The motion was seconded, voted upon and CARRIED.

Members expressed the following views on the changes:-

- there should be clear border management proposals;
- there should be no use of herbicides, pesticides or fertilisers on the site;
- there should be clarity on opening times;
- there should be clarity on colour;
- 6:30am opening time in condition is too early and there should be a later opening time;
- potential alternative opening hours could be 7:30 am or 9:30 am on weekdays and 10:00am on Sundays;
- loss of amenity is a concern of residents and can improved amenity be provided for the community;
- can the golf club work with the community to build some amenity in for the community;
- noise management and sound proofing should be included; and
- a condition for biodiversity monitoring.

**RESOLVED** that planning permission for the development comprising change of use to golf driving range including construction of an eight bay and two training bay facility incorporating equipment store and car park be **DEFERRED**, for the applicant to put forward changes to the application.

The meeting adjourned at 19:10 and re-convened at 19:15.

The Principal Project Manager (Development Management) (CMB) presented the application for approval of reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and

refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping.

The Principal Project Manager (Development Management) (CMB) described the layout and location of the site comprising the western portion of the University of Exeter Streatham Campus through the site location plans, aerial views and photos of the site and panoramic views from and to adjoining areas, elevations, design and layout of the buildings, the report presented setting out the following key issues:-

- the principle of development;
- character and appearance;
- residential amenity;
- heritage and highways;
- biodiversity
- contamination
- flood risk and drainage
- sustainable construction; and
- economy.

The Principal Project Manager (Development Management) (CMB) advised that outline consent had been granted to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E to the site's north-west; with associated infrastructure, demolition of existing buildings and landscaping. The reserved matters application related to the proposed refurbished and new build student accommodation comprising eight new student accommodation blocks and ancillary amenity facilities. The current scheme accorded with maximum heights and floor area consented under Outline as well as with the illustrative/indicative site plans and visualisations presented to that Committee.

The Principal Project Manager (Development Management) (CMB) further advised that:-

- the scheme would result in a net increase of 1,474 no. student bed spaces, with 2,656no. new bed spaces being created following the loss of 582no. existing bed spaces, of which 290no. would be refurbished rather than demolished;
- landscaping and tree retention were not subject to the application as this aspect of the development had been approved at the outline stage and controlled via condition, which was under consideration as part of a separate application;
- a separate reserved matters application for the proposed replacement Estate Service Centre, which was now called Ground Compound Rennes Drive, was also under consideration;
- 16 letters of objection have been received regarding the application raising issues of: harm to visual amenity; harm to residential amenity/overlooking/loss of privacy; light and noise pollution; antisocial behaviour; lack of democratic process; inadequate community engagement; misinformation; inaccurate plans; harm to ecology and highways safety. Notwithstanding the objections the application comprised the reserved matters pertaining to outline consent ref. 20/1684/OUT, granted in 2021. The outline consent approved the proposed development in principle. Also, it approved the scheme's heights and maximum floor areas based on the indicative layout and verified views. The conditions attached to the outline consent also addressed much of the technical detail;
- officers had raised concerns with the applicant regarding the impact of proposed Block CB on the residential amenity, namely the loss of privacy to existing student accommodation Block J to the north as well as for future



occupiers. Following discussions with the applicant, officers were satisfied that an amended design, involving an increase in the separation gap between Blocks CB and J, together with the introduction of angled window bays, would be capable of overcoming the inter-visibility concerns. As such, the reserved matters application was considered acceptable overall and recommended for approval in its entirety, subject to the recommended conditions.

The Principal Project Manager (Development Management) (CMB) also advised that amended drawings had been received in response to officer concerns comprising the following revisions:-

- removal of the originally proposed footpath and access road leading to Building ST from the west;
- Block JK - amendment to the junction between roof levels of seven storey and nine storey sections to soften and simplify appearance at transition;
- Block EF - windows proposed in south-east elevation serving stairwell reduced in width to limit light spill;
- Block CB – service yard to south reduced in size; public realm to south improved; cycle storage relocated.

The update sheet detailed proposed amendments to conditions one in respect of plans, condition four in respect of landscaping details and condition nine in respect of a student privacy management plan.

The application was recommended for approval, subject to the conditions set out in the report and those as amended in the update sheet referred to above, in line with National Planning Policy Framework paragraph 11 (c).

The Principal Project Manager (Development Management) (CMB) in response to Members' queries, advised that:-

- the original concerns in respect of Block CB were the impact on the amenity of students in the existing adjacent blocks as well as the future occupants of CB itself. The block was now considered acceptable as the proposed north east elevation of block CB was set back further to increase the separation distance and the windows on the north elevation were altered to provide a saw tooth appearance with angled window bays to avoid overlooking so that there would be a 30 degree rather than a perpendicular view to neighbouring blocks. There would also be a privacy management plan to protect student residential amenity;
- a number of plans were approved at outline stage include height parameters setting out the maximum heights but not the number of storeys. Storey numbers are predicated on the differing site levels and in some cases the sites have been excavated to accommodate the number of storeys. The footprints are controlled under the land use parameters plan also agreed at outline;
- the request of the applicant for a lower than standard cycle provision because of the hilly nature of the site and to introduce electric bikes instead was not acceded to and two outline conditions require the standards to be met;
- objections relate to residential dwellings to the north and south of the Block GH were mitigated through the proposed window controlled zone and angled windows so that there was no direct overlooking of the northern and southern boundaries;
- there are significant separation gaps between the blocks and mature trees are maintained;
- an image was not taken from the back of Elmbridge Gardens but it was felt that the impact of overlooking and overbearing was not significant. Private views

could not be protected and, although there would be a change of views from neighbouring dwellings it was not a harm in planning terms; and

- there are no regulations relating to impact on privacy where a property has been in situ for 20 years.

Councillor Pearce, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- planning permission has not been granted;
- scale refers to height and width and is a reserved matter. Whilst the maximum height has been agreed at outline stage, the buildings do not have to go up to that maximum level;
- the approval of square meters could be achieved by half as many buildings at a reduced height;
- only illustrative plans were shown at outline and, accordingly, the orientation of the buildings, their relationship to each other and open space is yet to be determined;
- the total number of objections received are close to 50;
- it is a twin application as this and the proposal to demolish and relocate the estates building elsewhere on the campus were considered together at outline stage. Without permission in respect of the latter, it is suggested that, the former will not be able to proceed;
- the major concern of residents is the loss of amenity and their enjoyment of homes and gardens as a result of the impact of the huge buildings adjacent. Disturbance may also be caused by the social activity of students. Whilst the wellbeing of students has been taken into account, that of residents has not been and is an unfair balance;
- request refusal of Block CB as it is too close to residential gardens and no pictures have been taken from Elmbridge and Dunvegan to show the impact of the buildings; and
- the application should be deferred for a site visit.

He responded as follows to Members' queries:-

- there are approximately 40 properties in Elmbridge and Dunvegan which would be overshadowed as would other properties;
- the distances between the properties and the blocks is unclear and a site visit would help in this respect;
- there is a huge height differential between the properties and the blocks which is exacerbated by the steepness of the hill on which the blocks are to be located;
- a management plan for traffic movement is vital, particularly because of the number of supermarket and other deliveries made to the student blocks even though they are self-catering. Furthermore, the surrounding road network is very busy with constant reports of speeding and it is a designated HGV route which compromises the safety of students and others. A delivery management plan is also necessary; and
- footpath and cycle access should be revisited to ensure that they meet the guidelines within the National Planning Policy Framework.

Christopher Wakely, speaking against the application, raised the following points:-

- the Elmbridge and Dunvegan Residents' Association was formed in 2010 to collaborate with the City Council and the University on the re-development of Birks Village;

- there is a significant feeling amongst residents that the University have not sufficiently consulted on this proposal and that it is a fait accompli. Information has been hard to find and the University unresponsive when contacted;
- broadly support the view that it is good to use the campus site but mitigating solutions to reduce the detrimental effect on local residents are required;
- a comprehensive 3D plan of the site has not been available inspite of repeated requests;
- the steep gradient of the site has been underplayed;
- visualisations from Exwick were made available after the final date for submissions in February 2023 showing the overall impact of the development;
- there will be a loss of privacy in respect of the two buildings that directly overlook properties - CB and ST. Visualisations from Elmbridge and Dunvegan and from Exwick show how much these two buildings will intrude. CB is a six storey block with 41 windows overlooking Dunvegan Close from the north and should be reduced to a four storey block. ST is a four-storey block on the site of the current Estate Management building, high on a steep gradient with 52 windows directly overlooking homes from the east. A lower building on a lower part of the slope in 2010 was rejected and now a 10-storey block is proposed;
- an additional 1,750+ students will add to the already considerable noise, light and general disturbance;
- the present highways infrastructure does not have the capacity to sustain the proposed development. Birks Village opens onto a dangerous busy road on a blind corner. Glenthorne and Avanti Hall have increased student numbers in the area. Regular monthly speed checks have clocked cars at 60+mph in this 30mph zone with at least four fatalities in living memory. It is not possible to adjust the road and pavement alignment; and
- the rationale for building on campus is to release housing stock for local residents and, whilst this development is aimed at first year students, what happens when the 1,750+ students in this development look for accommodation in the city for their second and third years?.

He responded as follows to Members' queries:-

- block CB should be reduced from six to four blocks to match the height of the surrounding buildings and for block ST to be removed altogether which, because of the gradient, was equivalent to a 10 storey building;
- the residents accept that development will occur but seek mitigation measures to reduce the adverse effect on local residents;
- rather than a student block, the Estate Management Services building should remain in situ and re-developed to a higher specification instead of moved elsewhere on the campus. The site sits adjacent to an arboretum and an Italianate garden and intensification would have an overbearing impact. Updating the grounds maintenance site fits better with the character of the area. The reason given that it is at an end of a steep track making vehicle access difficult contradicts the proposal for a student block in this location which will also be served by a variety of vehicles;
- a major concern is the traffic infrastructure which cannot sustain the proposed development; and
- there is concern that the increase in hard standing in the development will risk flooding from run-off water down the steep slope and no adequate assurance has been provided by the developer that the drainage will prove sufficiently efficient.

Mike Shore-Nye, speaking in support of the application, raised the following points:-

- the heights, massing and the amount of accommodation complies with the approved outline permission parameters and this reserved matters application is predominantly concerned with the design of the proposed buildings, which has been developed through public consultation and the Design Review Panel. The result of this design process is a high-quality on-campus development, with excellent accommodation and landscaped public realm with over 1,300 secure cycle parking spaces with Electric Co Bike also proposed;
- the development will be constructed to the Passivhaus sustainability standard. This level of specification will significantly reduce operational carbon and the development achieves a 14% bio-diversity net gain;
- the proposed fire strategy exceeds Building Regulations requirements;
- the development is essential in allowing the University to meet the requirements of its first year and international student accommodation guarantee. It is anticipated that the development will be as popular as the other recent on-campus residential projects;
- a recent report released by Universities UK states that there has been a 34% increase in the impact on the national economy from international students between 2018 and 2022. For the 2021/22 cohort, the study shows that international students alone contributed £140.7 million to the city's economy. A separate independent economic impact study launched by the University last year found that the university contributes almost £1.6 billion of output to the UK economy;
- the West Park development will help to meet current and expected future student growth, facilitate further employment creation and economic activity within the Exeter and wider regional economy. The development would also reduce the need for private residential homes to be converted to houses in multiple occupation;
- the plan is for the first phase of accommodation to be available in the 2025 academic year. The provision of good quality well located student accommodation is essential to the success of the University.

He responded as follows to Members' queries:-

- 38% of the power needs of the blocks will be met by self-generation and there will also be other photovoltaic provision across the campus;
- provision will be for both first year UK students and, increasingly, post graduates and overseas students, the latter particularly valuing a campus location. It is not anticipated that this will lead to under occupation of Purpose Built Student Accommodation (PBSA) in the city. There has been a reduction in self-catering as students seem to need flexibility;
- unable to comment on the images circulated by Mr Wakely but the distances between the blocks proposed are significant – up to 90 metres;
- there will be the requisite level of cycle storage and will adapt to any future demand;
- drawings are designed to make understanding simpler. The net result will be 1,470 new rooms and demolition and refurbishment of existing rooms. These schemes are very complex and an ongoing significant financial investment designed to maximise the use of the site and to attract students to Exeter from all around the world when some other universities have been struggling. There is investment too in ensuring the wellbeing of students;
- block ST has been reduced from six storeys to four and three; and
- a Landscaping Visual Impact Assessment is used in the plan preparation instead of a balloon test which show the separation distances meet legal requirements.

Responding to Members' queries, the Director City Development and Planning Solicitor advised that:-

- 16 letters of objection were received and late letters would also have been considered. It is not the volume of objections but the weight given to the issues raised even if that would only be in the case of a single letter;
- matters agreed at outline stage should not be revisited when reserved matters are under consideration. Matters now to be determined as reserved matters are access, scale, landscaping and appearance and layout. What has been agreed in terms of heights had been through the heights parameters plan at outline stage as was the land use parameters plan which set out scale and massing. Similarly, highways issued had been determined at outline. There was also a Travel Plan agreed and operational issues were set out in a Management Plan covered by a Section 106 Agreement to be completed prior to occupation which included contact for residents with their concerns. Furthermore, there was a proposed condition regarding flooding;
- planning permission has been granted up to a maximum height with reserved matters now examining the details of the external appearance of those buildings; and
- the parameter plans set a framework for development up to 49,821 square metres within which details are provided for consideration.

Members expressed the following views:-

- the application was referred to the Committee by the Delegation Briefing;
- local residents are not opposed to development of the site but are concerned about scale, massing and impact on the local community which they maintain need to be addressed;
- the Glenthorne Road PBSA is an example of a local development impacting adversely on residents, an application which the University had opposed;
- the Birks Village and its students have generated anti-social behaviour issues;
- the maintenance depot acts as a barrier between residential properties and existing low level student blocks;
- residents have different views to three of the reasons given at outline stage that the development was acceptable;
- it is a large, complex development which will have a greater impact on residents than the East Park development;
- the correct decision is required for the long term benefit of both residents and students;
- twelve new documents were added to the website at late notice; and
- more work needs to be done to address residents' concerns and the application should be deferred for a site visit.

The Chair moved the deferral of the application for a site inspection which was seconded, voted upon and carried.

**RESOLVED** that the application for planning permission for reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping be **DEFERRED** for a site inspection by the Committee.

The meeting adjourned at 21:00 and re-convened at 21:05.

**PLANNING APPLICATION NO 23/0151/VOC - SANDY PARK STADIUM,  
STADIUM PARK WAY, EXETER**

The Principal Project Manager (Development Management) (CMB) presented the application for the re-development to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Variation of condition 7 of [12/1030/FUL](#) to allow up to four music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.) (REVISED WORDING FOR CONDITION 7 VARIATION)

The Principal Project Manager (Development Management) (CMB) advised that original consent had been granted on 29 October 2012 comprising an increase capacity from 10,750 to 20,600 with three new grandstands, additional parking and bus/coach drop off; extension to west stand and a conference centre to south stand. It was also reported that the original consent had been for a permanent increase in capacity from the previous 10,744 to 20,600 in the form of an extension to the West stand and new permanent stands on the remaining three sides of the ground. These had been partially implemented and was, therefore, extant. Since the original consent had been granted, the Courtyard by Marriott Sandy Park has been completed to the south of the site, which had a footbridge connecting the hotel to the stadium site.

The report presented setting out the following key issues:-

- the principle of development;
- impact on character and appearance including landscaping;
- impact on residential amenity and heritage;
- highways, access and parking;
- ecology and contaminated land;
- air quality;
- flood risk;
- sustainable construction; and
- economy.

The Principal Project Manager (Development Management) (CMB) advised that the application sought to vary Condition seven of the planning permission in order to hold public performances of musical events to be held at the stadium. The originally proposed variation to Condition seven had been to allow up to eight music concerts per calendar year for an attendance of up to 15,000 people. This proposal had been amended so that the site shall not be used for public performance of musical events except to allow up to four music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.

A total of 41 representations had been received from separate addresses including three neutral and two in support. 36 letters of objection had been received, mostly concerning the impact on the residential amenity of noise, antisocial behaviour, traffic and parking, anti-social behaviour in residential areas and lack of due process regarding marketing and sale of tickets prior to planning consent. The presentation set out in detail the issues raised in the objections and the mitigating measures associated with each.

It was also recognised that objections initially raised by the Environmental Health Officer, the County Highways Authority and National Highways had been withdrawn.

Notwithstanding the above, it was considered that the proposed music events would give rise to economic benefits for the rugby club and the wider area, including the provision of employment opportunities. This carried substantial positive weight in the planning balance. It was considered that the proposal was capable of policy compliance, subject to conditions. On balance, the benefits of the scheme were considered to outweigh any adverse impacts the proposal representing sustainable development overall presenting the following positive aspects:-

- the proposed music events would be held within an existing stadium and not conflict with its primary purpose of holding rugby matches;
- it provides opportunity for employment together with community and leisure activities and mixed uses to support vitality of area;
- it contributes to the overall economic vitality of the City;
- it is considered acceptable, subject to conditions regarding impact of residential amenity and highways;
- only four fixed dates are proposed; and
- any future application will be informed by data obtained from these events and assessed on their own merits.

The application was recommended for approval, in line with National Planning Policy Framework paragraph 11 (c).

The Principal Project Manager (Development Management) (CMB) responded to Members' queries:-

- all operational times are set out in the report with the staff undertaking clear up after concerts with the staff car parking located outside the adjacent hotel;
- Sunday concerts are limited to one and not two on the same day reflecting changes in detail as the proposal emerged through the licensing process. Four concerts on four days are proposed;
- start and arrival times reflect the aim of diluting the number of spectators arriving and departing at the same time and times can be changed through condition;
- there is a limit of 75 decibels at the nearest receptor, although the consultants believe that the level will be below 75. The management and monitoring plan agreed with the applicant includes real time monitoring during the event which will enable adjustment of levels at front of house. A condition regarding the receptor level is more appropriate than one at front of house;
- the Digby Park and Ride will be closed during the concerts to limit pedestrian flow through Clyst Heath;
- roads in the Bishops Court estate are not adopted; and
- some of the documentation covers the whole of the site with access strategies relating to specific events ensuring that conferences will not be held at the same time.

Councillor Bialyk, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- The Exeter Core Strategy – vision Exeter would embrace its role in the region by *delivering development to enhance Exeter's position as a premier retail and cultural destination*;

- The Local Plan Review: included the aim to create a prosperous city, and a cultural and fun place to be;
- The 2020 Exeter vision was to enhance Exeter as the regional capital. That became the guiding mission statement for Exeter City Council;
- The City Council's stated purpose in respect of its cultural offering has been to *provide great things for people to do and see*;
- The new Exeter 2040 vision says *Exeter will be known internationally as a city of Culture and "Exeter will be a young people friendly city."* It is a great place to live, recognised nationally and internationally;
- Exeter Chiefs have put Exeter on the international map for Sport, it provides entertainment and it has certainly enhanced the quality of life for people living and visiting the city;
- The incremental development of the facilities at Sandy Park is a deliberate strategy to allow for the steady increase in capacity to be accommodated on the transport network. Anyone visiting Sandy Park has to think about their journey, and it works;
- The Stadium has proven it can manage capacity crowds;
- Exeter does not have a large performance venue. A young people friendly city should have the opportunity to see good bands/acts;
- Providing things for people to do and see in the city attracts overnight hotel stays. This benefits our local economy;
- Occasionally, the city has been able to support gigs at Northernhay Gardens but the capacity is very limited;
- The Council's attitude has been one of balancing the need to provide things for people to see and do with not unduly impacting on residential amenity. As with so many things it is a balance;
- Sandy Park on the periphery of the city, close to Junction 30 alongside the M5 with its relatively high ambient background noise levels from the motorway, in a purpose-built stadium, is a good location for hosting a relatively small number of music events;
- The pitch can only be used for non-rugby events on a very limited number of weeks in the summer when the pitch is scheduled to be re-laid;
- In the summer sunset times are after 9pm, at Sandy Park the direction of the stage would project the music away from residential areas towards the M5 and the predominantly rural areas;
- A much-needed opportunity to bolster the finances of the Chiefs. Worcester and Wasps went into administration this past season and unfortunately there has been some concern raised in recent weeks with London Irish;
- Supporting local businesses is important and it goes to the heart of the National Planning Policy Framework to support business and the local economy.
- In conclusion:-
  - the city of Exeter needs the addition of this amenity;
  - it is consistent with the Development Plan and the City of Exeter's vision to support a young city and a culturally important city;
  - it adds another level of interest for visitors to the city and to provide things for people to see in the city;
  - it can be achieved without harming residential amenities and without harming the highway network;
  - this is a reasonable proposal and should be welcomed;
  - Members have the appropriate controls through licensing to ensure the activity is managed sensitively;
  - I believe a 11.00pm limit to be reasonable for these limited number of days in the summer, but anyhow that is matter that licensing can appropriately address.



He responded as follows to Members' queries:-

- issues relating to noise would be dealt with by the licensing conditions and it was not believed that families in the area would be adversely affected; and
- economic conditions and other factors have changed since the original planning consent in 2012 which had excluded live music events.

Councillor Holland, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- Exeter Chiefs have brought a huge amount to Exeter and instigated the Exeter Chiefs Foundation;
- Worcester Warriors and Wasps Rugby Clubs have disbanded partly due to lack of income during Covid. Exeter Chiefs fared better but accrued significant debt and have explored revenue streams to plug the gaps. Visitors who attend such concerts may stay for a longer period and there will be a hidden economic benefit to the City;
- there are risks associated, such as the impact on the quality of life if living close to a sports stadium and concert venue;
- I represent over 7,000 residents across 4,000 households, 1,000 of these households are in the LA Polling District which is a distinct geographical area between the A379 and Rydon Lane. It includes the Digby, Kings Heath, Clyst Heath and Bishops Court developments;
- There have missed opportunities to engage with the people living in the shadow of Sandy Park regarding the application to vary the licensing conditions and now an additional use for the stadium. It would have been helpful if the Club had met with the community to discuss plans as with other developments affecting the St Loyes ward such as Morrisons, Hammersons, etc. recognising that the Members were the resident facing side of the Council;
- as the local councillor for St.Loyes Ward I have received multiple representations from residents regarding the application. There are 41 on the web site, 2 in favour, 3 neutral and 36 against;
- residents living on the Bishops Court/Redrow Development are dismayed that, in spite of 'conditions' imposed by the Licensing Sub Committee, Exeter Rugby Club Limited have now appealed these conditions, not yet been heard by the Magistrates;
- the residents of St. Loyes and others such as the Digby Residents Association undertake monthly litter picks across the Ward. Without exception, at the conclusion of a Rugby match a minority of spectators exit the ground frequently leaving a trail of rubbish in their wake;
- most rugby matches take place during daylight hours - any outdoor concerts will have huge gantries with lighting, some likely flashing, during the evening impacting on the immediate neighbourhood;
- in the transport strategy agreed with the local authorities it is essential that there is an even spread of supporters arriving and leaving the stadium. Currently Bishops Court and Digby are extended parking ranks for people picking up spectators after a match. A condition should be placed on Exeter Rugby Club Ltd. that an element of the ticket price include the shuttle bus to the various Park and Ride car parks. Structured in this way the exiting people may be better managed;
- the events are planned for the Summer months including Sundays when residents will likely have their windows open. So many of the families have young children and need to get them to sleep for school next day. Equally those folk working need sleep to function in their place of work; and

- the estates of Kings Heath, Clyst Heath, Digby and Bishops Court have open plan gardens which leaves the states open for folk to take 'short cuts' on their route home.

Kevin Cook, speaking against the application, raised the following points:-

- the original condition seven agreed in 2012 was before a number of additional properties were built in the area around the stadium;
- I am one of the near 40 objectors to the scheme, but there are more who feel this application is a "fait accompli". Residents who have objected, in writing and verbally, will be feeling that they are collateral damage;
- the substantial objections testify to the antisocial behaviour, traffic and parking violations, and damage to the environment, that residents already experience with rugby matches at Sandy Park and the granting of this application will exacerbate these issues if robust conditions are not included in any granting of this expansion application;
- residents, especially those with children, are contemplating having to relocate their children into quieter bedrooms, if these concerts go ahead;
- the parking statistics/formulas used are debatable and they will not prevent people violating parking restrictions in residential areas, especially at the top of Bishops Way, adjacent to the pedestrian/cycle path leading to Sandy Park. Bishops Way will resemble Wembley Way;
- the application should have been assessed on a "change of use" basis;
- the planning application should be multi-dimensional but has ended up as a one dimensional application - driven by finance. Some of that finance needs to be "ring fenced", solely for the provision of robust crowd dispersal, marshalling, prevention of anti-social behaviour and parking enforcement. Approval of this application, would be extremely detrimental to the whole area without these conditions being in place and it would be in Sandy Park's interest to facilitate/participate in these conditions;
- what next with future Sandy Park planning applications and will Sandy Park events, including music and entertainment, be the perennial soundtrack to residents' lives?; and
- clarification is required as to the suggestion that the four events over two consecutive weekends might contravene the licensing conditions. Tickets are being sold for each concert separately, there isn't a "weekend ticket" that includes both concerts, so there are clearly four events, not two.

He responded as follows to Members' queries:-

- the club do not accept responsibility for the behaviour of fans once they leave the ground;
- there has been a lack of consultation by the club and I have not been consulted personally;
- a reduced proposal of four concerts over two weekends remains unacceptable;
- antisocial behaviour includes damage to property, using private driveways to order taxis and fighting amongst match goers near to residential properties;
- there have been numerous parking violations at the Bishop's Court/Apple Way junction; and
- there is evidence that marshals leave the area before all of the fans have dispersed.

Tony Rowe CBE, speaking in support of the application, raised the following points:-

- speaking as the Chief Executive Officer of the Exeter Chiefs which is a members' owned club and have used my business expertise to develop the club over the last 30 years, including significant financial investment;
- the club is 150 years old and relocated to Sandy Park 17 years ago;
- the Club incurred significant financial losses during the Covid Pandemic and needs to recoup losses;
- Sandy Park is a purpose built stadium that includes conference and banqueting facilities;
- the noise generated during rugby matches is largely contained within the stadium;
- Sandy Park has a capacity of up to 15,000 and regularly holds 12,000 for rugby matches;
- the application is to hold music events for which it will be necessary to obtain a variation to condition seven;
- the club has listened to the concerns raised and, with 17 years' experience of traffic management in and around Sandy Park, has consulted with National Highways Agency and Devon County Council Highways to agree a traffic management plan; and
- an event management plan has been agreed as one of the licensing conditions.

He responded as follows to Members' queries:-

- leaflets had been hand delivered to surrounding residential properties detailing the events which included a dedicated contact line and event details were included on the Exeter Chiefs website;
- litter picking after concerts around the stadium can be organised;
- these are trial events and attendances of approximately 5,000 are anticipated;
- in accordance with the environmental assessment, it is agreed that the gates will open at 5pm and not 4pm;
- no fireworks will take place as part of the events in accordance with the agreed licensing conditions;
- whilst the club has no authority in this matter, the suggestion of providing marshals at the Apple Way/Bishops Court junction to discourage parking by concert goers will be discussed with the Exeter Chiefs Management Team;
- the club discourages parking in the Digby Park and Ride Car park;
- with free shuttle buses being provided;
- the concerts will offer a different social event at Sandy Park to rugby matches and it is anticipated that the concert goers will be a different cohort to rugby watching spectators and, accordingly, result in a different atmosphere and behaviour.

The Director City Development provided the following concluding points:-

- the proposal was to amend condition seven of the planning permission to permit four concert events over two weekends;
- it presented an unique opportunity for real time monitoring by City Council and County Council officers to take place on noise and traffic related issues respectively. The data could then be used to assess the suitability of any further concert events the club may wish to promote;
- if the Committee is minded to approve the application, detailed consideration of additional conditions will be required for which delegated authority to the Director and officers is sought;
- whilst licensing conditions are complementary to those required as part of the planning permission, both are independent of each other; and

- there is clear consensus from both the Highways Agency and Devon County Council Highways that there will be no adverse highways impact. Real time data to be obtained will evaluate the impact of the events on the highways network.

Responding to Members' queries, the Director City Development advised that:-

- the Planning Committee is unable to alter conditions set by Licensing which is covered by separate legislation and there should be no regard to the current appeal in respect of the licensing approval;
- any report emerging from the real-time monitoring will be considered at the same time as any further planning application from the club for concert events. The Senior Environment Technical Officer confirmed that Environmental Health Officers often undertook real-time monitoring of late night and other events and that it was the intention to provide a package of information and evidence as part of the post event assessment of the event management plan; and
- the grant of permission would not set a precedent for any future concert plans, each would be subject to planning permission and considered on their merits.

The meeting adjourned at 21:55 and re-convened at 22:00.

Members expressed the following views:-

- 400 to 500 residents in the neighbouring area will be affected and strict conditions are necessary if permission is granted;
- a condition in respect of timing should ensure gate opening time of 5:00pm not 4:00pm and end times being brought forward to 10:00pm for Saturday concerts and 9:00pm for Sunday concerts to ensure that the stadium has been cleared by 11:00pm and 10:00pm respectively;
- the marketing of the events, distribution of flyers etc. was premature and disconcerting to the neighbouring residential area and the Club should have acted in better faith;
- can a Police presence be provided for the concerts and warden control of parking in the Bishops Court estate?;
- a condition is needed to ensure the closure of the Digby Park and Ride; and
- Devon County Council to be requested to provide real time monitoring of the traffic conditions as part of the arrangements for the concerts.

Responding to Members' requests for amended and/or additional conditions, the Director City Development advised that, given delegated authority, these matters must be considered with regard to planning regulations, respecting the licensing decision and conditions and reflecting existing and ongoing dialogue with the club on the events and the associated management plan. The club itself may wish to review its arrangements for the events in light of the public concerns raised, independently of the planning conditions ultimately agreed. The following were put forward as additional elements to be considered in the context of formulating and reviewing overall conditions as part of the delegated authority sought:-

- stadium management and control in relation to opening and closing times and activities in and around the stadium;
- parking and control;
- noise and its impact on the neighbourhood and how it is managed and controlled;
- litter; and
- post event management.

The Chair moved the recommendation with the suggested amendments set out above to be considered by the Director City Development subject to prior consultation with the Chair which was seconded, voted upon and carried.

**RESOLVED** that, subject to prior consultation with the Chair, the Director City Development on potential additional conditions and/or amended existing conditions, be granted delegated authority to **APPROVE** planning permission for the re-development to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Variation of condition 7 of [12/1030/FUL](#) to allow up to 4 music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.) (REVISED WORDING FOR CONDITION 7 VARIATION be approved subject to the conditions set out in the report.

41

#### **ADJOURNMENT OF MEETING**

The meeting was adjourned for the following items to be considered at a further meeting of this Committee to be held on Monday 12 June 2023 at 5:30pm.

Planning Application No. 23/0172/FUL - Station Road, Pinhoe Playing Fields,  
Station Road, Pinhoe, Exeter  
Planning Application No. 22/0756/FUL - Newbery Breakers Yard, Redhills, Exeter  
List of decisions made and withdrawn applications  
Appeals Report

(The meeting commenced at 5.30 pm and closed at 10.40 am)

Chair