

Planning Committee Report 23/0151/VOC

1.0 Application information

Number:	23/0151/VOC
Applicant Name:	Mr Tony Rowe CBE,
Proposal:	Redevelopment to increase capacity from 10750 to 20600 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)
Site Address:	Sandy Park Stadium Sandy Park Way Exeter
Registration Date:	2 February 2023
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPGNAOHBLJL00
Case Officer:	Catherine Miller-Bassi
Ward Member(s):	Cllr Joshua Ellis-Jones, Cllr Andrew Leadbetter, Cllr Matthew Williams

REASON APPLICATION IS GOING TO COMMITTEE

The Service Improvement Lead – City Development considers the application to be significant and sensitive, due to the number of objections received, and one that should, therefore, be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to GRANT permission subject to conditions as set out in the report.

3.0 Reason for the recommendation

The proposal is considered to be a sustainable development when balancing the Development Plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site.

4.0 Table of key planning issues

Issue	Conclusion
1. Principle of development	Acceptable
2. Impact on character and appearance including landscape	Acceptable
3. Impact on residential amenity	Acceptable subject to conditions
4. Impact on heritage	Not material in this case
5. Highways, access and parking	Acceptable subject to conditions
6. Ecology	Not material in this case
7. Contaminated land	Not material in this case
8. Air quality	Not material in this case
9. Flood risk	Not material in this case
10. Sustainable construction	Not material in this case
11. Economy	Positive weight
12. Other	Acceptable

5.0 Description of site

The site comprises the rugby stadium situated at Sandy Park. The site lies between the A379 and David Lloyd Centre to the north, the M5 and slip road to the east, Old Rydon Lane to the south and Sandy Park Farm to the west.

Vehicular access to the site is via the junction on the A379 to the north-west of the site, with an emergency access, and coach/bus exit only onto Old Rydon Lane.

Pedestrian/cycle access to the site is via the pedestrian/cycle bridge over the A379 from the north and via Old Rydon Lane from the south.

Since the original consent to which this application pertains was granted, the Courtyard by Marriott Sandy Park has been completed to the south of the site, which has a footbridge connecting the hotel to the stadium site.

6.0 Description of development

This application seeks to vary Condition 7 of planning application [12/1030/FUL](#).

A revision to the wording of the proposed variation of condition has been secured during the course of this application in response to concerns raised by Officers and consultees.

Condition 7 of [12/1030/FUL](#) states:

Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events.

Reason: To enable the Local Planning Authority to retain control over the use.

Following amendments, the proposed variation to the above condition is as follows:
Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events except 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.

Reason: To enable the Local Planning Authority to retain control over the use.

The original consent to which this application pertains, ref. [12/1030/FUL](#), was 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 3 sides of the ground.

As confirmed by a site visit on 14/03/23 and by an email received from the applicant dated 16/03/23, consent ref. [12/1030/FUL](#) has been partially implemented and is, therefore, extant.

7.0 Supporting information provided by applicant

- Car Park Management Plan 27/02/2023
- Event Access Strategy 27/02/2023
- Noise Assessment & Management Plan, Clarke Saunders AS12972.230420.NIA, 24/04/23 (replaces Environmental Noise Survey, Clarke Saunders AS12972.230330.ENS, 31/03/23 & Event Noise Management Plan, Clarke Saunders AS12972.230323.NMP, 23/03/23)
- Noise Technical Note, Joynes Nash Acoustic Consultants, 18/01/2023
- Planning statement 02/02/2023
- Sandy Park Match Day Access Strategy by WSP, ref. 70028627/01/04, dated April 2020, 02/02/2023
- Site Travel Plan 27/02/2023
- Transport Statement, WSP, received 29/03/23
- Transport Technical Note, WSP, 14/04/23

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
19/0304/DIS	Discharge of condition nos. 5, 18 and 19 (Drainage matters), 7 (Travel Plan), 8 (Match Day Access Strategy), 14 (Archaeology), and 16 (Noise Impact Assessment) to application 17/0665/OUT .	Fully discharged	24.04.2020
19/0089/NMA	Amendment to approved consent comprising shortening of southern arm of hotel building by approx 4m;	PER	25.02.2019

	alter main entrance lobby; associated revisions to internal layout and minor change to position of pedestrian bridge link. (Non-material Minor Amendment to Reserved Matters permission ref no. 18/0998/RES granted on 12th September 2018).		
19/0055/VOC	Variation of Condition no. 3 of Planning Application Reference Number: 17/0665/OUT granted planning permission on 26/06/2018 to remove requirement for one-way system on Old Rydon Lane to be implemented/completed prior to implementation of permission.	PER	19.03.2019
18/0998/RES	Approval of the details of the proposed 250 bed hotel i.e. for the reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26th June 2018, reference 17/0665/OUT).	PER	12.09.2018
17/0665/OUT	Demolition of Existing Bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park. (Outline application with all matters reserved except access)	PER	26.06.2018
15/0949/ADV	Advertising consent for the non-illuminated temporary direction and branding signage relating to the Rugby World Cup event.	PER	09.09.2015
14/0866/FUL	Temporary stand on eastern side of ground	PER	19.05.2014
14/0430/DIS	Discharge of Conditions 4 (Drainage), 12 (Hours of Work), 17 (Travel Plan), & 19 (External Lighting) and Partial Discharge of Conditions 3 (Materials), 5 (Landscape), 9 (Contamination), 11 (Contract (CEMP) & 14 (Cycle Provision) for planning application	PER	10.04.2014
13/0125/SO	Screening opinion for the redevelopment to increase capacity from 10,750 to 20,600 by three new	Not EIA	19.10.2012

	grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Planning Application 12/1030/FUL app		
12/1030/FUL	Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand	PER	30.10.2012
09/1472/FUL	Four stands (temporary), alterations to alignment of access on to Old Rydon Lane and new pedestrian access	PER	19.01.2010
08/1365/FUL	Temporary south stand, marquee, additional toilets and areas of hardstanding	PER	15.08.2008
07/2286/FUL	Provision of marquee (324 sq. m.) to south of stadium	PER	14.12.2007
07/0355/FUL	Provision of seating stands on the north west and south west of ground and hardstanding in south east corner	PER	14.05.2007
07/0324/FUL	Extensions to west stand, provision of stands to north, east and south of ground (13, 956 total capacity) and alterations to include toilets, stores, food services, offices, ancillary accommodation and associated works	PER	23.11.2009
06/1275/FUL	Change of use from all weather sports pitch (Class D2) to car park (Ref. No 03/1612/03 granted 9 September 2004)	WDN	02.08.2006
05/0629/FUL	Provision of cycle/footpath link including bridge over A379	PER	27.09.2005
04/2111/FUL	Provision of cycle/footpath link including bridge over A379	WDN	28.06.2005
03/1612/FUL	Erection of rugby stadium (8,200 capacity) and ancillary facilities and sports pitches, tennis centre including indoor and outdoor courts, badminton hall, squash courts, creche and swimming pool, car parking (475 spaces) and other works, including constru	PER	09.09.2004

9.0 List of constraints

- Area of Special Advertisement Control
- Aerodrome Safeguarding area Over15m & bird attractant developments
- Proximity to Junction 30 of M5 motorway
- Proximity to noise sensitive development including residential

10.0 Consultations

Below is a summary of the consultee responses. Where more than one response was received, the latest response has been summarised. All consultee responses, including earlier responses, can be viewed in full on the Council's website.

Devon and Cornwall Police Designing Out Crime Officer

Comments received 06/03/23:

Compliance with the requirements of an enhanced tier site in relation to Martyn's Law if/when it is implemented will be required, to include mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site. [Officer note: This will be added as an informative]

Environmental Health:

Comments dated 28/04/23:

Previous objections regarding noise withdrawn following receipt of additional information, subject to conditions

Exeter Civic Society:

None received

Exeter Cycling Campaign:

None received

Highways Authority (Devon County Council):

Comments received 29/03/23:

Previous objections withdrawn following receipt of additional information,

Living Options (Disability Access Champion):

None received

National Highways (previously Highways England):

Comments received 05/05/23:

Previous objections withdrawn following receipt of additional information; suggest the applicant should use the June events as an opportunity to gather evidence to inform and refine the EAS.

11.0 Representations

41no. representations from separate addresses have been received including: 36no. objections, 3no. neutral and 2no. in support.

All responses can be viewed in full on the Council website.

The following issues were raised:

Objections:

- Noise - Amplified sound from the stadium has occasionally been intrusive. We assume the concerts will be amplified, generating continuous noise, and held in the summer when windows are likely to be open and gardens in use. We believe concerts could seriously impact residents' quiet enjoyment and probably prevent many young children from sleeping.
- Traffic congestion, Parking and Pollution - Newcourt area and residential streets around Ikea on weekends are already busy! On match days the congestion, noise and pollution get worse! With increased attendance numbers and additional events generating traffic into evenings, this will become an even greater problem. Public transport cannot cope with the numbers involved.
- Newcourt and Ikea Park are constantly used by people attending home games. Ikea has begun to monitor the parking on match days, which will force fans to move to areas adjacent to Sandy Park. Keep in mind that we already have enough pollution with Ikea on weekends.
- Vehicle pollutants harm our health. Pollution is emitted directly into the air which causes significant risks for our health, especially for us who live near Ikea and Sandy park.
- Unless some parking restrictions are in place in the Newcourt area we will have ASB parking/ pollution and traffic in our residential area.
- As a resident of Bishops Court, an Exeter Chiefs supporter and season ticket holder we understand the desire of Exeter Rugby Club to generate more income. However, the need to generate more income is not a given right so a balance must be drawn to incorporate those concerns listed by others.
- 15,000 concert goers is a considerable number of people and only the Devon County Show is greater.
- A considerable number of concert goers attending from far afield will only attend by car, they won't make use of local buses nor will they use the train.
- Car drivers will look to park as close as possible to Sandy Park and will use the clearly signed designated parking areas. However, many will look to "abandon " their car in nearby residential areas. Currently such people do not respect Controlled Parking Zones (CPZ) such as Bishops Court and elsewhere and the policing of such parking contraventions by Devon County Council (DCC) is sporadic at best.
- Concert goers will walk through neighbouring residential areas to reach their cars or other transport means to get home and may be create noise in the evening. This scenario is equivalent to having a large residential estate with a night club in its midst.

- Train use by concert goers will be problematic as late evening train availability is almost non-existent, as listed below. The few remaining trains will not have the capacity for those wishing to use them thereby causing a pedestrian over spill through surrounding residential areas.
- The litter generated by so many people must be considered. University Varsity matches at Sandy Park cater for this the following day by providing a "litter pick". It should be mandatory that every event organiser provides a similar service on the morning after from Bakers Bridge to Digby and Sowton Station. This is essential as Exeter City Council should not and would not be able to afford this.
- With regard to noise pollution this must be enforced, as suggested, on a one year trial basis. It should then be possible to determine if the maximum of 75 db. is acceptable. The suggested Residents Hotline should be actively promoted for both noise concerns as well as traffic and parking issues.
- M5 traffic noise but that should not be used as an excuse to allow a higher decibel output as being acceptable. Motorway traffic noise is tolerated. Concert noise in late evening should not be tolerated.
- The new MDAS should state that event organisers would fully fund a ring fenced charge to provide a dedicated Devon County Council patrol of Controlled Parking Zones to commence several hours prior to the event. The same full funding should also be applied to next day litter picking as stated previously and for security staff to prevent leavers from walking into Bishops Way and use Apple Lane Path instead.
- Concert ticket prices should include the charge for P & R thereby considerably reducing the late night pedestrian footfall through residential areas and also therefore encouraging timely departure by public transport and away from residential areas from Sandy Park.
- A reduced maximum attendance figure of 10,000 should be trialled to demonstrate whether the applicant's claims are workable and to the satisfaction of the nearby residents.
- As per the University Varsity matches flyers should be delivered to surrounding households days before each event promoting the Hotline contact details in order that residents can respond if necessary.
- The Match Day Access Strategy (MDAS) supplied by WSP and dated Dec 2019 is now very much out of date.
- Sand Grove/Mulligan Drive should be resident parking only on match/event days
- Old Rydon Lane at western end should be closed to non-residents on match/event days.
- Noise from concerts will prevent local residents from enjoying their gardens on summer evenings and from having their windows open.
- Westpoint or Powderham are more suitable for music events as not in residential areas.
- Additional traffic will adversely affect highways safety.
- Antisocial behaviour is already a problem in Bishops Way after matches with groups gathering, using foul language, urinating, littering and being threatening, fuelled by alcohol.
- People still turn up to events even without tickets.

- Nearby fields risk becoming impromptu campsites for event goers.
- The large quantities of litter left in the surrounding area after events at the stadium is shameful.
- A positive step would be to Marshall the route back to the station and parking, getting the crowds to use the footpath provided (Apple Lane) which is what Exeter University do on Varsity Rugby night.
- Or another option, put a gate on the cut through to Higher Birch Drive and lock it when there is an event at Sandy Park. Or close it off altogether. Anything to make people stick to the safe footpath which has been provided.
- A concert at Sandy Park on 17th June 23 has already been advertised – what has happened to what local people want? It appears to be a done deal. [Officer note: The planning assessment here is not influenced by any advertising or future planning by the applicants and the application will be considered in line with local and national policy and due democratic process]
- How can it go ahead, the original request was to increase the ground for rugby NOT for outside events such as Concerts/Parties? [Officer note: The current application is to vary a restrictive condition on the original planning consent to allow events – this is the main issue under consideration here]
- Sandy Park is a business but they will have alienated local people and even some Chief fans by advertising these events.
- The noise currently produced from a Rugby Match is not particularly disturbing as it is delivered in short bursts, occasional cheering and singing but it is not continuous. This noise generally does not go on past 9pm as matches finish at a reasonable time.
- If permission was granted for Live outdoor music events, the noise produced would be a continuous, include low frequencies, and inevitably loud, for several hours at a time. This would happen late into the evening during residents' hours of rest, and when children are trying to sleep. During the summer evenings when the proposed concerts are scheduled, sound levels would be boosted to a much higher volume, heard more clearly, and carried over longer distances due to temperature inversion.
- Tickets have been advertised for concerts at Sandy Park before planning has been approved for the dates June 17/18 and June 24/25 noting that the Senior Environmental Technical Officer from Environmental Health and Community Safety requested a noise impact assessment for this planning proposal which until completed recommends refusal of the proposal. These dates are contrary to the Event Access Strategy stating that there should be no more than two events per month and no more than two consecutive weekends.
- In February of this year and October last year, a tannoy evacuation alarm system could be heard clearly, sounding continuously from Sandy Park Stadium all night between the hours of midnight and 6am in the morning. There was no contact at all during these hours at Sandy Park Stadium, or at the City Councils Environmental Health offices, showing very little regard or respect the neighbours in surrounding housing developments.
- A new site drop off and collection point, and parking for attendees could be created adjacent to Sandy Park / David Lloyd / Sandy Park Farm utilising the

existing mini roundabout off the A379 slip road, providing a direct route onto the M5 reducing the impact on the residents of the Bishops Court Estate.

- The concerts would be scheduled during the summer where there is a higher volume of holiday traffic around the congested M5 Junction 30.
- If the Council were to be in favour of allowing the scheme, however, I would ask that the Club be required to place a much better regime of controls in place. These should include:
 1. Highway Stewards or Marshalls to prevent cars entering existing residential areas to pick up or drop off before, and after matches or events
 2. Footpath Stewards or Marshalls to better control the use of the public footpath system leading to the stadium, before and after matches and events.
 3. The appointment of a Club duty person, to be contactable before, during, and after matches and events, available on a telephone number circulated to all residents, with the knowledge and authority to examine and resolve matters raised by residents, which require immediate attention
- The venue has not been acoustically designed to hold music events and will not contain the noise, so this will effect residential properties nearby, 8 such events is too many considering the disturbance it will cause.
- I assume that the council have already told Sandy Park this will be approved as tickets are already on sale. [Officer note: the application is under consideration and has not been determined at the time of writing]
- Residents should be notified in advance of when these dates are.
- Party on the Pitch concerts already planned for 17-18 June & 24-25 June, with tickets for the first going on sale today. How can this decision have been made whilst the consultation period is still open? An explanation about this should be given to all those who have made a comment regarding this application. How can the issues & concerns of those that have taken the time to comment be properly reviewed & actions taken to address & alleviate these when it appears permission has already been granted? [Officer note: the application is under consideration and has not been determined at the time of writing]
- The thought of not being able to park outside my own house after a 12 hour hospital shift makes me so angry. Furthermore the fact that we may be fined for parking on our street in front of our house is outrageous.
- Fed up with fans fighting outside my property, throwing their beer in my garden and leaving food waste everywhere.
- Fans flood the Bishops Court Estate, walking on its roads and pavements, often intoxicated after matches, causing hazards to residents driving into the estate. There are no Sandy Park Stewards, at all, on any of the paths directing fans during this time.
- In the past indoor events, such as the Ministry of Sound annual club nights, could be heard clearly at our property into the early hours of the morning, (even in the month of October when all windows are closed). We fear that the proposals will lead to more noisy outdoor activities..
- The Exeter Local Plan First Review 1995-2011 policy EN5 says "noise generating development will not be permitted if it would increase adversely the noise

experienced by the users of existing or proposed noise sensitive development nearby". Clearly the events proposed by the club would go against this policy.

- Despite the Noise Note by Joynes Nash Acoustic Consultants, I believe an independent assessment of the noise produced by such events should be made.
- Are 2-day events classed as 1 event or 2 of the 8?
- Light pollution will have an adverse impact on the neighbouring amenity
- There are no bins between Sandy Park and Newcourt train station and there are no toilet facilities at either train station.
- There is reference made to other stadiums being used outside of the season, these however mostly have roofs to reduce noise. The design of the new grandstands can have an adverse impact on the acoustics, height and size could mean more noise for residents.
- Lack of pavements and high footfall, particularly of drunk fans, causes highways safety issue.
- The neighbourhood is full of drunken fans for hours after the match is over, often urinating in our bushes and gardens. We have written to the Sandy Park Management on several occasions and never seen any action to deal with these issues. This is in stark contrast to events held at Sandy Park by Exeter University who post stewards at pedestrian crossings to ensure that fans to keep to the correct pathway and return the following day to collect litter.
- I moved to Bishops Court in its last phase of construction, (2018), and cannot understand that, here we are now in 2023, and the roads have not been adopted.
- The area close to the Bishops Way cycle/pedestrian crossing, should also be designated a 'no waiting' area, to prevent/eliminate the 'drop off' and 'pick up' point issue, when people are attending events at Sandy Park.
- We understand that these concerts might create financial gain for the rugby club and local area and therefore benefit local government however it is not right that this comes at a great cost to local residents of which many support the rugby club and vote in local elections.
- It is also unfair that due to the Chairman being in a position of power he seems to be able to do as he wishes with no consequences.

Neutral:

- The applicant has recently published concert dates for June 17/18 and 24/25, with tickets advertised as being on sale as of 11th of March (today), how can those consulted and the wider public be assured by the planning officer that this application is being handled in an open, fair and transparent manner? It seems a decision in favour of this application has already been made or is a foregone conclusion. [Officer note: the application is under consideration and has not been determined at the time of writing]
- It's hard to see how the MDAS is relevant to the nature of the events the applicants are currently seeking approval for.
- I'd be keen to understand how the planning officer intends to demonstrate that the concerns of those consulted have been taken fully into consideration and how they intend to address such concerns through a full, robust and enforceable

mitigation strategy including but not limited to parking, noise, litter, anti-social behaviour and general disruption.

- Whilst I welcome the development of the stadium to include a further conference venue, larger capacity and the plan for music concerts which will highlight Exeter further as a destination city, I am concerned about the parking for this. We currently have permit parking for rugby matches and I believe that this should be extended to the full year.
- The club has applied for permission for a multi storey car park but turned down. Sandy Park is conveniently placed with access to the motorway and far enough away from the city to not cause problems for shoppers. If this is causing problems for residents which I believe is due to after match celebrations. As the majority leave straight after the match and I've not seen any problems. Exeter City Council are to blame and should have thought about all this when the wonderful stadium was built.

Support:

- Providing some form of concession or thought towards the parking of residents.
- Alternative traveling arrangements such as train travel should be looked at as well.
- I think it would be good for Exeter to get concerts down to South Devon and good for the rugby club to get more supporters.
- There is good park and ride system when the matches are on so if they are running when the concerts are on then it would help with the congestion.

12.0 Relevant policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) in particular sections:

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG):

- Flexible options for planning permissions
- Healthy and safe communities
- Noise
- Travel Plans, Transport Assessments and Statements

Development Plan

Core Strategy (Adopted 21 February 2012)

- CP1 – Spatial Strategy
- CP2 – Employment
- CP8 - Retail
- CP9 - Transport
- CP10 - Meeting Community Needs
- CP11 - Pollution and Air Quality
- CP12 - Flood Risk
- CP13 - Decentralised Energy Networks
- CP14 - Renewable and Low Carbon Energy
- CP15 - Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 - Design and Local Distinctiveness
- CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005) – Saved policies

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- L9 – Sport Stadia
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T9 – Access to Buildings by People with Disabilities
- T10 – Car Parking Standards
- LS1 – Landscape Setting
- EN2 – Contaminated Land
- EN3 – Air and Water Quality
- EN4 – Flood Risk
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG2 – Energy Conservation
- DG3 – Commercial Development
- DG7 – Crime Prevention and Safety

Other Material Considerations

The Exeter Plan – Outline Draft Plan (September 2022)

- C1 – Protecting and enhancing cultural and tourism facilities
- IC2 – Community facilities

Exeter City Council Supplementary Planning Documents:

Sustainable Transport SPD (March 2013)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

13.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact (e.g. noise) and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme, including transport infrastructure and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have "due regard" to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

Material considerations

The submitted Planning Statement notes that the proposed music events would generate additional income outside of the rugby season and allow for significant investment back into the Club.

While the proposed music events would generate jobs, the employment opportunities or the impact on the local economy has not been quantified within the application documents.

Non material considerations

The variation of condition proposed does not involve new built form and would not be CIL liable.

The original consent to which this application pertains, ref. 12/1030/FUL, was determined prior to the adoption of the Community Infrastructure Levy Charging Schedule.

The operational development consented by 12/1030/FUL would attract business rates once fully implemented.

16.0 Planning assessment

1. Principle of Proposed Development

Local Plan First Review Saved Policy AP1 states:

Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.

Local Plan First Review Saved Policy AP2 states:

Priority will be given to meeting development needs on previously-developed land and within existing centres. A sequential approach will be applied to the identification and assessment of new sites for office, housing (see policy H1), retail (see policy S1) and commercial leisure use.

Local Plan First Review Saved Policy DG1 states: *Development should...*

(e) contribute to the provision of a compatible mix of uses which work together to create vital and viable places;

Local Plan First Review Saved Policy L9 states:

Development on land at, adjoining, or associated with, St. James Park, or the county ground, or the arena will be permitted provided that:

(a) the proposal retains and supports the principal sporting activity;

(b) it will not harm local amenity by virtue of noise, floodlighting, car parking, traffic generation or other disturbance.

While policy L9 is now out of date in terms of the rugby stadium, which has since relocated to Sandy Park, its principles remain relevant in this case. Criterion b) will be assessed later in this report.

Core Strategy policies CP1, CP2 and CP3 promote the provision of employment and retail provision.

Core Strategy policy CP10 promotes the provision of community, social, health, welfare, education, spiritual, cultural, leisure and recreation facilities.

NPPF paragraph 93 supports the provision of the social, recreational and cultural facilities and services the community needs.

With regard to the Variation of Condition process, PPG ref. 17a-001-20140306 states:

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended...

Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Music/performance events

The submitted Car Park Management Plan, by WSP, dated February 2023, notes that:

- The proposed music and other events at Sandy Park Stadium would take place in the summer off-season from May to July only, as there is a requirement for maintenance of the playing pitch to occur in August, with potential friendly matches then occurring in August ahead of the resumption of the season in September.
- It is expected that events would be attended by around 12,000 spectators, with a maximum of 15,000 spectators.

The submitted Event Access Strategy, by WSP, dated February 2023, notes that:

- A licence was granted on 2nd February 2023, subject to a number of conditions.
- The licence defines events as being any outdoor event, such as live and recorded music, plays, boxing, wrestling and films.
- The conditions state that events should be limited to:
 - Saturdays and Sundays
 - Two events per month
 - No more than two consecutive weekends
 - The months of May, June, July and August
 - A maximum of 15,500 people on the premises inclusive of the public, staff, crew and artists.
 - Events shall be permitted only until 10:30pm on Saturdays and 9:30pm¹ on Sundays.
- Most events held at Sandy Park will have an attendance of 12,000 or under. The maximum spectator attendance will be 15,000 people, with the remaining 500 people made up of staff, crew, artists and support.
- The licence conditions restricts event hours to Saturdays and Sundays only, and events must finish by 10:30pm on Saturdays and 9:30pm / 10:00pm on Sundays.
- Table 1 below shows the proposed event times.

Table 1. Event Times Including Arrival and Departure Periods

EVENT DAY	GATES OPEN	MAIN ACT START TIME*	EVENT END TIME	ARRIVAL PERIOD	DEPARTURE PERIOD
Saturday Evening	c.4:00pm	9pm	10:30pm	6:30-9pm	10:30-11:30pm
Sunday Afternoon	c.4:00pm	5pm	6:30pm	2:30-5pm	6:30-7:30pm
Sunday Evening	-	8pm	9:30pm** / 10pm	5:30-8pm	9:30-10:30pm /10:00-11:00pm

* Support acts would start at an earlier time

** The 9:30pm event finish time could be subject to change to a later time (10:00pm or 10:30pm)

The proposed music/performance events would be held within an existing stadium and would not conflict with its primary purpose of holding rugby matches. The events would provide opportunity for employment together with community and leisure activities and would contribute to the provision of mixed uses supporting the vitality of the area.

As such, subject to the assessment of noise and other impacts later in this report, the principle of the proposed music/performance events would be considered acceptable and capable of compliance with Local Plan First Review Saved Policies AP2, DG1 e) and L9 a), Core Strategy policies CP1, CP2, CP3 and CP10, and the NPPF.

Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand

The principle of the proposed redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand was established under planning consent, 12/1030/FUL. This consent has been partially implemented and is, therefore, extant.

The most significant change since the original grant of permission on 30/10/2012 is the updating of the NPPF, most recently in 2021. However, the first version of the NPPF was introduced prior to the original consent and, as such, the application is considered to have been assessed within an almost identical policy regime to that currently applicable.

Notwithstanding the above, the principle of previously consented aspect of the current application is considered acceptable and, subject to conditions, capable of policy compliance.

2. Impact on Character and Appearance including Landscape

Local Plan First Review Saved Policy DG1 states: *Development should:*

- (a) be compatible with the urban structure of the city, connecting effectively with existing routes and spaces and putting people before traffic;*
- (b) ensure that the pattern of street blocks, plots and their buildings (the grain of development) promotes the urban character of Exeter;*
- (c) fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology;*
- (d) be at a density which promotes Exeter's urban character and which supports urban services;*

...

- (f) be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent part of buildings relate well to adjoining buildings, spaces and to human scale;*
- (g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;*
- (h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;*
- (i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.*

Local Plan First Review Saved Policy DG3 states:

Commercial development should:

- (a) face the main elevations, ancillary office uses and entrances of buildings onto the public realm;*
- (b) ensure that car parking layouts and use of surface materials are designed to give priority to pedestrians;*
- (c) in the case of retail warehousing, ensure that clear glazed display windows are provided on the front elevations;*
- (d) ensure that large, prominent areas of blank wall are designed to provide visual interest;*
- (e) locate areas of external storage in unobtrusive positions screened from public places.*

Local Plan First Review Saved Policy LS1 states:

Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

- (a) be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or*
- (b) be concerned with change of use, conversion or extension of existing buildings: Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.*

Core Strategy policy CP16 seeks to protect and enhance green infrastructure.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

NPPF paragraph 126 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

The 4no. proposed music concerts would comprise an additional use of existing operational development rather than any new built form.

The proposed use would be incidental to the main function of the application site, which predominantly consists of a stadium for hosting rugby matches.

As such, the proposed events would not be considered to result in unacceptable harm to the visual amenity or character of the site and would be capable of policy compliance in this regard.

3. Impact on Residential Amenity

Local Plan First Review Saved Policy EN5 states:

Noise-generating development will not be permitted if it would be liable to increase adversely the noise experienced by the users of existing or proposed noise-sensitive development nearby.

Local Plan First Review Saved Policy DG7 states:

The design of development should aim to achieve a safe and secure environment.

Proposals should:

- (a) ensure pedestrian routes and public spaces are overlooked and subject to natural surveillance;*
- (b) provide enclosure of properties, so that private spaces are well defined and fulfil the role of defensible space;*
- (c) ensure that lighting is located and designed in such a way as to deter and reduce the fear of crime;*
- (d) ensure that schemes for landscape design, including new planting, do not create opportunities for crime and that, where appropriate, species of plants are used to deter criminal or anti-social behaviour;*
- (e) integrate crime prevention measures in an unobtrusive manner, such that the fear of crime is not raised, and that there is no detrimental effect upon townscape and amenity.*

NPPF paragraph 174 e) states...

Planning .. decisions should contribute to and enhance the natural and local environment by.. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of .. noise pollution...

NPPF paragraph 185 a) states:

Planning .. decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions .., as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...

NPPG Noise states:

- *Noise needs to be considered when development may create additional noise...*
- *..decision making needs to take account of the acoustic environment and in doing so consider:*
 - *whether or not a significant adverse effect is occurring or likely to occur;*
 - *whether or not an adverse effect is occurring or likely to occur; and*
 - *whether or not a good standard of amenity can be achieved.*
- *..this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.*
- *..planning [can] address the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place... [by] using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night..*

Environmental Health has been consulted on this application and had initially raised concerns regarding the noise impact on the neighbouring amenity and absence of information to fully assess any harm in this respect.

Following the submission of additional information during the course of this planning application, the Environmental Health Officer has removed their objections subject to a condition.

The nearest dwellings to the site include:

- Dwellings on Woodland Drive, Bishops Way and Bridge View, which back onto the grassed and treed verge aligning the A379, and lie approx. 144m to the north-west of the stadium as proposed;

- Dwellings to the east of the M5 on Old Rydon Lane and those on the west side of Old Clyst Road, up to Sandygate Farm – these lie to the east and south-east at a min. distance of approx. 75m from the stadium as proposed;
- Dwellings at Sandy Park Farm to the west of the stadium as proposed, at a distance of approx. 60m; and
- Primrose Orchard at approx. 100m to the south of the stadium as proposed.

Other residential properties nearest the site include:

- Blue Ball Inn Hotel, on the west side of Clyst Road, lies approx. 190m from the stadium; and
- Courtyard by Marriott Exeter Sandy Park hotel on the south side of Old Rydon Lane, lies approx. 140m from the stadium to the south.

2no. sites to the west and south-west of Sandy Park are identified in the Exeter Housing and Economic Land Availability Assessment (HELAA) (2022) under refs. 89 and 90 and the council's Liveable Exeter Programme for housing development.

While the HELAA carries limited weight at this time in terms of site allocations, it does identify several constraints that may prevent or delay any future development. In addition, no planning applications have been validated for housing development on this site at the time of writing.

As such, the sites in question would not be considered in the assessment of the impact on neighbouring amenity in this case.

An application for 184no. new dwellings on land to the east of Ikea and west of the application site has been granted under ref. 21/0496/FUL. The proposed new dwellings would be sited at a distance of over 370m from the stadium. As such, the existing dwellings noted above would be considered more sensitive receptors.

For this reason, and given that the dwellings have not yet been implemented, the potential impact of the proposed music concerts on the Ikea Way site will not be assessed here.

Given the nature of the proposed music events, noise, antisocial behaviour, traffic and parking are the most likely adverse impacts to arise in respect of the neighbouring residential amenity.

Traffic and parking

This will be assessed later in this report.

Noise

In terms of noise, a Noise Technical Note, dated 18/01/2023, has been submitted to accompany this application. This has been largely superseded by the Noise

Assessment & Management Plan, dated 24/04/23, which replaces the Event Noise Management Plan, dated 23/03/23 and Environmental Noise Survey, dated 31/03/23. This states:

- *This report details the results of pre-event noise surveys carried out and the noise levels during weekend evenings, noise predictions of music noise levels from the event and assessment to the proposed criteria, and event noise management plan.*
- *The 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council 1995), guidance stipulates the Music Noise Level (MNL) for 4-12 concert days per calendar year, per venue, should not exceed the background noise level by more than 15dB(A) over a 15-minute period measured one metre from the façade of any noise sensitive premises.*
- *The average noise levels at the 4 locations surveyed on the Saturday and Sunday evenings ranged from 49-62dB.*
- *The music noise level in the audience by the mixer position at pop concerts is typically 100 dB(A), and that levels below 95 dB(A) will be unlikely to provide satisfactory entertainment for the audience.*
- *It is, therefore, proposed that the MNL for the four days of music events at the stadium during 2023 will be set so as not to exceed 75 dB(A).*
- *It is noted that music events at other stadiums within the UK operate with a limit of 75dB(A) for eight days of events in a year.*
- *A survey of the existing ambient and background sound levels was undertaken to determine representative background sound levels of the nearest noise sensitive receptors.*
- *The noise assessment has predicted that music noise levels from the event at surrounding noise sensitive receptors are likely to be at or below the proposed noise criteria for the events.*
- *Based on the proposed operation of events, an Event Management Plan including noise limits is proposed to address and limit the potential noise impacts on surrounding noise sensitive receptors.*
- *This would include a noise complaints log available to view by the LPA*
- *Noise complaints would be sent to the noise consultant who has authority to change noise levels during an event.*

The average noise levels at the 4 locations surveyed on the Saturday and Sunday evenings would equate to approx. 55dB. 15dB over this background noise level would be 70dB.

As such, the proposed noise limit of 75dB is considered acceptable in this case and the proposal is considered capable of policy compliance with regard to noise subject to conditions.

Antisocial behaviour

A number of representations have been received regarding antisocial behaviour. However, no concerns have been raised on this matter by any technical consultees.

Antisocial behaviour generally falls beyond the remit of planning legislation and is subject to the conditions of the premises licence, which involves a dispersal policy to avoid nuisance to neighbours.

In planning terms, it is not considered that the proposed incidental use of the rugby stadium for 4no. music events would amount to a material change of use.

As such, the proposal would not be considered to result in a harmful impact on the residential amenity with regard to antisocial behaviour over and above the existing situation.

For these reasons, the proposed music concerts would be considered capable of policy compliance with regard to the residential amenity of the occupants of neighbouring dwellings, subject to conditions.

4. Impact on Heritage

This is not a material consideration in relation to the proposed music events.

5. Highways, Access and Parking

Local Plan First Review Saved Policy T1 states:

Development should facilitate the most sustainable and environmentally acceptable modes of transport, having regard to the following hierarchy:

1. *Pedestrians*
2. *People with mobility problems*
3. *Cyclists*
4. *Public transport users*
5. *Servicing traffic*
6. *Taxi users*
7. *Coach borne visitors*
8. *Powered two wheelers*
9. *Car borne shoppers*
10. *Car borne commercial/ business users*
11. *Car borne visitors*
12. *Car borne commuters.*

Local Plan First Review Saved Policy T2 states:

Non residential development should be accessible within walking distance and/or by bus or rail to a majority of its potential users.

Local Plan First Review Saved Policy T3 states:

Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.

Proposals should ensure that:

- (a) all existing and proposed walking and cycle routes are safeguarded or that alternative reasonably convenient routes are provided;*
- (b) suitable cycle parking provision is provided in accordance with the standards set out in schedule 2;*
- (c) where more than 20 people are employed facilities for showering and changing are provided;*
- (d) full account is taken of the needs of bus operation through and alongside new development by the provision of lay-bys, roads and other associated facilities;*
- (e) where appropriate, pedestrian and cycling links are provided to existing or proposed rail stations;*
- (f) the particular needs of people with disabilities are taken into account.*

Local Plan First Review Saved Policy T9 states:

Proposals for the development, change of use, alteration or extension of non-domestic buildings, particularly those open to the public, will only be permitted if provision is made for safe and convenient access by people with disabilities.

Local Plan First Review Saved Policy T10 states:

Development will not be permitted with more parking than the standards set out in schedule 3 except as part of a phased development, guided by a travel plan and incorporated into a legal agreement. Car parking provision should also be made for people with mobility problems in accordance with the standards set out in schedule 4, which will be applied throughout the city.

Schedule 3 stipulates the following max. car parking standards outside the pedestrian priority zone:

- 1 space per 15 seats for stadia
- 1 space per 5 seats for conferences
- No standard provided for hotels

Core Strategy policy CP9 encourages transport infrastructure improvements and sustainable transport measures.

NPPF paragraph 110 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 111 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

National Highways has been consulted on this application and has raised concerns regarding the impact of increased traffic on Junction 30 of the M5. Following receipt of additional information, National Highways has withdrawn their previous objections,

subject to advice set out in their formal response. It is considered reasonable to add an informative to this effect.

County Highways has been consulted on this application and, following receipt of additional information, has withdrawn their initial concerns.

Environmental Health has been consulted on this application and has raised no concerns regarding highways, access and parking.

Access

The submitted Car Park Management Plan, by WSP, dated February 2023, notes that:

- Access to the Hotel site for guests will be provided via the main Sandy Park site entrance off the A379.
- Use of the Hotel is expected to reduce travel demand in the busiest periods directly before and after games and events including conferences once the Conference Centre is built.
- The A379 site access junction has recently been upgraded to a signalised junction, allowing all movements into and out of the site (previously this junction had been left-in, left-out only).
- This junction arrangement provides ample capacity to accommodate traffic associated with the Hotel and Conference Centre on weekdays, and with the Hotel and match day or event traffic at weekends.
- Staff will access the Sandy Park Hotel site itself from Old Rydon Lane rather than the main Sandy Park site entrance from the A379.
- In order to access via the west section of Old Rydon Lane, a planning condition was included in the outline planning consent, ref.17/0665/OUT, that required a Traffic Regulation Order (TRO) to be implemented to convert the section of Old Rydon Lane from the railway bridge to Sandy Park to a one-way (eastbound) section, which is now in place.
- This one-way (eastbound) section would provide appropriate mitigation of the impact of staff travel to the hotel for the events.

The submitted Event Access Strategy, by WSP, dated 27/02/2023, notes that:

- The access strategy will be focused on enabling access to the site by sustainable transport modes and use of established off-site parking areas to spread the distribution of travel.
- The strategy will be based on the existing Match Day Access Strategy (MDAS) in operation since 2006.
- The latest MDAS was updated in 2020 and sets out the strategy to accommodate up to 15,000 spectators on match days and this document has been approved by Exeter City Council, Devon County Council and National Highways.
- To spread spectator arrival times for the proposed events, similar measures will be put in place as in the MDAS, such as ensuring bars, catering and merchandise

- outlets are open for a number of hours before the event starts, and for music events, there would usually be a supporting act or acts before the main performer.
- For events, the majority of spectators would be expected to leave shortly after the end of the event (within 1.5hrs of the event finishing), and therefore it is important that sufficient shuttle buses are provided to transfer spectators to the designated off-site parking areas. Rail services will continue to operate well beyond the event finishing time.
 - Access to the site by sustainable transport modes will be strongly encouraged, and will be promoted on the Sandy Park website and promotional materials associated with specific events.
 - Event Special bus services will be provided on a similar basis to the Match Day Special bus services that operate on match days. These will provide frequent services from locations across Exeter to Sandy Park, including from St. David's Station and the City Centre.
 - Access to the stadium by train will be encouraged and promoted. Services will run from Exeter and Exmouth to Digby and Newcourt train stations. Rail services will also operate for at least 90 minutes after the event finishing times and the Rugby Club will engage with the train operator in an effort to ensure additional capacity is provided at event times.
 - The Rugby Club will continue to work with Great Western Railway to pursue providing increased train service frequency for events.
 - Access to the stadium by bus is currently provided by the Match Day Special bus services (77, 78 and C).
 - On match days, these services run for several hours before kick-off and continue several hours after the end of the match.
 - Similar services and frequencies will be put in place for event days, to ensure that access to Sandy Park by bus is available.

The submitted Match Day Access Strategy by WSP, ref. 70028627/01/04, dated April 2020, is an updated version that reflects the uplift to 15,000 spectators following the implementation of M5 improvement works. This has been reviewed by DCC Highways and found acceptable.

As such, the proposed access arrangements for the music events are considered capable of policy compliance.

Parking

The submitted Car Park Management Plan, by WSP, dated February 2023, notes that:

- Sandy Park Hotel has been constructed and provides 250 rooms; parking for guests is accommodated in the existing Sandy Park car park including 40no. staff spaces.
- Consent is extant for a Conference Centre in the south stand to accommodate up to 1,200 delegates that has not yet been implemented.

- The parking management strategy, approved in May 2019, has been updated to incorporate the proposed event days.
- The current car park at Sandy Park has 500 spaces (including 10 disabled and 6 EV charging spaces), which is considered sufficient for the 1,200 Conference Centre users.
- As limited on-site parking will be available on event days, the access strategy is focused on enabling access to the site by sustainable transport modes and use of established off-site parking areas to spread the distribution of travel.
- Events would not be held on match-days; similarly conferences would not be held on days when matches or events are taking place.
- On-site parking for events will be limited to essential parking and VIPs only; other guests and staff will not be able to park on-site and will need to access the stadium by alternative modes, or use the designated off-site parking areas.
- A maximum of 300 parking spaces will be required on event days.
- When the hotel is in maximum use, 80-90 spaces will be required during the day, with a maximum of 137 spaces needed overnight.
- The match day parking strategy will provide an extra 85 spaces for hotel use in the Sandy Park car park, due to the relocation of the TV compound that is used on match days; this will be relocated as part of the development of the new stand at the South end of the stadium.
- A further 55 spaces will be provided by reducing the number of permits that are provided to spectators and attendants on match days. The maximum requirement of 137 spaces for the hotel can therefore be accommodated by this parking strategy.
- The Conference Centre is not in use for conferences on match or event days.
- Parking for guests will be accommodated on the main Sandy Park site via a dedicated area solely for guests of the Hotel.
- On weekdays (non-match days), the Conference Centre will be in use and will require a maximum of 391 spaces to accommodate 1,200 delegates.
- 481 spaces would be needed for the Conference Centre and guests of the Hotel in the day time and would be accommodated within the parking supply provided on the Sandy Park site.
- On-site parking of 300 spaces (maximum) will be required on event days, limited to essential guests and VIPs only.
- Both the event and hotel parking can be accommodated within the existing 500 space car park. See Table 1 below.
- Staff parking will be provided on the Hotel site rather than in the main Sandy Park car park.
- Staff are encouraged to travel to the site via sustainable travel modes, through the measures set out in the Sandy Park Site Travel Plan.

Table 1 – Summary of Match-Day, Event Day and Weekday Parking Strategy

	Match Days	Event Days	Weekdays
Sandy Park Stadium	Up to 357 spaces	Up to 300 spaces	Not in use on weekdays

Conference Centre	Not in use on match days	Not in use on event days	Up to 391 spaces
Sandy Park Hotel	Up to 137 spaces	Up to 137 spaces	80-90 spaces
TOTAL	Up to 494 spaces	Up to 437 spaces	Up to 481 spaces

The submitted Event Access Strategy, by WSP, dated February 2023, notes that:

- A large volume of secure cycle parking is available on-site.
- Very limited parking will be available on site, and this will be designated for VIPs only.
- Spectators travelling by car will need to use the designated off-site parking areas and will be transferred to the stadium by frequent shuttle buses. The requirement for parking in the designated off-site areas will be made clear on the Sandy Park website.
- The existing Controlled Parking Zone that is in operation on match days will be expanded to also cover event days (subject to agreement with Devon County Council). This will prevent spectator parking in nearby residential areas.
- The on-site drop-off facility will continue to be provided, to allow for taxi and vehicle drop offs at the stadium.
- Designated off-site parking facilities will be used to provide parking for the stadium on event days, with access to the stadium provided by shuttle buses.
- This strategy is currently in operation on match days, and operates extremely effectively.
- Designated off-site parking will be located at EDF on Grenadier Road, which is a 6 minute drive from the stadium. This has 600 parking spaces, and the potential to extend to 1,000 spaces or more if needed. The site is an approximately 35 minute walk from Sandy Park.
- Digby P&R and Apple Lane can also be used for off-site parking on event days, but shuttle bus services are not required from these locations given their close proximity to the ground. The total capacity of these two sites is approximately 700 spaces
- Based on this and the shuttle bus service, the overall off-site parking would provide capacity for up to 4,785 spectators over a 2.5 hour period.
- Some parking does occur in other locations outside the designated parking areas, which needs to be monitored and managed, to keep levels low and in line with the strategy, particularly in residential areas.

Travel Plan

The submitted Site Travel Plan, by WSP, dated February 2023, notes that:

- The Travel Plan is an updated version of the approved document (May 2019) to incorporate the proposed events as well as rugby matches, conferences and hotel use.
- The plan includes measures to reduce reliance on single occupancy car journeys and promote sustainable alternatives such as walking, cycling, public transport and car sharing.

- A Travel Plan Coordinator is proposed to monitor implementation.

Road network

With regard to likely traffic generation, the submitted Transport Statement, dated March 2023, notes:

- *An analysis of traffic flows at M5 J30 (the main access point to Sandy Park) and Honiton Road near M5 J29 (the main access to the designated off-site parking area at EDF on Grenadier Road) provides information on traffic flow profiles on Saturdays and Sundays during June and July 2022.*
- *The analysis clearly shows that in all cases, traffic flows during the arrival periods for events are lower than peak traffic flows, and lower than traffic flows during rugby arrival periods. In many cases, traffic flows are significantly lower during event arrival periods (more than 50% lower).*
- *Given the successful operation of the Match Day Access Strategy and the fact that this does not result in any significant impacts on the transport network during match days, it would be expected that transport impacts of the proposed event access strategy would be lower than that of the existing rugby matches and as such would result in no unacceptable impacts on the network.*

The submitted Transport Technical Note, dated April 2023, notes:

- *A comparison of origin postcodes of supporters attending match days (available from the supporter surveys) and the origin postcodes from ticket sales to date for the summer events has been undertaken to assess whether the distribution of arrivals is likely to be similar on event and match days.*
- *The analysis shows that there is an excellent agreement between the origins of spectators travelling to match days and those that have purchased tickets for the proposed events.*
- *The data shows that there is higher percentage of people purchasing tickets who live in the Exeter, the nearby hinterland areas and Exmouth than those that attend matches; this is encouraging as access to Sandy Park from these areas by sustainable transport modes is more achievable.*
- *Correspondingly, the data shows that there is a lower proportion of people purchasing event tickets that live in further away areas compared to match days, either across the South West or in the wider UK.*

Conclusion on Highways, Access and Parking impact

No new built form or parking is proposed as part of this variation of conditions application to allow 4no. music events in June 2023.

No objections regarding highways have been upheld by the technical consultees following the receipt of additional information.

For the above reasons, the proposed music events are considered capable of policy compliance with regard to the highways, access and parking impact, subject to conditions.

6. Impact on Ecology

This is not a material consideration with regard to the proposed music concerts.

7. Contaminated Land

This is not a material consideration with regard to the proposed music concerts.

8. Impact on Air Quality

Local Plan First Review Saved Policy EN3 states:

Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.

Core Strategy policy CP11 states:

Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.

As noted above, the trips generated by the proposed music events are likely to be fewer than those generated by the rugby matches that take place at the application site.

It is also noted that the music event trips are likely to have a more local origin than for rugby matches and that more sustainable transport methods are available.

As such, no unacceptable impact on air quality would be likely to arise from traffic resulting from the proposed music events.

By reason of the nature of the proposed music events, no other air pollution is considered likely to result from the scheme under review here.

The proposed music events would, therefore, be considered capable of policy compliance with regard to air quality.

9. Flood Risk and Surface Water Management

This is not a material consideration with regard to the proposed music concerts.

10. Sustainable Construction and Energy Conservation

This is not a material consideration with regard to the proposed music concerts.

11. Impact on Economy

Core Strategy policy CP18 states:

...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.

NPPF paragraphs 8 a) and 38 encourage development that delivers economic benefits to the local area.

NPPF paragraph 81 states:

Planning ...decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...

As noted above, the proposed music events would not involve any new built form. As such, this element of the application would not attract any developer contributions.

It is recognised that the proposal would result in income generation from concert ticket sales and retail purchases at the application site, as well as sales of travel tickets and potentially increased visitors to amenities in the local area such as hotels and restaurants.

The proposed events would also give rise to employment opportunities although these have not been quantified in the submitted application.

Overall, it is considered the proposal would have a positive impact on the local economy.

12. Other issues

Planning process

A number of representations have been received raising concerns that this application has been pre-determined in favour of the scheme by reason that the applicants had started advertising and selling tickets for music events prior to determination. However, no decision has been reached at the time of writing.

This report sets out the Case Officer's assessment of the material considerations including the representations received during the public consultation. Representations have been taken into consideration by the Officer up to the time of writing (08/05/23).

The Officer's recommendation will be considered by the Planning Committee who will determine the application in line with due process and in a democratic manner.

Licence

It is recognised that the council's Licensing Sub Committee, on 30/01/23, determined to modify the premises licence for Sandy Park Stadium in respect of the proposed music events.

Licensing is a separate process and does not comprise a material consideration with regard to this application.

Future applications

Any future planning applications for music events at the application site would be considered on their own merits. However, data from past events, particularly concerning noise, antisocial behaviour and traffic issues, should be submitted with any application.

National Highways has also advised that early pre-application advice should be sought by the applicants in the case of any future applications.

Designing Out Crime

The Devon and Cornwall Police Designing Out Crime Officer has been consulted on this application and has commented that:

Mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site would be required.

Should the council be minded to approve this application, this advice will be added as an informative.

17.0 Conclusion

NPPF paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means: c) approving development proposals that accord with an up-to-date development plan without delay.

It is acknowledged that 36no. letters of objection have been received from separate addresses regarding this application, mostly concerning the impact on the residential amenity of noise, antisocial behaviour, traffic and parking.

It is also recognised that objections were initially raised by the Environmental Health Officer, the County Highways Authority and National Highways. However, following the submission of additional information, these objections have all been withdrawn.

Notwithstanding the above, it is 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 carries substantial positive weight in the planning balance.

It is the Officer's view that the proposal is capable of policy compliance subject to conditions with regard to the material considerations assessed above.

On balance, the benefits of the scheme are considered outweigh any adverse impacts and the proposal represents sustainable development overall.

As such, this application is recommended for approval, in line with NPPF paragraph 11 c).

18.0 Recommendation

GRANT PERMISSION subject to the following conditions:

NEW CONDITIONS/INFORMATIVES RECOMMENDED:

NOISE IMPACT

The recommended noise impact mitigation pertaining to the music events hereby permitted shall be implemented in full as follows:

- a) The Event Management Plan included within the submitted Sandy Park Stadium Noise Assessment & Management Plan by Clarke Saunders dated 24/04/2023 shall be implemented in full throughout each event.
- b) Noise from the events shall not exceed a Music Noise Level of 75dB (measured in accordance with the Noise Council 1995 Code of Practice on Environmental Noise Control at Concerts).
- c) Noise from the events shall not result in an Leq, (equivalent continuous sound level), 15min of greater than 80dB in the 63 or 125Hz octave bands, when measured at 1m from the façade of any noise sensitive premises.
- d) Music shall cease before 22:30 (Saturdays) and 21:30 (Sundays)

Reason: To protect the residential amenity

EVENTS ACCESS STRATEGY

In relation to the music events hereby permitted the stadium shall only be used and operated in accordance with the approved Events Access Strategy by WSP, ref. 70106654/01/02, dated February 2023.

Reason: In the interests of highway safety, the operation of the highway network and the living conditions of the occupiers of nearby dwellings.

EVENTS TRAVEL PLAN

The music events hereby permitted shall be operated in accordance with the approved Site Travel Plan by WSP, ref. 70028627/03/06, Rev.4, dated February 2023.

Reason: To ensure that the conference centre is operated in a way that encourages travel by sustainable means and minimises the potential impact on the local highway network.

INFORMATIVE - National Highways

The applicant's attention is drawn to the advice set out in the National Highways Planning Response dated 04/05/23 and in particular their recommendation that the applicant use the June 2023 events hereby permitted as an opportunity to gather evidence to inform and refine the Event Access Strategy as follows:

- The EAS includes a monitoring regime and National Highways would expect to see the following matters monitored and reviewed during and after the June 2023 events:
 - Quantitative analysis of spectator arrival and departure profiles
 - Quantitative analysis of spectator origins, travel modes (mode share), and parking locations
 - Quantitative analysis of traffic levels at M5 Junctions 29 and 30 during events (to cover spectator arrival and departure times), and comparison to non-event days, including traffic counts.
 - Confirmation of public transport services in operation on each event day.
 - Review of on-site provision and marshalling thereof for drop-off/ pick-up, taxi waiting, car parking, coach provision, and pedestrian/cycle access.
- In the case that the applicants submit any future planning applications for further events, National Highways will require a full formal update of the EAS monitoring to ensure that the proposals remain acceptable in the longer term.
- National Highways would recommend that the EAS is updated to include the findings from monitoring of the temporary events, and the updated EAS should thereafter be submitted in support of any future proposals to repeat the stadium events.

INFORMATIVE - Designing Out Crime

The applicant's attention is drawn to the advice set out in the Devon and Cornwall Police Designing Out Crime Officer's comments and in particular their recommendation that compliance with the requirements of an enhanced tier site in relation to Martyn's Law if/when it is implemented will be required, to include mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site. Please visit: ["Martyn's Law" - What you need to know | ProtectUK](#)

CONDITIONS TRANSPOSED OR UPDATED FROM ORIGINAL CONSENT:

DRAWINGS (COPIED FROM 12/1030/FUL)

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13th July, 24th July and 20th August 2012 (dwg. nos. 1032 PL01.01, 1032 PL01.08 Rev.A, 1032 PLO1.03 Rev.C, 1032 PL01.04 Rev.b, 1032 PL01.05 Rev.B, 1032 PL01.06 Rev.C, 1032 PL01.07 Rev.B, 1032 PL02.01 Rev.B, 1032 PL02.02 Rev.B, 1032 PL02.03 Rev.B, 1032 PL02.40 Rev.B, 1032 PL02.41 Rev.B, 1032 PL02.42 Rev.B, 1032 PL02.43 Rev.B, 1032 PL02.20 Rev.B, 1032 PL02.21 Rev.B, 1032 PL02.22 Rev.B, 1032 PL02.23 Rev.B, 1032 PL02.10 Rev.B, 1032 PL02.30 Rev.B, 1032 PL03.01 Rev.B, 1032 PL05.03, 1032 PL05.04, 1032 PL05.01, 1032 PL05.02 Rev.A, 1032 PI04.01 Rev.C and 1032 PL04.02 Rev.A), as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

MATERIALS (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

3) No further works pertaining to the development hereby permitted shall begin until full details including samples of the materials proposed for all external surfaces of the development including any windows and doors have been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

DRAINAGE (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

4) No further works pertaining to the development hereby permitted shall begin until full details of a drainage strategy for foul and surface water comprising a comprehensive design for the overall scheme have been submitted to and approved by the Local Planning Authority in writing. All further works to be implemented in accordance with the approved drainage strategy and maintained as such thereafter.

Reason: To ensure the satisfactory drainage of the development.

LANDSCAPING (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

5) No further works pertaining to the development hereby permitted shall begin until a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences has been submitted to and approved by the Local Planning Authority; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

LANDSCAPING MAINTENANCE (COPIED FROM 12/1030/FUL)

6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of

that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

USE RESTRICTION (TO BE AMENDED UNDER THIS APPLICATION)

7) Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events except 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.

Reason: To enable the Local Planning Authority to retain control over the use.

DISABLED PARKING (COPIED FROM 12/1030/FUL)

8) The designated disabled parking areas shown on the approved drawings shall be retained at all times.

Reason: To ensure that adequate provision is made for disabled parking.

CONTAMINATION (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

9) No further works pertaining to the development hereby permitted shall begin until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. Any buildings hereby permitted and commenced after the date of this decision notice shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

ACCESS FROM OLD RYDON LANE (COPIED FROM 12/1030/FUL)

10) The access from the site to Old Rydon Lane shall only be used by emergency or maintenance vehicles, and not as general means of access to or from the stadium and conference facilities.

Reason: In the interests of highway safety.

CEMP (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

11) The Construction and Demolition Environmental Management Plan (CEMP) as approved by the Local Planning Authority under ref. 14/0430/DIS shall be implemented in full throughout all construction/demolition phases relating to the development hereby permitted.

Reason: To minimise the potential for disruption during the construction process.

HOURS OF WORK (COPIED FROM 12/1030/FUL)

12) Construction/demolition work relating to the development hereby permitted shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

MATCH CAPACITY (updated)

13) Capacity of the stadium exceeding 15,000 spectators shall not be utilised until a Match Day Access Strategy for crowds exceeding this figure has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the stadium shall only be used and operated in accordance with the approved Match Day Access Strategy.

Prior to this, the stadium shall only be used and operated in accordance with the submitted Sandy Park Match Day Access Strategy by WSP, ref. 70028627/01/04, dated April 2020, 02/02/2023.

Reason: In the interests of highway safety, the operation of the highway network and the living conditions of the occupiers of nearby dwellings.

CYCLE PARKING (COPIED FROM 12/1030/FUL – SEE LETTER 14/0430/DIS – NOT FULLY DISCHARGED)

14) Prior to occupation of the development hereby permitted, cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

USE RESTRICTION (COPIED FROM 12/1030/FUL)

15) The four staff flats shown on the second floor of the south west stand on drawing no 1032 PL02.42 Rev B shall only be occupied by staff members associated with the operation and running of the rugby club and associated facilities.

Reason: The said accommodation lacks the provision of adequate private external amenity space to meet the standards set out in the Council's adopted Residential Design SPD. However, it forms an intrinsic part of the overall proposal and is considered acceptable on that basis provided occupation is only limited to staff associated with the development.

NOISE RESTRICTION (COPIED FROM 12/1030/FUL)

16) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 38 dB (07:00hrs to 23:00hrs) and 29 dB (23:00hrs to 07:00hrs) at the western boundary of the site, and 47 dB (07:00hrs to 23:00hrs) and 32 dB (23:00hrs to 07:00hrs) at the southern boundary of the site (measured in accordance with BS4142:1997). The developer shall demonstrate, by measurement and confirmation in writing to the Local Planning Authority, compliance with this level prior to the expanded facilities being brought into use, and as requested by the LPA thereafter.

Reason: In the interest of minimising noise pollution to protect the residential amenity of the occupants of nearby properties.

TRAVEL PLAN (COPIED FROM 12/1030/FUL)

17) The conference centre attached to the new south stand hereby approved shall be operated in accordance with the approved Green Travel Plan dated 08/01/2014 by Parsons Brinckerhoff and paragraph. 2.62 of the 'Conclusions' section of the Addendum from Ian Beavis (Parsons Brinckerhoff) dated 05/08/2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the conference centre is operated in a way that encourages travel by sustainable means and minimises the potential impact on the local highway network.

EXTERNAL LIGHTING (AMENDED IN ACCORDANCE WITH 14/0430/DIS)

19) All external lighting associated with the development hereby permitted shall be implemented in accordance with the assessment approved by the Local Planning Authority under ref. 14/0430/DIS.

Reason: To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.

EXTERNAL LIGHTING REVISIONS (COPIED FROM 12/1030/FUL)

20) Prior to the implementation of any revised floodlighting scheme associated with the construction of the increased stadium capacity hereby approved a lighting assessment of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.

BREEAM (COPIED FROM 12/1030/FUL)

21) The development hereby approved shall be implemented in accordance with the submitted Energy and Sustainability Strategy Rev F dated 11th October 2012 including a plant room that is compatible with future connection to a District Heating Network, and installation of photo voltaic panels to meet the requirement of Core Strategy policy CP14. However, notwithstanding the contents of that document the South stand, South Stand conference centre and East and North stands shall be constructed to BREEAM 2011 Excellent standard. A copy of the final BREEAM assessment for each of these elements shall be submitted to the Local Planning Authority prior to them being brought into use.

Reason: To ensure that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development in accordance with Core Strategy Policies CP14 and CP15.

Informatives:

AIRPORT (COPIED FROM 12/1030/FUL)

1) Your attention is drawn to CAA (Civil Aviation Authority) and AoA (Airport Operators Association) Advice Notes 2, 3 4 and 6, and the conditions contained therein which should be adhered to during the implementation of this project.