

Exeter City Council
Planning Committee
25 May 2023

Application 23/0151/VOC

Site: Sandy Park Stadium, Sandy Park Way, Exeter

Applicant: 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)

Case Officer: Catherine Miller-Bassi

- Planning Committee resolved to approve original application, **12/1030/FUL**, 29 October 2012
- Decision Notice issued 30 October 2021
- Original consent partially implemented – extant:
 - Increase capacity – 10,750 to 20,600
 - 3no. new grandstands
 - additional parking & bus/coach drop off
 - extension to west stand
 - conference centre to south stand
- Courtyard by Marriott Sandy Park to south with footbridge from hotel to stadium (17/0665/OUT)

ORIGINAL CONSENT 12/1030/FUL

- Condition 7 of original consent (12/1030/FUL):
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.
- Proposed variation to above condition:
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.

Principle of proposed 4no. music concerts:

- Core Strategy recognises the **Exeter Chiefs as a national level sports team** with its own stadium
 - Policy CP10 supports facilities that meet Exeter's community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs
- Local Plan states:
 - 3.32 The **City Council recognises the need to sustain a lively cultural sector because it enhances the quality of life and image of the City, it raises the profile of the City as a tourist attraction and it provides employment opportunities.**
 - 6.0 objective to establish Exeter as a year round leisure and business tourism destination
 - 7.1 Leisure and recreation contributes directly to regeneration... It can change the image of a city and lead to **increased inward investment.**
 - para 7.43: Sports stadia... contribute to the **overall economic vitality of the City**
- Submitted Planning Statement notes:
 - *Diversification is important following the economic impact of the Covid pandemic in 2020 which has seen other rugby clubs including Worcester and Wasps going into administration.*
 - *The holding of events will enable the Club **to generate additional income outside of the rugby season and allow for significant investment** back into the Club.*

PROPOSED DEVELOPMENT

- Amendments secured during this planning application in response to Officer & consultee concerns
- Originally proposed variation to Condition 7:
 - to allow **up to 8 music concerts per calendar year** for an attendance of up to 15,000 people
- Amended proposed variation to Condition 7:
 - 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

- 41no. representations from separate addresses:
 - 36no. objections, 3no. neutral, 2no. in support
 - Objections mainly: noise pollution, traffic & parking issues, antisocial behaviour & littering in residential areas nearby, also lack of due process – marketing & selling tickets prior to grant of planning consent suggestive of pre-determination
 - Supporters noted benefit to Exeter of concerts, increased income to rugby club, suggested alternative transport eg park and ride, concessions for locals, parking restrictions

- Technical consultees:
 - **Local Highways Authority** – impact on traffic and parking / access arrangements concerns
 - **National Highways** – impact on Junction 30 of M5 concerns
 - **Environmental Health** – noise impact concerns
- **All concerns overcome** by additional information and recommended conditions

- **Impact on residential amenity**
 - Noise from amplified music & spectators arriving/leaving
 - Traffic, parking – assessed under Highways section
 - Antisocial behaviour, litter
- **Impact on highways**
 - Additional traffic in residential areas
 - Additional traffic at Junction 30 of M5 during summer holidays
 - Additional parking in residential areas

- **Noise from music:**

- **Noise Assessment & Management Plan**, dated 24/04/23, submitted to replace previous noise reports
 - average noise levels at 4 locations on the Sat & Sun evenings surveyed = approx. 55dB
 - predictions of music noise levels from proposed events (music events operating at other UK stadiums have limit of 75dB(A) for 8 days of events in a year)
 - event noise management plan:
 - proposed **noise limit of 75dB**
 - noise complaints log available to view by the LPA
 - noise complaints sent to noise consultant who has **authority & ability to reduce noise levels during event**
- Proposal considered **acceptable** in this regard

- **Antisocial behaviour:**

- beyond remit of planning legislation
- events subject to premises licence, involving dispersal policy to avoid nuisance to neighbours
- proposed use of rugby stadium for 4no. music events considered incidental
- would not amount to a material change of use
- in Planning terms, proposal considered **acceptable** in this regard

- **Access & parking:**
 - **Event Access Strategy (EAS)** submitted
 - based on Match Day Access Strategy (MDAS) updated 2020
 - up to 15,000 spectators on match days
 - approved by ECC, DCC & National Highways
 - Extended arrival/departure times to spread distribution of journeys (food/entertainment offer at site before/after events)
 - focused on enabling access by sustainable transport modes
 - **Car Park Management Plan** submitted
 - limited on-site parking for events – essential or VIP (300no. required of 500no. available spaces)
 - staff parking provided on hotel site
 - encourage use of established off-site parking areas

- **Access & parking (continued):**
 - **Transport Technical Note** submitted
 - analysis of event ticket sales to date shows strong agreement between visitor postcodes
 - data shows higher percentage of people purchasing tickets who live in/near Exeter area than those that attend matches
 - therefore, realistic to base Event Access Strategy on MDAS
 - Proposal considered acceptable in this regard

- **M5 Junction 30:**
 - proposed events fall outside school holidays
 - submitted **Transport Statement:**
 - traffic flow profiles analysed for Sats & Suns in June & July 2022
 - traffic flows during arrival periods proposed for events are **lower than peak**
 - event arrival period traffic flows **lower than rugby arrival**
 - National Highways has removed its original objection
- Proposal considered **acceptable** in regard to impact on highways safety and transport network

NOISE IMPACT

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

- 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.
- 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).
- 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.
- Music shall cease before 22:30 (Saturdays) and 21:30 (Sundays)

Reason: To protect the residential amenity

RECOMMENDED CONDITIONS

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.

RECOMMENDED CONDITIONS

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.

RECOMMENDED CONDITIONS

- **National Highways:**
 - proposed events be monitored
 - resultant data used to inform any future planning application for events at application site
 - particularly, spectator origins, travel modes (mode share), parking locations
- **Designing Out Crime:**
 - 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

Planning Balance:

- Proposed music events would:
 - be held within an existing stadium – neutral
 - not conflict with its primary purpose of holding rugby matches – neutral
 - provide **opportunity for employment** together with community and leisure activities & mixed uses to **support vitality of area** – attracts **substantial positive weight**
 - contribute to the **overall economic vitality of the City** – attracts **substantial positive weight**
 - be considered acceptable subject to conditions regarding impact of residential amenity & highways – neutral
 - be held on 4no. fixed dates in June 2023 only – neutral
- Any future application to be informed by data obtained from these events & assessed on its own merits
- On balance, **benefits of scheme considered to outweigh any adverse impacts** & proposal represents sustainable development overall

CONCLUSION

Planning permission for the proposed S73 Variation of Condition application be **GRANTED**

subject to additional planning conditions

(and inclusion of original or updated conditions from original decision notice, 12/1030/FUL)

RECOMMENDATION