

# Planning Committee Report 23/0875/VOC

## 1.0 Application information

<b>Number:</b>	23/0875/VOC
<b>Applicant Name:</b>	Mr Tony Rowe CBE,
<b>Proposal:</b>	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 6 music concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and 15th July avoiding local school half term and summer holidays.
<b>Site Address:</b>	Sandy Park Stadium Sandy Park Way Exeter
<b>Registration Date:</b>	12.07.2023
<b>Link to Application:</b>	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0875/VOC">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0875/VOC</a>
<b>Case Officer:</b>	Catherine Miller-Bassi
<b>Ward Member(s):</b>	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 2023 (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](#) to allow up to 6 music concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and the third week of July avoiding local school holidays.

Following amendments received during the course of this application, the originally proposed small events (not including concerts) of no more than 5,000 people per event have been removed from the proposed condition variation.

Following comments received from National Highways, the dates set out in the proposed condition variation wording have been amended to cover school half term holidays and national school summer holidays after 15 July.

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.

Recent application, ref. 23/0151/VOC, was granted by Planning Committee in June 2023 for the 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.

Advice was issued to the applicants during the course of planning application, 23/0151/VOC, by technical consultees regarding data to be collected at the above events relating to noise and highways impacts. This data was to be used to inform any future application for similar events.

## **7.0 Supporting information provided by applicant**

- Transport Strategy Methodology by Clarke Saunders, received 12/07/23
- Noise Assessment & Management Plan by Clarke Saunders, received 12/07/23
- Planning Statement by Bell-Cornwell LLP, received 18/07/23

### **Information submitted during the course of this planning application:**

- Event Access Strategy by WSP, received 19/10/23
- Technical Note – Traffic Impact Analysis by WSP, received 19/10/23

- Car Park Management Plan by WSP, received 01/09/23
- Site Travel Plan by WSP, received 01/09/23
- Technical Advice Note: Number of Events and Noise Criteria by Clarke Saunders, received 12/09/23
- Music Events Noise Criteria by Clarke Saunders, received 29/09/23
- Analysis spreadsheet, received 21/09/23, (used for the Technical Note – Traffic Impact Analysis by WSP, received 19/10/23)

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
23/0151/VOC	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)	PER	08.06.2023
<a href="#">18/0998/RES</a>	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 <a href="#">17/0665/OUT</a> ).	PER	12.09.2018
<a href="#">17/0665/OUT</a>	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
<a href="#">15/0949/ADV</a>	Advertising consent for the non-illuminated temporary direction and branding signage relating to the Rugby World Cup event.	PER	09.09.2015

Reference	Proposal	Decision	Decision Date
<a href="#">14/0866/FUL</a>	Temporary stand on eastern side of ground	PER	19.05.2014
<a href="#">12/1030/FUL</a>	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

## 9.0 List of constraints

- Area of Special Advertisement Control
- Aerodrome Safeguarding area Over 15m & 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 26/07/23:

*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 received 13/10/23:

No objections subject to conditions

### **Exeter Civic Society:**

None received

### **Exeter Cycling Campaign:**

None received

### **Highways Authority (Devon County Council):**

Comments received 13/09/23:

No objections; comments submitted for application ref. 23/0151/VOC still apply.

### **Living Options (Disability Access Champion):**

None received

**National Highways (previously Highways England):**

Comments received 19/10/23:

Holding objection, however, it is anticipated that this will be removed prior to the November planning committee and a formal response including recommended conditions is expected.

## **11.0 Representations**

2no. consultations have been undertaken for this application.

17no. representations have been received of which all are objections. This includes the objections received from McMurdo Ltd on behalf of Pratt Group.

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

The following issues were raised:

Objections:

- Why have the music concerts increased from 4 to 6?
- What are the closing times?
- What are the small events and how many will there be?
- The Bishops Court residential area, is STILL being used as a parking, drop off and pickup point, during events at Sandy Park, with people parking in the Residents Parking Permit zone, (T2), and some event attendees, waiting in people's driveways, and on, and adjacent to, the dangerous pedestrian/cycle crossing, at the top of Bishops Way
- Drunken behaviour and littering by people leaving Sandy Park events
- A number of councillors have received complimentary tickets for events at Sandy Park
- Some councillors' behaviour at the last planning meeting was not conducive
- This planning application is a fait accompli
- Conditions attached to the last consent should be enforced at every event
- The staging of events, (Sandy Park), is not an amenity for the city, it is a commercial endeavour for the owners of the venue
- The application is (some would say, deliberately), vague, non-transparent
- Will Digby Park & Ride be closed for these events?
- What will the noise levels be?
- It looks like residents are going to be subjected to annual planning application variations, from Sandy Park, and ALL of these planning applications, (by default), need to go to planning application committee, in order to protect the welfare and wellbeing of residents who live close to Sandy Park, and to protect the surrounding environment

### Objections:

- One of the core justifications for the expansion of Sandy Park is that it would be a boost to the economy of the city. I have seen no evidence whatsoever to support this assertion
- Another justification is that expansion will provide additional jobs. Of course, there will be some work available for a limited number of security and hospitality staff for the duration of the events. However, what the city needs is full-time, living-wage, permanent contract jobs and not temporary, minimum wage, zero contract work
- Further mitigation is required to reduce the impact of antisocial behaviour, littering and transport resulting from these events
- The noise levels from the past concerts were unacceptable, particularly the bass, and prevented enjoyment of nearby dwellings
- The noise prevented my child sleeping and she was exhausted the next day for school – this is unbearable and unfair
- The events will impact safety particularly on Old Rydon Lane
- Enforcement of Controlled Parking Zones is inadequate
- Event attendees walking home or back to their cars/being picked up by car through Bishops Court Estate around midnight is very disturbing for residents
- The suggested Residents Hotline should be actively promoted for both noise concerns as well as traffic and parking issues
- Motorway traffic noise is tolerated. Concert noise in late evening should not be tolerated
- Furthermore, just because the noise was kept within the agreed limit does not mean it was not intrusive to those living close to the rugby ground. The wind direction makes a difference to how the sound travels and at times it seemed very loud and stopped children being able to sleep who had school the next day
- One thing to mention is the sound of the bass which is hard to pick up on a decibel reader seemed to be the most distributive element of the noise
- There was a mini bus waiting to pick up a group parked half on the pavement and several instances of people waiting on residents' driveways
- There were only around 5000 people attending the events this time which in the future could be up to 15000 meaning the potential for a significant increase in these issues
- The vague smaller events of up to 5000 people should not be allowed
- There should be a dedicated pick up and drop off point at Sandy Park as without this, the closest residential areas will continue to be used as the equivalent of giant taxi rank
- Advisory signs have been erected at the entrance to Bishops Way requesting No Entry for concert goers. These signs are firstly too small but also unenforceable and are unlikely to be read or simply just ignored.
- Alcohol in plastic containers/pitchers being allowed to be taken away from Sandy Park exacerbates antisocial behaviour in residential areas nearby

### Objections:

- For the larger events the restrictions that were put in place by the licencing department should be in place, such as the events ending at 10.30pm on a Saturday and 9.30pm on a Sunday.
- The planning permission should restrict the number of events to 4 during a set time period
- The Dispersal Policy to avoid negative impact on local residents of patrons arriving and leaving the premises proposed under the last consent clearly wasn't actioned
- Stewards should be placed at points at the top of Bishops Way to help control crowds
- Following the disturbance from the trial music events the allowed level of noise needs to be reduced for local neighbours, comparing the noise to the rugby is a false way to compare the noise level as the rugby the level of noise only increases when a try is scored, music is constant.
- Currently Sandy Park take no responsibility for poor behaviour after their events by attendees, which is a very disappointing attitude to take
- The Music Events Noise Criteria document is full of technical language not accessible to the general public or neighbouring residents
- The Council couldn't care less about tax payers.
- The first application for concerts turned out to be a huge failure. The events were not attended by many people. The rubbish left was a disgrace. The noise before the events setting up and sound testing was not taken into consideration and disrupted people for many hours before the event timetable. Families with school age children suffered from lack of sleep due to the sound issues. People had drunk visitors being sick on the pathways back to Digby Station. Yet the Council did nothing.
- Public transport and environmentally friendly transport modes for event goers is not available or insufficient
- Concerts on Sundays, with earlier finishing times as dictated by the Licence, demonstrate that artists are indeed happy to perform to an earlier finish time. In addition, the earlier finish time allowed crowds to disperse and travel home in good time via public transport
- Evidence obtained by Noise Consultants SLR commissioned by The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) which owns land immediately adjacent to the Exeter Chiefs Stadium, shows the Council may have secured a Music Noise Level of 75db (as part of the Section 73 application approved in May 2023) in error.
- The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd trusts that their comments will be fully considered and fully addressed in Officers' reporting [Officer Note: see Residential Amenity section]
- Permission should not be granted until Highways England's objections have been fully overcome. [Officer Note: National Highways have confirmed by email dated 19/10/23 that they intend to withdraw their objections and recommend conditions and will be submitting this in their formal comments. If these

### Objections:

comments are not received in time to be published on the planning committee Update Sheet, then the item will be deferred]

- Permission should not be granted prior to a Traffic Regulation Order (TRO) being implemented [Officer Note: LHA has no objections to this application and has advised the applicants apply as soon as possible for the updated TRO. This is not considered reasonable grounds for refusal].
- The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) will make an application in the next few weeks in line with the appended Masterplan which will include residential and mixed use/employment development.
- Permission should be withheld until the full effects of the scheme proposed under application 23/0875/VOC on existing and future development are fully understood. [Officer Note: the impacts of the application have been fully assessed below and found acceptable subject to conditions. In terms of the neighbouring amenity, the proposal has been assessed with regard to sensitive receptors in the vicinity of the site – see section Residential Amenity]

## **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 or 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.*

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 extant planning consent, 12/1030/FUL and more recently by consent, 23/0151/VOC.

As such, this element is acceptable in principle.

#### Music concerts

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.

The principle of holding a limited number of music concerts at the stadium in the rugby off season before the school summer holidays has been found acceptable on a temporary basis under permission, 23/0151/VOC.

A Post Event Report, dated 03/07/23, was submitted to the Council as a condition of the previous consent, ref. 23/0151/VOC, as required by the approved Noise Assessment & Management Plan, dated 24/04/2023.

While noise is assessed later in this report, it is noted that only 17no. noise complaints were made in total to ECC and Sandy Park over the two concert weekends of 17-18 June and 24-25 June.

Other data collected from the 2023 concerts, notably around the key issues of noise and traffic, has been used to inform this application.

The submitted Planning Statement cites comments on social media suggesting that the events were successful.

As such, the 4no. concerts that have taken place to date, are considered a trial run for the current application.

The amended proposal is for 6no. concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and 15th July avoiding local school half term and summer holidays.

The events would only take place on a Saturday or Sunday evening and would not take place on more than two consecutive weekends, see Table 1 below. The music relating to the proposed concerts would not be amplified outside the hours of 16:00 to 22:30.

Table 1. Proposed event times

EVENT DAY	MAIN ACT START TIME*	EVENT END TIME	ARRIVAL PERIOD	DEPARTURE PERIOD
<b>Saturday Evening</b>	<b>9pm</b>	10:30pm	6:30-9pm	10:30-11:30pm
<b>Sunday Evening</b>	<b>9pm</b>	10:30pm	6:30-9pm	10:30-11:30pm

\* *Support acts would start at an earlier time*

Noise, traffic and other material considerations are assessed later in this report.

For the above reasons, the principle of the proposed music concerts is 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.

## 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 6no. proposed music concerts, together with the small events, 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 considered acceptable in this regard.

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 found acceptable in regard to character and appearance under extant planning consent, 12/1030/FUL and more recently by consent, 23/0151/VOC.

As such, this element is acceptable 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...*

17no. objections have been received, of which most raise noise and anti-social behaviour as an adverse impact of the proposal.

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;

- Courtyard by Marriott Exeter Sandy Park hotel on the south side of Old Rydon Lane, lies approx. 140m from the stadium to the south;
- Dwellings on the north side of Old Rydon Lane, south-west of the site, of which Oaklea is the closest at approx. 270m; and
- Dwellings on the west side of Old Rydon Close, west of the site, of which no.4 Beech Copse is the closest at approx. 376m.

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 under Highways.

#### Antisocial behaviour

A number of representations have been received regarding antisocial behaviour.

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.

Consideration to this issue has been given by the Environmental Health Officer in their comments set out below in which conditions are recommended to mitigate any adverse impact.

In planning terms, it is not considered that the proposed incidental use of the rugby stadium for a limited number of 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.

### Noise

A Noise Assessment & Management Plan by Clarke Saunders, dated 07/07/23, has been submitted to accompany this application, which notes:

- Gates for music events at the stadium during 2023 will open from circa 16:00h and the music events will conclude at 22:30h on Saturdays and 21:30h on Sundays.
- The site will close at 23:30h on Saturdays and 22:30h on Sundays, to allow time for traffic movement, crowd dispersal & small equipment derigging of bands loading out.
- Proposals are for the temporary south stand construction to be removed, replaced with a stage and array loudspeakers which will be located on hard standing immediately south of the pitch.
- The assessment references guidelines established by the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council 1995)
- The Music Noise Level (MNL) limit for the music events at the stadium during 2023 was set to not exceed 75 dB(A).
- Low frequency noise in the 63 Hz or 125 Hz octave frequency bands was to be limited at surrounding noise sensitive receptors to below a level of Leq 80 dB over a 15-minute period.
- 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 dedicated noise complaint line (01392 890990) was staffed during the 2023 events and is proposed to be maintained for any future events.

Technical Advice Note: Number of Events and Noise Criteria by Clarke Saunders, dated 11/09/23, has been submitted to accompany this application, which notes:

- Noise monitoring during the events demonstrated that there were no exceedances of the adopted criteria.
- A dedicated noise complaint line was provided and there were a total of twelve unique addressed complaints during the first weekend of events and five unique addressed complaints during the second weekend.
- In increasing the number of events, a proportionate modification to the overall noise limit values is proposed as equivalent to the four 2023 events.

- In increasing the number of events to six, based on the number of events increasing by two, the overall MNL limits are reduced so as not to exceed a conceptual value of Leq 73 dB(A) over the six events.
- There is a variety of bands / acts which may perform in the future, with some acts being quieter than others.
- As such it is proposed to split this allowance for the six events.
- The proposed noise limits are based on Table 2 – Code of Practice on Environmental Noise Control at Concerts Guidance.
- The ‘Code of Practice on Environmental Noise Control at Concerts’ guidance on appropriate low frequency noise limits is absolute, and not linked to numbers of events.

Music Events Noise Criteria by Clarke Saunders, dated 22/09/23, has been submitted to accompany this application, which notes:

- A survey of the existing ambient and background sound levels was undertaken to determine representative background sound levels of the nearest noise sensitive receptors in March 2023.
- Background noise levels at locations representative of the nearest noise sensitive receptors have been measured and determined to be circa LA90 50 dB at the typical lowest locations during Saturday and Sunday evenings when concerts would be held.
- The four 2023 events were conducted with active noise management including on and offsite monitoring to limit noise levels to the agreed criteria.
- In line with the guidelines up to 9 additional events could be conducted at the stadium in a calendar year at a MNL of Leq 65 dB(A), e.g., LA90 + 15 dB.
- The proposed noise limits for the currently proposed events are set out in Table 2 below.

Table 2. Proposed noise limits

<b>Concert days per calendar year</b>	<b>Music Noise Level*</b>	<b>Low Frequency Noise**</b>
3	Not to exceed 75 dB(A) over a 15-minute period	63 Hz and 125 Hz octave frequency bands shall be below Leq 80 dB over a 15-minute period.
3	Not to exceed 65 dB(A) over a 15-minute period	63 Hz and 125 Hz octave frequency bands shall be below Leq 75 dB over a 15-minute period.

\*Music Noise level to be measured in accordance with The Noise Council 1995 Code of Practice on Environmental Noise Control at Concerts

\*\*Low frequency noise to be measured at 1m from the façade of any noise sensitive premises

It is recognised that the proposed noise limits set out in the later document, Music Events Noise Criteria, are lower than those set out in the earlier document, Noise Assessment & Management Plan.

As such, it is considered reasonable to apply a condition specifying the lower noise limits detailed in Table 2 above.

### Consultee comments

The Council's Environmental Health Officer has been consulted on this application and has the following comments:

- The application has the potential to impact on neighbouring amenity as a result of noise from the following sources/activities:
  - 1) Set up, stage build etc
  - 2) Sound tests for the speaker system and rehearsals
  - 3) Music and amplified voices during the concerts
  - 4) Dispersal of patrons after the event
  - 5) Take down/dismantling of the stage
- Noise from item 4 may occur on site or off site and is at least partly covered by the licensing regime (which aims to prevent crime and disorder and prevent public nuisance).
- The planning consent should not duplicate controls in other legislation and should assume that these controls will be implemented. However, the planning process seeks to mitigate and minimise effects over the 'lowest observed adverse effect' level (LOAEL) threshold.
- Any necessary planning involvement can be through an agreed noise management plan to include measures such as:
  - marshalling and signage
  - effective implementation of the dispersal plan
  - restrictions on patrons taking cups out of the stadium
  - prior notification of residents before events
  - operation of a complaint line
  - monitoring during the event to ensure that any
  - agreed noise limits are not exceeded
  - policy in respect of the use of foul language by the compere or acts
  - policy in respect of the use of fireworks and pyrotechnics
- Noise from the concerts themselves, point 3, is the most likely to have an effect on those living and working nearby.
- This would be controlled via noise limits and timing restrictions and noise would be measured at 1m from the façade of a noise sensitive premises (generally a dwelling).
- The applicant refers to the Code of Practice on Environmental Noise Control at Concerts. This guidance was published in 1995 so predates the current planning guidance and uses different terminology. However, it remains the only guidance by an independent body which relates specifically to noise from such events.

- The proposed lower limit of 65dB is presented as being 15dB above typical background noise levels measured in residential areas around the stadium.
- Environmental Health consider that the noise limits suggested by the applicant are appropriate. [For rationale, see full comment]
- The wording of the proposed condition below has been changed from the previous consent so as to ensure that levels do not equal or exceed these thresholds (this matches the wording in the guidance that levels of 80 dB or above cause significant disturbance).
- It is clear from the objections to this application and the complaints received during the events held in summer 2023 that some residents anticipate feeling or felt adversely affected by the music.
- National planning policy does not require all adverse effects over the LOAEL to be avoided. It says that these should be mitigated and minimised and that effects over the 'significant observed adverse effect' (SOAEL) should be avoided.
- When determining what the impact of noise will be, the LPA should consider factors such as the frequency, duration and timing of the noise, not just the noise level.
- The proposal is for six events per year, which is more than during 2023. The events on a Sunday will also be permitted to end one hour later than they did in 2023.
- The potential impact of this proposal is, therefore, greater than for the previous, time-limited consent. To set against this, the applicant has proposed reduced overall noise limits (MNLs) and low frequency noise limits for three of the six events. The events are also all anticipated to take place during the summer, so will be relatively concentrated in time although will not take place on more than two consecutive weekends.
- The concert guidance would actually allow a further six events to take place in a year (i.e., up to 12 in total) at the same noise levels.
- The applicant proposes six events, so it could be argued that the impacts are reduced compared to what might be permitted.
- The monitoring undertaken for the 2023 events was relatively robust but relies on the applicant's consultant obtaining permission to install the noise monitors in locations that are representative of the most affected properties.
- It is hoped that permission will always be granted in future, once the occupants of those properties realise the benefits to them of having the equipment on site.

One of the objections to this application was submitted by McMurdo Land Planning & Development Ltd on behalf of The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) which owns land immediately adjacent to the Exeter Chiefs Stadium.

This objection included a Technical Memorandum, dated 14.08.23, by SLR Consulting Limited, titled: Sandy Park Concert Noise Monitoring Appraisal.

The Council's Environmental Health Officer has reviewed this specific representation in detail and has the following comments:

- Objector suggests a MNL of 69dB for all future events not the 75dB used for the 2023 events
- This objection pre-dates the proposed noise limits submitted by the applicant
- For three of the events that are now proposed, the applicant has suggested a MNL of 65dB, which is below that suggested by the objector.
- For the other three events the applicant has proposed a MNL of 75Db [this is considered acceptable for the reasons set out in the EH comments above].
- The objection reports on noise levels measured by consultants on behalf of Sidney Pratt during the 2023 events.
- Some of these were at or above the limits in the previous planning consent for low frequency noise, citing levels in the 63Hz band on eight occasions over the four events, from 80dB to 83dB.
- The way that the previous condition was worded means that levels of 80dB were not technically breaches of the condition. (The condition required that a level of 80 was not exceeded).
- This has been adjusted in the proposed conditions for any future events so as to require a level of below 80dB.
- The objector suggests that data from monitoring by Clarke Saunders (undertaken on behalf of the applicant) was not used to adjust the event music levels in real time.
- I believe this to be incorrect, based on observations by the Environmental Health team during the events in 2023.
- The team found Clarke Saunders to be monitoring the levels at off-site noise meters and using these to adjust the onsite levels to prevent any exceedance of the noise limits.
- Given the proximity of the Sandy Park Farm dwellings to the site, these are an obvious place where the event team would wish to monitor. It is to be hoped that permission is granted for them to do so in future. This would allow the event team to ensure that noise levels at those dwellings do not exceed the levels set in any planning consent.
- An appraisal of complaints received during the 2023 events was carried out in the Post Event Report by Clarke Saunders, dated 03/07/23. [Received on 05/07/23 and filed under previous case, ref. 23/0151/VOC]
- There was no evidence from either the monitoring undertaken by the premises or by Environmental Health that music noise levels were exceeded at any of the complaint locations.
- Further to the additional objection received 19/10/23, the comments relate to superseded proposed noise limits
- The other recommendations set out by the objector are included in the applicant's proposal and would be covered by conditions.

#### Conclusion on residential amenity

The proposed events would have a reduced noise limit as compared with the events of 2023 and lower than the guidance for concerts. This would be controlled via condition with more precise wording than for the previous consent.

The adverse noise impact of the proposed events would not be considered significant and would be mitigated by measures set out above, to be controlled via conditions.

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

#### 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...*

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.*

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.*

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.*

17no. objections have been received, of which most raise access and parking as an adverse impact of the proposal.

The following documents relating to highways have been submitted as part of this application:

- Transport Strategy Methodology by Clarke Saunders, received 12/07/23
- Event Access Strategy by WSP, received 19/10/23
- Technical Note – Traffic Impact Analysis by WSP, received 19/10/23
- Car Park Management Plan by WSP, received 01/09/23
- Analysis spreadsheet, received 21/09/23, (used for the Technical Note – Traffic Impact Analysis by WSP, received 19/10/23)

### Access

The submitted Transport Strategy Methodology by Clarke Saunders, dated 12/07/23, notes:

- Four events were held at Sandy Park this year on the weekends of 17th/18th June and 24th/25th June 2023.
- These events operated using the agreed Event Access Strategy; the principals of this strategy were aimed at maximising travel to Sandy Park by sustainable travel modes, and reducing access to the stadium by car.
- The strategy included use of off-site parking, provision of event special bus services from Exeter City Centre and extended train services from Digby and Sowton and Newcourt station.
- The events had a maximum attendance of 3,550, which is well below the level of attendance provided for within the Event Access Strategy (up to 15,000 spectators).
- No issues or incidents were reported with the transport strategy on any of the event days.
- Transport surveys were carried out on the first event day (17<sup>th</sup> June), which was the event with the highest attendance, including:
  - Spectator Interviews
  - Rail Passenger Count
  - Car Park Occupancy Count
  - Car Passenger Drop-Off Count
  - Bus Passenger Drop-Off Count
  - Bike Count
- The surveys were carried out over a 3-hour arrival period, from 5:30pm-8:30pm; which is consistent with the 3-hour period used during previous Match Day surveys.

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

- Events attendance is expected to be around 12,000 spectators, with a maximum capacity of 15,000 spectators.
- Events are not proposed to be held on other days, or during August when there is a requirement for maintenance of the playing pitch to be undertaken.
- The Event Access Strategy is based on the current approved Match Day Access Strategy (MDAS)
- The MDAS details the access strategy for up to 15,000 spectators on match days.
- The strategy is supported by observed data collected at the event held at Sandy Park on 17th June 2023.
- This showed a level of access to the site by sustainable travel modes that was consistent with the targets set out in the initial Event Access Strategy (EAS) dated February 2023.
- A similar level of local bus capacity to that for match days will be put in place on event days.
- It is not anticipated that organised coach travel will be used to access the Sandy Park site on event days.
- 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 Grenadier Road (which includes parking sites at EDF, Ashfords, Oxygen House and Regus), which is a 6-minute drive from the stadium. This has 820 parking spaces.
- Off-site parking for a further 447 vehicles is available at Pynes Hill (which includes parking sites at Michelmore's, Bertram Fairbanks, Pennon and Vantage Point); this is a 4-minute drive from the stadium.
- Both sites are within a 30–40-minute walk from Sandy Park.
- The overall parking capacity is therefore 1,267 spaces, and there is potential to increase this using additional sites in close proximity to Sandy Park if further parking capacity is required.

[Officer note: A Match Day Access Strategy (MDAS) by WSP, ref. 70028627/01/04, dated April 2020, was submitted under the previous consent, ref. 23/0151/VOC. This is the 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.]

The proposal is considered acceptable for the above reasons with regard to access, subject to an implementation condition for the Event Access Strategy.

### Parking

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

- Events will be held on Saturdays and Sundays in the summer off-season period (May-July).

- They will therefore not be held on match days, nor when the Conference Centre is in use (weekdays).
- On-site parking of 300 spaces (maximum) will be required on site on event days, limited to essential guests and VIPs only.
- As the Hotel will require a maximum of 137 spaces overnight, both the event and Hotel parking can be easily accommodated within the existing 500 space car park.
- Staff parking is provided at the Sandy Park Hotel itself, accessed from Old Rydon Lane, and is managed through the implementation of the one-way section of Old Rydon Lane to the west of the Hotel site, from the railway bridge to Sandy Park.

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

- Sandy Park is located on a main cycle route, and there is good pedestrian access via the footbridge over the A379. This footbridge can also be used by cyclists and therefore walking and cycling are realistic alternative modes to car travel to the site for local residents from Exeter and the surrounding areas.
- This is evidenced by the recorded mode splits from the Worcester game, where 8% of trips representing approximately 900 people, were made by walking or cycling.
- Secure cycle parking is available on site through a number of cycle racks across the site. This provides secure cycle parking for 160 bikes.
- Electric bikes are available for hire at locations around Exeter; these can be dropped off at one of 3 ebike stations in vicinity of Sandy Park, including at Digby and Sowton station, Digby Park and Ride or Ikea.

[Officer note: At the time of writing, Co Bikes Ltd has ceased trading but it is understood that Devon County Council is currently seeking alternative provision.]

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

- On-site parking provision of 500 spaces, includes 10 spaces reserved for blue badge holders.

### Travel Plan

The submitted Site Travel Plan, by WSP, dated August 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 Travel Plan sets out measures to encourage and maximise sustainable travel to the site, and the importance of these measures as part of the overall transport strategy to allow access to the facilities to operate in an efficient way.
- In order to set modal shift targets, initial surveys to establish baselines will be undertaken for each consented element of the site.
- The Travel Plan Coordinator(s) will then use the baseline results to set Travel Plan targets.

- Event spectator surveys are proposed to be carried out annually. The survey information would be used to review and update the Event Access Strategy as required
- 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.

The proposal is considered acceptable for the above reasons with regard to the travel strategy, subject to an implementation condition for the Site Travel Plan.

### Road network

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

- 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).

With regard to likely traffic generation, the submitted Technical Note – Traffic Impact Analysis, dated 19/10/23, notes:

- The impact analysis has been based on the target mode split of spectator arrivals, as set out in the Event Access Strategy (August 2023).
- The target mode split is based on data collected at the event held at Sandy Park on 17th June 2023 and ticket sales data.
- This analysis demonstrates that the additional traffic resulting from the events would not cause a significant impact on the operation of the strategic or local road networks.
- This is primarily as a result of the arrival period for events occurring outside of the peak times; traffic flows are highest during late mornings on Saturdays and Sundays in June and July, and then decrease across the rest of the day, reaching much lower levels by the time of the event arrival periods.

### Consultee comments

#### **National Highways**

National Highways has been consulted on this application and has raised concerns regarding the impact of increased traffic on Junction 30 of the M5.

In response to comments from National Highways, the proposed variation of condition wording has been amended to avoid national school summer and May half-term holidays and additional information has been submitted by the applicants.

As confirmed by email dated 19/10/23, National Highways is expecting to remove their holding objection prior to the Planning Committee of 13/11/23 and is currently working on a set of recommended conditions, to be issued as part of their formal response.

As such, it is anticipated that the formal comments and recommended conditions from National Highways will be published as an addendum to this report prior to the committee.

### **Local Highways Authority**

The Local Highways Authority has been consulted on this application and has the following comments:

- Increasing the number of events from the 4 in 2024 to 6 in total from 2024 onwards would not place the highway over capacity.
- The MDAS and the TP both require monitoring to take place of the travel methods to and from the site. This will better help identify the ways that people are accessing the site and help to put remedies in place where required.
- The Traffic Regulation Order and changes outlined in the response to planning application 23/0151/VOC must also be implemented as part of this to ensure the correct TRO is in place for the events.
- There is currently a Traffic Regulation Order (TRO) in place in the S1 area for Match Day parking and this must be updated to Event Days. No non-match day event can take place until the TRO has been changed.
- All signs that say Match Days must be updated to include Event Days.
- The work required to change the TRO will cost in the region of £10,000 and must be fully funded by the applicant rather than the public purse
- The TRO process can take a significant length of time to process, finalise and put in place. It MUST be in place prior to the first concert of 2024.

### **Environmental Health**

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

### **Conclusion on Highways, Access and Parking**

No new built form or parking is proposed as part of this variation of conditions application to allow up to 6 music concerts per year on weekends only between May-July.

No objections regarding highways have been upheld by the technical consultees following the receipt of additional information during the course of this planning application.

For the above reasons, the proposed music events are considered acceptable 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.*

The impact of 4no. music events on air quality was considered under consent ref. 23/0151/VOC.

The proposed uplift of 2no. music events within a similar timeframe to that previously proposed, that is in the summer months prior to the school holidays, would not be considered significant in terms of traffic.

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 acceptable 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 concerts and small 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. 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 (19/10/23).

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

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

#### 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 17no. letters of objection have been received, 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, and the omission of the originally proposed small events, 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) An Event Noise Management Plan and Complaints Procedure for each calendar year's events shall be submitted and approved in writing by the LPA at least 3 months prior to the date of the first event in the calendar year. The approved Event Noise Management Plan and Complaints Procedure shall be implemented in full throughout each event.
- b) Noise from three of the events hereby approved shall not exceed a Music Noise Level of 75 dB and three shall not exceed a Music Noise Level of 65dB (all measured in accordance with the Noise Council 1995 Code of Practice on Environmental Noise Control at Concerts) throughout the duration of the event, sound check and any rehearsals.
- c) Noise from three of the events hereby permitted shall not result in an Leq, (equivalent continuous sound level), 15min of equal to or greater than 80dB in the 63 or 125Hz octave bands and three shall not result in an Leq, (equivalent continuous sound level), 15min of equal to or greater than 75dB in the 63 or 125Hz octave bands when measured at 1m from the façade of any noise sensitive premises.
- d) The music relating to the events hereby permitted shall not be amplified outside the hours of 16:00 to 22:30.
- e) The events hereby permitted shall only take place on a Saturday or Sunday evening and shall not take place on more than two consecutive weekends.
- f) No less than one month after the final event in every calendar year, a Post Event Report shall be submitted to and approved in writing by the LPA. This shall summarise the noise and other monitoring data from all the events in the calendar year, together with any complaints received and any changes that are proposed to the running of future events as a result.

Reason: To protect the residential amenity.

## **EVENT ACCESS STRATEGY**

In relation to the music events hereby permitted the stadium shall only be used and operated in accordance with the approved Event Access Strategy by WSP, ref. 70106654/01/06, dated October 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. 70028627/03/08, dated August 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.

## **NATIONAL HIGHWAYS**

Conditions to follow

## **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 13<sup>th</sup> July, 24<sup>th</sup> July and 20<sup>th</sup> 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 (AS 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 6 music concerts per year to take place between 1st May and 15th July only, to avoid local school half term and summer holidays, for an attendance of up to 15,500 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.