

Planning Committee Report	
Planning Ref:	S73/2021/3360
Site:	Butts Arena, Butts
Ward:	Sherbourne
Proposal:	Removal of condition No.15 - <i>the Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings</i> ; imposed on planning permission reference 47266/A granted on 21/01/2003 for partial demolition and re-grading of existing sports ground and replacement with new rugby stadium incorporating three spectator stands, a business/ leisure/function centre, new student residences, ancillary car parking, landscaping and access arrangements
Case Officer:	Emma Spandley

SUMMARY

The principle of the site being used as intended has been long established under R/2001/4962 - (Cov Ref: 472266/A), granted 21st January 2003 for the partial demolition and re-grading of existing sports ground and replacement with new rugby stadium incorporating three spectator stands, a business/leisure/function centre, new student residences, ancillary car parking, landscaping and access arrangements.

The decision notice contained condition No.15 which states: *The Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings without the prior approval of the Local Planning Authority*. This condition was imposed to safeguard the amenities of the surrounding residential properties through increased noise pollution.

This condition is the subject of the application.

BACKGROUND

Planning permission (Cov Ref:47226) granted the original permission for a multi sports building on the site. R/2001/469, (Cov Ref:47226/A), granted the use of the site as a sports ground with a rugby stadium, which has three spectator stands and a business/leisure/function centre. The decision notice contained a number of conditions. The condition the subject of the application is No.15 and states: *The Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings without the prior approval of the Local Planning Authority*. This condition was imposed to safeguard the amenities of the surrounding residential properties through increased noise pollution.

There have been several previous applications which have varied condition No.15 to allow music events at the stadium.

The local planning authority (LPA) have suggested that the applicant vary condition No.15 in the future to allow a rolling permission for a set number of events each year, avoiding multiple applications to temporarily vary the condition. This is the subject of the current application.

It is noted that the Council will have additional control of the event management through the safety advisory group (SAG) made up of representatives from the Local Authority

(LA), emergency services, other relevant bodies and the event organiser. SAGs provide a forum for discussing and advising on public safety at an event and aim to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies

All relevant conditions imposed upon the original application Ref 47266/A will be applied to the new decision notice.

KEY FACTS

Reason for report to committee:	Over 5 objections against the officer recommendation
Current use of site:	Sports ground and rugby stadium
Proposed use of site:	Sports ground and rugby stadium

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, DE1, AC1 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks permission for Condition No.15 imposed on application R/2001/4692 (Cov Ref:47266/A) to be removed.

Condition No.15 states: *The Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings without the prior approval of the Local Planning Authority.* This condition was imposed to safeguard the amenities of the surrounding residential properties through increased noise pollution.

SITE DESCRIPTION

The site is located on the south west side of Butts between the former Coventry Technical College, now the Premier Inn and Ofqual and Sovereign Row. The site backs onto the Coventry to Nuneaton railway embankment to the west and is roughly 2.5ha in size.

On the opposite side of the railway embankment are residential dwellings in Sovereign Road and Collingwood Road. To the west of Sovereign Row is a public park containing an equipped children's play area and seating, a care home and a public house (The Dyers Arms).

To the north of the site, Broomfield Place, also contains a number of residential properties and another public house, The Broomfield Tavern.

To the east is Butts and a 24-hour petrol station with a block of flats, called Meadow House located beyond. The stadium is set back from the Butts to the west, behind a parking area spanning the Butts frontage.

To the south of the site is Earlsdon Park, a retirement village for over 55's, granted permission under FUL/2013/0085, which is 10 storeys in height immediately adjacent to the stadium, providing 262no. retirement apartments, communal facilities and associated landscaping, access and parking.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Reference	Description of Development	Decision and Date
L/1997/1221 (Cov Ref: 47266)	Erection of a multi-purpose sports building with associated car parking and landscaping.	Approved 16 th October 1997
R/2001/4692 (Cov Ref:47266/A)	Partial demolition and re-grading of existing sports ground and replacement with new rugby stadium incorporating three spectator stands, a business/leisure/function centre, new student residences, ancillary car parking, landscaping and access arrangements.	Approved 21 st January 2003

Condition No.15 states: The Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings without the prior approval of the Local Planning Authority.		
R/2004/1940	Discharge of Condition 15 of permission reference 47266/A determined on 21st January 2003 - in part, for use of the stadium on Saturday 18th September 2004 for the British Youth Band Association (BYBA) national championships.	Approved 10 th September 2014.
S73/2017/0594	Variation of condition 15 to allow a music concert on Saturday 27th May 2017 (4pm to 10:30pm) (Ref:47266/A granted on 21/01/2003)	Approved 11 th May 2017
S73/2018/0275	Variation of condition 15 imposed on permission 47266/A for redevelopment of rugby stadium - to allow music concerts to be held on 24th June 2018 and 18th August 2018	Approved 26 th April 2018

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF, and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy
 Policy DE1: Ensuring High Quality Design
 Policy AC1: Accessible Transport Network
 Policy AC3: Demand Management

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Coventry Connected

CONSULTATION

No Objections received from:

- Highways

No objections subject to conditions have been received from:

- Environmental Protection

Immediate neighbours and local councillors have been notified on the original application via letter on 15th December 2021.

A Press Notice was published within the Coventry Evening Telegraph and a Site Notice was displayed on 6th January 2022.

11no letters of objection have been received, raising the following material planning considerations:

- a) Impact of noise on the adjacent and surrounding residential properties.
- b) Impact on parking.

One letter of objection has been received, raising the following non-material planning considerations:

- c) Impact of resale value of property

Any further comments received will be reported within late representations.

APPRAISAL

- Policy Background
- Principal of development
- Impact on Existing Neighbouring Amenity
- Highways, Access and Parking
 - Access
 - Parking

Policy Background

Chapter 2, paragraph 10 & 11 of the NPPF 2019 states that applications must be approved that accord with an up-to-date development plan without delay. Coventry City Council have an up-to-date Local Plan which was adopted on 5th December 2017.

Policy DS3 of the CLP states the Council will take a positive approach that reflects the presumption in favour of sustainable development consistent with paragraphs 10 & 11 of the NPPF 2019.

Principal of development

NPPF paragraph No.7 states 'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10 & 11).

The principle of the site being used as intended has been long established under R/2001/4692 - (Cov Ref: 472266/A), granted 21st January 2003 for the partial demolition and re-grading of existing sports ground and replacement with new rugby stadium

incorporating three spectator stands, a business/leisure/function centre, new student residences, ancillary car parking, landscaping and access arrangements.

The decision notice contained condition No.15 which states: *The Rugby stadium shall not be used for musical concerts, religious festivals or social gatherings without the prior approval of the Local Planning Authority.* This condition was imposed to safeguard the amenities of the surrounding residential properties through increased noise pollution.

This condition is the subject of the application.

Therefore, the main assessment of the application is the impact on the amenities of the surrounding residential properties.

Impact on Existing Neighbouring Amenity

Policy DS3 is concerned with creating sustainable development, sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The closest residential properties to the site are located within Earlsdon Park Village.

Some concerns raised by local residents are about the use of the site as a stadium, however, as described under the *Principle* section of this report, the principle of the development is not under assessment. This has been long established. The application is concerned with the use of the site for holding music events.

The local planning authority (LPA) have previously suggested to the applicant that they vary condition No.15 to allow a rolling permission for a set number of events each year. This is to avoiding multiple applications to temporarily vary the condition, as set out under the *Planning History* section.

It is also noted that the Council will have additional control of the event management through the safety advisory group (SAG) made up of representatives from the Local Authority (LA), emergency services, other relevant bodies and the event organiser. SAGs provide a forum for discussing and advising on public safety at an event and aim to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies

Several iterations of an 'Events Management Plan' have been submitted in support of the application; Environmental Protection have raised no objections to the latest 'Events Management Plan, as submitted 2nd March 2022, subject to a condition requiring the stadium to comply with the submitted Events Management Plan, which is attached as an addendum to this report.

The Events Management Plan states the music events will be limited to no more than six per calendar year with no more than 50% being music based. Where music is involved an event specific noise management plan setting noise limits and noise monitoring procedures will be produced for the prior approval of the local authority via the SAG process.

Performance times will have a set curfew at 22.30 hours.

All relevant conditions imposed upon the original application Ref 47266/A will be applied to the new decision notice.

Taking all of the above into account, Environmental Protection have raised no objections to the removal of the condition to allow the music events as set out within the submitted Events Management Plan, dated 2nd March 2022.

Highways, access and parking

Policy AC1 of the CLP states that development proposals which are expected to generate additional trips on the transport network should:

- a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes.
- b) Consider the transport and accessibility needs of everyone living, working or visiting the city.
- c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form.
- d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the CLP acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Policy AC4 of the CLP states Development proposals should incorporate appropriate safe and convenient access to walking and cycling routes. Where these links do not exist, new and upgraded routes will be required and these must appropriately link into established networks to ensure that routes are continuous.

Access

The existing access will be utilised.

Parking

As mentioned in the *Planning History* section, R/2001/4692 - (Cov Ref: 472266/A), granted 21st January 2003 for the partial demolition and re-grading of existing sports ground and replacement with new rugby stadium incorporating three spectator stands, a business/leisure/function centre, new student residences, ancillary car parking, landscaping and access arrangements, the parking will remain unaffected by the proposal. Highways have raised no objections to the application.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity or highway safety. The reason for Coventry City Council granting planning permission is because the development is in

accordance with: Policies DS3, AC1 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall be carried out in accordance with Amended Event Management Strategy as submitted 2nd March 2022

Reason: *To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy DS3 and DE1 of the Coventry Local Plan 2016.*

2. The development shall be undertaken in accordance with the highway works indicated on drawing No. 2308/02G or any approved amendments.

Reason: *In the interests of highway safety, in accordance with Policy AC1 of the Coventry Local Plan 2016.*

3. Prior to the first use of the development the car parking and manoeuvring areas indicated on drawing no. 2308/02G shall have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: *To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interest of the free flow of traffic and highway safety, in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

4. Other than in an emergency no vehicles shall be permitted to gain access to the site from Albany Road.

Reason: *In the interests of highway safety in accordance with Policy AC1 of the Coventry Local Plan 2016.*

5. Fume extraction and odour control equipment (including external ducting flues) shall be properly installed in its entirety in accordance with details first submitted to and approved by the local planning authority and such installation shall have been inspected by the City Council, before any catering operations within the site, hereby permitted, commences. Thereafter the equipment shall be permanently maintained in a satisfactory condition and be operated at all times when cooking is carried out.

Reason: *To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DS3 and DE1 of the Coventry Local Plan 2016.*

6. No retail unit (to be used for a purpose within Class E(a) of the Schedule to the Town and Country Planning [Use Classes] Order 1987) as amended shall be greater than 250 sq. m. (gross floor area), and at no time shall any of the units be amalgamated to form any single unit above 250 sq. m gross floor area.

Reason: *To ensure that any retail unit purely provides a local service in the interests of preventing an unacceptable balance of uses contrary to the shopping strategy for the City in accordance with Policies CO1, R3 and R4 of the Coventry Local Plan 2016.*

7. Ambulant and wheelchair-bound disabled people shall at all times be provided with suitable convenient access into and throughout the building.

Reason: *In order to secure the satisfactory provision of facilities and access for disabled persons in accordance with Policies DS3 and AC1 of the Coventry Local Plan 2016.*

8. No building shall be occupied unless and until each building has been insulated in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to demonstrate that background noise levels will not be materially increased by traffic noise or noise generated from the use of the site.

Reason: *To protect occupiers of nearby properties from unacceptable noise, in accordance with Policy DS3 and DE1 of the Coventry Local Plan 2016.*

9. The retail units shall only be used for the sale of: Convenience goods; Chemist / Pharmaceutical goods; Sporting memorabilia; Sportswear/ goods; or such other goods as are agreed in writing by the Local Planning Authority.

Reason: *To ensure that any retail unit purely provides a local service in the interests of preventing an unacceptable balance of uses contrary to the shopping strategy for the City in accordance with Policies R3 and R4 of the Coventry Local Plan 2016.*

10. Notwithstanding the provisions of any General Development Order, the food and drink areas shall be used solely for a purpose within Class E(b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation).

Reason: *In order that the local planning authority may consider the impacts of any retail use having regard to the site's location outside of a defined centre in accordance with Policies R3 and R4 of the Coventry Local Plan 2016.*