

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 31st January 2017
Planning Application Report of the Service Lead – Planning, Infrastructure and Development

Application address: St Marys Stadium, Britannia Road			
Proposed development: Application for variation of condition 6 of planning permission Ref 07/01397/VC to increase the maximum number of concerts to be held at the stadium in any calendar year from 4 to 6			
Application number	16/01898/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	04.01.17	Ward	Bevois
Reason for Panel Referral:	Original application subject to Panel Determination	Ward Councillors	Cllr Rayment Cllr Burke Cllr Barnes-Andrews

Applicant: Southampton Football Club	Agent: Mr David Jobbins - Luken Beck
---	---

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
-------------------------------	---

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP4, SDP5, SDP10, SDP11, SDP15, SDP16 and SDP17 of the City of Southampton Local Plan Review (Amended 2015) and CS1, CS3, CS6, CS13, CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and Policies AP8 and AP18 of the City Centre Action Plan 2015.

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a deed of variation to the original S.106 Legal Agreement to secure:

- i. The submission, implementation and annual review of a Concert Management Plan, which includes the Vanguardia Noise Management Plan, to minimise noise and disturbance, transport impacts; safety and security and; anti-social behaviour in accordance with policies SDP1, SDP15 SDP16, SDP17 of the amended Local Plan Review 2015 and Policies CS19 and CS25 of the Core Strategy (revised 2015);
- ii. To minimise disruption to local residents, mitigate transport impacts and reduce the air quality impact of the development, in accordance with policies SDP1, SDP5, SDP15 of the Local Plan and policies CS18, CS19 and CS25 of the Core Strategy and the Developer Contribution SPD, secure a scheme for the implementation of transport and parking measures to include:
 - The provision of satellite car parking;
 - The provision of a shuttle bus service from the Central Station and Ferry Terminals;
 - Other Highway and Traffic Measures including CCTV monitoring, residents parking schemes and traffic regulation orders;
 - The provision of a combined ticket or other method of payment to encourage public transport use and;
 - A Travel Plan.
- iii. To retain the operation of a scheme of mitigation measures for residents in Britannia Road in the interests of residential amenity and to meet the requirements of policy SDP1 of the Local Plan and policy CS25 of the Core Strategy.
- iv. To retain the implementation of a litter strategy in accordance with policy SDP1 of the Local Plan and policy CS25 of the Core Strategy.
- v. To retain community facilities in accordance with policy CS3 of the Core Strategy 2015.
- vi. To secure and retain a Stadium Monitoring Group for community liaison with relevant local groups including the Stadium, the Police and the Council in accordance with policies SDP1, SDP10, SDP16 of the Local Plan and policy CS25 of the Core Strategy.
- vii. To secure off-site stewarding including at satellite car parking sites in the interest the safety and convenience of users of the public highway in accordance with policy SDP1 of the Local Plan Review (amended 2015), CS18 and CS25 of the Core Strategy (amended version 2015).

2. In the event that the legal agreement is not completed or progressed within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

1.1 St Mary's Stadium is a 32,689 seat arena with associated facilities, located within the defined city centre area. The site itself is surrounded by designated employment land, containing various industrial and warehousing uses. Immediately opposite the site, however, are residential properties in Britannia Road (nos. 1-18). Further residential properties, in Golden Grove, lie beyond the railway line, approximately 75 metres from the stadium.

2. Proposal

2.1 The application seeks to vary condition 6 of planning permission 07/01397/VC to increase the maximum number of concerts/events to be held on an annual basis from 4 to 6 per year. Condition 6 reads as follows:

2.2 Condition 06

No more than four concerts shall be held at the stadium in any calendar year.

Reason: To protect the amenities of local residents.

2.3 In addition to this, the remaining conditions imposed upon 07/01397/VC have been reviewed to ensure that they still meet the tests for conditions and are still relevant and effective.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 The stadium itself was originally granted planning permission in 1999 (planning application reference 981278/27900/E. This was subject to a number of detailed planning conditions and a section 106 agreement.

4.2 Two subsequent planning applications were approved, on a temporary basis, for

the use of the stadium for concerts (planning application references 04/01570/VC and 06/01295/VC). Following these approvals two concerts were held; Elton John in May 2005 and Bon Jovi in June 2006.

- 4.3 In 2007 planning permission was granted on a permanent basis to enable the stadium to be used for four concerts per year (planning application reference 07/01397/VC). A copy of the Decision Notice is included as **Appendix 2** of this report. In June 2008, one further Bon Jovi concert was held following this approval.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (22.11.16). At the time of writing the report **2** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 *The open air nature of the venue is not suitable for amplified music. A previous concert resulted in noise and vibration disturbance.*

5.3 *Request that disruption is kept to a minimum and also highlight that concerts in the summer means that nearby residents can't keep their windows open for ventilation.*

5.4 Consultation Responses

5.4.1 **SCC Highways** – Further information regarding the transport impact is required. In particular, a revised and up-to-date Transport Assessment is required.

5.4.2 **SCC Environmental Health (Pollution & Safety)** - Request that the noise level be conditioned to not exceed the background noise level by more than 15Db(A) over a 15 minute period. This is discussed in more detail below.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- (i) The principle of development;
- (ii) Noise generation and effect on residential amenity;
- (iii) Transportation and air quality impact and;
- (iv) Other environmental impacts.

6.2 (i) Principle of Development

6.2.1 Policy CS1 of the Core Strategy supports leisure uses, including events that attract visitors, within the city centre area. Similarly, policy CS3 of the Core Strategy promotes non-residential development serving a city-wide or regional catchment within the defined city centre of Southampton. Policy AP8 of the City Centre Action Plan seeks to promote night-time uses that contributes to a vibrant city centre whilst minimising potential disturbance to nearby residents. The principle of increasing the number of leisure events being held at the Stadium is, therefore, acceptable in this location, subject to an assessment of the main impacts as set out below.

6.3 (ii) Noise Generation and Effect on Residential Amenity

- 6.3.1 Given the nature of the venue, being only semi-enclosed, and the manner of events that could be held, the impact of noise and vibration on nearby residents is a key consideration. The previous Elton John and Bon Jovi concerts were subject to detailed monitoring by the stadium, Council and other relevant organisations. They were found to operate well within specified noise limits and the parameters set by the planning conditions. The current planning conditions in place require concerts to be concluded by 22:30 hours and stipulate that the noise level at the nearest noise-sensitive premises shall not exceed 75 LAeq over a 15 minute period. A total of 7 and 9 noise complaints were received respectively for each event.
- 6.3.2 The application is accompanied by an Acoustic Report by consultants Vanguardia, who specialise in outdoor events. The report concludes that it is likely that the noise from concerts will exceed the guidelines set out in the Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995). These guidelines suggest that, where between 4 and 12 concerts are held on an annual basis, the maximum noise level should not exceed the background noise level by more than 15 dB (A) over a 15 minute period.
- 6.3.3 However, based on the noise assessment carried out, it was also concluded that the noise limit at the nearest dwelling would not exceed the 75 dB LAeq over a 15 minute period standard. This noise limit has already been approved by the Council for the existing four concerts a year that could be held on the site (see condition 12 of planning permission 07/01397/VC in **Appendix 2**).
- 6.3.4 The submitted noise report also provides comparative event venues within other urban locations. The number of permitted concerts and noise limitations for these venues are set out in the table below:

Venue	Number of Concert Days per Year	Noise Limit
Etihad Stadium, Manchester	8 in 2016	75 dB LAeq 15 minutes
The London Stadium, London	6	15 dB (A) above the background noise limit
Hyde Park, London	8	75 dB LAeq 15 minutes
Victoria Park, London	5	75 dB LAeq 15 minutes
Lancashire County Cricket Ground	7	80 dB LAeq 15 minutes

- 6.3.5 The report concludes that the examples from venues elsewhere suggest that it is possible to hold more than 3 events per year within the noise limit of 75 dB LAeq over a 15 minute period, providing suitable noise management protocols are in place. To this end, the report is accompanied by a Noise Management Plan. It is recommended that the implementation of this Noise Management Plan is secured by the section 106 legal agreement (see recommendation 1(i) above). The Noise Management Plan includes monitoring of events, providing information to the community, communication channels with the venue and pre-event testing to limit noise and disturbance. Subject to the implementation of the Noise Management Plan, the restrictions on noise limits and hours of operation as previously secured, it is considered that the impact from two additional concerts per year will be acceptable.

6.4 (iii) Transportation and Air Quality Effects

6.4.1 The capacity of the stadium for events is 35,000 people. Given that visitors to the venue will arrive and depart within a relatively condensed period, the two extra events per year will have significant transportation implications. The original planning permission for the football stadium was subject to a section 106 agreement that included a range of measures to mitigate and manage the transport impact of the development. The subsequent planning permission to increase the number of concerts (application reference 07/01397/VC) sought to duplicate the original approach to transport management by way of a planning condition (condition 1 of 07/01397/VC refers). It is recommended, as part of this application, to secure a deed of variation to the original section 106 to update the transportation measures. This will promote sustainable modes of transport; reduce the impact on the transport network; minimise traffic congestion and; in turn, minimise the air quality impact of the development.

6.4.2 It is also recommended that an updated Concert Management Plan be secured through the section 106 agreement. A significant part of this management plan will address the transportation management on concert days. The management of previous events included the following measures:

- a 200 metre vehicle exclusion zone to the north and south of the stadium;
- the provision of through-ticketing to provide public transport travel as part of the event ticket;
- the provision of shuttle buses to the venue;
- the provision of satellite car parks within walking distance (approx. 2,454 spaces) and;
- the provision of park and ride facilities with more remote satellite car parks (approx. 2,500 spaces in two site, using 28 buses).

6.4.3 Similar measures would be sought to be secured through the updated Concert Management Plan as part of this planning application to further mitigate the direct impacts the additional events on the transportation network.

6.5 (iv) Other Environmental Impacts

6.5.1 The Concert Management Plan, discussed above, will also address other environmental impacts that could be associated with large events of this nature. As well as transportation, the plan will also cover wider operational aspects of the event including:

- General event management
- Events schedule
- Set-up including sound checks and rehearsals
- Capacity
- Stewarding
- Dispersal of visitors after the event close
- Cleaning and waste management
- Lighting Control

6.5.2 A similar Plan was in place for the previous concerts and assisted in ensuring the smooth-running of the events, whilst limiting the effects on the environment. It is proposed that this Plan be refreshed to ensure it is fully up-to-date and, as noted above, encompasses the noise management plan proposed as part of this application.

7.0 Summary

7.1 The proposed increase in concerts and events being held at St Mary's Stadium is consistent with the Council's aspirations for the city centre to provide a major centre for leisure and events in order to maintain and enhance the city's regional role. The football club have a proven track-record in managing the wide-ranging impacts associated with large events of this nature and the measures to be secured through the section 106 agreement and conditions set out below will ensure that the impacts of the proposal can be satisfactorily managed.

8.0 Conclusion

8.1 It is recommended that planning permission be granted subject to a Deed of Variation to the Section 106 agreement and the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a) (b) (c) (d) 2 (b) (c) (d) (e) (f) 4 (vv) 6 (a) (b)

JT for 31/01/2017 PROW Panel

PLANNING CONDITIONS

01. Hours of Operation (Other than Concerts)

Other than during those times the site is being used for concerts the premises to which this permission relates shall not be open outside the hours specified below:

The main arena 0900 hrs to 2300 hrs;

The Southampton Football Supporters Social Club, The Terry Paine Suite, The Mike Channon Suite, The Boardroom, The Mathew Le Tissier Suite, The Directors Guest Room, all 47 hospitality boxes and such parts of the building that afford access and egress from or are required to provide catering to these suites 0730 hrs to 0200 hrs;

All other accommodation 0730 hrs - midnight.

CCTV Room and Community Safety Areas - No restriction.

Reason: To protect the amenities of occupants of nearby residential properties.

02. Hours of Operation (Concerts)

No concert or event shall continue beyond 22:30 hrs on the day of the concert.

Reason: To protect the amenities of local residents.

03. Capacity

With the exception of the use of the site for concert purposes the spectator capacity of the stadium shall not exceed 32,689 without the prior consent of the Local Planning Authority. The spectator capacity of the site when used for concert purposes shall not exceed 35,000.

Reason: To ensure that the proposals approved for the safety and transportation needs of the spectators and to protect the needs of local communities are adequate.

04. Number of Concerts/Events

No more than six concerts or events shall be held at the stadium in any calendar year.

Reason: To protect the amenities of local residents.

05. Noise Limitation

With respect of concerts and events, during sound check, rehearsals and concerts, the music noise level measured at a point one metre from the façade of any noise-sensitive use shall not exceed 75 LAeq 15 min. The noise from activities and plant associated with the concert or event shall not exceed 60 LAeq 15 min measured at a point one metre from the façade of any noise-sensitive use.

Reason: In the interests of residential amenity to ensure occupiers are not adversely affected by noise from concerts and events.

