

**AGENDA ITEM NO. 8/3(d)**

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Change of use to allow non-football related entertainment events to be held on the premises for up to four time in one year</b>	
<b>Location:</b>	<b>King's Lynn Football Club Ltd Tennyson Road King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Director, Lynn F C Limited</b>	
<b>Case No:</b>	<b>22/00573/CU (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 2 June 2022</b>

**Reason for Referral to Planning Committee** – Called-in by Cllr Hudson

**Neighbourhood Plan:** No

**Case Summary**

The application relates to the King's Lynn Football Club located on the western side of Tennyson Avenue, King's Lynn.

A change of use is sought (mixed use) to allow non-football related events for up to four times in any one calendar year.

**Key Issues**

Principle of development  
Impact on Neighbour Amenities  
Impact on Highway Safety  
Other Material Considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application relates to the King's Lynn Football Club located on the western side of Tennyson Avenue, King's Lynn.

A change of use is sought (mixed use) to allow non-football related events for up to four times in any one calendar year.

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Each event is proposed to be only one day / evening and it is stated within the application that the hours of use will be Monday – Saturday 12:00 – 00:00 (midnight). No times are stipulated on Sundays and Bank Holidays.

However, the Applicant's Agent has stated that whilst it is anticipated that there will be activity within the grounds until midnight, they proposed to stop all outdoor music at 10:30pm.

It is proposed to locate the stage to the eastern side of the pitch in front of the existing hardstanding terraces. The football pitch itself is proposed to be used as the 'viewing area'.

Existing emergency exits will be utilised to the south-east and northeast of the grounds. A detached toilet block is shown on the submitted plan to the south-west of the site.

The newly surfaced carpark directly to the east of the football grounds is proposed to be used during the events as a stage / crew and artist area.

## **SUPPORTING CASE**

No supporting case accompanies the application.

## **PLANNING HISTORY**

There is extensive planning history associated with the site but none of which is relevant to the current application.

## **RESPONSE TO CONSULTATION**

**Parish Council:** N/A

**Highways Authority:** NO OBJECTION

**Environment Agency:** NO OBJECTION - the proposed change of use will not increase the flood risk vulnerability class.

**Environmental Health – CSNN:** RAISE THE FOLLOWING CONCERNS: -

- Holding objection due to lack of information;
- 'Open-air' nature of the events and proximity to dwellings;
- Noise mitigation and attenuation is required;
- Require a robust Event Management Plan document;
- Need to weigh up the reasons for this application (to provide financial support) with the impact in a residential area;
- No elevational plans submitted to show the height and design of the stage, or locations of speakers;
- No information regarding lighting rigs etc
- Some idea of the likely events would be of help in our assessments as these can vary;
- The use of the car park for artists and crew will be a source of noise and light pollution – requires details of proposed mitigation;

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- Hours of opening are listed as being from 12 noon until 12 midnight Monday to Saturday inclusive;
- What are the likely event times?
- We would recommend having a maximum end time of 22:30-23:00 hours
- Consideration is also needed regarding the impact after the event closes of persons leaving the site, waiting to be collected, congregating etc;
- Reducing the end time of the event would lessen the overall event impact;
- Ensure the premises was closed/completely vacated before midnight;
- Events requiring crowd participation in any form are more likely to have a greater impact;
- Gaps at the entrance/exit points to the site, which will allow noise break-out at ground floor height;
- May recommend a temporary approval i.e. for one year, to allow monitoring of events and possibly aid improving issues or preventing further events if they cannot be suitably controlled to protect residential amenity.

**Emergency Planner: NO OBJECTION** – recommends site management if they have not already and preparation of an evacuation plan, which could form a subset of the venue evacuation plan which is in place for existing football matches.

**Norfolk Constabulary: NO COMMENTS** received from the Designing Out Crime Officer but they have forwarded the consultation to their licensing team for their awareness.

## REPRESENTATIONS

The application was called-in by Cllr Hudson in the interests of the local community.

**FOUR** letters of **OBJECTION** received, raising the following concerns: -

- Neighbouring dwellings in close proximity to football ground;
- Noise (from the event itself and from people leaving the venue when finished);
- Disturbance;
- Intrusive nature of the music and PA;
- Vibrations;
- Negative past experience of previous outdoor events held in the stadium;
- Finishes at 11pm which affects young children's bedtime;
- Events over-run;
- Events inside the clubhouse aren't a problem due to sound insulation;
- Previous application to vary the license received local opposition;
- Residential area with vulnerable and elderly people;
- Affect well-being;
- Shift work;
- Parking provision;
- Pedestrian safety;
- Obstructing access to residents;
- Obstructing access to emergency services;
- No toilets facilities for the large numbers of people

**FIVE** letters of **SUPPORT** received, making the following comments: -

- Excellent idea;

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- The club needs additional income to support itself;
- Club went into administration several years ago;
- Cannot have buildings that are only used 25 days of the year;
- Events are already take place on The Walks;
- Limited to only 4 events a year;
- Most likely post football season;
- Many other football clubs hold similar events;
- Encourage vibrancy and sense of community to the local area;
- The club has been in this location since the 1880s and therefore house buyers should understand the situation;
- We don't want another Bury FC on our doorstep;
- Benefit to the community;
- The club turned professional but has now been relegated which raises concern about their future financially;
- The club is restricted geographically;
- Increased costs in travelling to away fixtures;
- The club is in a residential area but most football clubs are;
- Local pubs, restaurants and hotels would benefit;
- BCKLWN would benefit through increase revenue from car parking;
- The club could bring more jobs to the town;
- We cannot let our local football team fall by the wayside;
- Cannot see how parking will be a problem;
- The club would adhere to restrictions;
- Hope that security and policing will be used to full capacity;
- The club brings happiness, joy and fond memories;
- Life experience when growing up;
- Football isn't just a game;
- The stadium isn't just a pitch, its so much more than that;
- Community spirit;
- Friendship

**ONE NEUTRAL** letter received, making the following comments: -

- No objection as long as proper safeguards are put in place to protect local residents and their properties from litter and excessive noise;
- Historic concerns, when the club was under a previous owner, regarding antisocial behaviour.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

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**CS13** - Community and Culture

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key considerations in the determination of this application are as follows: -

- Principle of Development;
- Impact on Local Amenity;
- Highway safety;
- Other Material Considerations

### **Principle of Development:**

The application site is located within King's Lynn Sub-Regional Centre where the Development Plan asserts the importance of strengthening the retail function alongside tourist, leisure facilities and employment development and regeneration. Development and a change in land use is therefore acceptable in principle in accordance with the Development Plan.

It is a matter of fact and degree as to whether or not the proposal requires planning permission due to the nature of the use in association with the grounds and the limited time scales. It could be argued that temporary non-football related events (such as open-air concerts) would not result in a material change of use.

However, after deliberation and assessment of Part 4 (Temporary Buildings and Uses) of the General Permitted development Order (GPDO), it was decided that the proposed use would not strictly be ancillary to the football pitch, particularly when taking into consideration the presence of spectator stands and the clubhouse building, which includes a bar and is available for hiring out for other events outside of match days.

When considering the proposal against Planning Policy, the overarching policy aim within the NPPF is a presumption in favour of sustainable development, and in order to deliver this in a positive way there are three main objectives: -

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- Economic objective - looks to help build a strong, responsive and competitive economy. Supports growth, innovation and improved productivity.
- Social objective – Looks to support strong, vibrant and healthy communities, including accessible services and open spaces that reflect current and future needs and support communities' well-being.
- Environmental objective – looks to protect and enhance our natural, built and historic environment, including making effective use of land, minimising waste and pollution, and mitigating and adapting to climate change.

The relevant Local Development Plan Policies are as follows: -

Core Strategy Policy CS08 – Sustainable Development, states that ‘all new development in the borough should be of high quality design. New development will be required to demonstrate its ability to (amongst others):

- Enrich the attraction of the borough as an exceptional place to live, work and visit;
- Respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment;
- Optimise site potential, making the best use of land including the use of brownfield land;
- Enhance community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles’.

Policy CS10 – The Economy, explains that the role of King’s Lynn as the economic driver for the sub-region means that most growth will be located within/adjoining the town. This sustainable approach to development aims to ensure new jobs are located near to the proposed residential development outlined in the Core Strategy.

It is recognised that leisure and cultural industries (among others) are key elements of the economic and social vibrancy of our borough, and contribute to the regeneration and growth of the area. The Council aims to promote opportunities to improve and enhance the visitor economy, providing these are in sustainable locations and are not detrimental to our valuable natural environment.

The Council will seek to retain land or premises currently or last used for employment purposes.

Policy CS13 – Community and Culture, describes how Planning is about more than just physical land use. It is essential that planning aims to improve the wellbeing of local communities by tackling social issues, and creating the right conditions for people to have a good quality of life.

A socially and culturally sustainable community means that it is active, inclusive and safe – fair, tolerant and cohesive with a strong local culture and other shared community activities.

Policy DM9 – Community Facilities, states that ‘The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth’.

If a development would assist in the maintenance or enhancement of the financial viability of an existing business this may also bring wider benefits to the local economy. However, this has to be balanced with any impact on local amenity and in order for such gains to outweigh other planning objections, there must be an overriding wider benefit.

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The application has been submitted to allow the football club to diversify in order to receive financial support, to ensure the viability and longevity of the club. As a community facility, the football club is an underused resource and could be better utilised, in the interests of economic, social and environmental objectives. The principle of development is therefore acceptable.

### **Impact on Local Amenity:**

King's Lynn football grounds are located within a residential area with dwellings directly adjacent to the south, west and east of the site.

This location is also within the outskirts of the Town Centre where there is a diverse mix of uses.

When considering the Planning Policy context, paragraph 130 of the NPPF ensures that developments: -

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Locally, Policy DM15 – Environment, Design and Amenity, advises that development proposals should aim to create a high quality environment without detrimental impact on the amenity of new and existing residents.

Factors that could have a significant negative impact on the amenity of residents include: noise, odour, poor air quality, light pollution, land contamination and visual impact. It is also important to consider issues of security, privacy and overlooking when creating new development.

The Council will seek a proportionate level of information to determine the environmental impact of developments, and may seek planning conditions to ensure the development will comply with any national, regional or locally set standards on environmental quality.

It is acknowledged that CSNN have raised some concerns regarding noise impact on local residents, and their request for an Events Management Plan to be submitted before consent is granted. However, given the limited number of events and hours of use proposed, it is considered acceptable to condition such details and mitigation to be submitted within a specified time frame.

Local residents are likely to be accustomed to a level noise and activities around match days, which includes evening games during weeknights, and when the Blue and Gold (the football clubhouse) holds various events (including amplified music). That said, the proposal is somewhat different to events held inside the club house in that it involves a use which would take place on the open-air pitch, and would include live music during late night hours.

Such events are likely to have a degree of impact on local residents, however, that has to be balanced with the fact that it is proposed to take place for up to four days per year only. Furthermore, the condition for an Events Management / Noise Plan will enable the Local

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Authority to retain a level of control over each event and mitigate, as much as possible, any unacceptable noise and disturbance.

Other details referred to by CSNN, such as the height and design of the stage, lighting, people arriving and departing from the event etc, will be required within the Events management Plan.

It is not considered reasonable to grant a temporary planning consent for one year as requested by CSNN, given the limited number of events proposed.

Any further regulation of noise and disturbance is outside of the remit of Planning Control and would be dealt with by way of a Statutory Nuisance under the Environmental Protection Act 1990. For these purposes it would need to be demonstrated that the 'events' would 'unreasonably and substantially interfere with the use or enjoyment of a home or other premises; or injure health or be likely to injure health'.

Notwithstanding the fact that the Premises License allows for 'a performance of live music (indoors or outdoors)' from 10am -11:30pm Sunday to Thursday and 10am-12:30 midnight Friday and Saturday, the Planning Application process enables tighter controls if necessary. Therefore, given the potential for a degree of impact on residential amenity, in terms of noise impact, it is considered reasonable to restrict any outdoors music to 10:30 as suggested by the Applicant's Agent.

The application states that there will be activity at the ground until midnight but a condition will be imposed preventing any music after 10.30pm Monday – Saturday and no times on Sundays or Bank Holidays.

The application also states that there will be 45 employees associated with the proposed events, which includes the presence of Stewards to supervise and manage the events and offer security to maintain order.

In summary, the main consideration should be given to the weight afforded to any potential harm arising from the proposal, in terms of the impact on living conditions of nearby residents and their general amenity and functioning. The proposal involves only four events per year and this needs to be balanced against the fact that the grounds are regularly used for football events, including evening weeknight matches, and other material considerations.

### **Highway safety:**

Although the Local Highway Authority Officer raises no objection to the proposal, it is acknowledged that sections of Tennyson Road and the surrounding streets have areas of unrestricted on-street parking and that such an application is likely result in an overflow of parking from the site to on-street positions.

However, it is also the case that this application is for 4 events a year only and would be very similar to the periods when there is a match. Furthermore, NCC have not experienced significant complaints about the present parking aspects, which would appear to correspond with the comments submitted by local residents in relation to the planning application, which relate more towards social and domestic considerations.

The LHA is therefore of the view that an approval of the application is unlikely to result in any significant highway safety hazard above that currently experienced and as such, it would be difficult to substantiate a highway objection to 4 events a year.

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The LHA officer makes reference to the use of a temporary permission for one year so that any true impact could be assessed.

A temporary consent is not considered necessary for a proposed use of this scale (being only 4 days per calendar year).

Other Material Considerations:

*Crime and Disorder: -*

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

*Third Party Representations: -*

All third-party comments have been taken into full consideration in reaching a recommendation for this application, some of which have been addressed above in the report.

Concerns relating to noise, disturbance and anti-social behaviour over and above what is reasonably expected at a venue of this nature, being a football club, is outside the remit of Planning Control, and if necessary will be dealt with as a Statutory Nuisance under the Environmental Protection Act 1990.

**CONCLUSION:**

The main consideration in the determination of this application is the acceptability of the principle of diversifying the football club's activities to non-football related events, in response to economic support, and whether or not that is outweighed by other material considerations such as the potential impact on residential amenity.

The proposal offers general conformity with Development Plan Policies, in terms of economic objectives, by helping to build a strong, responsive and competitive economy; social objectives by contributing to a strong, vibrant community; and environmental objectives, by making effective use of underused land / community facilities.

There will inevitably be a level of noise and disturbance associated with the proposed events due to their very nature. However, this needs to be balanced with the current events that take place at the football club and whether the impact from the proposed events would be significant enough to adversely affect the amenity of others, over and above what would be reasonable in this location.

It is your Officer's opinion that allowing four events per year would not unreasonably or substantially impact on residential amenity to such a degree that would adversely affect their living conditions, when taking into consideration the existing use of the football grounds. As such it is not considered that any limited noise and disturbance, as a result of the four events per year would outweigh the economic and social benefits to the club.

It is therefore considered that the proposal accords with general provisions of the NPPF and Development Plan Policies CS03, CS08, CS10, CS13, DM9 and DM15.

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## RECOMMENDATION:

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans; 22-L08-P002A.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: There shall be no more than four non-football related events, each event being a single day, in any calendar year.
- 3 Reason: In the interests of local amenity and in order for the Local Planning Authority to retain control over such development, in accordance with the provisions of the NPPF.
- 4 Condition: Each of the four events shall be a single day and shall not take place outside of the hours of 12pm – 10:30pm Monday to Saturday, and at no times on a Sunday or Bank Holiday.
- 4 Reason: In the interests of local amenity, in accordance with the provisions of the NPPF.
- 5 Condition: No events shall take place until an Events Management Plan, including a noise mitigation scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before and during each event.
- 5 Reason: In the interests of local amenity, in accordance with the provisions of the NPPF.
- 6 Condition: No live or amplified music shall take place outdoors, in association with the events hereby approved, after the hours of 10:30pm Monday to Saturday, and at no times on Sundays and Bank Holidays.
- 6 Reason: In the interests of local amenity, in accordance with the provisions of the NPPF.