

DEFERRED ITEM
16/00906/COU

Mr Nadir Imamoglu

Cllr David Clifft
Cllr Peter Lever

ESSINGTON

**Wyrley Rangers Football Club Long Lane Park Long Lane Springhill
Wolverhampton South Staffordshire WV11 2AA**

**Change of use of part of the property from sports club house,
ancillary bungalow, and car park to creche or day nursery or place
of worship or training centre or exhibition space.**

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

See Appendix A

1.2 Planning History

2009, Change of use from clubhouse to 4 bungalows, refused
[09/00505/COU], Appeal dismissed [APP/C3430/A/10/2120321]

[Appeal Decision APP/C3430/A/10/2120321](#)

Proposal was for the change of use of the clubhouse to 4 bungalows and potential change of use of the football pitch to a cricket pavilion (latter requiring separate planning application). Proposal included removal of the 100 seat spectator stand, floodlighting, fencing, goals and dug-outs.

Inspectors conclusions and comments summarised as follows:

- Reuse of the existing building with no external changes and removal of the football stand, fencing etc would increase the openness of the Green Belt thus would not be inappropriate in Green Belt terms.
- Potential requirement for cricket pavilion, impact of which could not be assessed due to lack of information.
- The proposal would leave the football ground without any supporting facilities, contrary to (now withdrawn) PPG 17 – Planning for Open Space and Recreation.
- Refers to S.106 agreement which ties occupation of existing dwelling to recreational use. Inspector was keen to ensure that the dwelling continued to serve a useful purpose on the site.
- Loss of football pitch without any committed alternative proposals for recreational use would lead to an unacceptable loss of recreational facilities.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1. It is proposed to change the use of part of the club-house to either a crèche, day nursery, place of worship, training centre or exhibition space (Use Class D1). The football pitches, spectator stand and caretakers bungalow would remain in their current use as would the changing rooms and kitchen of the clubhouse.

Following a review of the provisions of the S.106 Agreement and discussions with Sport England the caretakers bungalow and the changing room and kitchen of the clubhouse were removed from the proposal.

The proposed change of use therefore applies to the following rooms of the clubhouse:

- Conference room
- Bar & cellar
- WC
- Store
- Outbuilding (double garage)

3. POLICY CONTEXT

See Appendix A

4. CONSULTATION RESPONSES

4.1 Additional comments received:

Rt. Hon. Gavin Williamson MP (comments received 04/01/17) Objects to the proposal

2 comments from residents received 04/01/17 raise concerns regarding:

- *Potentially high numbers of attendants and associated vehicles if the premises were to be used as a church, particularly if several services are held during the same day.*
- *Potential for caravans to be sited on the land which could impact upon local wildlife*
- *Potential for damage to the football field which has previously received community funding.*
- *Potential for the building to be used as a Church of Light and Life for the gypsy and traveller community.*
- *Potentially high numbers of attendants and associated vehicles/traffic congestion if the premises were to be used as a church, particularly if several services are held during the same day.*
- *Potential for caravans and other vehicles to be sited on the land*
- *Potential for increased vehicular movements combined with the width of Long Lane and the narrow hump backed bridge could lead to highways safety issues.*

- *Potential noise and disruption as a result of the proposed use which would impact upon neighbours and potentially cause pollution.*

Sport England [comments received 23/03/17]:

The adopted South Staffordshire Sports Facility and Playing Pitch Strategy (2014) identifies the Long Lane site as providing a good quality main pitch with standard quality changing provision – the ground grading was considered suitable for the West Midlands league.

The recommendation was to retain the site, improve the quality of the pitches and ancillary facilities and secure community use/tenure. Improved drainage was identified as a requirement and the ground was noted as under threat (for sale) at the time. In terms of priority it is identified as high priority for the FA and local authority area (see extract below from Figure 122: Playing Fields – Highest Priorities)

I understand the land owner may not be in a position to improve the site himself given he is retiring and that efforts have been made to sell the site but there are other routes that may be available to transfer the site to a club/community body through a community asset transfer for example and to secure investment to improve the site. As an example Sport England has recently launched a Community Asset Fund which may be of assistance <http://www.sportengland.org/funding/community-asset-fund/> and the FA have already sought engagement to support securing the site going forward.

The proposal being put forward which effectively takes away some of the essential elements of changing room capacity/facilities necessary for the site to function as a football venue/club site will further erode and preclude the opportunity to bring the site back into sporting use.

As stated before Sport England had felt there could be some compromise such that access to toilets, kitchen facilities etc. could have been secured for sports use as well as allowing other uses (for example in the daytime community groups/nursery etc. uses could be made of the building then in the evening weekends it could be available for sports club use. However it would appear from the statement below that this compromise is not being put forward.

*Sport England therefore has no option but to **OBJECT** to the application as the development fails to meet any of our exceptions in our policy to protect playing fields and associated ancillary provision and fails to meet National Planning Policy Framework Par. 74.*

If some form of shared use can be agreed, that does not remove key elements of the facility for sports use, then we may be in a position to take a different view.

Sport England [further comments received 10/04/17]

Thank you for forwarding some revised plans which essentially illustrate the kitchen/breakfast room will be retained for club usage and not included in the COU arrangement.

Sport England and the FA would like to be supportive of this proposal where it can be made to work so that there is no conflict of interest between making a better and viable use of the site in general and ensuring its football usage is not prejudiced. Access to the kitchen does improve the balance but this did not have to be totally exclusive to the football club which will probably only use it some evenings and weekends – essentially what is needed as a minimum is:

- *Access to and use of the kitchen to provide refreshments etc. during training sessions and match days*
- *Access to and use of the car park during training sessions and match days*
- *Access to and use of the additional toilets in the building for spectators/officials during training sessions and match days*

If by agreement or by condition these can be integrated into the COU permission then we could support the proposal. It might help to have a timetable when usage could be offered to the football users? Perhaps some form of joint use agreement setting out access, availability, management and maintenance responsibilities etc. would be a useful vehicle?

5. APPRAISAL

The application was deferred as Councillors considered it appropriate for the applicant to submit further planning applications to allow separate consideration of the various uses proposed, however no other applications have been submitted. Following the Committee meeting queries were also raised by Councillors regarding on-site parking provision.

5.1 Key Issues

- Highways & Parking
- Material planning considerations
- Retention of the Sport Facility
- Extant S.106 Agreement
- Restrictive Covenants
- Retention of the Sports Facility

5.2 to 5.5 See Appendix A

5.6 Highways and parking

5.6.2. A General Arrangement Plan has been submitted which provides further details of parking provision, to include coach parking and overspill. The agent has advised that the land edged blue to the rear of the stand and marked as training ground (albeit overgrown and not used as a training ground) would be retained for the football parking use with the balance of the parking available within the land edged red for the

proposed uses applied for. The County Highways Officer has reviewed the parking plan submitted and has raised no objections, and parking provision is considered to be adequate for both the existing and proposed uses.

5.7 Material planning considerations

Neighbours have raised concerns regarding the potential use of the building as a Church of Light and Life for the Gypsy and Traveller community, with one objector highlighting national guidance on Planning for Gypsy and Traveller sites. The applicant has not confirmed this to be the case thus is not treated as a material planning consideration. The proposal is judged on the basis of its acceptability in general planning terms in relation to each of the uses proposed, which includes Places of Worship of any denomination.

5.8 Extant S.106 Agreement

Planning permission reference 94/00747 for the clubhouse and caretakers residence was subject to a S.106 agreement which sought to restrict the following:

- The clubhouse was to be used only by members of Wyrley Rangers Football Club Ltd and not as a public bar
- The clubhouse was not to be sold or leased separately from the wider site (indicated blue on location plan)
- The caretakers bungalow was not to be sold or leased separately from the wider site (indicated blue on location plan)

Legal advice has confirmed that if planning permission were granted for a change of use of part of the site, the S.106 Agreement would no longer play a role as the aim of the agreement was to secure the future of the football club. Reference to the Companies House website indicates that Wyrley Rangers FC Ltd was dissolved in 2012. If approval were to be granted for the proposed change of use, in order to implement the approval without being in breach of the S.106 Agreement the applicant would need to apply to the Council to discharge the agreement.

5.9 Restrictive Covenants

A Land Registry search has been undertaken and there are no other covenants which seek to restrict the use of the site. There is, however, a covenant imposed which seeks to restrict any nuisance to nearby occupiers as result of the use of the site. Restrictive covenants are private land interests and, as such, they do not constitute material planning considerations. Anyone can seek or obtain planning permission for a development which, if carried out, would be in breach of a restrictive covenant, and it is no part of the local planning authority's remit to consider whether the applicant is able to overcome any practical constraints which may restrict their ability to complete the development.

5.10 Retention of the Sports Facility

The applicant has advised that since Wyrley Rangers FC folded, the football pitches are used, on occasion, by local football clubs. Core Policy 10 and Policy EV9 of the Adopted Core Strategy aim to ensure that community facilities including those for recreation are retained in order to support local communities. Furthermore, the South Staffordshire Sports Facility and Playing Pitch Strategy identifies that the Long Lane Park pitch provides a good quality main pitch, albeit would benefit from improved drainage.

The football pitches, stands, caretakers bungalow, changing rooms and WC's are excluded from the change of use and would remain for football users. Following discussions with Sport England the proposal has been further amended to exclude the kitchen of the clubhouse from the proposal. On this basis Sport England are satisfied that, with these essential facilities, the football pitches could continue to operate satisfactorily. There would, however need to be a legal agreement in place to ensure that the relevant rooms of the clubhouse would remain available for use in conjunction with the football pitch as and when required. Legal advice has been sought which confirms that it would be possible for the applicants to apply to vary the existing S.106 agreement in order to agree and secure specifics of how the uses would be used in conjunction with each other.

At the time of preparation of the Sports Facility and Playing Pitch Strategy during 2014 it was acknowledged that the facility was under threat (for sale). Sport England advise that Community Asset Funding is available, and the Community Asset Transfer procedure offers an opportunity for members of the community to apply to take ownership of site such as these. Reference to the Councils Community Asset Register indicates that the site has not been nominated for designation. Nonetheless the site provides a valued facility for football occasional use and this proposal would bring additional revenue to the site which would further secure the future of the football facility.

Core Policy 10 states that 'the Council will support the co-location of facilities (shared use of buildings) where it would enhance the provision of services within local communities and involve the most efficient and sustainable use of the land'. The proposal to change the use of part of the clubhouse, whilst securing the pitches and essential services to support their use, would therefore comply with the aims of Core Policy 10 and Policy EV9.

6.0 CONCLUSION

See Appendix A

7.0 RECOMMENDATION

See Appendix A

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of worship or training centre or exhibition space.**

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1.1. Site Description

The application relates to Wyrley Rangers Football Club which consists of two football pitches with spectator stand, as well as an associated club house, changing rooms, caretakers residence and car parking. The premises is positioned off Long Lane and extends to just under 3.20 hectares. Adjacent to the north-east is the Wyrley and Essington Canal. The club house and caretakers bungalow, which are the subject of this application, are of modern construction and were purpose built to serve the sports complex.

1.2 Planning History

2009, Change of use from clubhouse to 4 bungalows, withdrawn
[09/00301/COU]

2009, Change of use from clubhouse to 4 bungalows, refused,
[09/00505/COU]

2002, Variation of condition 6 of 747/94 - use of clubhouse by non-
members, withdrawn [02/01040/VAR]

2001, Football stand fencing and car parking, approved [01/00126/FUL]

2001, 6 Floodlighting columns and 4 removable training lights, approved
[01/01090/FUL]

1998, Satellite dish, 4 removable floodlights and columns and 2
permanent floodlights and columns, approved [97/01032]

1998, Advertisement, approved [AD31/98]

1996, Temporary change of use of fitness room to caretakers residence,
approved [96/00818]

1995, Clubhouse - changing rooms and caretakers residence , approved
[94/00747]

1993, Football pitch and club house, approved [93/00014]

2.1 The Proposal

2.1.1. It is proposed to change the use of the club-house, caretakers residence and an outbuilding to either a crèche, day nursery, place of worship, training centre or exhibition space (Use Class D1). The football

pitches, spectator stand, changing rooms and toilets would remain in their current use.

2.2 Agents submission

2.2.1. The application states that whilst the pitches are still used on occasion, previous marketing of the site over a number of years has been unsuccessful. The proposed uses are considered to be compatible with the existing buildings and would aid marketing of the site in the interim to provide a source of revenue. No external changes are proposed and the new use would be accommodated within the existing buildings.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Local Plan

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Policy EQ9: Protecting Residential Amenity

Core Policy 7: Employment and Economic Development

Policy EV12: Parking Provision

Policy HWB1: Protection of Open Space, Sport and Recreation Facilities

3.3 National Planning Policy Framework

Chapter 1: Building a Strong, Competitive Economy

Chapter 3: Supporting a Prosperous Rural Economy

4. CONSULTATION RESPONSES

4.1 Comments received

Councillors (received 28/10/16) Councillor Clifft raised concerns regarding the sustainability of the site location and potential for large numbers of visitors to the venue for events. Also raised concerns regarding weight restrictions on the nearby road bridge.

Parish Council (received 04/11/16) Objection - inappropriate development in the green belt with no special circumstances - environmental issues - highways issues.

Highways (received 28/10/16) No objections on highways grounds

Environmental Health (received 17/10/16) No comments to make

Neighbours (received 03/1/16) Mr D. Twist of The Cottages raised the following concerns:

- o Events at a place of worship could lead to huge numbers of visitors which could not be controlled.

- o Increased noise and parking on the lane causing disturbance and disruption

Site Notice (expired 18/11/16) Thirty five comments received from members of the public. Concerns summarised as follows:

- o The surrounding road network and nearby road bridge cannot accommodate the potential levels of traffic from large events, particularly if the building were to be used as a Place of Worship.
- o Long Lane is narrow and poorly lit with no footpaths. In addition parking congestion is already an issue in this area. Any significant increase in traffic would exacerbate these concerns, potentially creating road hazards.
- o Environmental impact upon the nearby Wyrley and Essington Canal and local wildlife.
- o Impact upon the sports facility
- o The proposal would be of no benefit to the local community
- o Noise and disturbance as a result of the proposal would harm the character and enjoyment of the area by local residents.
- o Several of the representations received refer to the potential use of the site as a Light and Life Church for Gypsies and Travellers. Concerns are raised over the scale and frequency of services which could be held at the venue if this were the case. Concerns are also raised as to whether such a use could lead to the pitching of caravans on the surrounding land parcel and the impact this would have on the local area.

5. APPRAISAL

5.1 The application is to be determined by Planning Committee as the application was called in by Councillor Clift, who raised concerns regarding the potential for highways congestion as a result of large events being held at the venue and questioned whether the nearby hump-back bridge could accommodate high levels of traffic. Councillor Clift also raised concerns regarding the sustainability of the location for the suggested use.

5.2 Key Issues

- Principle of development
- Impact on neighbouring amenity
- Impact on character of the area, landscape and wildlife
- Highways and parking

5.3 Principle of development

5.3.1. The proposal is located within the Green Belt. Policy GB1 of the Adopted Core Strategy states that the re-use of a building within the Green Belt will normally be permitted, providing that the making of a

material change of use would have no material effect on the openness of the Green Belt or the fulfilment of its purposes. No external alterations are proposed to the buildings which would have a material effect on the openness or purpose of the Green Belt. The re-use of the existing buildings would provide a new use for part of the site which could result in the creation of some jobs. In addition the football pitch and spectator stands would be retained in their current use, providing continued access to a community facility. It is therefore considered that the principle of the development is acceptable in terms of national and local policy.

5.4 Impact on neighbouring amenity

5.4.1. Core Strategy Policy EQ9 requires that proposals take into account the amenity of any nearby residents, with regard to security, noise and disturbance and pollution. The site is surrounded largely by open fields, with the exception of 'The Cottages' a residence which is positioned approximately 98m south-west of the site entrance.

5.4.2. A number of objections have been received from members of public who are concerned that one of the potential uses, a Place of Worship, could generate significant numbers of vehicles from visitors to church services and large events such as weddings. Concerns have been raised that the movement of such vehicles and visitors could create noise and disturbance which would be harmful to local residents and users of the nearby canal.

5.4.3. Whilst there is one residence in the vicinity of the proposal the area is largely surrounded by open fields. The closest residents to the south-west are positioned in excess of 400 metres from the site and the closest residents to the north-east are positioned over 340 metres away. It is therefore considered that the uses proposed would cause no additional harm to residential amenity over that of the existing use, and the Council's Environmental Health Officer has raised no concerns regarding the proposal. Neighbours have also raised other concerns which are addressed in sections 5.5 and 5.6 of this report.

5.5 Impact on the character of the area and landscape

5.5.1. Policies EQ4 and EQ11 of the Core Strategy state that development proposals should take account of the sensitivity of the landscape and ensure that local character and distinctiveness is protected. The proposed uses would be contained within the existing buildings on site and car parking provision would remain as existing. No external alterations are proposed which could impact on the character of the area, and there are no works to trees which could affect the appearance or quality of the landscape or wildlife habitats. The proposal is therefore considered to comply with Policies EQ4 and EQ11.

5.6 Highways and parking

5.6.1. In line with Core Strategy Policy EV12 all development proposals are required to make adequate provision for off street parking. Concerns have been raised by members of the public regarding the capacity of Long

Lane to accommodate the proposed use. The premises is an existing facility and the parking provision and access arrangements would remain unchanged. The site benefits from an existing car park which meets the Council's Car Parking Standards for the uses proposed and the County Highways Officer has raised no objections on highways grounds.

6.0 CONCLUSION

6.1. The change of use of part of the premises would provide a viable new use for the buildings whilst retaining the football pitch as a valuable community facility. Previous marketing of the site has been unsuccessful and a new use for the site could support the local economy, potentially providing employment opportunities within the area. It is considered that the change of use would cause no undue disturbance to local residents and given that no external changes or extensions are proposed, there would be no impact upon the openness or function of the Green Belt. Parking provision is adequate and there are no highways safety concerns arising. The proposal is therefore considered to comply with the relevant policies therefore approval is recommended.

7.0 RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: FC/1 (Location Plan with Red Edge) FC/1 (Floor Plan).
3. The change of use hereby approved shall relate to the club house, ancillary bungalow and outbuilding only.
4. No other stables, containers, caravans, shelters or other ancillary building or structures, temporary or otherwise, shall be sited on the land without the prior approval of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the site shall be used for purposes only as defined within Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other subsequent equivalent order.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.

3. To safeguard the football pitch and spectator stands as a valuable community facility in accordance with policy HWB1 of the adopted Core Strategy.
4. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
5. To define the permission.

Proactive Statement

The Council has considered the application submitted, but did not consider amendments to the proposal were necessary. The application is considered to be acceptable in accordance with the reasons for granting planning permission above. The Local Planning Authority has therefore worked in a positive and proactive manner in relation to dealing with the planning application, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, 2012.

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework, 2012.



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Wolverhampton, South Staffordshire, WV11 2AA