

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 22nd January 2024

Application No:	HPK/2023/0367	
Location	Buxton Football Club, Silverlands, Buxton	
Proposal	Retrospective Advertisement Consent to display electronic scoreboard to display information on match days and at other times when football ground in use for other activities and to include other advertising.	
Applicant	Mr David Hopkins	
Agent	Michael Green Planning Services	
Parish/ward	Buxton Central	Date registered 29 th Aug 2023
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee owing to previous applications for major and minor development being considered and determined by the Committee and public interest in the application.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to a small area of land within the confines of Silverlands, occupied by Buxton Football Club; a semi-professional club with attendances ranging between approximately 400 and 2,000 depending on the opposition, and which currently play in the National League North (the 6th Tier in the English football pyramid).
- 2.2 Due to the competitive nature of this league and that Buxton are one of the smaller teams within it, with regards to attendances and budgets, the club are seeking opportunities to secure alternative revenue streams and ultimately the medium to long term sustainability of the club.
- 2.3 The area of land subject to this latest application is located in the south-eastern corner of the ground and currently contains an illuminated score board on a concrete base, that faces inwards towards the main stand at an angle.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Following an enforcement complaint and subsequent investigation and site visit, it has been established that a scoreboard, which also projects advertisements, has been erected in the south-eastern corner of the site, facing inwards towards the main stand which lies to the north of the playing surface.
- 3.2 Following communications from the Council, this application for Advertisement Consent seeks retrospective permission for this scoreboard.
- 3.3 As shown on the Proposed Elevations, the scoreboard has a total height of some 6.4m, approximately the same height as the netting that dwarfs the southern terrace, with a width of some 3.8m, and is split into three distinct parts.
- 3.4 The bottom third with a height of 2.6m comprises a concrete panel fence. The middle third comprises the digital scoreboard which also shows adverts throughout matches, having a height of 2.8m, with the final third being a (non-illuminated) sign.
- 3.5 The scoreboard is made up of LED colour lighting that as shown within the supporting technical specification document, has a brightness of 6500 cd/m².
- 3.6 The rear of the scoreboard, whilst visible from neighbouring properties and surrounding streets, is not illuminated.
- 3.7 The application, the details attached to it including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=263133>

4. RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to the following planning history:

HPK/2017/0620	Provision of new accommodation for educational facilities and replacement of pitch and floodlights (Approved 03/05/2018)
DOC/2018/0073	Discharge of Condition: 7 in regards of HPK/2017/0620 (Approved 05/07/2018)
HPK/2018/0496	Variation of condition 6 (floodlight use) of HPK/2017/0620 (Approved 16/12/2018)

HPK/2022/0250 Extension to form sponsors and supporters lounges and extend the size of shop and canteen following demolition of portable cabins, canteen and part directors lounge (Approved 04/10/2022)

HPK/2022/0557 Extension of existing clubhouse at first floor level and part ground floor to form a gym and changing room facilities (Approved 7th March 2023)

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ6 Design and Place Making
CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development Chapter 2
Achieving Well Designed Places Chapter 12

4. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 10 th October 2023
Neighbour letters	Expiry date for comments: 29 th September 2023
Press Notice	Expiry date for comments: N/A

Neighbours

6.1 5no. objections have been received in connection with this application. The grounds of objection are summarised as follows:

- Erecting structure without consent or consultation demonstrates flagrant disregard for the amenity of local residents and due process
- Visually intrusive being higher than netting along most of the southern perimeter
- Claim that scoreboard would not look out of place (page 5 of Statement) is false
- Imposing and overbearing on neighbouring properties
- Light pollution from scoreboard on immediate vicinity
- Better alternative in front of conifer trees
- Impacts on Highway Safety

6.2 The following comments have been received from consultees:

DCC Highways Authority

Initial Comments:

With regard to the above application, the luminance levels are quoted as being 6000 cd/m²; the usual maximum luminance levels for illuminated signs adjacent to the highway is 800 to 1000cd/m², for signs below 10 m² depending on location or 600 cd/m² for signs over 10 m².

Having assessed the location of the sign/scoreboard, it is unlikely that the sign would be a distraction or would present a hazard to motorists when taking account of the high boundary walls and stands; however, the sheer luminance level of the sign at 6000cd/m² is a concern and some clarification is requested from the applicant/agent about the need for such a significant brightness. In addition, the application states that the sign/scoreboard will include advertisements – clarification is requested on the type of advertisements i.e. will they have moving images for instance and when will these advertisements be shown e.g. only during match times or on other occasions?

Further comments will be provided on receipt of the requested information.

Further Comments:

Thank you for sending the correspondence from the applicant regarding the proposed sign/scoreboard proposed.

I am satisfied that the scoreboard as applied for will not be unacceptable to highway safety and on those grounds there are no objections to the application. I shall assume that you will attach relevant condition(s) to control the use of the scoreboard, times etc. in line with details provided by the applicant.

Environmental Health

Illuminated advertisements (and scoreboards) are rarely a public health matter, its more an issue with visual amenity. If appropriate standards are applied there should be no nuisance issues.

– the following is widely adopted

Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals.

Unfortunately, I don't have access to a copy of this but these are the recommended levels for EZ3 and 4

SIZE OF ADVERTISE- MENT	AREA TYPE / ZONE	PROFESSIONAL LIGHTING GUIDE 05 MAXIMUM LUMINENCE LEVEL
Up to 10 m2	Suburban / Zone 3	600 cdm2
Over to 10 m2	Suburban / Zone 3	300 cdm2
Up to 10 m2	Urban / Zone 4	600 cdm2
Over 10 m2	Urban / Zone 4	300 cdm2

Environmental Zones:

The ILP recommended that in their Development Plans, Local Planning Authorities specify the following environmental zones for exterior lighting control.

Category Examples

- E1: Intrinsically dark areas National Parks, Areas of Outstanding Natural Beauty, etc
- E2: Low district brightness areas Rural or small village locations
- E3: Medium district brightness areas Small town centres or urban locations
- E4: High district brightness areas Town/city centres with high levels of night-time activity

Illuminated advertising is probably not appropriate for EZ1 and EZ2, but that's very much a matter for the planning officer to decide.

The planning submission suggests luminance of 6500cd/m2. Given the location nuisance is unlikely but it will be highly visual if it can be seen from public spaces. You could mitigate this by condition requiring that use is limited to when competitive football matches are taking place (plus 1 hour before and ½ hour after).

Network Rail

No comments to make

5. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan,

so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained at paragraph 11 of the NPPF.

Principle of Development

- 7.5 Paragraph 136 of the NPPF states that advertisements subject to a specific consent process should be subject to control only in the interests of amenity and public safety.
- 7.6 The site is located within the built-up area boundary of Buxton and is not constrained by any sensitive statutory designation. The principle of development is therefore supported subject to a detailed assessment of potential impacts regarding Amenity and Public Safety

Amenity

- 7.7 Local Plan (LP) Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.8 LP Policy EQ6 also requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.9 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

- 7.10 Within the context of Advertisement Consent and signage, the term Amenity can be separated into three main potential impacts: (1) Visual Impact; (2) Residential Amenity and (3) Light Pollution. These issues are assessed below.

Visual Impact

- 7.11 Objections have been received from local residents that cite the scoreboard as being visually intrusive, being higher than the adjacent netting on southern perimeter, and that the scoreboard looks out of place within the area.
- 7.12 The scoreboard stands at approximate height of 6 metres above ground floor level, which, as Members will note from their site visit, is broadly consistent with the height of the existing netting on the southern boundary, and certainly does not exceed it.
- 7.13 When viewed from the public highway to the south and east, and from the nearest neighbouring properties and associated gardens, mostly notably Nos. 26 and 27 Woodside, the scoreboard is black with a blue trim.
- 7.14 It is accepted that the scoreboard is visible from both the public highway and neighbouring properties. However, it does not necessarily follow that there is adverse visual impacts as a result of the scoreboard being visible. A judgement is required with regards to the degree of impact.
- 7.15 The scoreboard is constructed in materials appropriate for its function and finished in sympathetic colours.
- 7.16 The rear of the scoreboard is located some 13m distant from the rear elevation of No.27 Woodside. At this distance, and given that the scoreboard is read within the context of a larger stadium with associated structures, including much 6no. larger floodlights, installed following consent granted in 2018, it is considered that whilst some visual impacts are unavoidable, the impacts are not harmful to the degree that would constitute a sustainable reason for refusal.
- 7.17 Visual impacts resulting directly from the illuminated signage is assessed under the 'Light Pollution sub heading.

Residential Amenity

- 7.18 Objections have been received from local residents that raise concerns regarding the imposing and overbearing impact on neighbouring properties.
- 7.19 In a similar manner to assessing potential impacts upon visual amenity, a judgement must be made as to what degree there are any adverse

overbearing impacts or any other aspect relating to residential amenity, and whether the degree of harm is sufficient to warrant a reason for refusal.

- 7.20 As stated, the scoreboard stands at a distance of 13m from the rear elevation of No.27 Woodlands. This distance is commensurate with the guidance set out within the Residential Design Guide SPD with regards to blank side elevations of properties facing windows in principal or rear elevations of neighbouring properties.
- 7.21 Therefore it is not uncommon within housing developments to have a two storey solid feature which stands some 8m high approximately 13m distant from an existing principal elevation. It is further noted that the scoreboard stands to the north of these dwellings and will not therefore affect direct sunlight. The illuminated display will face away from the houses. A very significant distance of approx. 175m exists between the front face of the scoreboard and the houses in Silverlands on the opposite side of the pitch. In view of this distance and the intervening features of other buildings around the pitch no other amenity impacts are anticipated.
- 7.22 In light of the above, and when considering the specific context in which the scoreboard is situated (i.e. an ancillary structure within a sizable non-league football stadium with larger structures within its confines), it is not considered that there would be any amenity or imposing impacts on neighbouring properties.

Light Pollution

- 7.23 Objections have been received raising concerns about light pollution from the scoreboard in the immediate vicinity.
- 7.24 The Environmental Officer has provided guidance with regards to appropriate lux and luminance levels in certain areas. When pressed by Officers for an answer as to whether or not they have any objections to the proposal with regards to light level and subsequent pollution, Environmental Health have made clear that this is a judgement for Planning Officers and overlaps with visual amenity.
- 7.25 Crucially, the scoreboard does not omit or leak any light beyond its rear in the direction of neighbouring properties.
- 7.26 It is considered that during daylight hours, there would be no impact. However, careful consideration must be given to potential impacts in the evening hours after dark, given that this time is when impacts are more prevalent.
- 7.27 Given that the scoreboard faces north-westwards at a slight angle towards the main stand of the stadium, would be associated with an established stadium with 6no. floodlights that omit light across a much

wider area, and that no light would 'leak' towards residential properties, it is not considered that there would be any adverse light pollution that would harm the amenity of neighbouring properties or the wider street scene, particularly given the distances to the nearest neighbouring dwelling to the north west as noted above.

- 7.28 It is recommended that conditions be imposed that restricts the use of the scoreboard that align with match days that typically take place from 3-5pm on a Saturday and between 7:45pm and 10:00pm (11:00pm on rare occasions where matches are extended for extra time and penalties) in a similar manner to restrictions applied to floodlighting and external lighting on the recently approved clubhouse building.
- 7.29 Subject to such conditions, it is considered that the proposed scoreboard would not be harmful to amenity, to the degree that would warrant a sustainable reason for refusal, and is in accordance with LP Policies S1, EQ6 and EQ10 and relevant policies contained under Chapter 12 and 15 of the NPPF.

Public Safety

- 7.30 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.
- 7.31 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.32 Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.33 The signage is contained within the confines of the football stadium and does not overhang the public highway. It does not present a hazard to any member of the public.
- 7.34 As such, and in line with updated comments provided by the Highways Authority, the proposed scoreboard is not considered to result in any harm to highway or public safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Nutrient Neutrality

- 7.35 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of

phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

7.36 The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

Planning balance & Conclusion

7.37 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

7.38 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8. RECOMMENDATIONS

A. APPROVE subject to conditions as follows;

1. *Approved Plans*
2. *Time Restriction of operations of scoreboard in line with floodlights and other external lighting within the football club*

B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add

