

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 12<sup>th</sup> December 2022**

<b>Application No:</b>	HPK/2022/0316	
<b>Location</b>	Spring Gardens Buxton	
<b>Proposal</b>	Vinyl lamp post banners to promote Buxton HAZ and Buxton 'Our Street' cultural project (Advertisement Consent)	
<b>Applicant</b>	Mrs Lisa Hooley (Heritage Action Zone Officer), High Peak Borough Council	
<b>Agent</b>	None	
<b>Parish/ward</b>	Buxton Central	<b>Date registered</b> 22 <sup>nd</sup> August 2022
<b>If you have a question about this report please contact:</b> Tom Hiles tom.hiles@highpeak.gov.uk 01538 395400 extension 5430		

### **1. SUMMARY OF RECOMMENDATION**

**Approve, subject to conditions.**

### **2. REASON FOR COMMITTEE DETERMINATION**

- 2.1 This application has been brought before the Development Control Committee as the application has been submitted on behalf of the Borough Council.
- 2.2 The application was deferred from the November 2022 committee meeting in order to consider design issues raised by members.
- 2.3 Discussions with the Council's regeneration officers have confirmed that the design of the proposed HAZ banners is determined by branding guidelines imposed by Historic England, who administer the Heritage Action Zone funding scheme. It is therefore understood that there is no scope for the design of the HAZ banners to be amended.

### **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises the full stretch of Spring Gardens in Buxton town centre, between The Quadrant/Terrace Road and Bridge Street.
- 3.2 The site is within the Buxton Central Conservation Area, and within the local plan is designated as being within the Town Centre, a Primary Shopping Frontage area and a Regeneration Area.

3.3 The context of the application site is generally commercial in nature, with some residential uses above ground floor level at some premises along Spring Gardens.

#### **4. DESCRIPTION OF THE PROPOSAL**

4.1 This application seeks advertisement consent for the installation of banners on thirteen lampposts along the length of Spring Gardens. The banners would promote the Council's Buxton Heritage Action Zone.

4.2 The Heritage Action Zone (HAZ) is a central-government funded scheme, managed by Historic England, to support the regeneration of heritage assets, which the Council is participating in.

4.3 The Buxton HAZ aims to secure heritage-led shopfront improvements by liaising with property owners within the HAZ to part-fund improvement works.

4.4 The banners would have a simple graphic design comprising black and white text on a blue background. The design of the banners would be consistent with the Historic England branding style used to promote Heritage Action Zones within other local authorities.

4.5 Since the November meeting the Council's regeneration officers have clarified that it is also intended that other banners would be installed to promote local cultural events and institutions, as part of the 'Our Street' cultural project, facilitated by Buxton Cultural Consortium and funded as part of the Heritage Action Zone.

4.6 The banners would promote local events and organisations including Buxton International Festival, the Crescent Heritage Trust, and the Rec Youth Theatre Company. Indicative designs for these banners have been provided and will be included in the committee meeting presentation.

4.7 The vinyl banners would measure 2.9m by 0.8m and would be positioned 3m above ground level, fitted within existing purpose-designed banner holders on the lampposts.

4.8 The banners are required for a temporary period until the end of the HAZ programme in August 2024.

4.9 The application can be viewed online using the following link:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=256012>

#### **5. RELEVANT PLANNING HISTORY**

HPK/2005/0423 – Temporary erection of 13 banners on lamp posts during the festival period – Approved.

HPK/2005/0490 – Advertising banner located on decorative lamp posts – Approved.

HPK/2007/0450 – Temporary lamp post flags – Approved.

HPK/2009/0314 – Lamp column flags – Approved.

HPK/2012/0107 – A series of cultural banners for festival and events in the town – Approved.

## **6. PLANNING POLICIES RELEVANT TO THE DECISION**

### **High Peak Local Plan 2016**

S 1 Sustainable Development Principles  
S 1a Presumption in Favour of Sustainable Development  
EQ 6 Design and Place Making  
EQ7 – Built and Historic Environment  
CF6 Accessibility and Transport

### **Supplementary Planning Documents**

High Peak Design Guide  
Buxton Design and Place Making Strategy  
Buxton Conservation Areas Appraisal

### **National Planning Policy Framework (2021)**

Paragraph(s) 1-14  
Paragraph 136  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving Well-Designed Places  
Section 16 - Conserving and enhancing the historic environment

## **7. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 21 <sup>st</sup> October 2022
<b>Neighbour letters</b>	Expiry date for comments: 13 <sup>th</sup> October 2022
<b>Press Notice</b>	22 <sup>nd</sup> September 2022

### **Neighbours**

7.1 Neighbours were contacted by way of written letters. No comments were received from neighbouring addresses or any other members of the public.

### **Statutory Consultees**

**DCC Highways**

There are no objections to the application on highway safety grounds; however, the applicant will be required to gain any appropriate licence/permissions to erect the banners on Highway Authority owned lighting columns affected by the application. The applicant should make contact with Highways.Hub@derbyshire.gov.uk before erecting the banners, should planning consent be granted.

**HPBC Conservation Officer**

No objection.

**8. POLICY AND PLANNING BALANCE****Planning Policies**

- 8.1 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.
- 8.2 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.
- 8.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG).
- 8.4 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.

**Principle of Development**

- 8.5 Paragraph 136 of the National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control of advertisements should be efficient and effective and simple in concept and operation. However, as set out in paragraph 136, only matters of amenity and public safety and the cumulative impacts of advertisements should be taken into consideration.
- 8.6 There are no policies in the Local Plan which refer specifically to the control of advertisements. However, as the signage would be located within a Conservation Area, consideration should be given to local policy EQ7, which notes that the Council will conserve heritage assets in a manner appropriate to their significance, and that this will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 8.7 More generally, policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment, whilst also contributing to local distinctiveness and sense of place
- 8.8 Subject to these considerations, the general principle of development is supported.

### **Key Material Considerations**

Design and Heritage  
Public and Residential Amenity  
Access, Parking Provision and Highway Safety

### **Design and Heritage**

- 8.9 The site lies partially within the Buxton Hardwick and Buxton Central Conservation areas. As set out in the planning history section of this report, a number of similar advertisement applications have been approved for flags and banners advertising the Buxton festival. The proposed banner signs are considered to be appropriate to the character of the surrounding area, including the Conservation Area. The design of the signs would not be dominant within the street scene and the visual amenity of the locality and Conservation Area will not be eroded by the proposals. The advertisements would be erected for a temporary period until 2024, after which they would be removed. The Conservation Officer has not objected in terms of the effect of the proposals upon the Conservation Area.
- 8.10 The proposals would therefore sustain the heritage asset and are therefore considered to comply with policies EQ6 and EQ7.

### **Public and Residential Amenity**

- 8.11 LP Policy EQ6 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.
- 8.12 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 8.13 Owing to the scale, design and form of the banner advertisements, it is not considered that their installation would result in any form of harm to residential or public amenity. In particular it is noted that the signage would not incorporate any form of illumination or moving parts.

### **Highway Safety and Public Safety**

- 8.14 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.
- 8.15 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. 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.
- 8.16 Some of the proposed banners within the application site would be in the vicinity of the public highway to the west and east ends of Spring Gardens. However, given the particular nature of the proposed signage and the height of 3m above the pedestrian route it is considered that they would not interfere with pedestrian safety. The advertisements would not pose any risks to highway safety (e.g. distracting moving elements or dazzling illumination) that can otherwise arise from advertisements, would occur in this case.
- 8.17 As such and having regard to comments from the Highways Authority that raise no objections to the proposal the application would comply with LP Policy CF6 and paragraph 110 of the NPPF.
- 8.18 The signage would include elements overhanging the public realm, but it is not considered that they would give rise to any particular risk to public safety, above that which can be satisfactorily managed by standard advertisement consent conditions.

### **Planning balance & Conclusion**

- 8.19 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 8.20 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.
- 8.21 The principle of development of advertisements to promote a public investment programme within the town-centre location to which the programme relates is considered to be appropriate in principle. In terms of the relevant material planning considerations – being design, impacts on the character and significance of the Conservation Area, and on residential amenity and highways and public safety - the proposals are considered to be acceptable.
- 8.22 Whilst Members previous concerns regarding the designs are discussions with the Council’s regeneration officers have confirmed that the design of the proposed HAZ banners is determined by branding guidelines imposed by Historic England, who administer the Heritage Action Zone funding scheme. It is therefore understood that there is no scope for the design of the HAZ banners to be amended. It is considered that the benefits of promoting the HAZ outweigh any harm in design terms.
- 8.23 Furthermore, since the November meeting the Council’s regeneration officers have clarified that it is also intended that other banners would be installed to promote local cultural events and institutions, as part of the ‘Our Street’ cultural project, facilitated by Buxton Cultural Consortium and funded as part of the Heritage Action Zone.
- 8.24 The banners would promote local events and organisations including Buxton International Festival, the Crescent Heritage Trust, and the Rec Youth Theatre Company. Indicative designs for these banners have been provided and will be included in the committee meeting presentation.
- 8.25 This would in-effect reduce the number and length of time that the HAZ banners themselves, which have given Members cause for

concern with regard to design, would be displayed as they would be interchanged with more appropriate, locally designed, Buxton specific banners which would promote community events, bringing further benefit to the town.

8.26 The proposed banners are therefore considered to be a sustainable form of development which would comply with the relevant policies of the High Peak Local Plan 2016, local planning guidance, and the National Planning Policy Framework.

8.27 It is therefore recommended that the application for advertisement consent should be approved.

## 9. RECOMMENDATIONS

**A. That advertisement consent be granted subject to the following conditions:**

1. Permission from landowner
2. Maintenance and public safety
3. Temporary consent - removal by the end of 2024.
4. Accord with proposed details
5. No lighting

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

### Site Plan

