

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 6th March 2023

Application No:	HPK/2022/0557	
Location	Buxton Football Club, Silverlands, Buxton	
Proposal	Extension of existing clubhouse at first floor level and part ground floor to form a gym and changing room facilities	
Applicant	Mr David Hopkins	
Agent	Lee Architects Ltd	
Parish/ward	Buxton Central	Date registered 15 th Dec 2022
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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to a rectangular parcel of land within the confines of Silverlands, occupied by Buxton Football Club; which, following a very successful season, has recently gained promotion to 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 relates to a small area within the Silverlands football ground complex that is home to a single storey building that serves the clubhouse with a bar and associated lounges with seated tables and toilet facilities.
- 2.4 The wider site comprises a grass playing pitch measuring 104m x 74m, associated stands/terraces and ancillary structures. These are made up of two stands on the northern and western sides of the pitch; two terrace alongside the southern and eastern sides of the pitch; and

portacabins and single storey structures, those of which that sit adjacent to the main stand being subject of a planning application for a replacement two storey building housing improved commercial and corporate facilities that was granted permission in 4th October 2022, after being considered by Development Control Committee under HPK/2022/0250.

- 2.5 Following the granting of planning permission under HPK/2017/0260, the new 4G sports pitch is rented out to community groups and members of the public on non-match days.
- 2.6 The site is bounded to the north by the public highway and Police headquarters beyond. To the south of the site sit two blocks of residential development. Terraced properties off Mill Court are positioned on the western side of the southern boundary whilst newer development off Woodside is located further east. The Ashbourne quarry railway line lies to the west whilst allotment gardens are situated beyond the eastern boundary.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission to erect a first floor extension above the existing single storey clubhouse, largely following the existing footprint, to serve as a first floor gym with associated male and female changing room facilities.
- 3.2 Further to Officers request for clarification on the proposed use, the applicant has confirmed that the gym would be primarily used by players and students studying at existing educational facilities on site, and would not be operational as a typical commercial gym that has a subscription model.
- 3.3 The resultant two storey structure is shown to reach a total height of 6.7m, standing adjacent to the west (spectator) stand behind one of the goals which reaches a height of some 5.1m.
- 3.4 The principal elevation facing internally towards the pitch is shown (as with all other elevations) to be constructed in a split face stone, with ground floor and first floor glazing, supplemented by a dark grey metal trim, with a mono-pitched roof sloping westwards towards the boundary with the railway finished in grey roof sheeting.
- 3.5 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=258850>

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)

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S7	Buxton Sub-area Strategy
EQ6	Design and Place Making
EQ10	Pollution and Unstable Land
CF4	Open Space, Sports and Recreational Facilities
CF6	Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Healthy and Sustainable Communities	Chapter 8
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12
Conservation and Enhancing of Historic Environment	Chapter 16

4. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 24 th February 2023
Neighbour letters	Expiry date for comments: 10 th January 2023
Press Notice	Expiry date for comments: N/A

Neighbours

6.1 4 x objections have been received in connection with this application. The grounds of objection are summarised as follows:

- Vehicle congestion and lack of parking is already an issue, which would be exacerbated by these proposals, impacting on highway safety
- The area cannot cope with the increase in intensification of facilities at the football club
- Proposal would lead to an increase in litter on surrounding streets
- Lack of consultation with neighbouring residents

6.2 The following comments have been received from consultees:

Consultee	Comments
DCC Highways	Whilst the provision of the gym facilities may attract additional car borne trips to the site, it is considered that the lack of any additional parking provision over that currently available at the site is not sufficient to warrant an objection on highway safety grounds.
Sport England	No objections
Network Rail	No comments to make
HPBC Leisure and Recreational Services	Service Commissioning are supportive of the proposals for the Football Club which will benefit not only the Club, but the wider community.
DCC Archaeology	Silverlands Football Ground has an entry on Derbyshire Historic Environment Record (MDR340) in relation to the suggested site of a Roman auxiliary fort. This is based upon the spread of known Roman finds from the surrounding area – dating from the late 1st to late 3rd centuries with a focus on the early part of this date range (Vespasian to Hadrian), which would certainly fit with the vicus of an early post-conquest fort. This theory has never been convincingly proved or disproved, geophysical survey having proved inconclusive. At present the site is immediately adjacent to the Area of Archaeological Interest (High Peak Local Plan) associated with Roman Buxton.

	<p>We recently commented on application HPK/2022/0250 comprising part of the ongoing renewal of the facilities on site, and recommend a conditioned scheme of archaeological work.</p> <p>While the current proposals are largely within the footprint of existing buildings on the western side of the ground there are some fairly minor additions to the existing footprint that will involve additional excavation, and the addition of an upper storey may necessitate the existing foundations being widened or deepened, with further impacts.</p> <p>I advise that these relatively restricted impacts could be addressed through archaeological monitoring of the development groundworks where new ground is to be broken or existing impacts deepened. This could be reasonably combined with the archaeological scheme for HPK/2022/0250 to provide economies of scale for relatively little additional cost.</p> <p>The following condition should therefore be attached to any planning consent in line with NPPF para 205:</p> <p>1. No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works • The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. <p>This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”</p>
<p>Severn Trent Water</p>	<p>No comments – advisory informative</p>

HPBC Environmental Health	No objections subject to conditions
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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 Local Plan (LP) Policy CF4 seeks to protect, maintain and where possible enhance sport and recreational buildings and facilities within the Borough.
- 7.6 Chapter 6 of the NPPF contains relevant national planning policies aimed at creating a strong competitive economy. Paragraph 81 makes clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 7.7 Chapter 8 of the NPPF contains relevant national planning policies aimed at promoting healthy and safe communities. Paragraph 92 states amongst other things that policies and decisions should enable and support healthy lifestyles, through the provision of new sports facilities.
- 7.8 Buxton Football Club have recently been promoted to the 6th Tier of English Football (National League North). The club have ambitions of cementing their place at this level and to challenge for promotion to the 5th Tier (National League). With promotion to a higher level comes with it increased operating costs (e.g. higher wages for better players), and the need to generate income through sponsorship and other means to allow the club to be competitive and financially sustainable in the medium-long term.
- 7.9 The proposed development would enhance the facilities of the Football Club and contribute positively to its medium-longer term financial security. The proposal is also expected to create 20no. full time jobs. As such, the application is considered to support the aims and objectives of LP Policy CF4 and relevant policies under Chapters 6 and 8 of the NPPF, and is thus fully supported in principle subject to a detailed assessment of all relevant planning considerations.

Design Character and Appearance

- 7.10 Policy S1 of the adopted Local Plan sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.11 Policy EQ6 of the adopted Local Plan states that all development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.
- 7.12 The recently adopted Design Guide SPD (2018) contains design guidance for extending and altering existing buildings. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.
- 7.13 Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

- 7.14 The Silverlands football ground site lies within the built-up area boundary and given its context, is considered to be relatively low with regards to its sensitivity.
- 7.15 The proposed extension would largely follow the existing footprint of the building and when read within the context of the adjacent spectator stand, would not be out of scale with other infrastructure within the site, when viewed from the public highway from the north-west.
- 7.16 The proposed extension would in the opinion of Officers, amount to a visual betterment of the site, with the replacement of a flat roof with a more sympathetic mono-pitched roof, with an appropriate choice of traditional materials that would compliment the character and appearance of a similar sized building on the northern side of the site approved under HPK/2022/0250.
- 7.17 The proposal is considered overall therefore to constitute a high quality design that is of an appropriate scale, height, massing and visual appearance that aligns with the design principles set out under Local Plan Policies S1 and EQ6, relevant Supplementary Design Guidance, and paragraph 130 of the NPPF.

Amenity

- 7.18 Policy EQ6 of the adopted Local Plan requires all new development to achieve a satisfactory relationship to adjacent development which does not cause unacceptable harm to residential amenity, which includes aspects relating to visual intrusion; overlooking and overshadowing; noise and light pollution; or any other adverse affects which could harm amenity.
- 7.19 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.
- 7.20 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.21 Paragraph 185 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution and health, living conditions and the naturel environment, and that local authorities should ensure that appropriate mitigation is incorporated to limit impacts regarding noise and light pollution.
- 7.22 The site is surrounded on its southern side by a row of two storey terraced properties on Mill Cliff, whose principal elevations directly face the Football Club and the proposed replacement building.

- 7.23 Due to the orientation of the building which faces eastwards towards the playing pitch, there would be no direct views from these (or any other neighbouring properties) in to the building, thereby avoiding any adverse impact to the amenity of these properties with regards overlooking or loss of privacy. Due to the separation distance, which includes the intervening railway line, no overshadowing or overbearing impacts on these dwellings are anticipated as a result of the increased height of the building
- 7.24 With regards to light pollution, a previous planning application granting new floodlights under HPK/2017/0620 included a condition that was subsequently varied under HPK/2018/0496 which restricts the time of operation of the floodlights, in the interests of public amenity. It is considered appropriate to apply a similar condition to any external lights associated with this building.
- 7.25 With regards to noise impacts, the use of the proposed building on match day would not contribute any material increase in noise or disturbance beyond that associated with the overall match day attendees. In the interests of public amenity, as recommended by the Council's Environmental Health Officer, it is considered necessary to apply a condition which restricts the use of the facilities. The second condition recommended by Environmental Health is not enforceable and as such should not be applied to any Decision Notice.
- 7.26 Subject to appropriate conditions, it is considered that the proposed building would not result in any adverse harm to public or residential amenity, in accordance with Local Plan Policies S1, EQ6 and EQ10, and relevant policies contained under Chapters 12 and 15 of the NPPF.

Highway Safety

- 7.27 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 and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.
- 7.28 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.
- 7.29 Objections have been received from neighbouring residents who have expressed concerns regarding the current issues of on-street and unauthorised parking, and general volume of traffic associated with match days, and that the provision of these new facilities, in addition to

new corporate facilities approved under HPK/2022/0250 would add to these issues.

- 7.30 The site lies within the built-up area boundary of Buxton in a highly sustainable location being within walking distance of public transport links (bus stops and railway station) and a number of public car parking facilities.
- 7.31 It is accepted that the football club lies within a constrained location within a largely residential area, with a distinct lack of parking opportunities for staff and visitors both within the site and within its immediate surroundings.
- 7.32 It is therefore inevitable that the proposed extension would lead to a material increase in on-street parking, when considering the recently approved extension for corporate hospitality and commercial facilities, and that the gym would create a further 20no. full time jobs. However, it is the existing traffic and parking associated with match days, when large crowds are present at the site at one time which are likely to be problematic for the local community rather than proposed ancillary facilities such as a gym where impacts would be more transient and would occur at other times of the week.
- 7.33 However, it cannot be disputed that the site is located in a highly sustainable location, within a short walking distance of a number of public car parks, and public transport links, which includes local bus services and a train station. Sustainable sites such as this one are the most appropriate for development and proposed uses such as that proposed.
- 7.34 The Highways Authority have effectively confirmed that in their view, a reason for refusal on grounds of highway safety would not be sustainable at appeal.
- 7.35 Notwithstanding the above, it is considered that the significant socio-economic benefits associated with the provision and overall enhancement of local community and sports facilities, far outweigh any (unsustainable) highway safety concerns that arise as a result of the proposed development.
- 7.36 In light of the above, it is considered that the proposed extension and introduction of gym facilities would not result in any adverse highway safety impacts that would warrant a credible or sustainable reason for refusal, and thus there is not considered to be any conflict with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Archaeology

- 7.37 The DCC Archaeological response identifies that the site forms part of a Historic Environment Record in connection the suggested site of a Roman Fort.
- 7.38 The comments confirm that whilst the current proposals are largely within the footprint of existing buildings on the western side of the ground, a small increase in the ground floor is proposed and further works including the addition of an upper storey may necessitate the existing foundations being widened or deepened, with further impacts. DCC have therefore recommended a condition similar to that applied under HPK/2022/0250. It is anticipated that the archaeological monitoring works required for both applications could be combined in the interests of cost.
- 7.39 Subject to the recommended condition, matters relating to archaeological assets are considered to be addressed.

Nutrient Neutrality

- 7.40 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

- 7.41 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.

Procedural Matters

- 7.42 Objections have referred to an insufficient level of consultation with neighbouring residents that does not align with the Council’s Statement of Community Involvement (SCI) and/or relevant legislation.
- 7.43 In line with the General Management Procedure Order and the Council’s SCI, immediate neighbours that adjoin the site were

consulted by way of a letter inviting comment within a period of 21 days.

- 7.44 Further to the above, a Site Notice notifying the general public of the application, was erected on a lamppost immediately outside the site on 3rd February 2023 which similarly invited comments from members of the general public within a period of 21 days.
- 7.45 Officers identified that the Location Plan as submitted incorrectly showed the red edge site boundary to encompass the entirety of the football club site. At the request of Officers an amended Location Plan was received on 21st February showing the building subject of the proposed extensions to be bounded by a red line with the wider site outlined in blue.
- 7.46 In light of the above, all procedural matters associated with the application have been satisfactorily addressed.

Planning balance & Conclusion

- 7.47 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.48 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.
- 7.49 The application seeks full planning permission for a first floor extension above the existing clubhouse building to serve as gym facilities with associated changing room and toilet facilities.
- 7.50 The proposal will support the ongoing success and long term financial sustainability of the Football Club thereby fully supporting the aims of Local Plan Policy CF4 and relevant policies under Chapter 6 of the NPPF.

7.51 An assessment of the application has found that the proposed building would be of a high quality design that would contribute positively to the site and wider area, and subject to appropriate conditions, would not result in any adverse harm to public or residential amenity, highway safety or archaeological assets.

7.52 The application is therefore deemed to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF, is recommended for approval subject to appropriate conditions.

8. RECOMMENDATIONS

A. APPROVE subject to conditions as follows;

1. *3 Year Time Limit*
2. *Approved Plans*
3. *Details of materials to be agreed in writing*
4. *Time restrictions on use of gym facility*
5. *Time restrictions on external lighting*
6. *Archaeological monitoring and recording*

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/informatives/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.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

