

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 20th May 2024

Application No:	HPK/2024/0085	
Location	Spring Gardens Buxton	
Proposal	Vinyl lamp post banners to promote 'Our Street' cultural project (Advertisement Consent)	
Applicant	High Peak Borough Council	
Agent	None	
Parish/ward	Buxton Central	Date registered 07.03.24
If you have a question about this report please contact: Rosie Dinnen rosie.dinnen@highpeak.gov.uk		

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.

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 up to thirteen lampposts banners on existing lamp columns along the length of Spring Gardens.

- 4.2 This application follows application reference HPK/2022/0316 which granted advertisement consent for the erection of a series of lamppost banners designed to support and promote the Buxton High Street Heritage Action Zone (HSHAZ) grant scheme.
- 4.3 Approval was granted on the 6 January 2023 and condition 2 requires the removal of the banners by no later than four weeks following 31st December 2024, unless otherwise agreed in writing.
- 4.4 The HSHAZ came to an end on the 31 March 2024 and the application seeks a new advertisement consent for five years (statutory period for advertisement consents).
- 4.5 The banners would promote local events and organisations such as Buxton International Festival, the Crescent Heritage Trust, and the Rec Youth Theatre Company. The banners would periodically change to promote current and up and coming events. Indicative designs for these banners have been provided and will be included in the committee meeting presentation.
- 4.6 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.
- 4.7 The application can be viewed online using the following link:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=266252>

5. RELEVANT PLANNING HISTORY

HPK/2022/0316 - Vinyl lamp post banners to promote Buxton HAZ (Advertisement Consent) – Approved, 06.01.2023

HPK/2013/0119 - Proposed series of cultural banners for festivals and events in the town (Advertisement Consent) – Approved, 13.05.2013

HPK/2012/0107 – A series of cultural banners for festival and events in the town – Approved, 15.05.2012

HPK/2009/0314 – Lamp column flags – Approved, 11.08.2009

HPK/2007/0450 – Temporary lamp post flags – Approved, 06.08.2007

HPK/2005/0490 – Advertising banner located on decorative lamp posts – Approved, 19.08.2005

HPK/2005/0423 – Temporary erection of 13 banners on lamp posts during the festival period – Approved, 08.07.2005

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

Paragraph(s) 1-14
Paragraph 141
Section 9 - Promoting sustainable transport
Section 12 - Achieving Well-Designed Places
Section 16 - Conserving and enhancing the historic environment

7. CONSULTATIONS CARRIED OUT

Site notice	10.04.24
Neighbour letters	29.03.24
Press Notice	11.04.24

Neighbours

- 7.1 Neighbours were contacted to by way of written letters. One letter of objection was received who raised concerns that there has been a proliferation of plastic and vinyl advertisements around Buxton and action should be taken to reduce this sort of signage which make the shopping street less attractive as a tourist destination.

Statutory Consultees

DCC Highways There are no objections to the application on highway safety grounds.
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 141 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 141, 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 for a number of years.
- 8.10 Criticism have been made by one objector about the appearance of the banner and the proliferation of signs in the town centre. However, opinions on aesthetics are subjective and the proposed banners are within a conservation area where there is a high bar for design quality and ensuring character and appearance of the heritage asset is conserved or enhanced.
- 8.11 The proposed banner signs are considered to be appropriate to the character and appearance of 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 Conservation Officer has not objected in terms of the effect of the proposals upon the Conservation Area.
- 8.12 The proposals would therefore sustain the heritage asset and are considered to comply with policies EQ6 and EQ7.

Public and Residential Amenity

- 8.13 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.

- 8.14 Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 8.15 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

- 8.16 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.
- 8.17 Paragraph 114 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 115 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.
- 8.18 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.
- 8.19 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 114 of the NPPF.
- 8.20 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

- 8.21 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 8.22 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.

8.23 The principle of development of advertisements to promote a series of public and community events within the town-centre and wider Buxton are 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.

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

8.25 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.

8.26 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 standard condition.**
- 3. Granted for 5 years**
- 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.

Location Plan



Planning Portal Reference: PP-12867218v1

