

PLANNING STATEMENT

Application to vary planning conditions

HPK/2024/0289: Erection of Replacement Stand

Buxton Football Club

Silverlands

Buxton

SK17 6QH

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Introduction

1. This planning statement has been prepared by John Scott MRTPI, in support of an application for the variation of two planning conditions imposed on the planning permission granted in November 2024 for the erection of a replacement stand at Buxton Football Club's ground at Silverlands, Buxton, ref. no. HPK/2024.
2. This statement outlines why it is considered that the proposal to vary the conditions should be accepted as it will result in a permission that is more consistent with existing planning and licencing restrictions on the site.
3. It is considered that the amended permission would still be in accordance with all policies set out in the Development Plan and National Planning Policy Framework and should be approved.

Site and Surroundings

4. The application site is located on Silverlands, to the south of Buxton town centre and east of the market place. It is the home ground of Buxton Football Club. The site contains a stand on the Silverlands frontage and a combination of single storey structures of ages and architectural styles and visual appearance. The stand on Silverlands is the main building on the site, but it only covers about half the length of that frontage; this would be replaced by the recently approved development. The wider site comprises an artificial grass playing pitch measuring 104m x 74m, associated stands/terraces and ancillary structures. There is a covered standing area to the west of the pitch, and a small covered standing area along the southern side of the pitch. There is a small open terrace to the rear of the goals at the eastern end of the pitch. The existing buildings to the west of the stand currently provide small-scale catering facilities, a Directors' Lounge, and a small shop.
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.
6. The site is bounded to the north by Silverlands, with the Police headquarters and Buxton Army Cadets headquarters on the opposite side of the road. To the south of the site there are two blocks of residential development. There are terraced properties off Mill Court on the western side of the southern boundary, with newer development off Woodside is located further east. The Ashbourne quarry railway line lies to the west, with allotment gardens situated beyond the eastern boundary, on the opposite side of Woodside.

7. The site is located within the settlement boundary of Buxton. The site is free from constraints and designations such as Green Belt, Conservation Area or other heritage designations, or tree preservation orders. The site is located in a low Flood Risk area.
8. 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 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). The amended condition (now condition 1) says:

“The use of the floodlighting hereby approved shall only be permitted between the hours of 07:00 – 22:00 Monday-Friday & Sundays and 07:00 – 20:00 on Saturdays. The floodlighting shall be permitted for a maximum of 6 days of the calendar year from 07:00 – 23:00 to allow for evening cup fixtures and the potential of extra time and penalties.”

- 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 4/10/22)
- HPK/2022/0557 Extension of existing clubhouse at first floor level and part ground floor to form a gym and changing room facilities (Approved 7/3/23).
- HPK/2023/0367 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 (Refused 23/01/24).
- HPK/2024/0192 Revised proposal for retention of electronic scoreboard for a permanent period, to display information on match days and at other times when football ground in use for other activities and to include other advertising (Approved 22/07/24)
- HPK/2024/0289 Erection of a replacement stand (Approved 15/11/24).

Proposal

9. The proposal to vary conditions 3 and 5 of planning permission HPK/2024/0289, granted in November 2024, which state:

“3. All external lighting associated with the approved development shall operate strictly between the hours of 07:00 – 22:00 Mondays to Friday and between the hours of 07:00 – 20:00 on Saturdays and Sundays, in line with the permitted hours of floodlighting.

Reason:- In the interests of public and residential amenity

5. The development hereby approved shall not operate or be occupied between 23:00 and 07:00 the following day.

Reason:- In the interests of public and residential amenity"

10. The proposal is to vary condition 3 to read as follows:

"All external lighting associated with the approved development shall operate strictly in accordance with the following times:

- (i) Floodlighting shall not operate other than within the hours 07.00 to 23.00 on weekday match days, 07.00 to 22.00 on Saturday match days, 07.00 to 20.00 on Sunday match days and 07.00 to 22.00 on non-match weekdays.*
- (ii) All other external lighting, other than low level dusk to dawn security lighting, shall not operate later than 30 minutes after use of the buildings has ceased in accordance with condition 5".*

11. With regard to condition 5, the proposal amended condition would read as follows:

"The development hereby approved shall not operate or be occupied between 01:00 and 07:00 on any day".

Planning Policies:

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework:

13. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and it was last updated in December 2024. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

14. Paragraph 131 of the NPPF states that planning should create places with a high standard of amenity for existing and future users. 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 natural environment. It states that Local Planning Authorities should ensure that appropriate mitigation is incorporated to limit impacts regarding noise and light pollution.

Development Plan:

15. For the purposes of this application the Development Plan in Buxton is the High Peak Local Plan, adopted in 2016.

16. Policy EQ6 of the adopted Local Plan requires all new development to achieve a satisfactory relationship to adjacent development. Matters which must be taken into

account include visual intrusion, overlooking and overshadowing, noise and light pollution and any other adverse effects which could harm residential amenity.

17. Additionally, Local Plan 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.

Planning Assessment

18. This application has been submitted following the granting of planning permission for a replacement stand at the Buxton Football Club ground on Silverlands Road. The permission granted in November 2024 included several conditions. The Club is working on discharging those that require further details to be submitted before the development can commence. However, there are two conditions that the club wishes to amend so that they do not cause unintended operational difficulties and so that they are consistent with existing licence conditions on the site. This application has been submitted to ensure that the conditions relating to floodlighting on the site are consistent and meet the tests set out in Planning Practice Guidance, notably being reasonable, necessary, precise and enforceable.
19. We have discussed the matter with the Planning Officer and we consider that the revised conditions would not cause any harm to public or residential amenity, which was the reason why the two conditions were imposed. Consequently we consider that the proposed development, with the amended conditions, still accords with National Planning Policy Framework and with the Council's own adopted Development Plan policies.

Amenity Impacts:

20. As this is an application to vary conditions, the principle of the development remains acceptable. Similarly, the design of the scheme is unchanged, so there is no need to reconsider this. This statement therefore focusses on the potential impact on public and residential amenity. We consider that the proposed revised conditions would have no adverse impacts on the amenity or privacy of any nearby dwellings or other uses.
21. As noted in the site description above, the site is in an area of Buxton which is primarily residential, but the buildings which are closest to the proposed replacement stand are institutional buildings (Police headquarters and Buxton Army Cadets). There are houses to the west of the ground, on Silverlands, and to the east and south, on Woodside and Mill Cliff respectively. The houses on Silverlands are on the same road as the new stand and do not have any views of the stand other than at an oblique

angle from the closest of these. The houses on Mill Cliff are a row of two storey terraced properties whose principal elevations face towards the ground and the existing stand (the low covered terrace along the southern boundary of the site does not block views from first floor windows). When the planning application for the new stand was considered, the Council accepted that the proposed replacement building would not have any adverse impact of neighbouring properties in relation to overlooking or loss of privacy.

22. Lighting - Condition 3: With regard to light pollution, the approved application proposed no changes to the lighting around the ground, although the new stand will have its own lighting, which will be designed to avoid unnecessary light spill outside the ground. The planning permission granted in November 2024 therefore included condition 3 on floodlighting which cross-referred to condition 1 on the 2018 revised planning permission for floodlighting. Please note that we are also applying to vary that condition so that it is consistent with the permission for the new stand. It is proposed that condition 1 of HPK/2018/0496 will be worded so that it matches revised condition 3 in the replacement stand permission; that application has been submitted separately.
23. The reason for varying the lighting condition is to avoid situations where the club is unavoidably in breach of the condition. In practice these are very unusual and infrequent situations, usually when there has been a late kick-off (for example, the away team being delayed), or there is extra time and/or penalties in a cup match. In practice even in these circumstances most matches will finish by 22.30, but there is still a need to clear the pitch, etc. For most evening kick-offs, the match will finish by 22:00 and the floodlights turned off soon after.
24. The revised condition is simpler than the condition imposed in November 2024. It is requested in order to avoid those unusual situations where matches finish late, beyond the control of the club, and in which the Council would be obliged to consider whether there has been a technical breach of condition. In practice, there would be no change for the vast majority of matches.
25. Condition 5 - Hours of operation: Condition 5 would, as worded, prevent the new stand being used for events after 23:00 and would require it to be vacated by then. This is not consistent with current situation on the site where there is a bar and entertainments suite with an entertainments licence that permits use up to 01:00am. The ability to use the function rooms in the new stand for events is an important part of the business model for the club, as it is with all football clubs, so condition 5 as currently worded would create significant problems for the club. We are not aware that the current use of the site for such events has caused any amenity problems, so the proposal is to vary condition 5 so that it is consistent with entertainments licence. The proposed wording is set out in paragraph 11 above.

Conclusion:

26. In conclusion, it is not considered that the proposed amended conditions would cause any loss of amenity to houses or other buildings in the vicinity of the ground or to wider public amenity and, as such, the proposal complies with the relevant policies in the High Peak Local Plan. It is therefore requested that this application be approved, subject to the proposed revised conditions.

John Scott MRTPI

On behalf of Buxton FC