

Substantive response of the Local Highway Authority (LHA) to a planning application consultation received from the Local Planning Authority (LPA).



Local Planning Authority: Head of Development Services
High Peak Borough Council
Town Hall, Market Place
BUXTON
Derbyshire
SK17 6EL

Application Details

Application Ref : HPK/2022/0564

Proposal : New Vehicular Access, store/garage and fence
adjacent highway

Site : 1, Hawk Road,
New Mills,
SK22 4JJ

General Details

Planning Case Officer : James Stannard
Applicant : Mr Mark Farlam

Substantive response provided in accordance with article 22(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

Advice to LPA

The proposal seeks the creation of a new vehicular access to Pingot Road to serve a replacement garage and 3no off-street parking bays.

The application site is located on the Cul-de-sac of Pingot Road which is a unclassified road subject to a 30mph speed limit. The proposed access is similar as the existing access in terms of emerging visibility, and it is likely that vehicle speeds in the vicinity of the site are low.

Any length of dropped kerb made redundant by the proposal should be raised to the appropriate level along with the associated footway.

The applicant should be aware that the street lighting column in the vicinity of the proposed vehicular access will likely require relocation and any costs incurred in this will need to be at the applicant's expense.

Advice with respect to relocating the existing street lighting column may be found on the following link: -

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/street-lighting/moving-street-lights/can-a-street-light-be-moved.aspx>

The proposed garage is below the required dimensions to be considered as a parking space (3.0m x 6.0m), however, the size of the garage is similar to that of the existing garage and the proposal demonstrates sufficient levels of off-street parking provision by way of driveway.

Typically garages should be setback a minimum of 6.5m from the nearside highway boundary (back edge of the footway) so that vehicles can pull off of the highway/footway prior to the garage doors being opened. In this instance it is not considered that a lesser set back distance would be a sustainable reason for a highways objection as the existing garage is set back around 4m from the back of the footway, however, the Highway Authority recommends that the proposed garage is setback a similar distance.

You may wish to ask the applicant to address the above comments and submit a revised drawing which I will be happy to comment upon in due course. However, if you are minded to approve the proposals as submitted, it is recommended that the following conditions are included in any consent:

Recommended Conditions

1. A new vehicular access shall be formed to Pingot Road in accordance with the approved drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.
2. The proposed area of hardstanding within the curtilage of the application site as shown on the application drawings, shall be used for the parking of vehicles clear of the highway and shall be maintained free of any impediment to its designated use.
3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:

Informatives

- a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be

obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

b. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

c. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

d. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

LHA Details

Date Received	Case Officer	Reviewer	Date Issued
4 January 2023	Jamie Bradbury	Jamie Bradbury	19 January 2023