

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/2022/0468

Proposal : New commercial development comprising two new buildings and associated car parking

Site : Gas Works Site Horwich End,
New Road,
Whaley Bridge,
Derbyshire,
SK23 7JZ

General Details

Planning Case Officer : James Stannard
Applicant : Mr Bevan

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 County Council conducted an internal meeting with relevant members of the County Council Highway Team to undertake a review of the above application specifically to consider if the addition demands would result in a "severe" impact (on capacity).

However, it was agreed that the initial conclusion of no objection with HA recommended Conditions and concur that there is no evidence to suggest that this is severe and whilst there is no capacity assessment, the small scale of this does not warrant it and the demand generated is very small in its own right, or put simply the demands are too small to possibly trigger such significant capacity impact to warrant its refusal. The NPPF para 111 test cannot be met as the proposal is not a high trip generator and add that to the subdivision of the 2 buildings into 8 smaller units, will likely result in smaller vehicles accessing it such as a transit van (or similar) of a smaller scale to the refuse vehicle which has periodic access, and

they are likely to be used by small operators with little expansion similar to incubator units.

So in conclusion is that a para 111 “Severe” impact argument does not exist as the County Council must take an evidence based approach to the consultation response, but nothing submitted leads to a different conclusion.

The County Council note the previous comments on the extension of the red line to enclose New Road / Shallowcross Mill Road and the agree with your original comment. The guidance is clear and whilst there may be an historic right of access (outside planning) it is right to ensure that the access route is safe and suitable for all users. The LPA photos from November 2022 show the surface is in poor order and may be an impediment to pedestrians / cyclists and persons with protected characteristics and as such a condition to ensure the surface was made good for the benefit of access for those users is reasonable, but this is an issue for the LPA in validating the application, but in the County Councils view, the red line should be extended and the HA includes a condition with that amendment. There is also a question of para 110/112 conflict and if the surface would make access unsuitable for more less mobile or active travel users, either way this would not be a NPPF para 111 “Severe”.

If the LPA are minded to approve the proposals, it is recommended that the following Conditions/Notes are included within the Consent granted:-

Conditions:

1. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works within the first 15m of New Road at its junction with Buxton Road together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S184 Agreement with the Highway Authority in order to comply with the requirements of this Condition.
2. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:
 - agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
 - a programme for the delivery of any proposed physical works;
 - effective measures for the on-going monitoring and review of the travel plan;
 - a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
 - effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
3. No development shall take place until a construction/demolition management plan/method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition period.

The plan/statement shall provide for:

- Parking of vehicles for site operatives and visitors,
- storage of plant and materials and site accommodation,
- details / method of construction/demolition of buildings on site.
- routes for all construction/demolition traffic,
- method of prevention of mud/debris being carried onto the public highway,
- proposed temporary traffic management/restrictions, arrangements for loading/unloading and turning vehicles within the site.

4. Prior to any operations commencing on the site the Applicant shall submit to the Local Planning Authority an operational HGV Management Plan for the routing of HGVs to and from the site. The Plan shall thereafter be implemented as approved and make provision for:

- Appropriate signs erected advising drivers of the vehicle routes.
- Monitoring of the approved arrangements during the life of the site.
- Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements.
- The disciplinary steps that will be exercised in the event of a default.

Notes

i. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 applicant'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.

ii. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, Email - ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

iii. Construction works will require Temporary Traffic Management and possibly road closures/diversions. Advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

iv. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

v. Any affected Public Right of Way (PROW) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be

obtained by calling 08456 058058 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058058 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed.

LHA Details

Date Received	Case Officer	Reviewer	Date Issued
2 November 2022	Glen Donaldson	Glen Donaldson	2 March 2023